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ANCIENT RIGHTS
AND FUTURE COMFORT

Bihar, the Bengal Tenancy Act of 1885,
and British Rule in India

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Chapter Nine

Colonial rule and agrarian structure

Conditions in India, and the colonial impact upon them, have been a ground base to the main themes of the previous chapters. They now must make their own contribution, by means of a consideration of the history of agrarian structure in Bihar from the eighteenth century. The starting-point is made appropriate by the permanent settlement, but called into question by recent refinements of ideas about India before British rule. Partly the product of renewed empirical research, and partly an exercise in demystification, these serve to illustrate how unformed the parameters of modern Indian history still are, how narrow the consensus. They re-examine not just the cruder assertions about Indian backwardness or decadence, but also those old orthodoxies in the more subtle forms in which they persist today. What was the trajectory of the Indian political economy in the colonial period? A range of possibilities is now being suggested: that no radical break with the past accompanied the advent of British rule (fitting with a tendency altogether to play down British impact), that India had been incorporated within or at least influenced by broader economic and political systems long before the nineteenth century, and that situations and reactions differed markedly between regions over the period.

Historians such as Irfan Habib have illustrated dynamism in some aspects of the Mughal economy, and condemned Hegelian and Weberian conceptions of India and its past. But, by contrast, Habib has also characterised the society as socially cohesive, and, while tracing a differentiated agricultural sector, conceded that the era did not encourage capitalist relations of production. For Habib the major—almost the only—event of India's recent history appears to be its experience of colonial rule and modernity. The 'central issue of the Third World's modern history', he has written, '[is] whether, and in what ways, relations with the advanced industrialised world have promoted or handicapped development'. In effect the question is how non-European economies were subordinated to and distorted by those of the West.¹ In

¹ Irfan Habib, 'Studying a colonial economy—without perceiving colonialism', *MAS* 19, 3 (1985), and 'Potentialities of capitalistic development in the

that context have evolved theories of under-development and colonial distortion and misrepresentation which depend equally upon a break between the pre-colonial and colonial periods, and upon teleological expectations of a continuous universal evolution.

In the newer historiography, pre-colonial dynamisms are differently read. An old picture of declining empires superseded by vigorous European powers has been modified by an emphasis upon earlier developments in trade, class formation, even 'proto-capitalism'. According to one version, seventeenth- and eighteenth-century India shared, with a wide band of territories from north Africa to southeast Asia, the experience of increasing monetisation and commercial development. The impulse came from fiscal pressure, the growth of trade and the import of silver, a rise in population, and the extension of consumption due to the emergence of merchant and service elites. The decline of the old empires was related to their failure to accommodate these political and economic developments, which they and inter-regional trade had encouraged—that is, they could not manage local divergence and rivalries, and succumbed to more vigorous regional states involved with and encouraging merchants and commercial development, the growth of towns and urban control of the countryside, the settling of nomadic peoples, the creation of peasantries, the strengthening of local identities and ideologies.²

economy of Mughal India', *Journal of Economic History* 29 (1969); see also 'The peasant in Indian history', *Social Scientist* 11, 3 (1983), and 'Theories of social change', Riazul Islam memorial lecture, Dhaka, May 1986, for comments on Hegel; this lecture also criticises Dumont, like Ronald Inden in 'Orientalist constructions of colonial knowledge', *MAS* 20, 3 (1986), and stresses the economic role of the Brahmanical view of caste in supporting inequality. C.A. Bayly, 'State and economy in India over seven hundred years', *Economic History Review* 38, 4 (1985), comments on the extent to which Habib has not escaped the assumptions of W.H. Moreland's *Agrarian System of Moslem India* (Cambridge 1929).

² C.A. Bayly, *Rulers, Townsmen and Bazaars. North Indian Society in the Age of British Expansion, 1770-1870* (Cambridge 1983). Indian and Western scholars, rejecting any uniform eighteenth-century decline, are re-assessing the role of demand, of merchants and of money supply. See also Frank Perlin, 'Proto-industrialization and pre-colonial South Asia', *Past and Present* 98 (1983), Bayly, 'State and economy', and Sanjay Subrahmanyam, 'Commerce and state power in eighteenth-century India: some reflections', *South Asia Research* 8 (1988), and ed., *Merchants, Markets and the State in Early Modern India* (Delhi 1990). My own view of continuities, in the means of surplus extraction, has been presented in Peter Robb, 'Peasants choices? Indian

This new view of the eighteenth-century is important for the nineteenth-century too. Perhaps some common ground *is* beginning to appear. In the 1970s, inheriting a minimalist position on the impact of British rule (set out most starkly by Robert Frykenberg),³ a large number of studies had already stressed the continuities of dominance in the Indian countryside over the last two or three hundred years.⁴ More recently, the key work, among several contributing to revision, has been C.A. Bayly's *Rulers, Townsmen and Bazaars*: its reformed chronology sees Indian economic, political and social forms persisting several decades into the nineteenth. And yet, then, their dynamism was undermined or co-opted by Company rule.⁵ Despite an emphasis on continuities, Bayly does not take a minimalist view of colonial impact. Particularly important is his identification of a range of intermediaries (gentry, merchants and agents) whose roles were disrupted or distorted by the developing suzerainty of the British, with their attempted monopoly of force and taxation, their wooing of collaborators, their legal and administrative structures, their withdrawals of patronage. The fate of such people, and their smaller equivalents in the villages, is a subject deserving much closer attention. These ideas raise the possibility (to be explored in this chapter) that the divide we seek, in agrarian conditions, may be located rather later in the nineteenth century than has been supposed.

In addition to this north Indian account, and the Bengal zamindari case to which we turn in a moment, there have been south Indian studies of continuity, in which change is vested in an extension of individual property rights, political organisation and commodity pro-

agriculture and the limits of commercialization in nineteenth-century Bihar', *Economic History Review* XLV, 1 (1992).

³ R.E. Frykenberg, *Guntur District, 1788-1848* (Oxford 1965).

⁴ See, for example, Dharma Kumar, *Land and Caste in South India* (Cambridge 1965) and 'Landownership and inequality in Madras Presidency: 1853-4 to 1946-7', *IESHR* 12, 3 (1975) and also *CEHI*; Tom Kessinger, *Vilyatpur 1848-1968* (Berkeley 1974); Eric Stokes, *The Peasant and the Raj* (Cambridge 1978), especially ch. 9. Habib arguably traces the inequalities further, in 'The peasant in Indian history', and 'Social distribution of landed property in pre-British India: a historical survey' in *Essays in Indian History. Towards a Marxist Perception* (New Delhi 1995) (which also collects versions of some of the other essays mentioned here).

⁵ For another early nineteenth-century undermining of the compact between state and peasant elites or village officials, see *inter alia* Neil Charlesworth, *Peasants and Imperial Rule* (Cambridge 1985), p.25.

duction.⁶ Yet another model, most fully presented for Western India, is based on a persistence or rise of the 'rich peasant'.⁷ More controversially, according to some schools of thought (in this respect taking a lead from Morris D. Morris), the nineteenth century did not see a general impoverishment of the agricultural sector, due to excessive taxation, economic subordination and demographic increase, but rather, until about 1920, the rise of new rural elites alongside extensions of cultivation, profits from commercialisation, and sluggish population growth—albeit because of periodically high death-rates.⁸ Even such partly optimistic views of the colonial period, too much for many to stomach, suggest at least that there may have been a differential impact, as also has been increasingly argued. That possibility too may be explored in regard to the 1885 Tenancy Act.

In face of Habib's assertion that *colonialism* must be studied—meaning that its evils should be pilloried—the reply is that it is necessary first to appreciate what colonialism was. Historians of British India still engage in controversies which parallel those of the administrators themselves: both arise from interpretations of Indian society

⁶ See David Ludden, *Peasant History in South India* (Princeton 1985). In comparison with Bayly's study, this may be thought to proceed from a different model of local power, one derived less from office under the state, than from function within the society (expressed as caste). The one stresses a new kind of intermediary class; the other the persistence of old politico-cultural elites. The models are however complementary, together offering a new perspective on their period. See also C. J. Baker, *An Indian Rural Economy 1880-1955: The Tamilnad Countryside* (Oxford 1984); Tsukasa Mizushima, 'The mirasi system and local society in pre-colonial South India', in P. Robb, K. Sugihara and H. Yanagisawa, eds., *Local Agrarian Societies in Colonial India. Japanese Perspectives* (Richmond, Surrey 1996), and essays by Ludden, B. Hjelje and S. & C. Sivakumar in Robb, ed., *Meanings of Agriculture. Essays in South Asian History and Economics* (Delhi 1996).

⁷ See Ravinder Kumar, *Western India in the Nineteenth Century* (London 1968), Sumit Guha, *The Agrarian Economy of the Bombay Deccan, 1818-1941* (Delhi 1985), and Charlesworth, *Peasants and Imperial Rule*.

⁸ See Morris D. Morris, 'Towards a reinterpretation of nineteenth-century economic history', *IESHR* 5, 1 (1968) and Neil Charlesworth, *British Rule and the Indian Economy, 1800-1914* (London 1982) and *Peasants and Imperial Rule*. Contrast this, however, with the large literature on Indian famines—that is, from Naoroji and Datta to B. M. Bhatia, *Famines in India* (London 1967), though not the meliorist reinterpretations of Michele Burge McAlpin, *Subject to Famine* (Princeton 1983)—or with the evidence of the worsening man:land ratios from the 1870s; see, for example, Rajat K. Ray, 'The crisis of Bengal agriculture 1870-1927', *IESHR* 10, 3 (1973).

which tend to differ according to the region and the period of the interpreter's first experience. Certain assumptions in these debates seem little improved upon those made by British administrators when they reflected upon the success of their 'civilising mission'. Our understanding has been impeded by the detritus of two hundred years' theorising. The historical revisions call for a new take on some of the old issues. How central and radical was the influence of foreign government? Or how 'British' was British rule? (This book has considered how far the state was 'rationalist' in its agrarian policies.) Did *classes* of people benefit or suffer? It seems that British interventions were complex and significant. The colonial state inherited and continued much; many of its policies were influenced by Indian demands or expectations; moreover, as it gained a fuller capacity to intervene, so it qualified its initial enthusiasm for the universal 'laws' of political economy. Nonetheless the Indian state operated, during the nineteenth century, in a new and unfamiliar world, one being created by generalised categories, world-wide markets, and state economic and social policies or developmental ambitions. Colonial representations matter because they indicate the direction of this change.

Let us apply some of this thinking to the land question in Bengal, a subject which has also seen recent revision. We have noted already that the zamindari settlement has undergone many bouleversements in popular esteem, being variously regarded as a damaging and fruitless application of aristocratic prejudice, or alternatively, in its creation of a moderately taxed landed interest in conformity with Indian custom, as a model which other revenue systems might copy. Ideas of its effects on zamindars have undergone some modification since Metcalfe's and Mill's ringing denunciations—it is now not thought that quite 'the whole of the landed property of the country' was 'transferred from the class of people entitled to it, to a set of Baboos who have made their wealth by bribery and corruption'.⁹

The long line of arguments and counter-arguments about Bengal land rights began when Philip Francis assumed state ownership but accepted that land was 'the hereditary property of the zemindar', or when the anti-feudal Thomas Law condemned the raiyat as a 'vassal' and hoped prosperity might flow from a fixed land-tax.¹⁰ The common claim has been with Charles Grant in the Fifth Report, that zamindars

⁹ James Mill, *The History of British India* (5th edn., by H.H. Wilson; London 1858), vol.V. Book VI, ch.V.

¹⁰ See Guha, *Rule of Property*, pp.175-86 and passim.

were 'merely...farmers-general...for annual rents'; the reason given was that they had evolved, Darwinian fashion, by displacing or absorbing the privileges of original village communities, of 'the poor but lawful hereditary possessors of the land', in Metcalfe's memorable phrase.¹¹ Metcalfe's minute of 1815 is still probably the most influential view, though one transmitted to more recent times partly by the medium of the great rent law debate. With so many of his successors, Metcalfe rejected the permanent settlement and its 'applied English ideas', and recommended instead the interests of cultivators—in his case settlements with the peasant proprietors he had found in north-west India. So too historians have held that the permanent settlement confiscated the quasi-property rights of cultivators, and encouraged their exploitation by layer upon layer of rentier classes.

The recent, differentiated picture of eighteenth-century India contrasts with these ideas. In place of a picture of landlords newly created by Company fiat, it may be suggested that local elites, though long created from both inside and outside local communities, needed external connections even in pre-colonial times. Given relatively fluid social conditions and limited economic opportunities, elites persisted through office, revenue-collection, ritual status; as military chiefs, creditors, traders. By such alliances were larger polities and economies created. In the Company's India, too, similar local and middling people benefited, as agents and allies, proliferating as a kind of petite bourgeoisie—local zamindars, village heads, small traders, bankers and brokers, dispersed over the countryside—to the extent that there was no general concentration of power and wealth. Indian local communities, once continually negotiated, existing in present time, *were* increasingly riven by general classes, supposedly fixed, persistent, and also exclusive rather than inclusive. But the process was gradual, and should not be assumed in analysing the society. Otherwise we merely continue contemporary debates, examining some questions more thoroughly than others, and describe intellectual as much as social or economic history.

Ignoring continuities, the old arguments have infected assessments of the permanent settlement. In particular, ancient origins are supposed

¹¹ See the discussion in Arthur Philips, *The Law Relating to the Land Tenures of Lower Bengal* (Calcutta 1876), pp.95-6; John William Kaye, *Selections from the Papers of Lord Metcalfe* (London 1855): 'in India there never has been a body of private land-holders possessing great estates'; K.N. Venkatasubba Sastri, *The Munro System of British Statesmanship in India* (Mysore 1939), p.23.

to define not only the justice but also the impact of a modern innovation. The origins of rights *do* have significance. Baden-Powell, for example, insisted on the original distinction between the 'occupancy' tenure of the raiyatwari village, and the 'proprietary' tenure of the various kinds of joint-village and then provided an eloquent passage on the practical importance of these differences.¹² Probably colonialism created as much 'tradition' as 'modernity'. But the permanent settlement should not be assessed as if only such considerations mattered. General presumptions imply externally-constructed categories—fallible constructions, revealed when administrators found cultivators slower to respond to changes in economic conditions than Metcalfe had expected, or saw the political dangers in land transfer. Similarly, if the Company could do little for the raiyats for want of capacity as much as will, did it follow that the effect of British rule was to worsen the raiyats' lot? The accepted view—that it was—depends implicitly on inevitable evolution and on general but new socio-economic forces.

More recent refinement of ideas has taken into account other revisions of interpretation, and produced a corresponding shift in assessments of the Tenancy Acts. It is suggested that 1793 did not necessarily reduce old 'owner-peasants' uniformly to 'wretched tenants-at-will': a substantial body of opinion has found itself close to the modified verdict reached by W.W. Hunter from manuscript records and under the influence of the great rent law debates, a verdict taken up in large part also by Baden-Powell.¹³ Hunter concluded that Regulation I of 1793 was part of a systematic attempt to select the best aspects of Indian custom and British law, and to sacrifice future direct revenue in order to bring the country under full cultivation. As we have seen, he criticised the system for trying to give legal precision to uncertain and conflicting rights, and for reducing the complex and varied status of the zamindar to one uniform rule. He argued that dislocation for zamindars

¹² B.H. Baden-Powell, *The Indian Village Community* (London 1896), pp. 423-45. Sociological functionalism had Indian origins too!

¹³ See *CEHI*, p.86 ff.; W.W. Hunter, 'A dissertation on landed property and land rights in Bengal at the end of the eighteenth century', in *Bengal Ms. Records*, vol.1 (London 1894); B.H. Baden-Powell, *Land-Systems of British India*, vol.1 (Oxford 1892), pp.398-442 and 500-640. The most original modern examination is Ratnalekha Ray, *Change in Bengal Agrarian Society* (New Delhi 1979). See also, for an account which tends rather to generalise change but which has useful details, not least on zamindari lifestyle, Sirajul Islam, *The Permanent Settlement in Bengal. A Study of its Operation, 1790-1819* (Dhaka 1979).

was caused firstly by the need to pay the revenue punctually when they had difficulty collecting rents, and secondly (after new laws had strengthened their hand and raised the value of their property) by the right to mortgage estates in circumstances in which the courts were bound to enforce the actual debt regardless of equity.

We may go further than Hunter's analysis; despite it, the pernicious influence of the zamindari settlement on tenant rights has not been seriously questioned. Reactions are still usually hostile, perhaps because of an intellectual and political legacy of rhetoric against landlords and aristocracy, and because the areas to which the settlement applied have recently remained stubbornly poor and 'backward' in agriculture. The hostility means that in some respects, despite much revisionist research, the balance is still tilted towards those who regard 1793 as a decisive break. This view supports in turn the contention that economic development was stifled in Bengal—on the one hand because (after an initial upheaval in which 'traditional' families were replaced) the rent-receivers had easy profits without having to invest in agricultural improvement or even to maintain productivity,¹⁴ and on the other hand because the peasants were impoverished, at the mercy of their overlords or the mahajan, unable to stimulate either agriculture or effective demand. In this context the tenancy legislation of the later nineteenth century was initially treated as a belated redressing of the balance.

Other current views effectively relocate the discarded generalisations about 1793 on to the 1885 Act. The consensus is growing that the Act extended to a middling class the benefits originally provided to the landlords, and thus progressively impoverished the majority. This school of thought points in particular to transfers of raiyats' holdings and a supposedly consequential increase in the proportion of landless labourers. The result is described as 'depeasantisation', that is, a reduction in the proportion of the agriculturists engaged in family-farm production.¹⁵ The implication, which we need to pursue, is that such

¹⁴ See the similar argument in P. Robb, 'State, peasant and moneylender in late nineteenth-century Bihar' in Robb (ed.), *Rural India* (London, 1983; Delhi 1992). For the eighteenth century see Ranajit Guha, *A Rule of Property for Bengal* (Paris 1963; New Delhi 1982).

¹⁵ See Binay Bishen Chaudhuri, 'The process of depeasantization in Bengal and Bihar, 1885-1947', *Indian Historical Review* 2 (1975). The argument is that some peasants but in the main non-cultivators gained the land lost by small-holders through indebtedness and land transfer. For a recent application of these ideas see Asok Sen, Partha Chatterjee and Saugata Mukherji,

conditions had not been created until after the 1880s. The analysis centres on land control, thus justifying and confirming the attention given to tenancy legislation, but it is also complementary to the trade and occupation-centred theories of 'forced commercialisation' and 'deindustrialisation', latterly associated with an earlier period.¹⁶ The chronology implied in such accounts throws up some puzzles.

The processes allegedly swelled the ranks of agricultural workers. Thus, where once the product of British law and administration was a uniformly downtrodden peasantry, it is now being seen as a mass of bonded and landless labourers. This has to be reconciled with the picture of a strongly differentiated pre-colonial society. The extent of the nineteenth-century change also remains ambiguous—such polarisations as occurred cannot be measured on a statistical basis: in 1900 as in 1800 some of the agriculturists were landless and some, effectively without land, were technically tenants. The debate about the condition of the peasantry is difficult to resolve, as the evidence is contradictory and evenly divided. The factual miasma on which generalisations have been based is shown in two recent essays. One endorses the depeasantisation thesis while admitting that it is impossible to show any increase in the proportion of landless labourers in the rural population;¹⁷ the other remarks on the imprecision of the familiar assertions about 'sub-

Perspectives in Social Sciences 2. Three Studies on the Agrarian Structure of Bengal 1850-1947 (Delhi 1982), for example pp.10, 21, 28, 114-22, 146-63 and 231-3. See also *CEHI*, ch.VI.

¹⁶ See notes 22 and 25 below; Daniel Thorner, 'De-industrialization in India, 1881-1931', in D. and A. Thorner, *Land and Labour in India* (Bombay 1962); A.K. Bagchi, 'De-industrialization in Gangetic Bihar, 1809-1901', in Barun De (ed.), *Essays in Honour of Professor S.C. Sarkar*, and 'De-industrialization in India in the nineteenth century', *Journal of Development Studies* 12 (1976); the debate in *IESHR* 16 (1979); Partha Chatterjee, 'Agrarian relations and politics in Bengal: some considerations on the making of the Tenancy Act Amendment 1928', Centre for Studies in Social Sciences Occasional Paper 30 (Calcutta 1980); Tirthankar Roy (ed.), *Cloth and Commerce. Textiles in Colonial India* (New Delhi 1996).

¹⁷ Willem van Schendel and Aminul Haque Faraizi, *Rural Labourers in Bengal 1880-1980* (Rotterdam, 1984), pp.5-6, 21 and 27-40. At p.40: 'The proportion of labourers declined, if anything.' The unreality of some data on this subject is shown by the 1891 census which gives figures of around one per cent for field labourers in North Bihar; estimates at settlement show that between one-fifth and one-third of agriculturists had insufficient land to support themselves, and perhaps half of all families could not avoid some labour for others.

infeudation' in Bengal.¹⁸

The links between the great minutes and measures of state, and British understandings of Indian conditions, have had the most authoritative exegesis.¹⁹ But the practical or empirical issues have not been as well examined as the intellectual. Here too the eighteenth-century background may be helpful. New interpretations make it clear that, in eighteenth-century Bengal, local power was derived both from below and from above—that is, from one's standing with followers or with the state—and that the relative importance of each support changed over time. In the Bengal region the role of the Mughal state, though stronger overall in the seventeenth than in the eighteenth centuries, also varied from place to place. It was generally stronger, for example, in south Bihar and weaker in the north. The increasing independence of Bengal *subah* during the eighteenth century may appear from outside to be an assertion of regional dynamism, but it depended itself on accommodation to varying degrees with more local forces, and sometimes (as Robert Clive understood only too well) with combinations which competed for control of the *subah* as a whole.

Secondly, the changes of the eighteenth century seem to have been attributable not so much to trade and urbanisation—which in any case in this area were latterly more associated with European intervention than endogenous development—as to two seemingly contradictory features: the entrenching of local power through the inheritance of offices, and the increase in land revenue mainly to meet military expenditure or tribute.²⁰ The latter was achieved in part through the increasing use of revenue farmers, which has been noticed in other regions, but the former was allowed for also in the fact that these farmers seem often to have been drawn from the same intermediate elites who had been consolidating their local position. Indeed, the inheritance of land rights was in one sense a reversion, in style and quite frequently in personnel

¹⁸ M. Mafakharul Islam, 'Some aspects of the problem of subinfeudation in undivided Bengal', *IESHR* 20 (1983).

¹⁹ See N. Bhattacharya's useful discussion, 'Colonial state and agrarian society' in S. Bhattacharya, *et al.*, *Situating Indian History* (Delhi 1986), and E.T. Stokes, *The English Utilitarians and India* (Oxford 1959), and 'The land revenue system of the North-Western Provinces and Bombay Deccan (1830-1860): ideology and the official mind', in C.H. Philips and M.D. Wainwright, eds., *Indian Society and the Beginnings of Modernisation, c.1830-1860* (London 1976); and Guha, *Rule of Property*.

²⁰ Habib, 'Potentialities', refers to an economic transformed into a political crisis.

as well, to a local power-brokerage, resting on control of followers, social prestige and so on, which had preceded and then co-existed with the Mughal system. The farming of revenue thus represents not so much the breakdown of the system as a new means of maintaining the old relationship between the local elites and the state, one in which the nature of the transaction, as a bargain between parties, had become overt, instead of being, as it once was, subsumed under codes of law and administration, an order apparently imposed on the countryside from outside. By a similar argument, evidently there were also elements of the indigenous and of continuity in the growing power of some nineteenth-century zamindars over their raiyats.

One aspect of common ground, between new interpretations of the eighteenth and nineteenth centuries, concerns production and consumption. It must be the case that more surplus was extracted and that this allowed the growth of expenditure upon warfare, government and items of trade, at all levels of power. It is clearly true too that this activity implied a greater interest of the state and other holders of power in commercial production and trade as a necessary part of maintaining and strengthening their position. Indeed, in Bengal, such activities—and special tenures and concessions to encourage forest clearance and land reclamation—may be traced much further back, to at least the end of the sixteenth century: the continual movement eastwards of the river systems enabled and attracted the endeavours of what Richard Eaton calls ‘Muslim religious gentry’, either independently or in alliance with Hindu bankers or with revenue officials.²¹ The rivers continued to require adaptive developers, to the present day, though the primary motive gradually changed from revenue extraction in support of political interests towards the securing of commercial production for the profit of merchants. Other recent research on eighteenth-century Bengal has stressed a (consequential?) vitality of regional trade, especially in rice, in addition to the increased commercial production of export crops.²² From mid-century too, Bengal had formed part of wider

²¹ Richard M. Eaton, *The Rise of Islam and the Bengal Frontier* (Berkeley 1993), pp.xxiii-iv and ch.8, especially pp.219-26. He concludes that eastern Bengal experienced unprecedented growth, relating his findings to those of Muzaffar Alam, *The Crisis of Empire in Mughal North India. Awadh and the Punjab, 1707-48* (Delhi 1986) and, on Maharashtra, Andre Wink, *Land and Sovereignty in India* (Cambridge 1986).

²² For recent accounts see the essays by B.B. Chaudhuri and Rajat Datta in P. Robb, ed., *Meanings of Agriculture. Essays in Indian History and Economics* (Delhi 1996).

systems: tribute to the Marathas or to the East India Company assisted in increasing the wealth of new or old elites, and of military or administrative expansion, in areas far removed from Bengal. Perhaps it was for this reason, coupled with misfortunes of climate, that the late eighteenth-century economic crisis proved so cataclysmic for Bengal and Bihar, in the great famine of 1769-70 and subsequent periods of distress. On the other hand the famine had devastating effects (in several, mainly western parts of the region) both in areas of close control and in those where central power was weak, testifying to the importance of surplus extraction by local elites, as well as that prompted by the state.

What then was new in colonial Bengal; and which elements were built upon old patterns and norms? In a recent study of the eighteenth century as an age of transition, John R. McLane has shown Bengal to have been a fragmented polity, characterised by hierarchical harmony and by conflict.²³ It was undergoing change, in the political sphere, and also socially, particularly among Hindus with the spread of Vaishnavism. The pivots of the political system were the zamindars, hereditary petty rulers, mostly Hindu, possibly non-Bengali, often oppressive, owing their position to the Mughal nawabs but also to local standing. Mughals attempted to penetrate this society, with doctrines of responsibility, accountability and mobilisation, but mostly failed to do so.²⁴ In Bengal only about one third of the land revenue was alienated to military and other officials as jagirs (compared with four-fifths in Aurangzib's empire as a whole); despite Mughal theory and nawabi efforts, almost all revenue-free and service lands were local and zamindari, not state-sanctioned. In setting the land-revenue demand too there was a paucity of actual measurement. Even Murshid Quli Khan's strong regime, that curbed local power and enforced revenue payment, worked with and through certain zamindars and weakened mansabdari control. Along with the practice of revenue farming this led to the consolidation of powerful zamindars in the mid to late eighteenth century.

²³ John R. McLane, *Land and Local Kingship in Eighteenth-Century Bengal* (Cambridge 1993).

²⁴ This appears to differ from Eaton's account, but that may be a matter of the level and means of control. Eaton distinguishes between an integration of eastern Bengal into 'the Mughal bureaucracy and ideological framework' which he believes resulted, and an 'ability of officials in Delhi to elicit obedience on the political periphery' which he concedes did not (*Rise of Islam*, pp.311-12).

The fate of these zamindars under early colonial rule provided an example of the expansion of the state's role. As already suggested, there are two main proposals against which McLane's picture may be compared: one of marked change in the eighteenth century and continuities in the early years of colonial rule, and another in which the accession of the East India Company to power is regarded as a sharp break from a more equitable and prosperous past. Obviously assessments of the permanent settlement are one key to this difference. McLane offers an account of developments induced under Company rule from the 1790s, from a society which was already undergoing major change. Despite revenue rates which remained remarkably constant over long periods, there was clearly a rising demand, including nawabi and zamindari *abwabs* (additional cesses), over several decades before Company rule. On the other hand uncertainty and fluidity also seem to have been characteristic of the pre-colonial period, given the variable collections, the lack of land measurement, the uncertainty of records, the weakness of central management, and the incidence of village and intermediaries' fees. Revenue collection depended not so much upon regular system or definite dues as upon power. This situation British rule changed by its legal codes and administration.

McLane tells us that his zamindars had one face that was beneficent, ceremonial, paternal. Thus power rested partly upon legitimacy, reinforced by rituals and patronage, on symbolic, quasi-familial ties not yet replaced by contractual or impersonal relations. Much of this continued under colonial rule. It did not imply a more just, pre-existing society than would later develop. Gifts and reciprocity probably affected most of the rural community to some degree, but they were certainly not enjoyed evenly—or invariably, for we will hardly imagine that the same prominence was accorded to the patronage of religion and learning in reality as in the exhortations of religious and learned texts. The zamindars' other face was coercive and extractive. It seems likely that, even with the stresses and increasing revenue demands of the period, Bengal was relatively prosperous, and, with the probable exception of the period 1790 to 1820, its overall *state* taxation was still relatively low. At the same time, the majority of its cultivators and artisans were consistently poor and weak. Presumably the advances made to weavers and peasants were needed because of their want of capital. Patronage was not the end of the story therefore. Particularly over the lower classes of people, power was evoked as well through force and bodily suffering, which McLane again links

interestingly to religious and legal practices, norms and texts. In revenue as in other contexts, pain was inflicted partly to test honour and probity (in this case the true capacity to pay). Similarly, though there were exceptions, trading intermediaries tended to secure produce for sale by coercive means, by debt bondage or socio-political dominance. Such measures imply high levels of surplus extraction, but also, in nawabs as in zamindars, institutional weakness. There were few if any curbs on the rulers' despotic powers, except that they lacked effective means of enforcing their will at a distance or generally (or of punishing the excesses of subordinates). Debt-bondage too, whether or not invented by colonial rule (which seems doubtful), certainly received a major fillip through the expansion of trade. To an extent reinforced by colonial policies, despite theoretical objections and occasional attempts to create 'free' markets, it also revealed the shallow penetration of Western laws and market relations.²⁵

On the other hand, the political arrangements were already under strain, as revenue demands increased. Then British rule, which initially adopted many of the same measures, gradually began to revolutionise the basis of local power. As it established individualistic but depersonalised and certain property-rights after 1790, the Company was able to move towards confiscation through enforced land-sales as a means of ensuring revenue payment. The diagnostic role of punishment was replaced by theory, or investigation and measurement, or records. Private sanctions too turned more towards property than person, as the state claimed a monopoly of violent force; interestingly crimes against property also seem to have increased markedly, from a very low level. Similarly the role of patronage was reduced. Although religious and other charity continued to be offered and to bring social prestige, such gestures came, at least for a time, to be dissociated from the main-springs of political authority. For example, the part played in rural life by revenue-free and service land-grants was curtailed, not least by the increased revenue-take, up to and including that in 1793. As we have seen, the East India Company first attempted to record and regularise such grants, and later sought to bring all land, like all coercion, within the purview of the state. On the other hand it also reduced the number

²⁵ Robb, 'Peasants choices?'. Since this chapter was written Bhaskar Mukhopadhyay has shown me his interesting 'Orientalism, genealogy and the writing of history: the idea of resistance to silk filature in eighteenth century Bengal', *Studies in History* 11, 2 n.s. (1995), which attributes the origin of debt-bondage to the Company but, in my view, is not bound to do so by his evidence or for his general argument.

and public role of state accountants and functionaries, through whom the nawabs had sought influence and information to check the zamindars. It interfered through law and the courts, and also by the direct administration of zamindari estates. The Company came to value, court and protect the rajas, and frequently intervened over their succession, conduct and finances. The Company raised rents, appointed supervisors and sometimes even managed the zamindari lands. It reduced the rajas' own complements of troops, and their village servants and agents.

Some of this marked a transfer of functions to the state. But it also represented, arguably, a concentration of estate management. Power, which had been dispersed, was being focused at fewer points (not necessarily at zamindari level). Its weapons were also changed, most strikingly in the case of the *patni* (or lease-holding) system introduced into some Bengal estates early in the nineteenth century as net rental values improved. By this means, without any need for direct zamindari involvement in production or management, definite rents could be readily collected through intermediaries, on agreements enforced by British courts. This undoubtedly new situation did not change all aspects of agrarian relations. The picture is one in which Bengal's petty rulers reacted with different overlords, including the British, with mixed success but often great ingenuity. As remarked, the Company needed those who survived what McLane calls the 'shake-out' of the period from 1790 to 1820. Their position was aided by new regulations designed to secure their collections, and later by protective interventions such as from the Court of Wards. In the 1830s and 1840s privilege seemed to be being attacked again when revenue-free lands were resumed on to the revenue rolls, but this was done usually at a reduced rate, and only provided the grants were not legitimised by age (by dating from before 1790). Thus, where previous rulers had been ineffective in securing the well-being of the population as a whole, the Company's government was often complicit in its oppression. It actively helped the recognised landholders to coerce the higher rungs of intermediaries, and it reinforced the rent-extracting capacity of its allies, thus infiltrating its power down to the level of the cultivators.

This would seem to reinforce the interpretations which treat the advent of colonial rule as heralding a marked deterioration in the conditions of the cultivators. On the other hand, contrary to several former interpretations, some continuity was also provided in the midst of change in the conditions of the tenantry. As will be discussed in

more detail shortly, the new arrangements which depended upon property law clearly could not yet be applied to tenants, for whom modern property rights were not provided in the regulations. And among those who benefited from the changed conditions were certainly many *jotedars* and *mandals* (rich peasants and headmen), as others have noticed. McLane says much less about the lower orders of society than about the zamindars, but it is significant that he finds the peasants highly stratified, and also responding in a variety of ways to the changing circumstances. Clearly, a majority in the villages suffered under a long-standing differentiation, and remained subject to the older forms of control, despite the Company's attacks on zamindari courts and criticisms of local oppression. We have considered in this book the later extension across the population of the political changes implied for landowners in the permanent settlement, for *patnidars* by regulations of the 1820s, and so on.

Some understanding of the position of the peasants may emerge in regard to the Bengal famine of 1769-70, when there was relatively little violence, compared with the large numbers of *dakaitis* (robber gangs) and the rural jacqueries later reported in Bengal, and the crime associated with famines elsewhere in India.²⁶ First, this may well indicate a society in which powerful lords and intermediaries successfully coerced the population. Even in the nineteenth century very many instances of protest involved the mobilisation of local people by village or local leaders; such is the view of recent work by Shinkichi

²⁶ McLane (*Land and Local Kingship*) does not exactly dispute the fatalism, or at least the cultural and social expectations, which have often been held to account for a lack of violent protest by the dispossessed in Bengal. Such an assessment would follow from the importance he attributes to ritual and to religious patronage in perpetuating local power, and to the evident creation, through land grants, alliances and appointments, of vested interests at many levels of a hierarchical society, one in which, as Paul Greenough suggested on the Bengal famine of 1943, violence would be internalised from above to those below (*Prosperity and Misery in Modern Bengal: the Famine of 1943-1944*, New York 1982). On the other hand, McLane is uneasy with this explanation because he notes the readiness of rural people to assert themselves and their rights in other contexts. There is room in his portrayal of Bengal to account for this apparent anomaly. In the 1769 famine it seems likely, as he suggests, that there was more variation between areas, a smaller loss of life, and also more migration, than has often been supposed.

Taniguchi on this area and period.²⁷ Second, the relative lack of violence may be a reflection also of a society in which the overlords were able to secure a very large share of the surplus. (There is evidence of extremely high proportions taken as revenue elsewhere in eighteenth-century India too.) This, despite the indications of considerable trade in agricultural produce and the undoubted existence of local markets, as discussed in recent work by Rajat Datta and others, would suggest local societies in which relatively little grain was stored and very few commodities purchased from outside. Even the families of dependants and landless labourers characteristically had tiny plots and local common or forest resources to provide or augment their food supply. Their concern was subsistence not profit. This implies a world in which brokers and coercion would be needed to extract the 'surplus', a world of local transactions that were but little monetised, despite the apparent collection of taxes and dues in cash (the necessary medium for the extraction and exchange of surplus outside the localities, for transfers from the many village to the few large urban markets). In such a world, with small local stocks and little experience of obtaining subsistence from outside, a lack of famine violence against local holders of power would not be surprising. In 1769 there may well have been incidents and *dakaiti* against outsiders or traders moving grain in boats or bullock-trains, as later in north Indian famines.

A further issue is how far the situation differed in Bihar from the more fully discussed case of Bengal. C.J. Stevenson-Moore, examining records in Muzaffarpur, concluded that the settlement there *prevented* a distortion of the zamindars' role. He argued that it was impossible to apply in north Bihar the orthodoxies that, in the permanent settlement,

the Government did not know what it gave nor the proprietors what they received; that...the assessment was very unequal; that settlements were largely made with persons who had no hereditary interest in the soil, that an enormous number of estates, especially the larger ones, changed hands owing to the stringency of the revenue sales law, and that the attempt to substitute 'contract' for 'status' failed, leaving the raiyats utterly unprotected.

On the contrary, and this is a view which must command respect, in north Bihar the assessment was fairly accurate, was worked out estate-by-estate from effective patwari records (therefore, we may think, conforming at least with the existing distribution of power), and was made

²⁷ See Taniguchi, 'The peasantry of northern Bengal in the late eighteenth century' in Peter Robb, Kaoru Sugihara and Haruka Yanagisawa, eds., *Local Agrarian Societies in Colonial India: Japanese Perspectives* (London 1996).

with zamindars who had virtually abandoned their rights in favour of the government's amils. Thus it restored to the original proprietors what they had been about to lose.²⁸ Here Stevenson-Moore differs from Hunter's view on Bengal proper, previously discussed. However they agree that the failure to fix rents at the same time as revenue, and the destruction of the government's local agency, seriously prejudiced the rights of the tenants. Can this have been true both where old zamindars were preserved and where they were replaced?

Harmony replaced by repression leading to landlessness: this picture of two centuries of agrarian decline no longer quite fits, or helps us understand the 1885 Act. Key features must be tenure and rent, two means whereby patterns of land control could change. But most interpretations were linked to advocacy of policy; the peasantry 'suffers' in recent accounts just as in the rationale for the legislation of 1885. This is unsatisfactory. While the Act reduced complexities to a uniform rule, the record was much more ambiguous. In the 1820s the Tirhut Collector could not detect rights for any tenants in regard to rents; a little earlier in an estate in Shahabad only the intervention of the courts had debarred the raiyats' claim to fixed rents after five years' tenure. In Purnea, Buchanan thought tenants' (though not labourers') conditions improving.²⁹ Yet we can be given a picture, as by one writer, in which zamindars were both oppressive and inefficient, raiyats both downtrodden and evasive or even riotous, and government both trying to check abuses and causing them by the revenue demand; a picture in which the courts were ineffective and yet tenants suffered

²⁸ See Muzaffarpur SR, pp.27-8. Though Bihar conditions were very varied, this able and intelligent Report set the pattern for others on Bihar and to that extent may be regarded as typical and even authoritative; therefore, in the interests of space, this chapter will focus on that district and, unless otherwise stated, that Report (without further references). See also Chittabrata Palit, *Tensions in Bengal Rural Society. Landlords, Planters and Colonial Rule* (Calcutta 1975), which concludes that zamindars were chosen for the settlement as the 'cheapest, the safest and the smallest' available agency, and minimises both its novelty and impact with regard to Bengal proper. Manoshi Mitra, *Agrarian Social Structure. Continuity and Change in Bihar, 1786-1820* (Delhi 1985) agrees that the settlement, though it led to change, did not involve drastic revisions of the landholding pattern. The return to local people is also noted by Girish Mishra, *Agrarian Problems of Permanent Settlement. A Case Study of Champaran* (New Delhi 1978).

²⁹ Francis Buchanan (Hamilton), *An Account of the District of Shahabad in 1812-1813* (Patna 1934), p.348, and *An Account of the District of Purnea in 1809-1810* (ed. V.H. Jackson, Patna 1928), p.436.

greatly as a result of the land laws, and in which the raiyats' lot 'rather worsened' while the 'great majority...remained as indigent and destitute as before'.³⁰

The temptation obvious in much contemporary and more recent writing is to assume that change occurred. Thus we are told that after the permanent settlement there was an increase in the exploitation of the poor by the 'dishonest, unscrupulous' superior raiyats, the ashraf, and that the disappearance of the kunungos placed the cultivators almost entirely at 'the mercy of the zemindars'.³¹ Similarly, Buchanan's journal, kept while writing his report on Shahabad, seems to paint a vivid picture of areas in decline. We find accounts of deserted villages, rapidly increasing plantations, neglected reservoirs, burnt-up thickets where rice once grew.³² The account is riven through with an unspoken idea of a more prosperous past—not just a reflection of the immediate stress of several years of scarce rains. Yet there is nothing in Buchanan's account to indicate that partial and shifting land use was not the norm, or indeed to rule out the promise, in pockets of prosperity, of improvements to come. These difficulties of interpretation apply just as much over the nineteenth-century as a whole as for the immediate impact of the permanent settlement. However, having analysed some new views of pre-colonial conditions *and* the nineteenth-century debate on tenancy, we should be well placed to go beyond the conflicting positions adopted by its protagonists.

II

One of the conclusions of chapter two was that the capacity of the administration remained limited in the earlier nineteenth century. We may now apply that conclusion in more detail to the question of colonial influence on agrarian relations. A government which administered with difficulty was not very likely to make major changes in society

³⁰ Ram Narain Sinha, *Bihar Tenantry, 1783-1833* (Bombay 1968), pp.23-7, 29, 121, 147-9. (Quotations italicised in original.) The confusion, which extends to the patwaris (pp.73-4), occurs in spite of an unexceptionable conclusion, that 'the slowness of the administration, mistakes committed by the authorities, and the greater attention paid to other aspects of the land revenue policy, stood in the way of betterment of the raiyats' conditions' (pp.148-9).

³¹ *Ibid.*, pp.85, 146 and 148.

³² Buchanan, *Journal Kept during the Survey of the District of Shahabad, 1812-1813* (ed. C.E.A.W. Oldham, Patna 1926), for example, 18, 23 and 29 November and 3, 26 and 28 December 1812.

even by inadvertence. Of course there were positive actions even at the start of the nineteenth century, but they tended to be isolated and their results not immediate—for example embankments were started, as in north Bihar on the Gandak in 1801 (re-aligned in 1830) or on the Bagmati after 1810. Perhaps physical engineering was bound to prove easier than social. Secondly, the ignorance of the ruler was a time-honoured defence of local interests in India. At this time it was not only jealously but rather easily preserved. Buchanan, looking at Arrah, estimated that nearly 15 per cent of the holdings must be revenue-free, but the people had admitted to only ten per cent; in Behea he suspected eight per cent but had been told three. The people wanted to conceal as much as possible and of course had succeeded as far as the official record was concerned. The result was that government could move the society only at the points where it was willing to coerce, with violence if necessary, or where its measures coincided with Indian interests.

One of the issues, even in considering the evolution of agrarian conditions for the majority, must be the fate of the zamindars after 1793. If tenants were to be seriously affected by a settlement, it would have to have put a strain on landlords. Apart from dispossession at the outset, on which we have just considered Stevenson-Moore's testimony, pressure would mainly have been felt through the manner and rate of assessment. In north Bihar the charge of over-assessment can hardly be substantiated. The area had paid little since Mughal times and had only a third of Bihar's liability under Muhammad Reza Khan. The permanent settlement perpetuated the disparity, only about 40 per cent of Tirhut even being assessed. Four per cent of estates were advertised for sale in 1793, not very significantly more than in 1792, and the proportion remained about the same in later years; 54 estates were sold in 1801, 112 in 1802 and 19 in 1803, after which the numbers became insignificant. And very few of these early sales were even alleged to be due to over-assessment. By 1799 most of the arrears concerned farmed or *khas mahals*. Collectors, until forbidden to do so, tended to sell even tiny portions of estates to meet the actual arrears, thus increasing their own work but reducing its impact on society. Later there was some reduction in the *jama* (revenue demand; in Tirhut for example from Rs.1,310,611 in 1801-2 and Rs.1,357,426 in 1802-3, to Rs.1,258,828 in 1803-4), but it would be unwise to deduce a general over-assessment by the ten per cent the figures suggest, because the reductions were mainly on individual estates, many of which had lapsed to government for want of purchasers, and were probably carrying an artificially high

assessment through fraud. Certainly the prices at sales were initially low, but by about 1825, as the value of land increased, they had levelled out at between twelve and sixteen times the *jama*, where they were to remain for some fifty years.

Even in south Bihar the burden of revenue does not seem to have been generally prohibitive. There too British control may be supposed to have arrested change to the extent that the country had fallen into 'predatory anarchy' after being plundered by Marathas.³³ Buchanan did report complaints that the rate was too high, but he concluded that the main cause of difficulty, in Shahabad for example, was once again that 'sufficient precautions were not taken to secure the public interest in divisions of property among heirs, or in cases of private sale'. He reported that many proprietors, 'under the guidance of two great bankers, procured unequal distributions of the revenue on different shares of their estates, and having alienated or separated the good parts, allowed those which thus became overassessed to be sold for arrears'.³⁴ Buchanan was hardly a neutral observer, believing as he did that too low a rate disadvantaged agriculture and even landlords; but he also discovered that any estates offered for sale were being avidly bought, even at an inflated *jama*. That is a surer indication, at least that any over-assessment was short-lived.

The complicated picture continues once we turn to smaller areas or individual estates. The detailed estimates of Buchanan on the large estates in Shahabad suggest that the revenue demand accounted for between a quarter and a half of the rentals, but this was after considerable extension of cultivation. Thus Arrah, which paid Rs.164,000, had rents which Buchanan estimated at Rs.430,000 with the land fully occupied. But rents had been raised, and changed from produce to money; in 1793 almost half the land was said to have been waste, and, if rents were also lower, the assessment must have been very high indeed. Also apparently over-assessed were the high lands of Sassaram and Chainpur, where many holdings had fallen to government for want of purchasers. It is more difficult to decide whether there was much over-assessment, however, from the point of view of what was likely to affect tenants. The impact of assessment rates was manifestly varied. Arrah and northern Sassaram were prospering in 1810; and in the high

³³ Francis Buchanan (Hamilton), *An Account of the Districts of Patna and Behar* (Patna n.d.), vol.I, p.269.

³⁴ Buchanan, *Shahabad*, pp.351-3. The following discussion of Shahabad also draws on this source.

lands the estates acquired by government because of uneconomic revenue demands were farmed out again, in Sassaram at a loss of only about Rs.10,000 (or three per cent) on the original settlement. Another area, Danowar, on the other hand, with a low assessment, was in a distressing state, its reservoirs unrepaired, its rice crop lost, and some of its fields abandoned. Buchanan concluded that a high demand encouraged thrift; but at this time agrarian prosperity seems rather to have followed the divide between high and low land. There were some individual problems, such as a family feud which led to the destruction of, and the failure to repair, a dam in Chainpur; but repeatedly in Arrah, Behea, Bhojpur, Sassaram and Chainpur neglect or under-utilisation was reported on the high ground dependent on reservoirs (*thikadars* were often blamed), while expansion of cultivation was as regularly discovered wherever land relied on periodic flooding for water and enrichment. Perhaps cultivation was merely shifting. The reason could have been the revenue demand, to the extent that a higher outlay would reduce funds for irrigation works and thus be more damaging where they were essential (though this was not the explanation in Danowar where the main family was that of old kanungos and 'very rich'). Or there may have been some local reduction of population, an incomplete recovery from the setbacks of the late eighteenth century, or (against the general trend) in this district the British may have increased alternative sources of income. Shahabad had a strong tradition of military service, and between 5,000 and 12,000 were involved at the time, remitting home 'as much money as pays the rent of a good farm, upon which their family lives in comfort'. Perhaps shifting cultivation had always been practised on the more marginal lands, or the relative certainty of the British revenue system may have reduced advantages of cultivating the higher estates, which had existed in days of more doubtful and incomplete collections and of more violent rivalry for property.

The picture is equally uncertain with regard to the transfer of property rights, which is usually considered second only to over-assessment as a cause of rural problems. Seldom can the revenue demand be clearly blamed for the sale of land. Buchanan encountered one notable apparently at crisis point—Sahebzada Singha, an important zamindar in the northern parts of Shahabad district. He was a 'great favourite' with his tenants and farmers, and, even though they were said to be 'deeply in arrears', would never extract money by force or legal process. But he had quarrelled with his high-caste *amla*. They had

then put up a pretender to his estates and involved him in a protracted law suit. He had won, and afterwards employed only Kurmis and Dusadhs, but was supposed to owe Rs.350,000, which cost him about Rs.60,000 a year. His life-style did not change. He was still interested mainly in hunting, and maintained a personal staff of 350, feeding a hundred from his own kitchens. But obviously he was in danger of losing to his creditors the property he had defended in the courts.

The pressures on landlords may also be illustrated from the situation in Chainpur. The area had once been dominated by Chaubhan Rajputs, but was usurped by, in turn, military Brahmans (alleged to originate near Agra), Pathans from Sassaram, including Rajput converts, and the Rajkumars, an illegitimate line of the Chaubhan descendants, and the clan which provided the Rajas in the late eighteenth century. The family suffered from the encroachment by the Raja of Banaras, and also became indebted to a Muslim who gained possession of eleven of their seventeen revenue-free *mauzas* after suit before the Collector at Patna. The Rajkumars then fomented violence among their former tenants, the new proprietor was killed, the Raja fled, and, afraid that his son would be punished in his place, the family forged proof that he had had no heirs. Unfortunately this meant that the estate fell to the government. The rents were farmed out, and, when the lease came up for renewal after ten years, the son put in a claim but was dismissed as an imposter. The remaining six revenue-free *mauzas* were awarded to an official to pay his alleged costs in searching for the Raja, but the son later sued the heirs of the murdered man and recovered possession of the eleven *mauzas* which had been lost. By this time most of the Raja's kinsmen had alienated their lands to bankers, and the largest estate in Chainpur still in the hands of a long-established family was one of 55 *mauzas* belonging to the head of a clan of Parihar Rajputs (or Bhars). The chief proprietor of the area was now a banker from Patna, and another from Arrah also held considerable lands; both had obtained their property, it was said, as nominal transfers from others who had kept only over-assessed lands later to be sold for arrears. They had presumably adopted this ploy at a time when the British Collectors were still likely to sell several of a proprietor's estates to cover a deficit in one of them. It had subsequently turned sour because the bankers refused to give up the formal title which had been transferred to them and which had gained unexpected significance in the legalistic system of the new rulers. However this may be, at least one such proprietor still lived and was regarded as the owner of lands which ostensibly he

farmed for one of the bankers. Thus a more probable explanation for the extent of the bankers' holdings may well be that they had foreclosed on favourably-assessed *mauzas* to meet the proprietors' debts. Buchanan was told that local landowners never paid revenue unless coerced by soldiers or the collector's presence on the threshing floor. The permanent settlement at first seemed to remove even these rare inconveniences; but when arrears built up and had to be cleared, the owners were forced to borrow and in the end lost their property.

This account reveals the complicated origins of any rural dislocation. Sahebzada Singha's problems were the creation of local and personal factors, and were influenced by British rule only to the extent of the existence of the courts and perhaps the inappropriateness of his easy-going ways. The Rajkumars stood at the end of a line of usurpers which greatly pre-dated the British, though their difficulties also derived partly from an attempt to work to their own advantage a new order which they imperfectly understood. The other Chainpur proprietors may also have failed to adjust to the more rigid law and accounting of the British, but it is difficult to see the bankers—who here, as also in north Bihar at this time, seem to have been investors rather than speculators in land—other than as the latest in a succession of outsiders who had gained an interest in the area. And the new weapons they used were not exclusive to them—the Raja of Chainpur's son also went to law to recover some of his family's land. It seems certain that over-assessment, however much the locals complained of it, and indeed the imposition of British rule, were not consistent or necessary factors in increasing pressure on landlords and indirectly on peasants.

Much of this would also ring true for other important government measures. The social effect of the partition law, for example, is extremely problematic. North Bihar was already known for its multitude of proprietors. Thus was a product of inheritance, exacerbated by the law (*mitakshara*) which shared property between father and sons in the father's lifetime, unlike in Bengal proper where the father remained sole proprietor. The widespread institution of *malikana*, or unalienable interests in land, is further evidence of a tradition of partition—at least it is if we may assume that it should be explained in the need to preserve residual rights in the family as a whole, for example for unborn sons. In south Bihar too the picture in 1810 is clearly already one of small estates. Buchanan described the 'ashraf', as he called it, as made up of Muslims and high-caste Hindus with 'an abundance of pride', but also such numbers that 'abstinence from manual labour is no longer

practicable'. The majority had lands which they cultivated not only on their own account but with their own hands, even in some cases holding the plough; many families had to supplement their income.³⁵ It is true that partition increased as a result of British regulations. In Tirhut for example, whereas fifteen estates had been divided into 33 between 1803 and 1813, in 1815 alone thirteen estates became 75. The upsurge was due to the repeal of the regulation of 1807 which had forbidden partition on estates paying less than Rs.1,000. But, as this reminds us, the law created estates and not proprietors. It seems likely that in the early nineteenth century much of the increase by partition was statistical—that is, it was in the records rather than in the number of co-sharers or even in the arguments between them. In many cases it meant no more than that proprietors were realising the advantages of formalising any divisions of property to avoid continuing joint liability for the revenue. Thus though there were certainly important differences between shared and divided estates, the incidence of partition was probably of greater administrative than social significance in this period.

Perhaps the best test of dislocation under the settlement, particularly for our purposes, would be the demographic evidence. Bihar's population raises further difficult questions of fact. But there was certainly a recovery from the losses of the catastrophic famine of 1769-70 which struck particularly at northern and eastern Bihar as well as some areas of western Bengal. There was probably also a continual growth over the nineteenth century, even if totals cannot be given with any confidence. The first part of the period was one in which tenants were ready and still relatively able to migrate away from oppressive conditions. Even in the late 1830s, for example, in Hooghly, raiyats in *khas mahals* relinquished their lands immediately after a settlement which the government later severely criticised for over-assessment.³⁶ Buchanan reported that most parts of Patna and Behar were 'as fully occupied as possible';³⁷ but cultivation still seems to have been extending in the north. In the 1780s the Tirhut Collector had proposed registering *pattas*

³⁵ Buchanan, *Patna and Behar*, pp.265-6. Even that evil innovation of British rule, the absentee landlord, was manifestly a necessity in much of Bihar with its complexity of landholdings, and, if we are to believe Buchanan, was encouraged by fashion—in Barh Muslim families seemed 'to prefer towns, as they have all landed estates but seldom visit these': *Journal of Francis Buchanan (Hamilton) Kept during the Survey of the Districts of Patna and Gaya in 1811-1812* (ed. V.H. Jackson, Patna 1925), p.3.

³⁶ Bengal Revenue Letter, 22 March 1838, L/E/3/41.

³⁷ Buchanan, *Patna and Behar*, vol.I, p.269.

(the written leases supposed under new regulations to include all rents and *abwabs*) in the face of reports of raiyats fleeing to Nepal to escape the tyranny of the revenue farmers. In 1790, the Collector reported Tirhut (most of north Bihar) as depopulated and devoid of trade. But in 1847 the revenue survey found between 75 and 80 per cent of the land intensively cultivated. All the indications are that Tirhut's population increased steadily under the British: estimates in 1790 and at the permanent settlement put it at 1,236,309 and 1,244,310, whereas others in 1846 and 1856 suggested 1,637,545 and 1,856,269. All were certainly too low, possibly by as much as a half, but the suggested increase, slightly over five per cent per decade, is a plausible one. It would seem to have applied throughout the century except for a major upsurge (15 per cent, some of it census error) in the 1870s when most of the remaining cultivable land was taken up.³⁸ By the last quarter of the nineteenth century, reports state that land use had been maximised in most Bihari districts. This was what Buchanan had already claimed for some villages; the fact that the verdict was untrue, in an absolute sense, is now demonstrable in the huge increase in rural population which occurred in the middle decades of the twentieth century. What was undoubtedly the case, however, was that by 1885 the availability of cultivable land had been sharply reduced, by objective demographic and economic factors, in addition to any socio-political restrictions.

This rising population and extending land use may indicate that conditions were not so severe in the earlier parts of the century as they have been painted; the corollary is the potential crisis already discussed in earlier chapters: pressure on the land is usually cited as allowing competitive rents. This suggests that any sharp decline in the conditions of Bihar raiyats should not be attributed to the permanent settlement and the early administration of the East India Company. It implies continuities. One reason for thinking this would be the administrative weakness already discussed. But (as also argued) this did not preclude successful collection of the revenue and gradual encroachments by the state, and therefore, above all, perhaps, the indigenous system may have been protected by its complexity. Thus would the interests of some of the people been maintained. For

³⁸ There are good reasons for suspecting that even the 1871 census may underestimate the totals for North Bihar by as much as 15 or even 20 per cent, an error which would account for much of the presumptive increase of the following three decades. This argument extrapolates from the results of MacDonnell's checks on the census figures in Darbhanga. See W.W. Hunter (ed.), *A Statistical Account of Bengal*, vol.XIII (London 1877), pp.31-6.

example, proprietary rights were multiplied by overlayings from the past, by rival claimants over generations all retaining a stake. In Shahabad, in three neglected estates, the numerous heirs of maliks allegedly ejected just before the permanent settlement (the claim was not upheld in the courts), were still in possession of about one-third of the land, on low rents to 'keep them quiet', when Buchanan observed them. In Arrah, too, *malikana* was paid to the heirs of original proprietors on revenue-free land, and the assessed land, divided into 105 lots, was held by feuding clans—in pre-British days Ujayani Rajputs had seized most of the *mauzas* of the chief of their old enemies, the Lotimiyas, but members of the latter family still retained property. Under British rule the usurped lands had been bought by the local *amil*, and many were still held by his descendants, though the sales had been disputed and some reversed after the arrival of the first European Collector. Management too was extraordinarily complicated. In three-quarters of the cases in Arrah the rents were farmed to thikadars in lots from Rs.400 to Rs.1,000, though usually village by village (subsequent division between co-sharers being made by hereditary patwaris). Sixty per cent of rents were fixed amounts of money for a term of years, the remainder representing the rice crops for which rents were calculated as a share of the produce, though usually paid in cash. In Behea, an estate with 264 lots, mainly in Ujayani hands, a similar arrangement prevailed, though the thikadari leases ranged in value from Rs.50 to Rs.10,000, the larger ones being sub-let. In Bhojpur again, with 78 lots divided between Ujayani and Peramarka Rajputs and the Jagdispur and Buxar families, three-quarters of the rents were farmed in leases from Rs.20 to Rs.40,000, though there were more money rents than at Arrah, especially on high ground. Different rates were fixed for different crops and no total was stipulated; also, when there were produce rents, there was more actual division of the crop.

The complexity of such arrangements, not just in their details but even in the more general features, was well known but perhaps not always remembered in generalisations about the fate of the raiyats under the permanent settlement. W.W. Hunter himself seems to have forgotten his own apt phrase about 'the infinite gradation in the rights of the various classes interested in the land'.³⁹ We have seen that he held that the permanent settlement erred, because it was not made to depend on proper leases for the tenants, and because it did away with the kanungos, the only effective check on the zamindars. Hunter

³⁹ W.W. Hunter, *The Annals of Rural Bengal* (7th ed.; London 1897), p.373.

supposed that patwaris and with them the village records *became* mere servants of the zamindar, so that when tenants began to compete for land they were at the zamindar's mercy. Perhaps this was so; but here we reach a further point, that the possible continuities in agrarian conditions in the first century of British rule in Bihar do not rule out a life of harsh oppression for many cultivators.

Had there been a golden age when, for example, patwaris behaved otherwise than at the behest of the maliks? In some areas there were consistent reports from the earliest British observation that patwaris were subservient to the landlords and oppressive of the raiyats. Elsewhere the system apparently worked moderately well even in the nineteenth century when reform was supposed to be needed everywhere. In Shahabad we saw patwaris in 1813 still paid wholly by the tenants and to some degree working under the Collector's supervision, at least for appointment or dismissal. The difference between areas may be better explained in the general resilience of local customs, than on one area's immunity from a general decline. Hunter believed that the abolition of kanungos and the subversion of patwaris had the twin result of reducing all raiyats to the position of tenants-at-will, and of perpetuating an unusually disadvantageous situation for resident cultivators, who had fared badly under the pressures of late Mughal rule and the subsequent population decline. Later tenant rights could not be determined; the *patta* system was rejected by the raiyats as merely recording oppressive rents.⁴⁰ But this analysis depends on a smoothing-out of the 'infinite gradation', and as such does not fit with the Shahabad conditions: they would seem to reinforce the idea of subtle adjustments in power between sections of the community. This is the impression too (though not the conclusion) given in Buchanan's own report on Purnea: there zamindars acted 'meanly and oppressively' but were also 'ignorant and slothful', apt to be 'grossly defrauded', and likely to 'maintain an enormous army of dependants'. Even the high-caste tenants, who enjoyed low rents, were put at a disadvantage through having to pay for labour and by being generally indolent.⁴¹ This is a situation of checks and balances, not polarities. Here, as also in Tirhut, according to Stevenson-Moore, there would have been little of practical significance in government measures to assist zamindars to collect rents (Regulation VII of 1799) or indeed in measures to mitigate those powers (V of 1812). Much more important

⁴⁰ See also Sinha, *Bihar Tenantry*, pp.45-51.

⁴¹ Buchanan, *Purnea*, pp.426-50.

were pre-existing local differences and social accommodation and differentiation.⁴² These seem to have produced some raiyats who were well able to resist landlords, some landlords who were successful oppressors, and a mass of underprivileged cultivators and labourers dependant upon such social superiors.

Though Bihari tenants were not generally in a position of strength, it is uncertain that their position had seriously deteriorated as a consequence or incident of British rule by the middle of the nineteenth century. It is important to remember how rhetorical was the assertion that conditions had worsened, how dependent on notions of theoretical wrongs done in 1793, and how instrumental in the rent-law reforms being advocated. Even the worsening incidence of famine in the later nineteenth century was not an objective argument among officials and polemicists, and does not itself prove a deterioration in underlying poverty. The writer of the *East-India Gazetteer* considered the peasantry of Behar district more prosperous in 1820 than at the permanent settlement. We need not accept that verdict. We can argue against clear benefits for the raiyats as readily as against their certain dispossession in 1793. Hunter thought that the courts put themselves on the side of the raiyats from the 1820s, and, presumably for that reason, that large numbers of tenants 'retained' occupancy rights in 1859. Even if we could believe in a major role for the courts, with their shortcomings and in particular their inordinate delays, it would be unconvincing to draw conclusions from the numbers (however large) who were qualified for a legal status not established until 1859. Since there had hitherto been little reason for landlords to prevent the continuous occupation on which the right depended, the fact that they did not do so says little about their power over their tenants. On the other hand, we should attend to the main point behind the verdict of the *Gazetteer* in the 1820s, that whatever the peasant's disabilities in theory or law, in

⁴² This stance is broadly in line with the procedures and conclusions in Ratnlekha Ray, *Change in Bengal Agrarian Society* (New Delhi 1979) and, most usefully for Bihar, Manoshi Mitra, *Agrarian Social Structure*, but differs from others which either adopt the rent-debate rhetoric or are content largely to describe the legal framework; in the former category see several works by Arvind Das, including *Agrarian Change and Socio-economic Change in Bihar, 1900-1980* (New Delhi 1983), and in the latter Mishra, *Agrarian Problems*, for example pp.123-37, with which one might compare, say, S.C. Chatterjee, *Bengal Ryots. Their Rights and Liabilities being an Elementary Treatise on the Law of Landlord and Tenant* (Calcutta 1864; ed. A.C. Banerjee and B.M. Ghosh, Calcutta and Columbia, Missouri, 1977).

practice he need not have suffered proportionately at the hands of the zamindar, since there existed 'reciprocal wants of the parties driving them to something like an amicable compromise'.⁴³ It seems improbable that British rule should have seriously altered the balance of those 'reciprocal wants', or the strengths and weaknesses of the parties, by 1820. But the 1870s and 1880s—and, even more, the decades after the 1885 Act—may offer quite another picture: the forces of reciprocity were surely being weakened.

III

It is safe to suppose then that, at first, Bihar retained much of its agrarian structure under colonial rule; north Bihar, relatively little affected by Muslim rule except near the Ganges, was characterised before as well as during British times by the 'old Hindu system' with its strong *jajmani* relationships, its dominant Brahmans and Rajputs, and, controlling the villages, its *jeth raiyats* or patwaris. The south too had long had, and did not suddenly acquire, its proportion of more independent people and its dominant castes and families. It was at the beginning as well as the end of the century, as Buchanan testifies, that sections of the Shahabad tenantry were said to be high-spirited and the atmosphere rather violent; that the numerous Ahirs were thought prone to robbery, and the landlords 'inclined to use force against their neighbours'. Some of these features—it is important to remember—persist to this day, or certainly well into the twentieth century, and thus will qualify the extent not just of Company but of all colonial impact. For a long time continuing circumstances such as these decided relations between landlord and tenant, however great the apparent or legal changes introduced by the British. We will deal with some of these continuities first, before returning to the question of change.

The hallmarks of the society, and of its resilience in the face of external pressure, were the long-persisting complexity and variety already mentioned.⁴⁴ The organisation of great estates as productive rather than

⁴³ Walter Hamilton, *The East-India Gazetteer...*, vol.I, (2nd edn.; London [1828]), p.105.

⁴⁴ The following description draws inter alia on district gazetteers and settlement report for Champaran, Darbhanga, Muzaffarpur, Saran, Shahabad Patna and Gaya districts, on the relevant volumes of Hunter, *Statistical Account*, and the report and evidence volumes of the Bihar and Orissa Provincial Banking Enquiry Committee (Patna 1930) and of the Royal Commission on Agriculture (1928). A related attempt at an overview was

extractive units, through the application of capital and the employment of hired labour, could have evened out the many locally-significant social differences into the wide bands of class. Some instances of this occurring were reported in Bihar. But elsewhere, in the absence of such conditions, and given that most estates and holdings in Bihar were small, large categories could be discerned by outside observers, applying theoretical principles, but they would have been less evident to the participants of the locality than more minute distinctions. Even in the purely economic sense, ecological reality alone enforced tiny and fluctuating variations of fortune. As late as the 1870s a linguistic survey of Bihar could list at least eighty different terms relating to shares in land, in a region with relatively little sub-tenancy. The same survey recorded three different bases for classifying soils, with the result that there were at least fourteen distinctions according to distance from the village, at least seventy according to quality and topography, and perhaps thirty according to use.⁴⁵ Many of these distinctions were real, and appreciated by the people: the richness and subtlety of their nomenclature were matched only by their perceptions of essential similarities, the blurring of all distinctions.

This circumstance is of the first importance in considering the impact of colonial tenancy legislation, whenever it was made locally effective. The society to which it was applied was hierarchical but not rigid. Its complexities and ambiguities of status seem to have derived from ecology, custom and time. In some places in Bihar, for example, irrigation works evidently helped decide the tenurial or rental regime, while in other, dry areas money rents prevailed. Some proprietors' control was located in surplus agriculture; and for others their role was rather in opening up new frontiers of cultivation. As a village could export people to farm in different villages, or be taken over by outsiders through fortune, conquest or even purchase, so too one layer of control could be imposed on others. One range of variations was

included in P. Robb, 'Law and agrarian society', *MAS* 22, 2 (1988), and the subject will be taken up in the proposed second volume of the present study. Some features may be found also in Mitra, *Agrarian Social Structure*, though its time-limit prevents consideration of long-term change or any new situation emerging in the later nineteenth century. See also Jacques Pouchepadass, *Paysans de la plaine du Gange: le district de Champaran, 1860-1950* (Paris 1989), which is easily the most comprehensive and convincing account to date. For a local study, see Arvind Das, 'Changel: three centuries of an Indian village', *Journal of Peasant Studies* 15 (1987).

⁴⁵ G.A. Grierson, *Behar Peasant Life* (Calcutta 1885), Divisions III and IX.

socially-defined: rent might relate to the tenant and not the land, be decided (that is) by caste as well as by soil. There might be distinctions also between actual and ritual employment, and relative power and wealth might be ambiguously reflected in social standing. Great caste-leaders lorded over vast estates, but multitudes of equally high caste vied over petty holdings. In addition different roles might be played by the same people simultaneously, or at different times. The web of customs and obligations, moreover, was seldom exclusive to one kind of transaction. All was conditional upon various levels and kinds of power and practice—systems of belief reinforcing subordination, but also rivalries and conflict demanding compromise. Thus the land encompassed multiple and indefinite roles, and rights conditional upon those of others. Above all, agricultural practice varied in response to climate and conditions, both from place to place and from time to time, and generally the differences between people were often small and variable, however much they were also sought to be rationalised and perpetuated. This is contrary to what would be expected if villages were either homogeneous or wholly subordinate and hence levelled down. A result, in economic as in social behaviour, was a high degree of pragmatism, an adjustment to circumstances, very unlike what was encoded in British interpretations with their preference for abstract, absolute principle and certainty.

The imperfections in British categories and statistics do not result solely from unreliable observation and calculation; they are also due to a more substantive difficulty, the genuine variations in Bihar between place and time. In one sense this is merely an argument about the lack of integration, for example in prices, but it is also a reflection of the extent to which in reality there was no fixity of practice. Non-standard and regional measures of land, weight or money are the symptom of a problem which did not simply go away as the nineteenth century progressed. Even the relative importance of the different harvests would vary from year to year, according to climatic exigencies. So too would the fortunes of individual families. There is evidence both of the extreme variability of ranking year-by-year according to any one criterion (outside, that is, of very broad categories), and the conditionality and changing fortunes of particular advantages over time.⁴⁶ Behind this idea, may be found an essential ambiguity and multiplicity of roles and

⁴⁶ The following discussion is drawn from P. Robb, 'Hierarchy and resources: peasant stratification in late nineteenth-century Bihar', *MAS* 13, 1 (1979), which includes the charts and tables referred to again here.

functions, especially when they are conceived in European categories: different peoples have different pictures in their minds, and organise themselves according to idiosyncratic principles and concepts. The degree of fluctuation even in a single village should not be underestimated. Even what were apparently the most stable of conditions, the size and relative value of holdings, might be shown to vary markedly from one year to the next. A study of one village on a government estate proved this. Held on produce rents, it was apparently homogeneous in caste (most of the cultivators were named Singh or Jha) and contained one relatively large landholder, probably the former zamindar or thikadar. His rental varied from nearly triple to one and three-quarters times the amount of that of his nearest rival; his area of cultivation was greater than that of anyone else to similarly fluctuating (though smaller) degrees. In addition, about twenty holdings were never larger than five bighas, which was at the time the average area below which a raiyat would have been very unlikely to have had an effective surplus for sale. Most of these families must have supplemented their incomes by service or labour. Outline stratification was straight-forward, into 'landlord', 'rai'yats' (income from surplus), and 'labourers' (income partly or largely from labour), though the divisions were not reflected in rates of rent, except very broadly in a tendency for more of the higher rates to be paid by holdings above the presumed subsistence level in cultivated area. But a similarly precise or stable stratification could not be imposed upon the body of peasants on the basis of total land cultivated, and total rental paid, considering the more substantial villagers. Real difficulties began when this 'rai'yat' group was examined more closely. Among this group one was clearly the most substantial on average, but he was not the biggest rent-payer in all years. All the other rankings were gradual, and the range very large (from Rs.22 to Rs.77), so that if we were to identify the 'rich peasants', say from two to ten in the average rankings, many in that 'group' would have had more or at least equal affinity with others outside it. This picture was reinforced by evidence of variations from one year to the next: in no two years would the groups be the same, whatever the size or method of division, except for the initial outline, of landowners, rai'yats and labourers. A line might have been drawn between 'surplus' and 'subsistence' holdings; but there was nothing similar to help distinguish within the surplus group.⁴⁷

⁴⁷ Ibid. The charts were calculated from and the discussion based on enclosures to Stevenson-Moore, Settlement Officer, Muzaffarpur, to the Director of

Such variation virtually ruled out stratification as a basis for analysis within the peasantry, and was not just a matter of occasional mavericks whose fortunes fluctuated wildly, though these too were in evidence. It suggested that different holdings were affected to widely different degrees by the forces which made for fluctuations in the output and profitability of the estate as a whole. It must have related to different individual circumstances and decisions, including the allocation of land by village controllers or intermediaries. The same variability was indicated on a regional basis by the fact that the differences in prices between areas in ordinary years could be as great as the difference between the averages of those years and a year of scarcity: some areas had higher but more steady prices, while others, where grain was usually cheaper, suffered from large fluctuations.⁴⁸ Such variability does not illustrate the validity of the notion of the egalitarian peasant, as in the village just discussed the leading tenant—the presumably dominant, resident villager—would have been subsumed within the peasantry in most definitions. More importantly the picture presented was of great differentiation at a single time, as much as of a variety of fortunes over time. Statistical summaries would blur either kind of fluctuation. Such variety persisted because it was built into patterns of land-ownership and land-use, into ecology and custom and interests.

The argument here is for something other than random variation. There *were* specialisations. These were probably as old as agriculture itself, if only in what was demanded by the environment and the distinction between wet and dry crops, and by specialist, caste-related occupations and skills. But flexibility implied that labour often did not work rigidly at one occupation: artisans cultivated small patches of land, agriculturists processed crops, and all production reacted to fluctuating demand. Flexibility was reflected too in the complexities of land-holding and employment, and rested ultimately on the variety of the seasons and the range of cultivating possibilities. The consequences are hidden in the records. On the other hand, though practice was various, there were fine and definite distinctions of several kinds. It is sometimes said that before the British helped define and generalise

the Bengal Revenue and Agriculture Department, 12 June 1896, PCR 366, 15/11 (1896/7). The village had 61 holdings, for 44 of which figures are available in full. The calculations discussed here took no account of income from external or non-agricultural sources, but concentrated on the primary question, surplus to sell.

⁴⁸ An illustration is provided in P. Robb, *Rural India* (1992), p.151.

exclusive, ranked and recorded categories in Bengal society, there were among Hindus effectively two categories of people, the Brahmans and the Sudras, priests and workers.⁴⁹ But this was to view the society from only one point of view. From other perspectives, it is clear that there were small units defining ritual and occupational status; ranks and types associated with village and other functions; indigenous terms reflecting many different kinds of distinction. The usual word now used to describe these units is 'jati', which, significantly, may be translated as 'type' and used in various senses other than the one pertaining to social rank or sub-caste. Thus there were kinds as well as degrees of 'respectability', and different terms recording leading roles based upon heredity, wealth or personality. This is the sense in which we may understand that there were villagers who were 'resident' by status, and others who were 'non-resident' even though they might in fact live within the territories of the village. (The term 'village' was also misleading: not necessarily a unitary settlement, but a series of related, more or less scattered dwelling areas and fields, the access to which reflected status.)

In each of various aspects of life, a complex of different terms was available to record differences, many of which were only perceivable by insiders. Thus in rural Bihar could be found both a multiplicity of categories and a variety of practice—in land use, employment and income. The consequence being conditionality of status and custom, these had to be generalised by overarching traditions, often fiercely enforced, but also preserved through a range of different sanctions. Relations typically involved mixtures of several kinds—personal, productive and ritual, or social, tenurial and economic. The price of variability seems to have been a more complete or broadly-based control. The village head tended to be high caste, an agent of government or trade, chief employer, social arbiter, dispenser of resources of production, and so on, not only because these roles reinforced one another, but also because such a multiplicity was needed for success in face of the variety and complexity of village life.

We have considered new views of pre-colonial India that imply continuities, discovering in the eighteenth century aspects of agrarian structure and conditions that once were attributed to the impact of colonial rule and the international trade it supposedly first introduced. We have found similar continuities in early colonial Bihar, despite the

⁴⁹ See Somendra Chandra Nandy, *Life and Times of Cantoo Baboo*, vol.II (Calcutta 1981), p.466.

application of Western property laws and taxation, and have attributed them partly to the complexities and resilience of rural life. But we have also suspected that greater changes *were* beginning to be apparent by the later nineteenth century. To that possibility we now turn—in particular to the impact on agrarian relations of the 1885 Act and the survey and record of rights.

Chapter Ten

Rents and rights

Into a milieu of variety and contingency were cast the hard categories of Western law and government, and a range of external economic forces associated with the internationalisation of trade and production. It is the extent to which these forces changed the balance of the agrarian structure which we have to consider. In particular, we are concerned with the increased oppression of the raiyats, as shown for example in greater insecurity of land-rights. The case for a deterioration (as explained already) rested largely on a supposed increase in the burden of rent after 1793. Emotionally, as we have seen, its basis was that raiyats had been deprived of property, expressed particularly as the privilege of paying rent at a rate which the landlord could not change at will and which was not affected by competition and contract. For some scholars this seemed enough.¹ Empirically, however, an absolute change of this nature was insupportable. There *were* customary ideas about rates of rent, some of which were still evident at the end of the nineteenth century. But each agricultural plot was subject to a recognised ‘field rate’ which varied from one plot to another whenever zamindari management was sufficiently close. (On large estates it tended to be merely the average of the rate for an entire holding.)² The tendency of custom, as this information shows, was towards specific rather than general rates of rent—rents which changed in accordance with status, soil, crop, and supply and demand too. Average rent rates certainly differed from place to place and, less dramatically, between the different categories applied by the British; but the greatest variations were from village to village and holding to holding. As already discussed, there was no ‘pargana rate’ at the end of the nineteenth century, nor was anyone able to demonstrate one in existence at any previous period. Theory and even state dictat may have called for it, but investigators repeatedly failed to find it. To

¹ See for example Upendra Narain Singh, *Some Aspects of Rural Life in Behar. An Economic Study, 1793-1833* (Patna 1980), and also Sen *et al.*, *Perspectives*, p.3. For full citations for this chapter, see chapters eight and nine.

² See PCR 357, 15/1 (1892/3). The plots were virtually invariable, unlike holdings; hence the importance to the record of the *khesra*, the field number.

consider that custom reinforced it, is, moreover, a gross misunderstanding of the nature and effect of Indian social norms.

Rent and other payments by cultivators rose in the eighteenth century, and economic considerations played some part in fixing the amounts. Moreover, despite the special pleading of certain protagonists in the great rent law debate, the intention of Shore and Cornwallis in 1793 (so far as they considered the question) was that rents should result from contracts between landlords and tenants: this was the essence of the *patta-kabuliyat* system and the provisions relating to tenants in the sales laws.³ It was therefore not a sufficient condemnation merely to show that rents rose after 1793. It was necessary to measure the increase in real terms, per acre and per person. Attempts to do so are fraught with difficulty. The *Cambridge Economic History* estimated that rents increased by between 60 and 200 per cent in the 50 years to 1890, and related this increase to the proportionately smaller enlargement of the cultivated area.⁴ But this is not to say that real rents increased accordingly. Very many complications arise. There were changes in what constituted rent, in particular the consolidation of additional cesses (or *abwabs*) and varying abilities to reimpose them. There were changes in the manner of calculation or payment, as between produce and money rents, and within the former between *batai* (division) and *danabandi* (appraisal). Such changes might affect the real proportion of the crop made over by the cultivator. But in particular there were changes in the value of agricultural produce, and possibly in access to its benefits. Here polarisation becomes essential to the idea of progressive impoverishment, for the later nineteenth century saw a shift in production towards higher-value crops, and a progressive though patchy improvement in agricultural prices, alongside fairly steady prices for other commodities.⁵ The

³ As discussed above, see [R.H. Hollingbery], *The Zamindari Settlement*, 2 vols. (Calcutta, 1879), the Report of the Rent Law Commission (Calcutta, 1880), and Ripon's despatch of March 1882 in R&A Rev A 16-46 (July 1883).

⁴ See *CEHI*, pp.124-43 (p.138 for estimates of rent). The following discussion will not seek to disentangle the large and separate question of produce rents which prevailed in south but not north Bihar, taking different forms with varying implications (*CEHI* at p.124 is possibly misleading and incomplete). By 1900 the main point is that zamindars preferred product rents often in effect to secure unregulated rather than regulated tenancies, and *zerat* rather than raiyati land.

⁵ *CEHI*, chs.IV and XI. Sen claims that in eastern India rice was some 30 per cent dearer in 1900 than 1887; Sen *et al.*, *Perspectives*, p.111.

agricultural sector benefited.

Questions of productivity, population and entitlement needed to be resolved before anything more precise can be said. With regard to rent, there is no way through such complexities, and we are unlikely to be able to generalise about the period as a whole. We can produce reasonably accurate averages, for the first time, only from the 1890s, and even these figures are open to interpretation. Some officials thought they vindicated the view that rents were intolerably high (the conclusion reached one hundred years before). In Bihar others professed themselves agreeably surprised to discover that rates in Bihar were after all moderate compared with those in neighbouring districts of Awadh.⁶ Perhaps many observers considered the agricultural population of Bihar to be poor by Indian standards, and, aware of the wealth of a few great landowners, assumed that rack-renting was the cause.

This was to place a wrong emphasis on agrarian structure. Before returning to that issue, we should try a different approach. Why should real rents have risen? One reason might be demand. Elsewhere a high revenue with regular *kists* (instalments) exacted after 1793 may be a factor. But it will not explain the prominence of Bihar as an example of rural poverty—its landlords were thought less hard-pressed than their fellows in Bengal—nor the alleged increases in rent later in the century when the real value of revenue payments gradually declined. On all-India and for that matter international comparisons (except for the remainder of the Presidency), it would be easier to argue that Bihar was poor because its agriculture was *lightly* taxed.⁷ Similarly, the beginning of extra taxation through government cesses from the 1870s, though a significant departure, was more the occasion than the cause of extra rent demands. Moreover, government demand must have been very patchy in effect: the proper criticism of it in Bihar was not that it was high but that it was carelessly made, and this may have been a perennial feature in the region.⁸ Again, the resumption of 'invalid' revenue-free holdings, completed by about 1850, undoubtedly had an

⁶ See R&A Rev B 17-18 (January 1897).

⁷ For a version of this argument see Robb, 'State, peasant and moneylender'. A contrary argument is that by acquiescing in rural stagnation, landlords became hard-pressed (see Sen *et al.*, *Perspectives*, p.111). How then is one to interpret the expansion of cultivated area and cash cropping? Eric Stokes' explanation is far more convincing; see *CEHI*, pp.36-68.

⁸ See for example Buchanan, *Shahabad*, pp.351-2.

effect on specific holdings, but there is no reason why it should have led to a general enhancement of rents. It would naturally be related to a large decline in the proportion of rent-free holdings, once suggested to account for as much as 30 per cent of the cultivated area and nowhere above a half of that by 1900. (The other influences here would be the desire to increase rental incomes as prices rose, as an alternative to *pro rata* increases on rent-paying holdings, and the availability of other sources of supply for the services which rent-free holdings provided.) The decline of rent-free lands—though its effects were sectionally specific—increased the general significance of the recorded enhancement in rents per acre; it decreased the relevance of district-wide calculations on the basis of cultivated area. Finally, the very large expansion in the number of estates, through partition, may have represented a real growth in the number of rent-receivers, the product of formal registration and generational increase. On the other hand, partitions seem to have resulted in fewer co-sharers per estate, and by the later nineteenth century they were concentrated on small zamindaris, suggesting that families were seeking to preserve the larger estates at a size which would allow incomes based on rent: the growing numbers of very small estates implied increasing involvement in direct cultivation rather than an explosion of rent-receivers or ‘sub-infeudation’. Numerous though partitions were, they did not affect all estates or areas. Conversely, increased rents were also found on great estates which avoided partition and were not subject to division at succession.⁹

What then of the opportunity to secure higher rents? It increased on some large estates, when they were controlled by the Court of Wards and management systems were reformed. Closer undivided supervision could pay dividends also on partitioned estates. As already noted, the legal position strongly favoured the zamindar under the permanent settlement: measures such as the distraint of property for non-payment of rent weighed the balance heavily against the tenants, and official attempts to redress this balance were largely ineffectual before the present century. This is not to say that law was very important. The permanent settlement vested much in the zamindar, but by the same

⁹ This discussion is indicative not exhaustive. As will be shown below, the question is further complicated by the doubt over what constituted rent: another way of saying that it was often uncertain. For example, were illegal cesses less common because of the impact of official and legal bans, or more common due to increases in zamindari power and possibly some decrease in alternative income such as that from ground rents in markets or tolls on trade and communications?

token removed most of the direct agency whereby the influence of European concepts and practice would be felt. Law was little used to increase rent. Landlords benefited from the assistance of the executive or the police *in extremis*, but were mostly dependent on their own resources.

Rising prices and increasing numbers of rent-receivers naturally generated pressure to increase cash rents, though for much of the later part of the nineteenth century this pressure would seem to have been mitigated by relative stability in outgoings, and not certainly to have created a general demand for a higher proportion of agricultural surplus. But the improvement in agricultural returns between 1860 and 1900 followed two or three decades of depressed prices for items of long-distance trade, and was interrupted by repeated crises of climate and production. The sequence of events would have increased zamindari appetites; and uncertainties of output would have damaged the resistance of raiyats. On the other hand periodic scarcities would also reduce the landlords' chance of actually receiving regular and general increases in rent. But above all, marketing for cash was still peripheral in terms of Bihari production and consumption. Those of whatever legal status who could sell their produce stood to gain in the later nineteenth century as prices rose; the zamindar dependent on rent had to exert additional pressure on such producers in order to enhance rents at comparable rates. Where payments were made in kind, the price inflation was disguised and even further efforts would be needed to increase the zamindar's portion or to reduce the share taken by labourers and artisans. In short, fortunes varied. Some zamindars made the attempt to increase real rents in response only to pressing financial difficulties. In Bettiah, for example, rents were supposed to have been little changed until 1869 when a shortage of funds forced an effort: in the following years, allegedly, the 'controlling influence' of the great Bhumihar clans was mobilised to extort rack-rents, *thikadari* leases were auctioned to the highest bidders, and by these means the ignorant cultivators were prevented from acquiring a permanent interest in the land.¹⁰ Subsequent rent rates on the estate, only two-thirds of those elsewhere in north Bihar, show this assessment to have been exaggerated; but the moral is plain: when rent rises depend on incentive, they will occur only where landlords are especially eager and effective. And if rent increases depended upon both opportunity and incentive, for the landlord, then they were bound to have been selective and conditional

¹⁰ Hunter, *Statistical Account*, vol.XIII, pp.256-7 and 283-4.

from the perspective of tenants.

Rent rates recorded in the 1890s cannot, in aggregate, reveal distinctions showing which social groups were benefiting and which were being oppressed. But they suggest that rents were higher where population was greatest, and even higher where zamindaris were small: they reflect the realities of demand and power. They show also that the legal categories of tenancy offered no uniform picture. So-called 'fixed-rate' tenancies were always more lightly rented than others, but not to the extent that would be expected given their supposed pedigree of having enjoyed unchanging rents since before 1793. Settled and occupancy rates were sometimes lower and sometimes higher than those of less privileged status. Sometimes non-occupancy and under-raiyats' rates were at a discount, because such people—little better than day-labourers, as one report had it—¹¹ needed to be attracted to under-populated areas, or held inferior lands, on the better part of which they paid produce rents. At other times such tenants paid significantly higher rents, most notably on the crowded lands of Muzaffarpur.¹² The differences imply that the strength of zamindars or thikadars on large estates may have evened out the average rates for tenancies of different kinds, whereas on petty estates the occupancy tenants' average was reduced by the fact that village elites and successful cultivators (whose holdings appear elsewhere among tenants' lands) were often returned as zamindars. The imperfections of the categories thus make the question of rents less amenable to analysis, as if it were not already complicated by the poor correlation between rents and productivity, and the fact that weaker raiyats could pay more than stronger for land of similar quality.

The picture offered in chapter two was of a hard-pressed government confronting a complex and entrenched society; that explained some of the preoccupations of the administration under the Crown. The

¹¹ Such was the Muzaffarpur Collector's view in 1891: almost all raiyats had occupancy rights, the exception being a few who were 'scarcely anything but day labourers'; PCR 355, 15/3 (1891/2).

¹² Almost complete figures for average rent rates in the Reports on Survey Operations by 1898 are produced in the previously published version of this part of this chapter, in Clive Dewey, ed., *Arrested Development in India* (New Delhi 1988), pp.188-222, as follows:

Holding	Muzaffarpur		Saran		Champaran	
	Rs/acre	Rs/clt.acre	Rs/acre	Rs/clt.acre	Rs/acre	Rs/clt.acre
Fixed rate	3/06/4	3/14/0	3/08/0	3/13/9	1/01/6	1/04/2
Settled/occ.	3/15/9	4/05/5	3/14/6	4/01/0	2/00/3	2/03/5
Non-occ.	4/13/9	5/01/6	3/10/7	3/13/2	1/15/5	2/3/11
Under-ryts.	4/15/9	5/04/5	3/15/6	4/0/11	1/09/2	1/10/8

position of tenants under such a regime was, we concluded, unlikely to have been quickly or profoundly affected by it. This did not mean that the condition of the cultivators was necessarily good—it is more likely to mean that existing disparities continued—but even then it might be argued that the crisis conjured up in support of the tenancy legislation of 1885 was as much a matter of new perception as of new problems. The progress of opinion in the nineteenth century was not necessarily a journey towards truth; it was also an evolution in accordance with ideas. It cannot be denied that there was an element of special pleading in descriptions of Bihari conditions.

Conversely, however, debates over policy did not decide British impact at the local level in the way that practicalities did. Reform had to wait not only for ideas but for opportunity, and opportunity was the child of necessity. One of the opportunities was administrative capacity. Was one of the needs a real decline in the condition of the poor, for example in Bihar? As argued already, there did seem to be a real basis for concern, both for the welfare of the cultivators and over the manner in which their position was being affected by legal, economic and demographic conditions. In 1894 MacDonnell recalled his and the government's impressions of 1874, a famine year:

2. ...It was then perceived...that the districts of north Behar, bordering on Nepal, are among the most, if not the most, poverty-stricken tracts of all India.

3. This has been attributed, not to any want of fertility in the soil, which is indeed most productive, but to insecurity of land tenure and its consequence, excessive rents, to the depressed scale of wages, to the general ignorance of the people, and to over-population. Be the causes what they may, there is no doubt at all as to the prevailing agrarian depression which deprives of energy those who ought to emigrate, and deadens the industry of those who stay at home.¹³

The situation may have been relatively recent, not least in north Bihar which was attracting population over the period in question. While not exaggerating the novelty of the problems of the poor in Bihar, we need to bear in mind a possible mid- to late-century deterioration when considering the impact of the 1885 Act. The timing would fit with the new interpretations of the early colonial period discussed at the outset of the preceding chapter.

Let us read off the complex of possible influences and changes rather differently. We find a very varied picture, both regionally and socially, and accordingly effects which could work differentially. But there were also generally rises in population, prices and rents; there

¹³ Note, 3 August 1894, R&A Rev A 17-20 (January 1895).

were greater marketing of higher-value crops, and higher profits from the agricultural sector; such incentives, plus regular revenue demands, resumption and partition all encouraged closer management of landed estates and/or agriculture. In many respects, then, the first part of the nineteenth century might be viewed, as far as the peasants are concerned, not as a period of recovery from distortions introduced in 1793, but as a time for gradual evolution towards something new. In north Bihar, for example, there was a steady decline in the proportion of rents calculated in produce, which were virtually unknown by the 1890s, and also a gradual development in the sale of tenures, unheard of in 1825 but common five decades later (mainly because of tenancy legislation). Indeed the development of such a market, as also for estates, leases, rents, labour and produce, and the swallowing-up of waste lands, may be seen as the crucial events of the century. An important shift had occurred by the 1880s. In the eighteenth century, as Hunter alleged, there was a certain mobility of labour and tenantry because they were relatively scarce.¹⁴ Those who were willing and able to move could colonise abandoned or previously uncultivated land, on favourable terms. This fact does not always explain the difference between 'settled' and other raiyats and the rent each paid; much needs to be added about cultural and political restraints on movement, especially for high-caste agriculturists.¹⁵ Yet there was certainly a chance for malcontents to seek out zamindars who were asking for lower rents to attract cultivators; and this 'colonising' option was far less common in 1900 than 1800. It existed within Bihar mainly in Champaran, where it depended on a favourable man:land ratio but also on economic incentives. By 1900 another option was far more common than before: the situation in which zamindars sought raiyats who would pay higher than average rates. The reason was a less favourable man:land ratio, but also—and perhaps primarily, in the nineteenth century—the increasing opportunities to market higher-value crops. This option was expressed by filling in or dividing up under-utilised villages. It must be taken into account in connection both with emigration—arguably related partly to a proportionately reduced demand for non-family labour with a decline of high-caste in favour of agricultural-caste production (a process of peasantisation?)—and with the subdivision of holdings which represents in part the alienation of

¹⁴ See Hunter, 'Dissertation'.

¹⁵ See Aditee Nag Chaudhury-Zilly, *The Vagrant Peasant: Agrarian Distress and Desertion in Bengal, 1770 to 1830* (Wiesbaden, 1982).

land to higher-paying tenants, and indeed concentrations of land in such hands, rather than a straightforward response to population increase. To sum up, then, the mobile raiyat in 1800 might be one who paid a lower rent, for demographic and development reasons. In 1900, however, he was more likely to be one who paid a higher rent, the reasons being again demographic but also economic. The argument depends on a sufficiency rather than a rapid increase of population. It is very different from the idea of all tenants being rack-rented as their numbers inexorably grew, but it allows for a mounting crisis in the conditions of vulnerable cultivators from the mid-century.

II

The setting for the impact of the 1885 Act on Bihar was one in which there was a weak and oppressed agricultural labour force, and possibly pressures building up further to strain agrarian relations. There were ambiguities and complexities, but some rural people were clearly stronger than others. Those who were strong did not always fit neatly into the British conceptions of agrarian structure. But the local ways were not uniformly inviolate, sometimes because of the specialisms they contained. Part of our concern must be to trace the ways in which they were challenged and reduced to more standard forms. The 1885 Act, in defining and protecting an occupancy right, certainly attempted such a standardisation. It concentrated on the need to avoid denials of occupancy right by manipulations of tenancy or records. However—and this is relevant to our consideration of the extent of early nineteenth-century changes in the conditions of tenants—the new basis of twelve-years' holding in any one village was a legal rather than a practical innovation: a tenant who held some land over a long period already had occupancy in practice; he was, in the terminology of 1885, 'settled'. The Act therefore sought to define the legal incidents of existing practice, and to make it defensible in law. But most significantly it allowed the status to be independently established and recorded in a private or district settlement. Unlike any previous survey or regulation of rights in land in Bengal, this latter record distributed holdings according to what it defined as 'cultivating' as well as proprietary possession: 'cultivating' possession meant in effect management of agricultural production, by personal or employed labour. Several types of possession were defined, according to the legal status of the 'cultivator': holdings for zamindars, permanent tenure-holders and temporary lessees, for tenants of several kinds, and for

sub-tenants.

An important instrument for this change was the survey and record of rights. District-wide surveys started under the Act in the early 1890s in north Bihar.¹⁶ Two broad configurations were revealed in these surveys, one in which rent-receivers held relatively little land in relatively large holdings, and another in which rent-receivers held a quarter or more of all land but in holdings more nearly of the average size for the area. In the first variety were places, such as most of Champaran, where very large majorities of all holdings were leased from intermediaries and not the zamindar. Both varieties contained settled and occupancy holdings covering between 60 and 80 per cent of the cultivated area, and accounting for similar proportions of all holdings. Wide variations were found within this pattern; on the other hand, the categories based on British legal terminology may well have overlain a social profile that was more similar across the region than it was made to appear.¹⁷ The similarities suggest that there were throughout Bihar a small number of people who lived principally from rents, and many who were dependent on moderate to small holdings, some of them held as tenants and some as zamindars. This position was codified after 1885; it was not the stratification into landlord and tenant which was supposed to have resulted from the permanent settlement. Clearly, settled raiyats survived the inimical laws of the earlier decades of British rule.

The record of rights, nonetheless, created an alternative view of the rural order, in which raiyats' 'property', the right to cultivating possession, was elevated to consideration alongside landlord's property, land ownership. Settlement *amins*, however 'corrupt and venal', were not local men, and were under the control of officials and rules imbued with the spirit of tenancy reform. They expected to identify as occupancy right the position in which they found the great mass of resident raiyats, and they did so, it seems, to an extent that the local patwaris

¹⁶ The origins of the inclusion of a settlement procedure in the Act have been discussed in chapters four and five; see R&A Rev A 16-46 (July 1883), especially C.L. Tupper, 'Memorandum on the rent question in Behar', 20 October 1881.

¹⁷ Two principles of analysis are being contrasted here: the settlement and categories based on source of income. Some officials also referred to two main classes: rent-payers and rent-receivers including raiyats—see PCR 355, 15/3 (1891/2)—which might imply those who controlled production or distribution and those who provided the surplus or their labour. None of these categorisations was to be found uniformly.

would not.¹⁸ The manager of Bettiah raj complained that the survey had assumed that raiyats held 'all the land measured to them as theirs of right', whereas (he said) hitherto occupancy rights had been unknown and the land was leased or cultivated at the zamindar's will.¹⁹ The record of rights standardised the perceptions of the government and the law in a way which weakened the landlords' standing with these institutions and encouraged official intervention in rural life. The record of rights also provided a standard measure of lands, often the first exact measurement available. Compare Purnea in 1810, where rents were set at rates 'totally unconnected' with soil quality—by caste or influence, or at will at the point of harvest.²⁰

At first sight it might seem that a survey and record would benefit the landlord, as the discovery of 'excess area' led to the enhancement of rents. But in the longer term certainty was a disadvantage to those whose incomes rested on the collection of rent from regular tenancies. There are three main reasons. First, government and other external interference became far easier, and intervention was most likely to encourage the 'cultivating' interest: despite the political vacillations of the 1890s, both officials and entrepreneurs considered the zamindari interest unproductive. Secondly, the zamindar's power rested in part on a monopoly of knowledge, which these changes breached. The best-run estates could formerly impose effective management over a multiplicity of subdivided tenant interests, because their complexity and ambiguity allowed them to be manipulated at will, with little hope of challenge or combination. (This may be one reason the relatively standardised indigo contracts could be successfully resisted.) Thirdly, rising agricultural prices imposed a continual pressure on landlord incomes wherever these were expressed in money terms, and one of the strategies adopted to combat this, in the later nineteenth century, was the attempt to extend the land which the zamindars kept 'in hand' (the *zerat*). The Hathwa raj made numerous such claims, even in respect of lands which had been passed down through several generations of intermediary leaseholders (*thikadars*) or tenants. The beauty of *zerat*,

¹⁸ This argument, too complicated to detail here, is based mainly on a comparison of returns made by patwaris and those many *amins*. See also R&A Rev A 73-4 (October 1894) and B 3-4 (December 1898).

¹⁹ Gibbon to Champaran Coll, 7 January 1892, PCR 355, 15/4 (1891/2).

²⁰ Buchanan, *Purnea*, pp.136-43. Just as the institution of landed property occurred in law more absolutely than in practice, and needed a variety of administrative acts to reinforce it, so tenant rights depended on such support in order to evolve outside the statute book.

for the landlord, was that it avoided outside interference, maximised any benefits from competition for land, and allowed for flexible strategies on an annual basis. Such lands might be cultivated directly using hired labour, but often they were let out on short leases or capitalised through usufructuary mortgages. The government noticed the landlords' hostility to inquiries in the first quinquennial review of the 1885 Act. 'The effect of a survey and record', they predicted, '...would be to fix once and for all the area of the *zerats* and prevent extensions which are now wrongly made.'²¹ At least such encroachment would be more difficult wherever it could be challenged, once relations in land were regularised and recorded.

As early as 1894, tenants as well as landlords were reported to be attending settlement proceedings patiently and the former to be keenly interested in receiving *parchas*, copies of the entries relating to different holdings. Often this eagerness succeeded a period of apathy, inspired partly by rumours sponsored by the zamindars. During Holi, in Muzaffarpur, new songs were sung celebrating the settlement.²² Earlier intervention by the British had imposed an order from outside in the interests of proprietors, even when measures were gradually taken to protect tenants. This was true of the sale laws which encouraged the legal insecurity of most tenancies by treating agrarian relations on the basis of contracts between individuals; it was true of the partition of estates (or *batwara*) which, among the tenants, invariably raised rents as it divided holdings. The record of rights was more thoroughgoing and deliberately directed towards tenant rights. Its methods ensured that the influence brought to bear would be, locally, that established in the villages of settlement and cultivation, and not necessarily that which had previously been visible, the revenue-payers. The context was an attempt by rent-receivers to erode the security of tenure of settled raiyats, a process aided by rising prices, increased population and, some argued, the provisions of the 1859 Tenancy Act. The record of rights reversed the law and in some situations also affected the practice, by strengthening the hand of the tenant. A pilot survey undertaken in Muzaffarpur in 1885-86 was found in the 1890s to have

²¹ R&A Rev A 17 (February 1893).

²² See for example Bengal Revenue Resolution, 30 May 1894, R&A Rev B 3-4 (May 1898), B 17-18 (January 1897), A 21-3 (July 1904). One result was that collections of contributions to costs were better than expected; see R&A Rev A 10, 11 and 14-15 (February 1897), A 15-18 (March 1896), B 36 (April 1897).

produced results that were incorporated in zamindars' *jamabandi* papers and then kept up-to-date, finding their way into the materials in use by the people to an extent not repeated in the records maintained by government.²³ This was the kind of evidence which gave some credence to the Bengal government's assertion, noted already, that regular revisions of the record were not crucial to its impact. The raiyat knew which holdings he cultivated; with a record he could produce evidence in a standard form which, at one time, had been admitted by all parties.

Many practical checks inhibit the impact of law and government in rural India, and the investment of official effort in the settlements did not influence behaviour uniformly. But the overall effect of the record of rights was to favour the tenant interest. Was there also a distortion between tenants? It seems likely. The basic unit of the survey was the true field or plot, held under a single title at a single rate of rent. This represented the probable unit of production, ranging in size from about one-third to one-half an acre. The unit of the record, however, was the holding, consisting on average of between three and seven plots. A judgment was required each time a holding was defined, in terms set by the 1885 Act. The holding was a collection of production units expressed through ownership and rent. Complexities of land use and land users may have been lost in this transition. Moreover, many individuals had more than one holding and holdings in different categories, effectively dissolving the British categories. Again, holdings within each category varied greatly in size.²⁴ Sub-tenancies too were likely to be under-recorded. The 1885 Act vested occupancy in the holder, not the

²³ In common with other arguments below, this qualifies the suggestion that even the record of rights had little result because ignored in the courts—in regard to rent, until legislation in 1906; see D. Rothermund, *Government, Landlord and Peasant in India* (Wiesbaden 1978), pp.104-5 and 107-8. The area contained a 'mass of involved coparcenary tenures' and changes in government records were numerous; in sixteen villages entirely new *khesras* were needed. Growing awareness and the importance of the record-making are perhaps indicated by the disputed entries, over 25,000 in Muzaffarpur in 1893-4, covering 241 out of 712 villages and 368,217 out of 487,099. For an investigation suggesting a lack of zamindari interference after the survey see R&A Rev A 1-2 (August 1901). These points also diminish the damage done by the failure of plans to maintain the records; see for example R&A Rev A 40-5 (March 1895) and A 26-31 (July 1913).

²⁴ In one Bettiah village 153 raiyats held 2.3 *bighas* on average, but 42 held less than one, 19 held 5 or more (8 of these 9 or more and one over 17); PCR 355 15/4 (1891/2). In Muzaffarpur the average raiyat had two holdings.

holding, and this is likely to have encouraged the concealment of subordinate rights once the claim of a privileged raiyat was admitted, particularly where part holdings were sublet to someone who was not himself a substantial tenant. The record was after all still only of a legal property, albeit supposedly that of cultivating possession. Conversely, the occupancy category must include many tenants whose tiny holdings were insufficient to allow them a surplus and who had to work for richer villagers. The category presumably at the same time represented a smaller proportion of the population than of those whose interests in land were recorded. The tenancy legislation was intended to benefit actual cultivators, but political accident or expediency had conflated this cultivator with the resident raiyat and secured to the latter a part-proprietary right. There remained the potential for the separation of cultivation and ownership, and yet the emphasis on giving rights to agricultural producers had obviated the need to scrutinise and regulate the relations between one tenant and another or between the owner of a cultivating right and the man who worked on the land. In the law these relations were largely ignored; in the record of rights they were virtually invisible.²⁵ The effect of the record of rights on popular perceptions in rural areas also altered the balance of power in agrarian conflict. For the first time the government was seeking out a new alliance in the Bengal Presidency, and it was presenting a view of the rural order which was significantly different from that which existed. Less weight should be given to the operations of the courts and specific acts by district authorities; more weight should be given to generalising activities of the executive, as in the creation of the record.²⁶ Expectations may well have been raised which affected transactions between and indeed among zamindars and raiyats, in instances which never came to the attention of the courts.

It has been argued that traditional forms of land control and land tenure were multiple, various and ambiguous—to the extent that eighteenth-century states found it impossible to enforce uniformity and tended to incorporate in outward form what was still semi-independent in substance, and also that British power did not at once transform the

²⁵ It was thus—in part a matter of terminology—that Ibbetson could state that the proportion of protected tenants was very much greater and the protection much stronger in Bengal than elsewhere in India: R&A Rev A 28-9 (December 1902).

²⁶ Compare the 1920s when commutation of produce rents was sought not so much for financial independence as for ‘taming’ the landlords; *CEHI*, p.130.

situation. Nonetheless multiplicity and ambiguity first began to be lost with the permanent settlement, the process slowly continued with the recording of ownership in revenue papers, sales or resumption proceedings, and surveys of estate boundaries, and eventually reached its most concentrated form in the field-by-field survey and settlement operations. Such activities, following decades of administrative and legal action, tended to make practice more regular, or rather in conformity with what was provided in regulations. Partition too had marked a readiness to use British forms to adjust and record ownership. The divisions of ownership consequent upon inheritance and transfer were hardened, under the influence of more effective machinery for making all formal control in land individual, recorded and of one kind. The larger estates adjusted by avoiding partition after 1850. The Act of 1885 and the record of rights mark an extension of this process to occupancy raiyats. If reports are to be believed, very few of the transfers and mortgages of their holdings were recorded in the 1880s but almost all of them were by the 1920s.²⁷ Again, the average size of the holdings transferred was greatly reduced, partly because the larger transactions were more likely to be recorded earlier, partly because the average holding was becoming smaller, but largely because bigger holdings apparently came to be divided less frequently. Arguably, a reason for tenancies as for estates was that weaker holders were less able to stand out against the tendency inspired by administration and law. The result, in the absence of any other factor, would be developing polarisation among landlords and raiyats. For the latter, the change would be most effective where one of the pressures for subdivision came from richer tenants, zamindars or creditors anxious to secure land.

Having said this, it is important to stress again how gradual the process was. Many features of the pre-existing, informal systems continued in existence after a century of British rule. In 1893/4 there were still almost 1,300 boundary disputes to be resolved among the petty maliks of Muzaffarpur, where zamindaris were numerous and tenancies small. In Patna division too, of the two thousand or so raiyati transfers recorded each year in the later 1880s, only about five were of succes-

²⁷ Inquiries in selected villages in Hajipur in 1898 showed 14 per cent of holdings transferred since settlement (6 per cent by succession); in another case, of 200 transfers, only 21 had been registered; R&A Rev B 3-4 (May 1898). For the later period see *Report of the Bihar and Orissa Provincial Banking Enquiry Committee 1929-30*, vol.1 (Patna, 1930). Figures on partitions are available in R&A in annual Revenue Administration Reports.

sion: heirs still expected to succeed without the benefit of official registration.²⁸ These differences in impact and the consequent survivals had major consequences, as will be shown later.

No doubt, as has been claimed, zamindars 'refined the existing machinery' in order to raise rents, and holdings became smaller and a section of the peasantry was forced into agricultural labour.²⁹ The 1885 Act could benefit landlords who sought to manage their own production. Codifying the occupancy right certainly also encouraged alienation and subletting, and thus contributed to a process whereby excessive demands in rent and especially debt led to higher proportions of *bargadars* (sharecroppers) and labourers in place of peasant-family farmers.³⁰ Both of these apparently contradictory interpretations seem to agree that the tenancy laws brought benefits to some tenants, those who avoided the loss of their land and privileges, even though it was these, confusingly, who had the mortgageable property which was at risk through debt. Again, rent is clearly important, and particularly the differences between that paid on formal tenancies and what was extracted in irregular ways. A weapon of the economically successful among tenants was arguably the rent control provided in the 1885 Act; by the same token the weakness of other tenants might be traced to the effective lack of such privileges.

But the 1885 Act, a compromise between pro-raiyat and pro-landlord pressure, was never a charter for low rents. Common wisdom was that rents should be high but 'fair' in order that the raiyats might (in Woodburn's prim phrase) have 'impulses to industry and be relieved of the temptation to subletting'; alternative arguments were regarded by Ibbetson as 'vicious' and 'abominable'.³¹ The legislation provided for

²⁸ R&A Rev A 17 (February 1893) and B 17-18 (January 1897).

²⁹ *CEHI*, p.175.

³⁰ In *CEHI* the engine for change is unclear, and perhaps is intended to be merely demographic. Sen *et al.*, *Perspectives* claims the role of the 1885 Act to be on one hand to provide raiyats with mortgageable property. Hence it disadvantaged those with occupancy by tempting them into debt and leading to the alienation of their land. On the other hand (it is said) the Act allowed subletting and unregulated rents or terms. Hence it disadvantaged 'true cultivators' who did not have occupancy, making those who did into a newly-secure class. The inter-regional variations in landholding, moreover, are explained by differences in the severity of debt, largely for ecological and marketing reasons, a view which further confuses the assessment of the Act and is in any case ahistorical—regional differences being of very long standing and not shown here to have arisen in the later nineteenth century.

³¹ R&A Rev A 22-3 (November 1896).

state regulation of disputed rents, a record, and restrictions on enhancement, particularly for settled raiyats; it was not to be expected that it would have immediate or specific impact. Until 1906, indeed, the civil courts allegedly ignored its provisions, such as those restricting rent increases for occupancy holdings to 12.5 per cent at fifteen-year intervals.³² The Act was irrelevant too in that its remedies for raiyats depended on their initiating civil actions, except for a few provisions whereby the aid of the executive could be invoked. We may recall that raiyats could deposit disputed rents with district officers, who could fine zamindars for refusal to issue receipts, and officials could be called in to divide or appraise crops where produce-rents prevailed. But we also know that British administration was ill-equipped for close and effective intervention, especially in the Bengal presidency. In the 1890s receipts were in evidence only on larger estates, and though officials were called in about 450 times a year over produce rents in the Patna Division, particularly in Gaya, they reported themselves pawns on the landlords' side in disputes little connected with rents, rather than instruments for securing fair rents for the raiyats.³³ In itself the Act was likely neither to raise rents nor progressively to lower them.

Nonetheless, 1885 does mark a stage in the gradual pressure of the law towards regulation of tenancy and rents, and in this respect, again, the survey and record of rights were more significant than the Act itself.³⁴ Settlements were not imposed on individual zamindars to curb oppression—the first such case was not until 1910.³⁵ Nor was the settlement of government estates generally to the advantage of tenants: in the absence of specialist survey teams, the work could be rough-and-

³² Rothermund, *Government, Landlord and Peasant*, pp.104-5 and 107-8.

³³ R&A Rev A 17 (February 1893); see also 17-18 (January 1897). There were some differences in the use of the law: distraint by zamindars was most common in Bihar (Patna Division accounting for 48 per cent of all applications in the Presidency in 1889-90), whereas deposit of rents was used more by tenants in Bengal proper; see R&A Rev A 8 (November 1885). Such differences, which also occurred in the reactions to the record of rights, are indicative of regional and local variations, important in assessing change. The 'salience of diversity' has recently been developed into a major theme in a study of South India, and is as applicable elsewhere; see David Ludden, *Peasant History in South India* (Princeton 1985).

³⁴ J.H. Kerr told Minto: 'experience shows that this [record] is the only true remedy, and far more effective than isolated suits brought by individual raiyats or executive interference between landlord and tenant'; H Political A 33-5 (May 1908).

³⁵ R&A Rev A 15-16 (May 1910).

ready and sometimes resulted in additional power for village elites along with overall increases in rent.³⁶ The district-wide surveys, however, present what was for Bihar an unprecedented intervention in agrarian relations. Their effect too was at first sight to increase rents. On the great estates, initial hostility by the zamindars quickly gave way to attempts to use the occasion to increase rental incomes, and the demand per tenant. In Bettiah every raiyat was required, with the agreement of the settlement officer, to enter an agreement to pay in full at the existing rate per bigha for whatever land he was proved to hold, less ten per cent: thus half of all tenancies were subject to increased demands on the ground of 'excess area', though the net increase in the total rental was extremely small. In the Hathwa villages in Saran district a smaller proportion of the tenants were also subjected to more significant enhancement. In such areas too the recorded increases may have represented a small proportion of the additional influence which the operations provided to the landlord.³⁷ The overwhelming majority of the applications for the fixing of fair rents (section 104 of the Act) were lodged by zamindars and European planters—in Muzaffarpur in 1894/5 only 9 out of 406 were tenants—and in the case of the planters almost two-thirds of the claims were very small and withdrawn before judgment: clearly they were devices to secure the tenants' acquiescence in indigo leases or other agreements. In the same way, and particularly in Muzaffarpur with its mass of petty estates, disputes over entries (section 105 of the Act) allowed zamindars to contest issues which had never been contentious before.³⁸

And yet the record of rights was not a straightforward invitation to increase rental incomes, let alone to increase rents per acre. In Muzaffarpur section 104 was used against just over one per cent of the tenancies; even under the influence of a large estate such as Hathwa the proportion reached only 20 per cent. (Champaran was a special case in

³⁶ Careless methods and rent increases are illustrated for Shahabad and Gaya in PCR 359, 17/9 and 30/9 and 12 (1893-4); 361, 30/1 (1894-5); and 366, 30/14 (1896-7). See also R&A Rev A15-18 (March 1896).

³⁷ On Hathwa see R&A Rev A 17 (February 1893) and B 17-18 (January 1897). Already in 1887-88 Saran accounted for 853 out of 874 applications for enhancement in Patna Division, including claims for wells built with Opium Department advances.

³⁸ A breakdown of over a thousand objections in 1898 showed just over half referred to possession and just under half to rent; of the former two-fifths were by landlords against raiyats, a quarter by raiyats against landlords and one-seventh by raiyats against raiyats; R&A Rev B 3-4 (May 1898).

that many tenants undoubtedly did hold larger areas of land than were recorded.)³⁹ Moreover, it was soon recognised that the means provided in the 1885 Act to justify increased rents were very nearly useless to the zamindars. Figures on prices were not available during the settlement; as already remarked, the power to enhance on the basis of 'prevailing rate' proved a dead letter (with the exception of some cases brought by the Hathwa raj) as the reformers had intended it to be; and if a zamindar went to court, there was the danger that the resulting rents would be declared fixed for a period of years.⁴⁰ Zamindars were generally better off using existing methods to enhance their rents.⁴¹

Very soon, however, the landlords and the local government in Bengal were complaining about the provisions of the law in regard to rent, as if they did indeed have practical consequences; and the number and vehemence of their representations imply that they were after all finding it desirable to use the courts.⁴² Here too the settlement was important. The presumption of the operations was that existing rents were 'fair'. In the vast majority of cases the effect of the record was merely to establish what was payable. The effect on the future, however, was potentially to stabilise these rates. In a minority of cases, in which existing rents were disputed before the officials, the settlement established what should be paid. The prospective effect in these cases was apparently normative, particularly because in Bengal the rules provided for judicial procedure and not for the *ad hoc* and locally

³⁹ This assessment allows for the confusion of earlier measurements and the use of a smaller *bigha* at the settlement. See R&A Rev B 17-18 (May 1897) and B 3-4 (May 1898). For other districts, which were similar, see R&A Rev A 21-3 (July 1904).

⁴⁰ See R&A Rev A 21-2 (February 1896), 15-30 (January 1897), and C 1 (December 1895). Ibbetson was here speaking for the framers of the 1885 Act, whose attitudes he did largely share. On prevailing rate see M.N. Gupta, *Land System of Bengal* (Calcutta 1940), p.207. Excess area was also interpreted restrictively at survey and proved difficult for landlords to prove in court because of the development of case law. A contrary argument was that the 1885 Act distinguished between fixed-rate and settled raiyats, allowing the latter's rents to be raised; see Board of Revenue to Government of Bengal, 30 April 1892, R&A Rev A 17 (February 1893). In practice it probably helped prevent the raising of 'fixed-rate' rents!

⁴¹ The view of Peary Mohun Mukherji, R&A Rev A 17 (February 1893).

⁴² Earlier, zamindars had objected to government scrutiny; see a petition against the record of rights, R&A Rev B 24-8 (May 1892).

specific decision-making of the north Indian system.⁴³

The newly-received *parcha* was thus, for the majority, a record of what they should pay, something which raiyats may not have generally known. The zamindars' *jamabandis* tended to be defective in this regard, as in distinguishing between dues of different kinds and payments of different years.⁴⁴ The position was worse in the case of joint proprietorships and joint tenancies. The uncertainty, except sometimes when co-sharers fell out amongst themselves, suited the landlords well, and particularly when they wanted surreptitiously to match their rents to rising prices. Real or notional arrears of rent were also useful, in the confusion of the estate records, for maintaining the zamindar's economic and social control. Loans advanced to cultivators and mixed in with the records of rent could serve the same purpose. By contrast, the visits of the settlement team were designed to establish what each tenant paid to each zamindar.

The British argued in the later nineteenth century, as some scholars do today, that custom had provided a check on zamindari power and extortions;⁴⁵ it is true at least that from the 1870s economic constraints on behaviour were changing and arguably were reducing the interdependence of each local community. In their place the British were seeking to introduce the protection of generalising law. The diminution of ambiguity in rents as in land rights was part of this process. Landlords were being edged, therefore, towards more formal means of control; twentieth-century reports remark on their acceptance of the tenants' right to transfer their holdings, subject to the tenant's payment of a transfer fee;⁴⁶ they also draw attention to the virtual disappearance in some areas of landlords who lent to their tenants. Such landlords

⁴³ See chapter eight. On the other hand, before a draft record was formally published, disputes were dealt with summarily, though strictly this was illegal; R&A Rev A 21-2 (February 1896). Even so, the officials were applying the principles of the pro-peasant school, to the extent (the Government of India complained) of settling rather than recording rents: R&A Rev A 73-4 (October 1894), and see also A 22-3 (November 1896). These arguments undermine Rothermund's in *Government, Landlord and Peasant*.

⁴⁴ See for example records in one Bettiah village which did not show area, rates per plot, type of soil and so on, but only totals per holding; PCR 355, 15/4 (1891/2), including note by Finucane, 24 November 1891.

⁴⁵ For parallel explanations of the differing awareness of the 1885 Act in different districts, see R&A Rev A 17 (February 1893), report by PC.

⁴⁶ On landlords' earlier opposition to raiyati transfers see R&A Rev A 3-22 (November 1898), A 56-8 (November 1895) and A 17 (February 1893).

were potentially vulnerable.

Certainty in rents would promote stability, but not necessarily standardisation. In the Hathwa case the estate did not achieve a general enhancement of rents, though the officials believed this would have been permissible in view of the rises in prices and their belief that rates had not been increased for twenty years.⁴⁷ Rather the estate raised certain rents and recognised others as exceptions: the claim was that low rents were being raised to the average unless a discount was justified, as where cultivation was new or the land inferior. The explanation was invited by the 1885 Act and need not be taken too literally. It is hard to believe that concessions operated wholly on such objective grounds, for all that settlement officers' judgments implied a notion of a standard rate: this would indeed have amounted in the longer run to rent control rather than selective enhancement. In practice, however, rates of rent between villages and raiyats remained diverse, particularly where there were many small estates, but also (no doubt because of equivalent local bases of power) on the great zamindaris. It is tempting to think that rents in comparable areas were becoming more similar; in fact divergences were being entrenched.

Rent after the record of rights was still an instrument of differentiation among the raiyats. There were any number of important variables. Many rent agreements solemnised at the settlement were the outcome of old-fashioned duress. Many disputes merely continued earlier quarrels in which the 'richer class' of raiyats—as the Muzaffarpur settlement officer called well-to-do Bhumihars and Kayasths—were 'perfectly able to hold their own' against the petty maliks.⁴⁸ A raiyat who paid a rent calculated in money terms benefited from the erosion of his rent by inflation, and the commutation of produce rents was one indicator of the impact of the legislation. In general, zamindari incomes from formal rents were limited rather than augmented by the record. Tenants with established privileges were protected from pressures tending to create tenants-at-will in practice as well as law, and able to maintain favourable (rather than low) rents. The Act was particularly obliging to middle-sized raiyats who encroached on their fellows: it gave them

⁴⁷ The comparison was with records made under the Court of Wards.

⁴⁸ Though in Patna Division total applications rose from 5 in 1886/7 to 154 in 1889/90, there was little commutation in the earlier period; see R&A Rev A 17 (February 1893) and *CEHI*, pp.142-3. Of course produce rents might not be wholly immune to the impact of regulation on cultivators' ideas of their 'rights'; see also *CEHI*, pp.128-9.

weapons against the zamindar which it denied to under-raiyats.

The 1885 Act proceeded ostensibly from the belief that Indian society needed to be protected rather than reconstructed, and consequently that it was acceptable to attach occupancy right to raiyats rather than to the land and hence to those who actually worked it. This distorted its impact; understanding the record of rights makes this verdict even more plausible for Bihar. However, the impact was further qualified by pre-existing conditions. As explained, the society was one in which the larger social categories (of rent-receivers, surplus cultivators and those with insufficient land for subsistence) were fairly rigid and contained, while at the same time there was remarkable flexibility, in terms of land use, in the relative strength of families within the surplus category and the labourers, apparently because of rapid, even annual fluctuations of fortune (rather than Chayanovian family cycles). Though the society was (as said) complex and various, it was also integrated and interdependent and hierarchical. The changes discerned in the late nineteenth century seem, as a result, to have been unable to take either of two extreme forms. They could not produce a society wholly dominated by a few land controllers and traders leading to large-scale capitalist production; but nor could they transform the conditions and opportunities of the majority of the population. Rather, benefits were captured by relatively large numbers of dominant peasants and brokers of various kinds, who already commanded appropriate resources and the existing points of exchange. By contrast, the 1885 Tenancy Act postulated essentially two classes, landlords and tenants. Being applied to a society made up of a multiplicity of linked sections, it had the result of encouraging only those of the tenants who were already advantaged. More extended marketing of crops, too, in a stratified society, did not open up general opportunities, but increasingly locked already subordinate people into systems of control. Thus the influence of both the state and economic change reinforced the same tendencies in the society. It was hardly remarkable, therefore, that the record of rights tended to make definite and defensible the differences in status and privilege between the raiyats, and to benefit some of them against some of the zamindars, rather than to secure the supposed rights and well-being of the body of 'actual cultivators'.

III

Some indication of the raiyats who benefited, and the means and circumstances of their doing so, can be gleaned from a comparative

study of thirteen villages in Muzaffarpur which were surveyed in both 1886 and a decade or so later during the district-wide settlement.⁴⁹ The sample is small but the data are interesting and relatively rare. The thirteen villages differed markedly in size, holdings per acre and so on. They ranged from those in which a body of maliks held a large share, to others where a single proprietor occupied relatively little land. Once again British terminology ignores similarities and conceals distinctions. The ten years between the surveys witnessed some remarkable change, but also strikingly different fortunes.

In aggregate, the number of zamindari holdings was greatly reduced; only two villages stood out against the trend, one because of a large increase in the area of *zerat* and the other due to subdivision among a large number of proprietors. At the same time there was an increase in the number of raiyati holdings, amounting to twelve per cent, along with a small decline in the area covered. The increase was unevenly distributed, though roughly related to villages in which the proportion of *zerat* had declined. There is no correlation to suggest that zamindars were dividing holdings in order to raise rents; nor is there any connection with the size of the average holding in 1885 or with stricter official definitions at survey. The explanation is that zamindars were consolidating holdings, and that raiyats were not. The increase in the area of *zerat* and in the average size of zamindari holdings bore this out.

More detailed examination, however, undermines these generalisations. Most of the increase in *zerat* in aggregate was achieved in only two villages, which in 1885 had stood at the bottom and in the middle of the range in regard to the landlord's share of the land. The former was the smallest of the villages; the latter one of the largest. The only other significant increase in *zerat* was in a third village which already had the highest proportion of proprietary land. The fortunes of different villages in fact reveal different management strategies: on the one hand increasing reliance on *zerat*, and on the other increasing dependence on rents. *Zerat*, as noted already, could be let out on short-term leases or cultivated directly; the latter was more likely where there was a large number of zamindari families. The letting put the land with raiyats whom the British categories ignored; cultivation might make for zamindars hardly to be distinguished from raiyats. Villages of both types were included among the thirteen. The alternative strategy, to

⁴⁹ This section is based on the Annual Report on the Settlement Operations in Bengal, 1896/7.

increase the amount of raiyati land, was also to be found, and in some cases resulted in significant increases in income.

In aggregate too rents rose considerably over the ten years. These figures present the usual difficulties of interpretation, and do not show real outgoings. It is impossible to judge or explain variations in the absence of information about soils, cropping, irrigation and so on. The comparison is in each case merely with the recorded figures of ten years before. In detail, moreover, the picture is very different. In nine villages the raiyats paid more per acre. One very highly-rated village apparently experienced great pressure; it was perhaps engaged in profitable agriculture, even market gardening, in 1885. This and one other village with a large increase had been subject, moreover, to *batwara*; their rents bear out the reputation of such proceedings. Conversely villages with a multiplicity of zamindars tended to be little disturbed; least affected were four owned by more than one estate. And indeed several villages actually paid less per acre, or experienced very small increases. The decade was on the whole a good one for north Bihar, and prices rose. It is arguable therefore that about half the villages were paying a lower proportion of their crops by value to the landlord in 1895 than they were in 1885. It is tempting to believe that the record was holding down rents—at a time when on subjective evidence revenue officers were reporting a general and extortionate enhancement—but more probably the figures reveal the expected stickiness of rents. The main conclusion from the figures is that, in real terms, zamindars in these villages were not after all being very successful with rents, even though, in terms of the land they held, the proprietary interest was overwhelmingly strong.

It is interesting that the fortunes of villages varied. Most instructive, however, is that the fate of raiyats varied within each village. *In toto* nearly half of the holdings were enlarged, about one-third experienced no change in size, and the remainder lost land. The first of these categories accounted for 67 per cent of holdings and a greater proportion of raiyati land in one village; in another it was as little as 25 per cent. This evidence testifies to the effective security of tenure experienced by a majority of raiyats in respect of most of the land; the same could be said of the group experiencing no change. It is unfortunately impossible to break down these categories into the legal heads employed at the settlement, but whether or not the two are identical it seems reasonable to call this majority 'settled', in that they had occupancy in practice. Their advantage was also expressed in one of

two ways: either they held their land and resisted rent rises, or they enlarged their holdings and—without exception—on average paid higher rents. The latter group is of the greatest significance.

Except in one village, raiyats in this group had paid below the average rate in 1885; in some villages they continued to do so in 1895. Those who lost land had very often paid more originally but paid less per acre in 1895. The category may conflate some who paid at a higher rate for the same land with others who paid at the same rate for more land, but it does very strongly suggest that in many villages there were raiyats ready and able to take on increased area at higher rates of rent, and others who could or would not do so and who lost land as a consequence. As their rent rates were then reduced, it seems probable too that it was their better land which had been taken over. Moreover, turning to the average size of holdings, one finds once again that the group paying higher rents enjoyed fortunes quite against the trend. In some villages average holdings were becoming smaller; in others they were increasing or remaining unchanged. But the larger-than-average holdings, in almost all villages, were in the hands of raiyats whose rents were either raised or maintained. These raiyats thus were able to follow the example of the zamindars. There was one village where the so-called raiyats' holdings were mere pockets presumably allocated to servants and labourers, and where the maliks' interests were on average almost as small; but even in this village the average size of holding was doubled in the period. There were other, true exceptions, associated with *batwara* or increases in *zerat* (and presumably re-letting to cultivators or sharecroppers). But most zamindars were consolidating their holdings, on average, without much affecting the size of the raiyats'. It is possible that this indicates an increase in direct cultivation. It implies a benefit. It was one some but not all raiyats shared.

The conclusion for the thirteen villages is that only a minority of zamindars was able to gain land and to raise rents significantly in real terms. Most, however, were able to increase the average size of their holdings. The majority, then, may have been embarking on different, more direct means of tapping agricultural surplus, as rental incomes proved less elastic than those from production. One result was that a majority of raiyats experienced little change, except those in the minority of villages whose zamindars had the power to increase their *zerat*. In some villages raiyats whose position was unchanged constituted a majority; and in some, but not all, these people were apparently privileged, judging from rent rates and average sizes of holdings. A

more clearly advantaged group was those raiyats who gained land at the cost of paying higher rents. This section seems likely to have included successful agriculturists but also those managers and brokers of surplus within the village, the dominant peasants.

There is no way of knowing, from these data, whether the changes were cyclical or secular; they are likely to have been both. The advantaged group may have been composed of different families at different times; changes in the average size of holdings may subsume temporary circumstances and family cycles. On the other hand, within the averages, there were bound to be even larger or stronger raiyats—with the kinds of variation visible between zamindars—for whom the changes represented a progressive strategy of commanding the most valuable resources, in this case larger holdings because of the increasing value of agricultural production. We have already identified such people at the theoretical level, and there is ample evidence of their existence in reality. Some of them enjoyed collective advantage, as when raiyats were known for resisting their landlord, even the government; more significant, however, were others who, often by their outside contacts, were able to assume control over fellow villagers. Details of maladministration on government estates in this period offer many instances in which enterprising, opportunist individuals or families succeeded in dominating villages. Such people were typical, not perhaps in their opportunism, but in filling a role which was to be found in villages throughout Bihar.

The officials concluded that the answer, on government estates and generally, was a record of rights, to secure that ‘artificial thing’, tenant right.⁵⁰ But if its effect was at all to harden and perpetuate the differences in society, then it must have worked to the further benefit of those who, in the thirteen villages, were taking progressive advantage of the changes in landholding, the hidden category as it were within the section of raiyats who were gaining lands at higher rents. The mechanism was not purchase at this stage, and indeed the statistical evidence for an increasing number of sales, even in the twentieth century, does not entirely justify the emphasis which has been placed upon it.⁵¹ (Much of the increase was in registration; in any case numbers as a proportion of holdings were always small.) In the

⁵⁰ R&A Rev A 9-11 (June 1909); the phrase is J.H. Kerr’s (one-time Settlement Officer in Darbhanga). He assumed, that is, that tenancy was created by British law.

⁵¹ See Chaudhuri, ‘The process of depeasantization’.

villages discussed in this section many transfers of property were at the initiative of the landlord, and the most common transaction recorded was of mortgage with possession; few were sales despite signs that the price paid for occupancy holdings was increasing. Of the mortgages 89 were to lawyers, 746 to moneylenders and 6,153 to raiyats; the moneylenders were likely to be most often raiyats too, as mahajans from bazaars tried to avoid taking over land for cultivation. In Champaran a survey of 391 villages showed in addition migration from one to another, when a raiyat took up a small-holding to escape his debts. Proprietary rights were also sold: a study of 194 villages in Muzaffarpur showed 607 transfers affecting 7 per cent of the area: 72 per cent to landlords, 16 per cent to raiyats, 10 per cent to moneylenders and 2 per cent to lawyers. The price paid was remarkably uniform. Most interesting of all perhaps was another study of 1,269 villages in the same district, which showed 8,083 transfers, 14 per cent by sale, 85 per cent by mortgage (representing about 4 per cent of all holdings—again only mortgages with possession were recorded), but of these very many were of part-holdings only: in the case of sales this was true for over half, and with mortgages for over 70 per cent. In the light of the thirteen villages discussed here in detail, the changes seem thus to be largely by mortgages of parts of holdings, or by landlords who were able to oust one tenant in favour of another. Changes in holdings were not new. It was normal for under-raiyats to hold land for short periods at high rents (except in Champaran where low cash rents were common in such circumstances) and for occupancy raiyats to cultivate for a year or two the lands of a neighbour who had more land than he wished to cultivate directly. The pattern of the thirteen villages and the corroboration from other studies may however have represented a secular trend whereby the advantages of the well-to-do section, to be found everywhere, were increased. The weapon was apparently a willingness to pay higher rent, at least during the nineteenth century. The suggestion is that the holdings of petty raiyats were being subdivided, and amalgamated with those of the more successful. If a record of rights made tenancies more definite, moreover, this process would gradually be accelerated, but subdivision would have been encouraged through the normal pattern of inheritance and partition; only the strong would be able to resist this impoverishment, and the gap between them and the remainder, widening already as they retained a larger share of the profits from marketing crops, would be further increased.

Such polarisation was not of course produced by the Tenancy Act or any single official policy. The Act and particularly the record of rights, as they came to have some effect, worked on existing inequalities, which they did nothing to reduce, and which they allowed to harden. The influence of economic change on persistent institutions and attitudes was another potent factor in the equation. The society was extremely various in detail, but also had certain prevalent and resilient features. Thus tenancy laws could modify without transforming. British rule was not applied to a *tabula rasa*; Bihari society was neither egalitarian before 1793 nor uniformly depressed by the permanent settlement. European concepts of class and property, in the latter case particularly arguments about value, combined with notions of moral economy and village community to obscure the inherently divided and stratified nature of Bihar, where structures ensured redistribution of resources, and hierarchies were buttressed by complex concepts of differentiation. Thus, in 1885, when the 'boon of property' was extended, in theory, from landlords to cultivators, in practice it proved an additional benefit to individuals who were already well-placed. It revolutionised neither property nor production, but helped produce and then fix the kinds of changes visible in the thirteen villages.

Trade offers a metaphor for the continuities contained within the process of change in the later nineteenth century, a process in which it was of course a most important factor. Cultivators had always been involved in exchange: between rich and poor in villages, between wet and dry lands, between rent-payers and receivers, between areas of specialist production, between country and town. In Bihar, as in many other places, such exchanges, when not between superiors and subordinates and hence subsumed under the dominant culture's preference for gifts, tended to be mediated through a variety of hands or separated over time. The payment of advances of cash, food or seed was a characteristic means of stimulating production for sale; the tendency was to capture the producer rather than to compete for production. A *jajmani* system is a similar mechanism for services and labour. In Bihar these features were still very apparent in the later nineteenth century, and as much in the new industries based on European capital, such as opium and indigo, as in the predominant rice trade or for oilseeds and other long-traded commodities. It is extremely hard to establish the extent to which the substance as well as the form of such institutions persisted over time, but that is immaterial to our present purpose of establishing the existence of controllers and intermediaries and their

continued role under conditions of growing trade and commercial agriculture. It may be of course that they were the more secure because much of Bihar and a majority of Biharis did not attract large inward trade although providing commodities for export: methods appropriate to the extraction of 'surplus' thus continued to be preferred to methods appropriate to the generation of consumption. In such a case, it is inevitable that as the volume of trade increased, its benefits grew but continued to be concentrated on those who were strategically placed within existing systems. And as the number and range of exchanges grew, without transforming the manner in which they were conducted, it follows that the role of exchange in reinforcing control and in promoting hierarchies would be, if anything, enhanced. On the one hand one has, therefore, the *jeth raiyats* of Champaran who became indigo planters' *amins*; on the other hand one has the chorus of allegations about the burgeoning exactions based on debt, which indeed was often substituted for money from the point of view of the cultivator at the end of a line of intermediaries who delivered his crop into the market.⁵² So it was also, as the property right was individualised and made more secure.

There were some interlopers, but mostly the hierarchies and intermediaries worked within village society. Thus a numerous section of the rural population benefited as opportunities grew; the section can be described by caste, tenure or some other particular resource but can only only be defined as those who commanded their own production and controlled others. The British did not identify them, except occasionally to record some indigenous term, such as 'malik', meaning in effect a dominant one. Hence tenancy laws were but clumsily directed. However, as the dominant were themselves of diverse kinds it was possible to give advantages to one role over others, as the record of rights did in shifting the balance in favour of tenants over landlords.⁵³

⁵² This is discussed more fully in Robb, 'Peasants choices?'.

⁵³ See also Sugata Bose, *Agrarian Bengal: Economy, Social Structure and Politics, 1919-1947* (Cambridge, 1986), which argues that credit was the key to agrarian structure and change, but also that rent was *becoming* less important than the management of cultivation as a means of extracting surplus. This paper finds the latter also true for Bihar from the later nineteenth century, but assumes that, though credit always mattered for social control, its importance grew in the twentieth century, after the weakening of state and legal support for rent-receivers (other than raiyats), improving of the hand of settled tenants, shifts in land control, and the differential benefits of expanding trade. See also Partha Chatterjee, *Bengal, 1920-1947. The Land Question* (Bengal 1984).

Another recent study of connections between British law and socio-economic conditions, in deltaic Bengal, is Sirajul Islam, *Bengal Land Tenure. The Origins and Growth of Intermediate Interests in the 19th Century* (Rotterdam 1985).

Chapter Eleven

Peasants, property and nation

The fallacy of a homogeneous peasantry distorted the 1885 Tenancy Act, and allowed it to ignore the poor. Similar generalisations have affected subsequent interpretations of agrarian structure. In Bihar, categories of advantaged families already existed—a mixed bunch of landlords, petty maliks, rich tenants, *ashraf* and high-castes, service elites, moneylenders and skilled agriculturists. The Tenancy Act, the record of rights and commercial production helped change the balance of advantage among these families and between them and the rest of the population, especially by favouring the direct management of cultivation on *zerat* or secure tenancies. The Act and the survey also demonstrated the importance of articulating ‘rights’, or properties (in several senses), by appeals to external arbiters, the officials and the courts. They generalised a need formerly experienced by fewer, isolated agents and allies of the state, and helped consolidate disparate local groups into competing political interests. Such broad classes are necessary to modern politics and national identities. This last chapter reflects on such issues.

One difference which has underlain this study is that between structure and chronology: the intention was to seek a morphology of ideas. By trying to explain both the past and earlier perceptions of it, we have been looking for the hidden agenda in colonial depictions of the Bihari countryside, searching not for neutral ground, but for the fullest possible awareness of colonial and current prejudices. We have done so also in the hope of locating epistemological imperatives which have gone untested or even unobserved—the elements of data (in a literal sense), which Bihar had given to the record rather than what the record had imposed on Bihar. We found that the contribution of indigenous ideas and practices was large and independent, but remained, in regard to state policy, one of establishing conditions upon which imported concepts had to work. That much was colonial in character. The fundamental ideas of the tenancy debate were foreign; the historical rhetoric and the superstructure of detail referred to Indian realities.

A key point was that the reformers’ conflation of the proprietary tenant with the occupancy raiyat and the ‘actual cultivator’ in Bengal

produced a case of mistaken identity which is in many respects identical with that which still persists in modern concepts of the peasants. In the midst of the grand theories, a perennial puzzle of Indian history has been how to relate the social superstructures to the base. In the theories (as opposed to some of the descriptions) the gap between elements is rarely filled. So unclear is it how things worked as a whole that it is often concluded that they did not: the polity was segmentary, the trade fragmented and marginal, the production subsistence in character, the culture localised. Such starting-points determined the definition of change, for, by contrast, the story of more recent times tells of progressive connections between and generalisations of the different social elements, through the growth of the state and trade. The gaps are filled by law, politics, or technology, which disturb what had long prevailed. Thus the same assumptions about the Indian past and the course (or the lack) of its history have kept reappearing, in different time-frames and within opposing ideologies—whether to emphasise an autochthonous modernisation with peripheral European interventions, or a thwarted development, or a transformation under powerful colonial stimulus. Recent accounts of British rule or of modernisation cast out this view of India with one hand but slip it back with the other. Nowadays few admit to the old assumptions about the organic nature of Indian society—that on the whole it embodied a Brahmanical tyranny over the mind, but isolated and ‘socialistic’ village republics, the two combining to produce an intellectual and economic stagnation. Yet, despite the revised historiography of the eighteenth century, despite also a new interest in low-class solidarities and populist movements, the Indian village community lives on; and the traditions, hierarchies and economies of India’s peoples are often still perceived as having once been stable over time and discontinuous across space.

In nineteenth-century Bihar, the middling groups between cultivator and state, long important for linking the different levels of society, were again active in the legal and commercial changes fostered by colonial rule.¹ To understand this requires a reassessment of the

¹ See A.A. Abdullah, ‘Landlord and rich peasant under the permanent settlement’, *Calcutta Historical Journal* 4, 2 and 5, 1 (1979-80), the first part on the permanent settlement and zamindars (akin to some points in this book), and the second on the role of long-term middlemen and village elites, and the exaggeration of their dominance, as rich peasants and petty zamindars, through subletting, moneylending and the employment of wage labour, especially after 1885. (It may be significant that my similar conclusions for Bihar were reached quite independently.) More generally, the discussion in this chapter has been

meaning of 'peasant' as well as 'state'. The former concept, flourishing in the scholarly or emotional demesne that has come to surround it, proposes that there is a kind of person or society common to many parts of the world and conforming more or less with certain characteristics.² The operative part of the definition conceives of the peasant as an individual smallholder using family labour, concentrating on subsistence, and (though subordinate to external elites) living among others of his own kind. Its omissions and elisions provide a supreme example of the missing levels of the historiography: the 'peasant' world is composed almost entirely of barons and underlings, lords and farmers; a vast majority of the lower orders possess some land and are more or less undifferentiated.

A Western theory invented a common category, in our version the resident raiyat, and equated it with the mass of the population. It concluded that it needed protection from distorting pressures of external law and capital, but ultimately so that it might resume its inevitable march towards dissolution, in individual enterprise and modernity. In Bihar, the result was further benefit for certain groups within that supposed peasantry. In addition the practical denial of collectivity—the

influenced by B.B. Chowdhury [Chaudhuri], *Growth of Commercial Agriculture in Bengal, 1757-1900* (Calcutta 1964), 'Rural credit in Bengal, 1859-1885', *IESHR* 6, 3 (1969), and 'Growth of commercial agriculture in Bengal, 1859-1885', *IESHR* 7, 1-2 (1970); A. Siddiqi, *Agrarian Change in a Northern Indian State* (Oxford 1973); articles by Neil Charlesworth, Colin Fisher, P.J. Musgrave, and D.A. Washbrook, in Clive Dewey and A.G. Hopkins, eds., *The Imperial Impact* (London 1978); C.A. Bayly, 'The age of hiatus: the north Indian economy and society, 1830-50' in C.H. Philips and M.D. Wainwright, eds., *Indian Society and the Beginnings of Modernisation, c.1830-1850* (London 1976); and Shahid Amin, *Sugarcane and Sugar in Gorakhpur* (Delhi 1984), especially pp.1-12 and ch.3.

² My dissatisfaction with the term 'peasant', expressed here and in earlier publications, led to a draft of this chapter after which, thanks to Walter Hauser, I was directed to Victor V. Magagna, *Communities of Grain. Rural Rebellion in Comparative Perspective* (Ithaca and London 1991), where I found many cogent statements which accord with my own conclusions. I have added some notes drawing attention to these similarities. Though methodologically I may appear to differ from Magagna by arguing that one can approach the 'stand-point of the dominated' by means of a critical analysis of 'macrostructures and elite power' (see *ibid.*, p.ix), generally Magagna's work has the effect of reinforcing and broadening my arguments (not least through his lengthy references, especially in ch.1), and also of showing (contrary to his own apparent doubts on p.257) that many of his arguments may indeed be applied to India.

imagined peasantry being composed of individual productive family-units—allowed the efficient landlord and the privileged peasant proprietor to pursue their individual interests according to a newly exclusive legal and economic rationale, less and less constrained by communal norms. This was not a simple slide from collectivity to individualism; it was a change in the character of both these aspects of society.

An extreme conclusion from their pre-existing differentiation might have been that Indian villages never operated as communities, and that dominant classes always exercised power over subordinates. But it is not necessary to go so far. In one of his wide-ranging essays, Eric Stokes also described the traditional view of the village community as one based on a discontinuity between the rural base and the political superstructure.³ From this, he explained, followed the idea that modernisation was inimical to peasant communities, an idea depending to some degree upon the stability not just of peasant production but of the old order as a whole in India. On a similar basis, as Stokes described it, a whole literature treated Indian politics as a 'middle-class' activity exclusive of the peasantry, and economic change as the capitalist exploitation of stagnant rural producers. When these ideas came to be challenged, it was first by regarding Indian elites as brokers mediating between Western trade or foreign rule and a passive rural base, and then by identifying sections within a changing peasantry which had some contact with and benefits from the outside world. A rich peasantry was found, and later, following the dictates of theory, discontented middle peasants who were the more radical for being incompletely involved with market or state and hence uncommitted to the status quo. At this point Stokes discovered the 'ghost of the village community' in the descriptions of sociologists and others. He denied that there was a firm class structure in India, or at least that it could be clearly articulated; he cited the multiplicity of occupational roles generally performed by individuals, the range of wealth within various legal or social categories (for example land tenure or caste), and the evidence of vertical cross-class connections between dominant villagers and their followers. He seems to have believed in the persistence of local pre-capitalist formations, but also in extended lineage or caste

³ 'The return of the peasant to South Asian history' in Stokes, *The Peasant and the Raj* (Cambridge 1978); also published in *South Asia* 6 (1976). Parts of the following discussion are adapted from P. Robb, 'Ideas in agrarian history', *Journal of the Royal Asiatic Society* 1 (1990), and 'Law and agrarian society in India', *MAS* 22, 2 (1988).

groups, and perhaps in political linkages, and therefore in a peasantry which was neither disassociated from market and state, nor divided internally into conflicting classes. In unusually acerbic prose, he attributed attempts to find a class structure to 'the force of modern political slogan-mongering'. Thus he believed in the village community in a fundamental way. The 'ghost' which he welcomed was, he thought, the true spirit of India.

He may be read as proposing a more than usually radical revision. Three points seem to be central to his vision and to be true. First, the localities in India were deeply involved with the outside world. The old notion of isolated village republics was patently wrong. Secondly, the Western concept of class as a necessary condition of humankind was positively unhelpful to the analysis of Indian society. All the new attempts at discussion in these terms did violence to what actually happened. Thirdly, at least in the nineteenth century, there remained village cultures which were distinct from that purveyed by the state or through long-distance exchange: that is to say, modern trade and government did not necessarily dissolve the village community, and Indian society did not move inexorably from status to contract. It was this culture and evolution which could be violated by the individualism and market-orientation of British rural policies.

Together these points redefined the village community. It was not unchanging or passive, but nor was it inevitably transformed by capital or colonialism. It was not isolated, but nor was it integrated. It had elements in which it was autonomous or resilient, but it was not homogeneous. As with other concepts, too, this one has to be defined and redefined as a host of specifics, and not as an unchanging set, or as a prediction. If we picture the supposed characteristics of pre-capitalist and capitalist societies as representing two parallel lines a long way apart, then we can imagine the Indian village as occupying (at any one time) a jagged range of positions all over the ground between them. What this means in practice is that the two opposing lines are not always parallel but are sometimes convergent. Therefore there were often strong collective elements operating within villages as a whole, but the villages were often also highly differentiated. There were powerful intermediaries between villages and the surrounding world, but they did not form a class, an economic identity which subsumed all others: they recognised other loyalties and were divided by castes and lineages. Nor did their dependants and subordinates form a class: they too were divided.

In general several distinct and persistent roles could be distinguished, but these merely delineated the possible elements and limits of agrarian structure. They have been implicit in these discussions. First, there was control over people, land and other resources, which may be called the primary zamindari or, as in Bihar, the malik role, but which could be played equally by a clan, lineage or 'brotherhood' as by an individual and his family. Then there was a separate role of collecting land-revenue, at least in Mughal times; it was known as *malguzari*. The holder is sometimes described as a secondary zamindar because he could operate from an area or regional base. But, though *malguzari* was distinct in law, it had at some stage to be combined or allied with the malik role. Just as central rulers, including the British, found it wise to accommodate and partially to incorporate regional magnates and chiefs into their state systems, so those regional powers in turn recruited or were linked with the controllers at village level.⁴ Thirdly, below these superior roles, there was another distinction between, on the one hand, resident or original, hereditary villagers and, on the other hand, non-residents or outsiders. The difference was expressed in varying ways, but, as we have noted, the *khudkashta* raiyats were taken to have enhanced responsibility and claims within the village, while *pahikashta* raiyats included all families (including actual residents) who were not treated as original or full members of the community. It is safe to assume that before state law intervened (mainly under the British) the distinction was definite but not absolute over time. Finally, though this has been a vexed issue, there were landless labourers: it was misleading of some early accounts to treat village society as comprised only of the landholders, large and small. Labourers existed in the villages, among those with insufficient land as well as those with none—artisans, servants and field workers. Their existence, as in Bihar, was not merely a factor of the man:land ratio, but attributable to the command system and the exigencies of production. However, even these underprivileged people observed minute differences in status.

Within the Bihari village, as opposed to a view from the wider world, the combination of fine distinctions and variations implied integration and interdependence. Each status was particular, but described in comparative terms, for what was intrinsic to one was extrinsic to others, as Brahmans implied non-Brahmans, and castes outcastes: to-

⁴ Compare Stephen Henningham, 'The Raj Darbhanga and the Court of Wards, 1860-1879: managerial reorganisation and elite education', *IESHR* 13, 3 & 4 (1982), on the shift from thikadari to bureaucratic control.

gether they constituted a whole. Production depended upon a division of labour which offered position and protection at the expense of 'efficiency'. Some high castes in north Bihar, for example, sold their standing tobacco crops to the agriculturist Koiris in order to avoid the effort, and the social stigma, of harvesting and preparation, at the cost of some redistribution of profit. Many occupations—the multitude of agents and brokers, for example, or some specialists such as ploughmen—seemed to exist mainly in order to delineate more exactly the status of the principals (their employers: the rulers, landowners or merchants), and to incorporate at the same time a range of people who were seen to be otherwise distinct. If a high-caste member employed labourers or refrained from marketing produce, he was at once separating himself out from the mass and sharing himself with it. He merged aspects of his activities, by combining social and economic relationships. He expressed his involvement in the whole while asserting his separate identity.

This brings us to a second main proposition. The village was not one corporate unit of production; but comprised many individual units that performed cooperatively. This point of congruence with 'modern' theory meant that the British laws did after all find a target. A distinguishing attribute of rural life in Bihar was that the most common relationships were of dominance and dependence, concepts repeated endlessly in the state, the region, the village, the family, even with reference to the human body. In the village the existence of difference also necessarily implied that poorer families worked for richer—notably (though this was not an invariable or solitary instance) the socially-inferior for the ritually-pure. The theory might propose that each person served the whole according to his dharma. The practice was that resources, such as water or land, were distributed by those who were locally powerful, admittedly within differing limits imposed by custom or latterly by law, and usually in alliance with some outside authority—a clan or state—capable of influence over wider areas. Such was the case with the pyne and ahara irrigation systems of south Bihar.⁵ But the differentiation should not be thought of as originating from outside; it was apparent in the very ecology of the village. Nor in itself should it

⁵ Among many sources on these are G.A. Grierson, *Notes on the District of Gaya* (Calcutta 1893)—drawn on for P. Robb, 'Peasants' choices? Indian agriculture and the limits of commercialiation in nineteenth-century Bihar', *Economic History Review* XLV, 1 (1992)—and Nirmal Sengupta, 'The indigenous irrigation organization in South Bihar', *IESHR* 17, 2 (1980).

be related to a particular type of trading relationship or external control. Where division of labour occurs without the stimulus of specific technology, it is hardly surprising that it should express internal political factors. Nor it is surprising that locally-generated difference should result in a system that was dispersed, risk-averting, redistributive and incorporating. It is tempting to attribute it in Bihar to a rich but not entirely secure agriculture in conditions of dense population.

These descriptions re-work rather than refute the old notions of hierarchy and stability. Underlying them is a sense of the village as responsive or of behaviour as interconnected. In addition, as Stokes reminded us, we cannot merely jettison the idea that the village was isolated. Rather we need to describe the nature of its insulation from the outside world. Though the village was not disconnected from its surroundings, its involvement was channelled and controlled. Caste itself was an expression and a vehicle of the exchanges, each jati being a regulator of behaviour in the village and of outside relations through kinship and marriage. Superior castes too acted for and gained from associating with the great caste lords who dominated regional social life, as from echoes of the Brahmanical tradition which were incorporated in village mores. But more than this, intermediaries were as characteristic in the society as 'big men' and dependants. In almost any transaction they institutionalised the distance between parties. This was apparent politically and administratively, and in the world of trade. It serves to remind us that many of the indigenous socio-economic limits were restrictive, for example in the case of caste barriers which confined the lowest people to menial occupations. Therefore breachings of barriers, or conflations of category, or new bases of distinction—as in colonial legislation—were not necessarily equally disadvantageous to all.

II

The thesis advanced in this book is that there was no single 'peasant' identity.⁶ The rural producers of Bihar were not in the position of

⁶ This is also the view of Magagna, *Communities*. He argues that none of the elements of classification—property, relations of production, life-style or beliefs—are uniform among peasants or exclusive to them; and that therefore the category is often inappropriate or counterproductive. Instead he offers 'community' in a hard definition based on space (territory, social function) and order (hierarchy, rules of conduct, ritual, material relations), and geared to

having no property, even in their own labour, like a Marxian proletariat, and nor did they enjoy only one kind of property; they were not all petty proprietors, like the middle peasants of Eric Wolf,⁷ though they were imagined to be so by the British architects of the Bengal Tenancy Act of 1885. Property was indeed a key, both to the idea of the peasant and to the official perspectives of Indian society in the nineteenth century. The evolution was supposed to be from group to individual rights, from overlapping to exclusive possession.⁸ Given, however, that 'exclusive' property is produced by power and sanctions and subject to rules, custom and other limits of coercion, it is plain that the progression or distinctions cannot be absolute.

This study has applied, first, the well-known discovery that the several communities had been subject to external influences over the millennia—from beliefs, government and trade—and the certainty that India was no mere conglomeration of isolated, unchanging cells, awaiting unification by an external agent, British rule or international capitalism. In pre-colonial India there was evidence both for division, derived from birth and marriage, reinforced by residence and behaviour, and for cooperation, even for common culture. The conflict between specifics and generality, locality and centre, is a major theme of pre-colonial as of colonial history. The objective great community is not necessarily a later or better development than the local, subjective one; both were implicit in Brahmanism itself. Hence, in these respects, the British period could do no more than intensify a process of the *longue durée*.

Second this book has insisted on the concomitant recognition that the forces of change were equally as mixed in character as the forms of continuity. It is necessary to contrast social multiplicity and standardi-

'producing and distributing the means of life' (p.12-19). Nonetheless—and less clearly or convincingly, though the point about hierarchy is well-taken—Magagna also offers as 'peasant' society one which displays a certain 'mode of domination' (though contested and incomplete), the peasantry representing 'a determinate relation of power that binds supralocal elites and local communities' (pp.45-6).

⁷ Eric Wolf, *Peasants* (Englewood Cliffs 1966).

⁸ Magagna, *Communities*, defines property in terms of relations (rather differently from the material, production-related definition of the Indian tenancy reformers), that is, 'the performance of people in daily life when they claim rights and enforce responsibilities'; there is elite property, either privileged (rights from status) or exclusive (control over use), and 'community' property (trusteeship) (pp.39-45).

sation, as ideal types, but the one should not be attributed to India and the other to the West. As the boundaries of the general were extended, so the armies of the particular began to be overrun. But the forces for uniformity were not—perhaps one could say, are never—all pervasive. In India, even by the end of the nineteenth century, they were only beginning to bite, with the developments in state intervention, communications and markets. One school of thought held that the Bihar tenant had already been reduced in mid-century to a common misery by the overweening power of the landlords. On the contrary, it seems that a range of social and ecological distinctions persisted in Bihar far longer than is sometimes supposed. The very multiplicity of categories, and the separation but interdependence of social, economic and political differences, are likely to have made them resilient. As mentioned already, a multitude of terms for land and tenures persisted in Bihar; they did so despite the tendency in British legislation to restrict and regulate the types and incidents of landholding and tenancy according to Western notions. It is true that none of the terms—indigenous or exotic—necessarily retained a constant meaning over time; and of course isolation is a major preserver of local difference: the one may be said to be an indicator for the other. Our earlier counts of the different agrarian terms in Bihar would have had to be multiplied perhaps seven-fold if we had included the huge lists of synonyms and local variants. In many cases, though the broader distinctions (as between rent-paying and rent-receiving roles, or cultivated and non-cultivated land) were expressed in terms with a regional distribution, the words for more precise distinctions would perhaps be understood only within areas of a hundred square miles or less. Thus is illustrated the difficulty—and also the process—of generalisation in reality. But in the case of Bihar the explanation of agrarian conditions cannot depend only upon isolation being broken down or maintained. The argument is not that isolation and other peculiarities in Bihar slowed down developments that were otherwise relentless; the argument is that our understanding of the nature of these processes has been imperfect.

An insistence upon India's diversity and localism would have sounded familiar to the colonial rulers, for whom it was a favourite argument; but their's is the very argument rejected here. The British were concerned with the supposed disunity of Indian races, regions and classes. They believed in the essential sameness of everything contained within the categories they constructed. But the situation described in rural Bihar was one of variety alongside linkages, not of simi-

larity plus isolation. We have needed therefore to find an alternative description of India's diversity, one which does not depend on the products of 'modernisation' with its overarching organisation of belief, class and government. Here too rival paradigms have been contending in the literature, some depending on extended horizontal links (or factions) and others on broad horizontal groupings (or class). It is possible to combine elements of both these models, and to view rural Bihar as made up of different, overlapping components (or points-of-view). The first component is the mass of local communities which, because they were hierarchical, may be pictured as small triangles. The second is the range of horizontal groupings, either cutting through some of the triangles or operating above them—for example, merchant communities in various towns, and family and clan ties across regions. In the main they were of a similarly circumscribed character to the village communities. Third were the networks, linking parts of these components; they could be representative sets, or arranged across a vertical scale, and they performed specific political, social or economic functions. In this category came the connections recognised among themselves by village headmen (one drawn out of each local community), and on the other hand the structures of administration, ritual and trade, stretching between localities and over space and time. It follows that processes of change could influence any or all of the components. The local triangles could be hardened, enlarged or broken down. The horizontal groups could split or unite into larger units. The networks could weaken or become larger, stronger and more general. Such changes were affected by ideas, by needs and by efforts, and particularly by states and other leadership. On the other hand each component could resist change, even though it was occurring in others, while the existence of a range of relations implied that new kinds of social and economic linkage could often be formed by adaptation rather than revolution. Both points stress continuities.

Certainly the alternative supposition (that Indian agriculturists were mainly and originally 'peasants') had consequences in the nineteenth century. In Bihar, in the aftermath of the 1885 Tenancy Act, it seemed that some of the poor were yet further dispossessed. But the suffering did not happen to a 'peasantry'. The unconscious assumptions of that ideal would lead us to claim that the Act 'made' rich peasants and landless labourers, as the permanent settlement was alleged to have 'made' landlords. The evidence tells a less dramatic story. The measure of the importance of this question of the peasantry and peasant soci-

eties, is thus that it can help or hinder us in the quest for those who benefited and those who suffered under colonial changes, and indeed in understanding the nature of those changes. The beneficiaries of the tenancy legislation were groups of people with the skills and resources to become protected producers within the framework of the law and the system of records, whether as landowners directly managing production or as tenants able to tap the labour of others. The opportunities which they were given derived in part from their absence in the imagination of the law-makers. They represented confusions of category which could not be perceived within the basic framework of lord and peasant, or trader and cultivator.

Hence our attention to agrarian structure, the categorisation itself. In assessing the influence of particular forms of category, one is also considering the impact of language upon thought and practice. A concept implies a norm, which therefore defines what is deviant. Could there be any 'tenants' in pre-colonial India? Certainly there could not be land relations conceived and expressed in terms of that particular standard of agrarian relations and landholding. Did tenancy then suddenly appear? It could not until what was provided in colonial law and policy was localised and indigenised in practice and understanding. We also have to take the argument further. Some supposed influences of category are distinctions without a difference. Could there not have been, under pre-colonial regimes, agrarian relations which approximated to the tenurial, though conceived and expressed in different terms? Similarly one could ask if a 'bonded' labourer really became more oppressed with the advent of a Western legal concept defining his oppression, considering that comparable myths and justifications for it had long existed.⁹ An additional question therefore is: was it material that, in law and eventually in practice, generalised types of tenancy replaced a multitude of more ambiguous and contingent relationships? It seems it was, because indigenous conduct and understanding were changed. A tenancy law made it harder for some kinds of relationship or right to prosper, because they became contrary to the supposed norm; on the other hand it helped some landholders by giving them a vocabulary and mechanism for expressing and defending 'rights'.

⁹ See Gyan Prakash, *Bonded Histories: Genealogies of Labor Servitude in Colonial India* (Cambridge 1990), and the discussion of it in P. Robb, *Dalit Movements and the Meanings of Labour in India* (Delhi 1993), pp.26-45; the rejection of 'hegemonic' influence in that essay does not preclude the *influence* for colonial law and administration proposed in the present analysis.

Finally, such influence took particular forms and direction, because this tenancy law was a categorisation with a message: it assumed landholders held property not only as a portmanteau of legal and economic rights, but also for an economic purpose. The terms 'landlord' and 'tenant', or 'proprietary peasant', like their antonyms 'nomad', 'pastoralist', 'tribal' or 'subsistence cultivator', represented a value-judgment, a Eurocentric evolutionist view of the world, based around environment-for-profitable-use and agriculture-for-exchange.¹⁰

Because thus based on imposed classifications which were seriously flawed, the tenancy laws made poverty invisible in policy terms, even while it was being admitted in a host of reports and studies. Two explanations for this indifference are related to different aspects of our present discussion. One was the kind of ideological myopia which allowed officials who were appalled at the condition of the poor to be satisfied with remedies which were directed towards occupancy raiyats. The mismatch was typical of British categorisation. The officials consistently under-researched economic difference. Indeed any official who laid too much stress on the horror of rural conditions in Bihar was in danger of being ignored;¹¹ efforts were made to demonstrate that the population did have enough food on which to live. Above all, when seeking to make more precise distinctions the British fell back upon caste, which certainly may have economic implications, but which is not derived from them (at least in theory); indeed, given that any caste was presumed to have a distinct function, and could include a range of wealth, there was a sense in which the concept could mask or even justify the number and condition of the poor. Nor, as noted in chapter one, were the developmental beliefs of the reformers appropriate; the British understanding of the means of economic change altered little over the period. The pro-peasant lobby did not dissent from the prevailing belief in the instrumentality of property, capital and trade.

But a second reason for indifference to the poor was the continuing British preoccupation with control. The debates of the period were not after all between sympathisers of the rich and supporters of the poor; they were between advocates of alternative modes of social dominance, by zamindars or by peasant proprietors. The British had little choice

¹⁰ Compare Pierre Clastres, 'Copernicus and the savages' in his *Society against the State* (1974; tr. Robert Hurley with Abe Stein, New York 1989).

¹¹ This point is frequently illustrated in this book. It is also mentioned in Burton Stein, ed., *The Making of Agrarian Policy in British India, 1770-1900* (Delhi 1992), pp.1-25.

but to acquiesce in local command systems because of their vested interest in 'order'. It was partly by political calculation that, in nineteenth-century India, British laws never contemplated anything less than exclusive property in land (except belatedly to reduce its transferability), and that when they tried to preserve a tenant right it too was regarded as a kind of real estate. The British idea and need were for such rights to subsume all other rights. Land ownership became *the* resource in terms of the law, as in political policy. Non-proprietors had at best an inferior right. They were tenants by actual or implied contract between the parties.

Thus, for all the efforts of the pro-peasant reformers, most subordinate land rights were ignored throughout the nineteenth century. In the landlord areas, the cause of the tenants was taken up from time to time under pro-peasant influence, and yet the so-called tenancy legislation was effectively a charter for occupancy rather than a regulation of tenancy. In peasant-proprietary areas, tenants were hardly supposed to exist and were scarcely an issue before the twentieth century; indeed if tenancy legislation was intended to produce peasant-proprietors, it is hardly surprising that it was little favoured where they were believed to prevail already. An insistence upon property obscured the need to attend to actual units of production, and worries about fragmentation of holdings took a higher profile than attempts to improve the independence of farming households. The importance accorded to capital investments which would replace labour defied the realities of agricultural employment—and credit—and hence the priorities of agrarian society in many parts of India. By contrast, the neglect of other possible elements may have distorted or prevented change. Little concern was shown for the wide transmission of information (for example through education) or for the improvement of internal demand through the fairer distribution of wealth. There was limited understanding of agricultural decision-making and the relations of production, and in particular of the role of intermediaries.¹²

Within these limitations the British debated whether to favour rent-receivers or controllers of cultivation. The choice was not peculiar to

¹² See also *ibid.*, which concludes (as also explained and elaborated above) that 'the legacy of colonial subjugation for the agrarian order was that it hastened a process which pre-dated foreign rule', partly through the degradation of communitarian institutions. However, Stein (contrary to his own example in the case of Munro) also advocates a 'new' study of class relations in place of the 'old' study of agrarian law, as if the two were distinct in practice or effect.

Bihar or the 1885 Act; these were the two main strategies adopted before 1914 to protect and extend British power and revenues. All these strategies changed the pre-existing legal framework; they contravened the complexities of agrarian relations through their uniformity of regulation; and they had some impact on behaviour and expectations, given the relatively stable administration, especially as the nineteenth century wore on. This increased capacity meant that it mattered that there was an imperfection in the official definition of tenancy.

The outcome of legislation was progressively to create a legal category of protected tenancies which became, in effect, sub-proprietary. The impact of the Bengal Tenancy Act, and indeed of the permanent settlement and of zamindari abolition in the 1950s, differed from what the promoters intended, and in each case this owed much to the distortions of theory and perception. The permanent settlement sought property rights under the physiocratic assumption that Bengali zamindars were or could become improving landlords. The result in law was the replacement by a single legal identity, the landed proprietor, of a multitude of roles associated with local power and with representing the state, especially in revenue collection. The nineteenth-century tenancy laws were supposed to safeguard the 'actual cultivator', and zamindari abolition was intended to provide an equitable redistribution of land to tenants; but arguably both benefited middle-level landholders and agricultural entrepreneurs, people already rich in resources. Consistently the target was missed because of a mixture of erroneous assumptions about how the society worked, or what it was which was being tackled: in particular there was a continuing insistence upon private property, and at the same time, paradoxically, from the early nineteenth century, upon the Indian village community.

This framework helped explain the changing fortunes of raiyats over the century. The evidence proved just as conflicting for the later period as for the earlier; much of it had been fodder for the tenancy debate itself. But it was not impossible to draw conclusions. A good example might be drawn from an article which appeared in the *Calcutta Review* in 1883, commenting on the surveys of rent-rates in Bihar, by Finucane in the north and Tobin in the south. The latter was conducted in four villages in Bhojpur in Shahabad, a choice to which P. Nolan, the Collector, a supporter of rent-law reform, had objected as untypical, in that the villages were 'cultivated by ryots, of whom a considerable proportion have...*guzashta* rights, while nearly all have

occupancy rights, and that the same leniency of the landlord which permitted such privileges to grow up and continue, has prevented him from generally enhancing rents on other lands'. But Nolan went on:

It is the object of some of the framers of the present Bill to secure for the ryots of Bengal as a body rights of occupancy at moderate rents, which they contend would insure superior cultivation through the improvements to be expected from those who enjoy security of title, a certain prosperity in ordinary times, with the credit necessary to enable cultivators to tide over periods of famine without becoming a burden on the taxes, and which would also, it is urged, tend to give to the tenants the independence and manliness of character generally found among peasant-proprietors. On the other hand, there are many who believe that low rents and security end in sloth, the sale of land to speculators, and in the end to sub-letting at a rack-rent. It would be most important to ascertain whether in the selected tract the conditions which it is proposed to create elsewhere, have led to the results anticipated by the one school or the other:

I think that there can be no doubt in such a question. Sub-letting is not unknown in Bhojpur, and some of the cultivators are in debt; but these are exceptional cases. The general rule is, that the ryots cultivate their own lands with their own small capital, and when they sell their holdings, it is to others of their own class. Their industry is marked, and has resulted in the clearing of the jungle with which much of the land was covered 50 years ago, and the creation of a cultivated area as well planted with fruit trees, as well irrigated from wells, and as well fenced as any I have seen in India. No one can encamp for a day in the tract without being struck with its exceptional prosperity, which contrasts strongly with the backward state of those parts of the district in which rents are high, and occupancy rights unknown.

Nolan's is a testimony to the contemporary recognition of the policy whose features have been described in this book, with the exception perhaps of his endorsement of low rents. But the account carries its own caveat. The area in question *was* exceptional, and not only in the comfortable condition of its raiyats. It was also an area of relatively recent reclamation, often associated with favourable terms of occupancy, and one inhabited by people renowned (at best) for their independence, for being if anything (in Nolan's words) 'too manly and independent': 'The Bhojpur wrestlers have a name throughout the country, and every man carries the large Bhojpur *latti* which he can use with great skill. They are equally ready to defend themselves in law courts with which the complication of rights, inseparable from any system where the majority possess interest in land, has rendered them familiar.' Nolan believed that these characteristics had developed from their conditions of tenure, but if we are seeking determinist explanations then the reverse is at least as likely to be true. The large

bodies of high-caste land-controlling peasants of parts of Shahabad, notoriously belligerent and litigious, made their own good fortune in constant conflict with their landlords, often caste-fellows. Buchanan, seventy years before, had reported that the 'great proportion of the tenantry' of this area were 'too high spirited to submit to the most trifling abuse and...willing to fight with any one for a cowrie'.¹³ Tobin's report, while agreeing about the independence and prosperity of these villagers, demurred over their 'industry and good cultivation': 'They have in past years', he wrote, 'held more land than they could cultivate properly; they generally select the crop that requires least cultivation, viz., peas, although it commands a very low price, and does not yield a greater outturn than other crops. In those lands, where Brahmins, Rajputs and Bhunbaes [Babhans; Bhumihar or 'military' Brahmins] have been superseded by more industrious castes, I notice a marked difference in the care with which the land is cultivated.'¹⁴ The article quoting these findings was anxious to attack the pro-tenant camp, and argued that 'low rents and security of tenure... have ended in sloth, and...sub-letting, at rack-rents'. Our conclusion must be that the Tenancy Act of 1885 assisted the rent-receiving peasants without necessarily providing the incentives to enterprise which Nolan expected. Where other groups were able to gain in independence and economic power, it could also help them. But it was not, and could not be, a cure for poverty, in households or region.

III

The Bengal Tenancy Act of 1885 marked a point around which to locate a discussion of agricultural property in nineteenth-century Bihar, the region for which much of the Act was originally intended. The Act worked against a background of economic change whereby the formal rent-receiving roles were losing out in comparison with more direct means of securing agricultural surplus—that is, through cultivation or non-regulated tenancies and share-cropping. The benefits of the Act

¹³ Francis Buchanan [Hamilton], *An Account of the District of Shahabad, 1812-13* (Patna 1934), p.339.

¹⁴ G. —, 'Is Behar rack-rented? An enquiry into the condition of the Behar ryots', *Calcutta Review* LXXVIII, CLV (1883), quoting correspondence from Nolan, and from Tobin's report (para.18, *Government of India Gazette*, 20 October 1883, p.1,758). On the improvements noted by Nolan the article commented that the wells and fruit-trees had been provided at the expense of the Dumraon raj, and the 'fencing' was merely the usual *aals* (ridges of earth).

were also not shared equally among landlords or among tenants because these economic changes also took place within the context of persistent norms and institutions, which marched with weaknesses in the Act. Two broader assertions also may command widespread assent. One is that the institution of landed property, as a commodity, acted to some extent as a social solvent and a sump for capital. The other is that concentrations of agrarian power dispossessed and impoverished large sections of the rural population. In other circumstances such changes might have been regarded as painful but necessary accompaniments of industrialisation, increasing agricultural productivity per capita and creating an industrial labour force. In colonial India, however, the wider economic transformation did not occur, and changes in the agricultural sector have been seen as an additional impediment to development. Not only was the economy 'arrested' in terms of manufacturing and trade, it was also 'distorted' in terms of agriculture and rural life. This discussion has tried to provide some clarity about the processes involved.

The story of the nineteenth century in Bihar is thus of two great interventions—one bureaucratic and one commercial—but interventions affecting a resilient society. A professed desire to preserve the past did not necessarily impede the state's interventions to alter the present. And it was in the nature of these interventions to grow. The devices of British government may be described as demarcation, surveillance, and incorporation. The process was partly one of measurement, and measurement implies definite margins. Such mapping, whether literal or metaphorical, has to choose some categories, and to confront others. Its impact lay in the reduction of allowable alternatives and variants. Take the case of common land. There is a great difference between that which is freely available for use, that which is open to the members of a community, and that which (though still common) is owned by a collective institution, whether community or state. In India, all three kinds existed in 1800: there were legally 'unclaimed' lands available for settlement, lands used at will by villagers, and lands whose use was regulated by village or other elites—though in all cases access was complicated by considerations relating to the status of the user. The British at least pretended formally to ignore these social and ritual distinctions, but their law certainly recognised no waste land and no land which was not owned; in default of valid claimants, land belonged to the state. Thus they lumped common land into a single category, and also of course went much further and encouraged private

ownership in the lands controlled by the elites. This amounted to an attempted redefinition of society as well.

The measurement of landed property and the resumption of revenue-free lands had removed elements of choice in agricultural practice. The more fixed and pervasive ownership became, the more difficult it was, for example, to use land as part-payment for services or labour, something which continued throughout the nineteenth century at many different social levels; the danger of ownership was that it rigidified these arrangements, with varied consequences for rich and poor. Payment in land was one of the features which mixed the categories in India, as between landlord and official, or peasant and labourer; state policy was tending slowly to disentangle these complexities. Thus too the identification of 'criminal' or 'agricultural' castes, for legal purposes, reinforced the character and restricted the mobility of all groups. Nor did such measures act singly: their impact was cumulative.

On the other hand, to argue that imperial rule distorted the society by confiscating the rights of non-proprietors, is to suggest that a pre-colonial system with definite features—a moral economy, the village community and so on—was being superseded by a new system which really mirrored what was provided by law. We have seen that it was only historical interpretations of resident villagers as the original owners of the cultivation which convinced officials that a mass of would-be proprietary peasants was held down by zamindars. The 'village republic' was an idea. It follows that there could not be a 'natural' and even progression under British rule, towards several property and social differentiation, not only because of the weakness and confusion of forces for change, but also because of the lack of any pristine or isolated condition from which a linear development could begin. Even as the doctrine of the village community was being devised, observers recognised an existing stratification: land, manpower, cattle, water and other resources were not evenly shared, but distributed according to 'ancestral rights', or by caste and power, which were anyway needed to make rights effective. Rights depended, that is, on economic and political forces as well as on custom and expectations, so that they were bound to be distributed differentially, and (later) not precisely as legislation provided.

Nonetheless at several points in this discussion the supposed certainties of rights under Western law have been compared with the complexity and variability of Indian custom. The contrast was related

to long-term change, which was not just colonial in origin, but which accelerated during the nineteenth century. It is unsafe to generalise about pre-colonial, let alone original modes of agrarian structure in India. But it is possible to outline the elements of an ideal 'customary' form. Its chief feature, as Maine proposed, would be the allocation of shares according to status; over time this was being replaced by contract or market relations. A village operating on a system of shares could certainly be hierarchical and oppressive for many of its people. But it would not be dominated by private property. Though land could be held and cultivated separately, its output—the grain heap—would not be 'owned', but would be subject to division among co-sharers, retrospectively at harvest *and* subsequently through provision of seed and of food for work. As these distributions were not exactly wages or payments directly linked to tasks, there might be an expectation that they would continue in times of hardship: the shares were a form of risk-distribution. Hoarding or speculation in grain would be morally as well as politically outlawed. It was thus that private property and growing markets, as in the later nineteenth century, implied greater social differentiation and vulnerability. For the wealthy they would allow greater profits and lower costs (less redistribution to appease or protect the workforce). For the poor, they would imply the reverse. The poor might also have fewer alternatives as waste or forest-lands and other resources were privatised, and as alternative employment and food-sources narrowed, especially if mobility were insufficient or no improvement, and if state provision were misguided or inadequate.

Within this general framework, a more specific conclusion about the impact of colonial rule is that it changed the fortunes of many individuals and some groups, and increasingly became the arbiter of such categories and their fortunes. It did not newly create the undoubted suffering of underprivileged cultivators, any more than it wholly dis-possessed an ancient aristocracy. It did not render religious and social allegiances irrelevant. It did not wholly create or standardise classes of people and the divisions between them. But it modified the basis of group identities and power relations in the countryside, reducing some features and exaggerating others. The Tenancy Acts too were no unprecedented imposition upon a region with no experience of state power; but they *were* an enhancement of an influence long weakly felt and readily accommodated. Moreover, the law did not work in isolation. The existing society reflected economic and political forces in tandem; so too, if the 1885 Act influenced the local disposition of

power and wealth, it did so in harness with economic change. The law also worked upon a complex society, one that was already differentiated. Thus, when the 1885 Act insisted on the category of occupancy raiyat, on the assumption that there was no important difference between resident villagers, the outcome was enhanced security and certainty for the majority recognised as 'settled' raiyats, who had hitherto enjoyed continuity of residence and landholding *de facto* rather than *de jure*. But the outcome was also increased advantages for a minority of the rural population who were already privileged and strategically-placed. These could be landlords on their 'own' holdings, or substantial tenants able to maintain independence. People in villages who held most village resources, including capital, and who were helped by expanding trade to capture petty producers, were likely to be the same people who could manipulate the opportunities offered by British laws. Indeed, this was all the more likely because of the law's standardising impulses and its offer of state protection to the few who could seek its support.

IV

We return now to our opening theme, the connection between land, law and the growth of the state. We have seen that for some of the time the rulers thought they were respecting custom. 'India' was not a void to which the British gave form—though in another sense the name itself *was* another essentialism—and it contained its own jurisdictions, norms and processes; these existed before and during the efforts whereby, little by little, the British set out their view of arenas, conduct and values. But the colonial state was overwhelmed by practicalities and prejudices. In declaring one matter to be illegal and another to be lawful, it established or formalised boundaries which were inevitably different from those which existed already. Sometimes Indians were ready to adopt the changes, for example in deciding where and on what basis a dispute should be adjudicated. They readily colonised the institutions and frameworks provided to them, as in the use of the courts or the bureaucracy—a factor which should not be underestimated. In these ways Indians admitted extensions of the areas which the state defined. At other times, however, Indians declined to accept the standards of behaviour or the role for the state which their rulers advanced; such quarrels over jurisdiction helped inflame the uprisings of 1857, or the later controversies over the standing of general, secular law in regard to marriage or women's rights. In such cases, the state

might assume its opponent to be a transgressor who had taken upon himself the role (in the practice and mythology of British rule) of the tiger or the Pathan: as an outlaw, he risked reprisals for violating the supposedly 'civilised' arena established by rule. Thus, the same pattern was followed in social and religious life, as over territory—where border disputes or supposed violations of Western-style treaties had encouraged further annexations. Allies in particular were expected to conform to the norms set by the colonial state; legislation would coerce them where they were thought not to have done so. In such a way did the tenancy reformers regard the zamindars of Bengal; but they had expectations too of the raiyats.

Above all, an incompatibility of opposing standards—British crossings of an Indian boundary, or Indian of a British—could lead to further state interventions, even when the rulers sought to preserve or make use of the indigenous, in the manner of recruiting the Pathans or the Gurkhas for the army. Even the attempt to recover ground for Indian practice was accomplished by further, if different state regulation, as in the Bengal Tenancy Act. Old institutions were restored but for new purposes: peasant proprietors in order to spearhead capitalist agriculture, or the village community as the agent of the state. Thus is explained that odd circumstance that British interventions really began to grow in India at the very time when historicist caution was at its height, and relativism beginning to gain hold.

Revenue gave us one illustration of state intervention, of the pushing back of the frontier between public and private. Clearly two elements pervaded from the later nineteenth century. The first was the ever-expanding delineation of public roles and hence also of private rights, conceived as matters of rule and precedent. This had lasting consequences: it was significant that at zamindari abolition in the 1950s it was thought necessary to compensate the landlords to some extent for the loss of property, the legitimacy of which the abolitionists otherwise repudiated. The second element, also long-lived, was the idealisation of 'community'. From the 1870s it appeared in fields as diverse as schemes for local policing and strategies of national economic policy or political development. The two elements appear to conflict, in theory and practice. It was a curiosity that a Westernising state should to a large extent have privileged what it perceived to be indigenous. But the indigenous was favoured only by various sleights of hand. Consider the idea of 'restoring rights'. The notion of rights-as-property is inherently conservative, but in this case the garb of history

was put on so as to conceal a reform; it was a pretence of tradition while espousing change. When the tenancy reformers talked of 'ancient rights' they were according a special status to Indian-ness, and at the same time attempting to modify it. The expression sought to establish, retrospectively, a British view of sovereignty and law, of the public and private, and of the nature of rights. According to the idea of India which these officials also accepted, 'ancient' and 'rights' were contradictory or mutually exclusive. It was thought that only Western law could so confine the arbitrary and personal exercise of power as to permit the growth of individual property. In practice, before British rule, there do seem to have been general concepts of law and localised notions of propriety which restricted the absolutism of states and overlords. And yet the 'ancient rights' of 1885 were new: they were encapsulated in statute and interpreted by courts.

In India as elsewhere the evident prospects of conflict, suffering and injustice had required strategies of social management and some means of establishing proprieties. A mediation between 'rights' and 'duties' was at the heart of the colonial state's programme. Among the resources to hand was, on one side, the tradition developed in J.S. Mill's concept of liberty. Its demerit was that, by emphasising individual rights rather than collective obligations, it was bound to strengthen those able to defend rights (or property) as individuals—that is, the strong. Doctrines of autonomous rights invited assertions of self-interest at the expense of others, and such rights, endorsed or curbed by definite rules, might also justify authoritarianism: the new rules enforced behaviour of advantage to the law-makers and their allies. On the other side, contrasting with these selfish liberties, were those traditions which advocated the surrender of self as a means of discovering or protecting self; notable instances existed in India. In social terms, such ideas supposed communal norms or heteronomous obligations. Their drawback was that they did not necessarily benefit the weak either: they might demand conformism, and lead ultimately to that subordination of the individual to the collective good which produces social oppression, communalism, terrorism and war. Neither individualism nor communitarianism is exclusively Indian or European. But both are reflected differently in different local institutions and norms, in India differently from in Europe. Thus, whether deciding between these modes or failing to do so (often both were confusingly on offer at once, as in 1885), the colonial government could not avoid meddling with India. To build new kinds of institution and law, and to support

existing 'custom', it focused on legalistic privileges rather than collective duties, and enunciated rights, both against the state itself and in order to resolve conflicts between its citizens. In the process it forced a competition between norms, for the institutions which it introduced did not operate with the same vocabulary as the pre-existing order. Inevitably a tension was created within the society, as people struggled to negotiate between incompatible understandings and expectations.

V

This book has argued that the colonial state in India embarked, in effect, upon social engineering, especially from the later nineteenth century. Its understanding of categories and of the state's responsibilities provided the theoretical side to a revolution in government. This shows that there was a strong instrumentality in the colonial attitude to law and society. There was very little recognition, even in the desire to preserve what was ancient or pre-existing, of the importance of what has been called non-event causation—that is, of intrinsic qualities, of effects that could not be traced to some prior means, or of social forces that (like gravity) exerted a continuous influence. The assumption was that old rights *caused* new ones; new laws *created* social change. On this basis of instrumentality the Bengal Tenancy Act partook of the broader aspects of state expansion set out in the opening chapters of this book; thus it took on distinctive forms. The ideas which informed and shaped the Act focused on definite categories, and on rights located in them, because the rights were conceived as a species of property. Moreover, the Act interfered to regulate and encourage this categorisation, especially with regard to occupancy raiyats, because of the sway of related doctrines of the state's proper role. The intervention marked an important step towards active socio-economic management, but it misunderstood and distorted aspects of the structure of Indian rural society, for example in Bihar. What is more, the tenancy reform then had actual impact, because it was given practical bureaucratic form, especially through survey and settlement proceedings. Such expansions of administrative capacity constituted the operational aspect of the revolution in government. They could also have been considered in relation to agricultural production; the extent to which agricultural policy too was based upon an inappropriate conspectus will be examined in a further volume on agriculture and improvement.

In view of their evolutionary and instrumentalist framework, the colonial state's interventions helped produce a decline of the rural community—for example, the replacement of a moral economy by market relations. Victor Magagna has proposed that communal institutions, once 'redistributive' (deciding property rights) or 'regulative' (prescribing land or labour use for owner-households), may have become 'residual' (marginal to the distribution of property and the organisation of production). The change would occur with the supra-local definition and enforcement of property rights, and the development of representative institutions, reducing the autonomy and increasing the accountability of local elites.¹⁵ Nineteenth-century British officials, having read their Henry Maine, knew this, and keenly debated the desirability of allowing the rural communities to decline under an onslaught from law and the market. The officials resisted, but also permitted and encouraged, such change.¹⁶ Thus the Bengal Tenancy Act of 1885 encouraged the exercise of individual rights or oppressions. It also curbed the freedom of and increased the public scrutiny upon landlords, while seeking (for a generation at least) to remove the control by landlord or state over a cultivating or 'peasant' elite which sublet or gave employment to others.

What were the wider consequences? Neither dispossession nor advantage were complete, because the state and legal controls were relatively weak—there was, for example, supralocal definition of rights through survey and settlement, but no proper maintenance of the record. Indeed, we have seen that the distortions in the intended outcome occurred in part because of the *weakness* of subsequent policy—as over the survey and record of rights, a bureaucratic and political inability to adjust state practice as the results of earlier errors became apparent. But landlords and their supporters complained bitterly, and questioned their collaboration with the colonial state. They also sought new means of control over their subordinates. Together these effects contributed to socio-religious movements and to nationalism and political change. Arguably, the response to external pressure included

¹⁵ Magagna, *Communities*, pp.252-3; one might call this a change from status to contract. Note also Magagna's recognition of the importance of bureaucratic interference, pp.33-6.

¹⁶ See also Thomas R. Metcalf, *Ideologies of the Raj* (Cambridge 1994), but note that he considers Maine's contribution as have been chiefly to help establish a myth of 'difference', an India that was medieval and feudal. Perhaps for that reason, Metcalf presents only the aristocratic model among the 'created constituencies' of the British raj (pp.66-80 and 186-99).

peasant rebellions and broader social revolutions, such as occurred in early modern Europe and in Asia in the twentieth century.¹⁷ Fundamentally these imply an imperative of institutional and cultural survival: that rural communities rejected the challenge of outside political or economic forces or (on other arguments) internally of demography. Thus were continuities important.¹⁸ There was also another possible reaction: one of accommodation. We have stressed institutional adaptability: in the case of nineteenth-century Bihar, the co-optation of the colonial state and capitalist trade by the rural elites. And disappointed accommodators could also be rebels.

There are in short two models of the results of intervention. The first is analogous to instances when an indigenous population succumbed to new, imported diseases. The second is more like the action of a well-placed opportunist farmer in bringing in an improved strain of wheat—or it might be like the New Zealand Maori deploying the firepower of the musket in customary tribal warfare, the new adopted by the old with tragic results. In Bihar, given prior experience of external contacts, and extensive subordination and dependence of sections of the population, the result of the two great interventions of the nineteenth century were thus special exaggerations of both entitlement and dispossession, in other words relative enrichment of the few and impoverishment of the many.

What can be said of legal roles may be applied, *pari passu*, to social institutions. We can see caste similarly as an aspect of social control which developed in particular circumstances, and changed its role continually as the circumstances changed. In the later nineteenth century, economic and legal developments opened up the possibility for dominance or at least independence to be derived in new ways. A window

¹⁷ A general argument along these lines is also made by Magagna, *Communities*, ch.2 and *passim*. Many accounts of India have stressed such rural protest, perhaps exhibiting a desire to exhibit popular assertiveness (in the face of theories of Indian passivity) vaguely reminiscent of the physical training favoured by nineteenth-century Bengalis to counter the colonial stereotype that they were 'effeminate'. That there was more protest than used to be realised cannot be denied, though much of it is also continual and within rural society, rather than occasional and directed against external pressure.

¹⁸ This was the argument of an article on rural protest written in the 1970s; see Robb, *Emergence of British Policy towards Indian Politics* (New Delhi 1992), ch.10. It has been criticised as 'elitist'; but the problem of the alternative explanations of unrest from the perspective of 'Subaltern Studies' (see the volumes edited by Ranajit Guha and others; Delhi 1982-95) is the singularity, uniformity and egalitarianism it supposes in the peasantry.

was provided, for example, for successful agricultural castes, well-equipped to pay higher rents and to operate in the market-place. Undoubtedly, in favourable circumstances the independent household may be an important force for agricultural improvement: the spread of independence amongst producers is an important yardstick to establish. Thus the expansion of marketing could lead slowly to consequent changes in the basis for wealth; so too—slowly—could some measures of British administration and law. There are many documented instances of upward social mobility for groups who found a new niche in a changing situation; though it had always been possible to do so, the type and extent of the opportunities varied. And yet what was still most evident in many areas in the nineteenth and twentieth centuries was the continuing dominance of upper-caste lineages. One reason is presumably that the forces for change, in government or the economy, were very far from overwhelming. Just as important, however, is once again the fact that circumstances were not entirely new. The more one regards each society as *sui generis*—in the case of India the more one appreciates the antiquity of state interference and of systems of exchange—the less one is surprised if the old social forms can adjust to meet apparently new conditions. By such arguments, a ‘rich peasant’, say, can be taken to illustrate either continuity or change. An earlier premise of this book was that a stable rural world should not be contrasted with the dynamic one of ‘modernity’.

VI

The political and ideological impact of the British also can be described as significant. They were altering the terms of a perennial dialogue between the particular and the general—though the diffusion of broader identities, like the construction of national interest, depends very closely upon economic as well as politico-legal changes. Again, the first pole of the state’s influence concerned the individual. The British described the impact of their rule as if there were a unified progression, unique to the West, towards independence of choice and equality before the law. Property right was equated with the West and with progress. It led to citizenship, which, combined with race, produced a nation, as if, in the ‘modern’, Westernised future, the objective sum of individuals’ will and rights would supersede the more personal and involuntary collectivity of the Indian past. We do find the appearance (when conditions were right) of broader connections chosen by individuals. Hence the second pole of British influence

concerned the nature of community. At heart it was a question of identity.

There is a range of different perceptions of himself possible for, say, a Bihari Kurmi: first as a member of a particular village and as part of a certain set of family and other relations, influenced by the external connections of headmen, priests and traders; or second, as a member of a caste with shared interests and characteristics across a region, made up of people with whom there was no actual or feasible contact, but among whom there was an idea of 'Kurmi' as a category; and thirdly, as a member of some still broader and more abstract grouping, as a cultivator, as a member of a Kisan Sabha (peasant association) or a co-operative society, as a Hindu, as a Bihari, as an Indian. These identities are not necessarily mutually exclusive, but together they may be seen as a widening range of possibilities. They situate the individual differently within the community from the old village forms of society described earlier; they define the private and the public differently. Similarly a distinction may be made between a group enhancing its *varna* status, and a number of groups coalescing into one regional caste organisation. The British tried at times to protect the local communities and to restrict the expansion of both horizontal identities and the networks between them, but the tendency of their rule was in the opposite direction. The government attempted to use the structures they observed in India; and when nationalists opposed them they too had to mobilise or develop local issues and hierarchies, horizontal interest groups and various kinds of linkages—in a socio-political equivalent of increasing market relations.

There has been no complete triumph of the individual or the nation in India; there has been no even transition from structure to culture, to adopt Ernest Gellner's terms. On the contrary, elements of 'structure' have been strengthened, even while shared cultures also spread. Many of the British efforts failed: some pre-existing linkages became stronger, even while larger and more objective identities were enhanced. Small, local, inherited allegiances continued to be important. The interdependent character of village life and production was perpetuated, for all the British efforts to recreate a society dominated by property-owning individuals. The puzzle which this outcome represents, when assessed in conventional terms, called for a different understanding both of pre-colonial India and of the processes of change.

However, there *has* obviously been a development of broader allegiances, and of nationalist rhetoric and even national identities, in

India. Broad parameters were set particularly by ideologies, by perceptions of political, fiscal and economic imperatives, and by personal and official ambition and self-interest. The idea of state responsibility helped shape and decide the direction of particular decisions. Also, so it has been argued, ‘...national history secures for the contested and contingent nation the false unity of a self-same, national subject evolving through time. This reified history derives from the linear, teleological model of Enlightenment History....’¹⁹ Undoubtedly, in India, such a narrative of history helped identify this self-aware subject, as do rules of (especially female) conduct, or ‘national’ norms, ethics and characteristics, or a discourse of common interests and of geographical, ethnic and linguistic limits. All might be represented (as is commonly recognised) in maps, flags, currency, uniforms, museums, textbooks, codes, rituals, and so on: the signs and symbols of the nation. They evolved, but (like the 1885 Tenancy Act) supposedly only in order to express an essence, *what always was*. Such are the visible and rhetorical instruments, the overtly national texts and ideas. But—what may be overlooked in analyses of discourse, and perhaps more important—there are also evolutions in indirectly influential processes and institutions, which deploy these same means for immediate practical ends, in the way that history, custom, category and state (ancient rights and future progress) were all marshalled in the tenancy debates. They too produced public arena, civil acts, and common understandings. Land law could become an important frame of nationality, once it embodied ‘rational’ features, specifically individual

¹⁹ Prasenjit Duara, *Rescuing History from the Nation: Questioning Narratives of Modern China* (Chicago 1995), p.4. Similar ideas have been explored by Benedict Anderson, *Imagined Communities* (London 1983), Partha Chatterjee, *The Nation and its Fragments* (Delhi 1994), and Eric Hobsbawm and Terence Ranger, eds., *The Invention of Tradition* (Cambridge 1983). But see also Duara, pp.51-6 and 61-5. My account regards the nationalist identity as modern (requiring print, state and market) but also as containing earlier representations and narratives. However, the latter do not imply a single ‘Hindu’ political community with effective awareness of its descent or transmission over time and region, producing a non-linear or pre-modern ‘culture’, *dharma* versus state. The problem with that formula lies in its positing the separate and continuous existence and opposition of such constructs, as Duara seems to acknowledge when finding it hard to choose between Jawaharlal Nehru and Gandhi as his model for India (p.212), but to forget when (like the acolytes of Hindutva) he contrasts a supposedly unconstructed traditional self-image of the Indian populace, with a supposedly reconstructed modern image of the Westernised intelligentsia (p.226). Indian identity has been constructed from both aspects.

property regulated within legal classes as economic and political interests. Actions speak at least as loudly as words in nation-building. This book has been concerned to elucidate such indirect, unconscious influences, which accompanied the growth of the state in India.

Colonial policies had many motives, certainly including exploitation of various kinds. They included job satisfaction, the search for legitimacy and support, the concern with legal 'rights', and the fears of bad publicity in India, Britain and elsewhere. The relative influence of various goals differed. Opinions as to the proper means of achieving the ends varied. But there was also, in the colonial period, a continual and fairly constant concern in India with state responsibility and with improvement, a concern which seemed to derive partly from general (modern) notions of states and sovereignty, and of public and private spheres. A concept of duty (as this may be described) explained many policy decisions and developments of the state. Here this improving impulse has been incapsulated in the goal of 'future comfort'. That concern was qualified by others, such as a desire for continuity or appropriateness, represented here as a concept of 'ancient rights' and more generally by the importance accorded to precedent. The combination of influences distorted some of the British policy-measures, or made them confused and contradictory. But overall, during the nineteenth century, the capacity as well as the ambition of the colonial state grew, largely by expressing the positive goals of government. Beyond the ideological changes, one saw the growth in bureaucratic developments and particular policies. At the core was the establishment of discrete spheres and functions for the state or for private enterprise. This was true even of *laissez faire* and other ideas which minimised the role of the state: they still defined proper public or private roles, a categorisation which fostered a professionalisation of the state, through departments, career structures, and specialised skills and knowledge.

The Bengal Tenancy Act also helped expand the state's roles. In particular it marked an attempt to regulate social and economic categories, by means of the central and defining concept of property, which was also the accepted, mechanistic basis of other current binary schemes of classification and enumeration. That is to say, categories were constructed from individual components which shared characteristics; each was distinguished by its different properties, which also defined its capacity and function. Thus landholding or tenancy was divided into classes by virtue of incidents or 'rights', which in turn were supposed to determine how each category per-

formed economically and which social goods it would produce. Surveys and courts and Indian usage gradually gave effect to the classifications. These processes coincided with the nation-making agenda.

There were benefits and disadvantages associated with the *growth* of the state and its role, which should be regarded as a distinct issue. Considering the state itself may provide different conclusions from discussions of, say, the impact of colonial trade, or of education policy, or of tenancy law. Here we have found that, like other major acts of policy and law, the tenancy debate, the legislation, its categories, and the survey, merging with local conditions and concepts, helped invent a kind of economy and revised sets of agrarian rights and interests. They provided weapons and torments. They would be vigorously defended and sometimes resisted. Thus grew up interest groups which broadened the range of possible types of political and social organisation in India. The same measures, by developing the scope of government, also significantly moved colonial and Indian expectations of the state and of politics. All this, not entirely inadvertently, helped prepare the way for the nation, as a new, composite India.²⁰

The defects of the 1885 Bengal Tenancy Act resulted from faulty diagnosis and understanding rather than from the distorting priorities of an exploitative colonial state—although those priorities certainly supported an emphasis on individual rights and property, and the Act erred in particular when it extended individual rights in a society whose dispositions were in large part collective. At the outset it was noted that this represented an incongruity between ‘public sphere’ laws or assumptions, and the realities of Indian society. The effect was to make of individual rights a lever to exaggerate the inequalities of the collective system. Such defects were very real and serious. But they were also qualified by some possible gains, as in the protection of individuals under law. The problem tended to be that the gains were differentially provided and only partially enjoyed. In these respects the Act provides a metaphor for the impact of colonial rule.

Roberto Calasso has written:

Jacob Burckhardt came close to the secret of Sparta. With typical sobriety he comments: ‘...the power of Sparta seems to have come into being almost entirely for itself and for its own self-assertion, and its constant pathos was the enslavement of subject peoples and the extension of its own dominion as an

²⁰ This is an argument against essentialised or communalist definitions of India and Indian polity; that, as they exist today, they were also built on colonial laws and institutions, themselves in part adapted for and adopted by India.

end unto itself.’

...The Spartan state subjected every form to itself, subordinated every usage to its own existence. This was the ancient and thoroughly modern philosophy that the Spartans tried so determinedly to hide by passing themselves off as ignorant warmongers. ...The philosophy turned out to be the most effective weapon of war and self-preservation. And it was not discovered by the Athenians, as always too garrulous, vain, and distracted for that kind of thing.²¹

After all the British in India were not quite Spartan.

²¹ Roberto Calasso, *The Marriage of Cadmus and Harmony* (tr. Tim Parks; London 1994), pp.247-8.