

A LETTER

TO THE

RIGHT HONORABLE THE EARL OF ELGIN,

GOVERNOR GENERAL OF INDIA,

ON

THE RENT QUESTION

IN

BENGAL.

BY

JOHN MURDOCH, (37)

AUTHOR OF

"THE INDIAN YEAR-BOOK FOR 1861."



CALCUTTA:

PRINTED AT THE BAPTIST MISSION PRESS.

1863.

THE
RENT QUESTION
IN
BENGAL.

JOHN MURDOCH.

1863.

1693

160 H
19 (8)

A LETTER

TO THE

RIGHT HONORABLE THE EARL OF ELGIN,

GOVERNOR GENERAL OF INDIA,

ON

THE RENT QUESTION

IN

BENGAL.

BY

JOHN MURDOCH, (37)

AUTHOR OF

"THE INDIAN YEAR-BOOK FOR 1861."



CALCUTTA:

PRINTED AT THE BAPTIST MISSION PRESS.

1863.

THE RENT QUESTION IN BENGAL.

MY LORD,

In the deeply responsible position which you have been called to occupy, the welfare of forty millions of Her Majesty's subjects, placed under your government, must be a matter of interest under any circumstances. But as Ireland was long the difficulty of English statesmen, so Bengal for the last three years has, perhaps, been the portion of our Eastern empire which has occasioned most solicitude. Hence any information calculated to throw light upon its condition, any suggestions fitted to aid in solving the questions by which it is agitated, or to promote its improvement, will, I doubt not, be readily welcomed. Although the following observations may contain nothing new or important, a letter addressed to your Lordship will tend to ventilate the subject, and thus, indirectly, may lead to valuable results.

STATE OF BENGAL.

Discontent of the Ryots.—During the last nine years I have made annual journeys through various parts of India. On three occasions I have traversed all the great divisions of the country; Bengal and the Madras presidency have been visited still more frequently. Every where I have witnessed pleasing signs of the beneficence of our rule; and every where, with one exception, I have found a contented people.* Very much yet remains to be done; but, on the whole, the condition of the masses has never been so prosperous. Ignorant of any thing better, they are satisfied with the present.

The exception to which I refer, I need not say, is BENGAL. It is true that till of late that division of the empire was con-

* This should be qualified by admitting the irritation caused by the Income Tax and the fear of new imposts. The Mahomedan element is also not taken into account.

sidered the most peaceful of all. This idea, however, originated, in a great measure, from ignorance of the real state of things. The Bengalis, though perhaps gifted with the highest intellectual endowments, are physically the weakest of the nations of India. Macaulay well described them as "a people accustomed for ages to be plundered and trampled upon, and ready to cringe before any resolute and energetic oppressor." Until recently, they were kept down by the lattial system,* one of the peculiar institutions of Bengal. The multiplication of courts of justice, as well as a growing spirit of independence and the spread of knowledge, rendered the old reign of terror unsuited to the times. Hence the proclamation of martial law was demanded. Though this was not conceded, a military force is still stationed in the Kishnaghur district to keep down the ryots.

Origin of the Discontent.—It is well known that Indigo cultivation was the primary cause of complaint, though latterly the Rent Question has complicated matters.

The people have doubtless suffered much more from the native Zemindars than from Europeans. It has, however, been justly observed in the Report of the Indigo Commission, "Experience teaches us, in every department, phase, and period of Indian history, that the lower orders will endure patiently at the hands of one of their own colour or creed ten times the oppression which they would at the hands of a foreigner."† Still, the indigo planters interfered with the ryots in a far more vexatious manner than the native Zemindars; which, with the loss by the cultivation of the plant, excited intense hatred. A thorough improvement of the condition of the ryots must, however, free them from the exactions of native Zemindars, as well as from the forced cultivation of indigo.

The Zemindari System.—The Cornwallis Settlement was dictated by benevolent motives. Mere tax-gatherers were virtually made proprietors, in the hope that a landed aristocracy would be raised up, who would devote themselves to the improvement of their tenantry, like country gentlemen in England.‡ It was an act of gross injustice to the ryots; the

* The employment of men armed with clubs.

† Report, page 19.

‡ Englishmen generally consider large farms absolutely necessary to secure high cultivation. The following remarks by the well known traveller, Mr. Samuel Laing, are worthy of consideration. Referring to Tuscany he observes:—"Scotland or England can produce no one tract of land to be compared to this strath of the Arno, not to say for productiveness, because that depends upon

evil was done, but the expected good did not follow. Instead of reproducing England, the worst condition of Ireland was the result.

Many persons have the idea that under the Zemindari system, the masses are better off than in those districts where the ryotwari settlement prevails. Bengal is considered by some the richest division of India *in consequence* of the Zemindari system. It will, however, perhaps appear on investigation, that the wealth of Bengal, whatever it may be, is not *in consequence*, but *in spite*, of its land tenure. One great argument for the flourishing condition of Bengal is the productiveness of the income tax, contrasted with the small amount realised by it in the Madras Presidency. This test may, however, be fallacious. The Court of Louis XIV. was the most brilliant in Europe. From wealth being concentrated in a few, while the bulk of the people were in the lowest depths of wretchedness, an income tax might have been tolerably productive. On the other hand a similar impost leaving untouched persons in *comparatively* comfortable circumstances, but not wealthy, would bring in very little at present in Belgium or Switzerland. While it is by no means asserted that this more general diffusion of wealth accounts for *all* the difference in the productiveness of the income tax, it may do so to some extent.

Bengal has improved perhaps as much as any division of India except Bombay; but this is no more owing to the Zemindari settlement than the fertility of the delta of the Nile arises from the excellence of the Egyptian government.

The following reasons seem to show this:

1.—Many of the wealthiest Zemindars are absentees. Numbers live in Calcutta, seeking only to enjoy the pleasures of the metropolis. The *Paridarshak*, one of the best of the Bengali newspapers, thus shows the purposes to which their ample incomes are applied:

“It is deeply to be regretted that our countrymen have not yet learnt the useful way of spending their money. Our millionaires can unscrupulously squander away hundreds, nay thousands upon jattras, dances, idol-worship, fire-works, and other equally useless purposes;

soil and climate, which we have not of similar quality to compare, but for industry and intelligence applied to husbandry, for perfect drainage, for irrigation, for garden-like culture, for clean state of crops, for absence of all waste of land, labour, or manure, for good cultivation, in short, and the good condition of the labouring cultivator. These are points which admit of being compared between one farm and another, in the most distinct soils and climates. Our system of large farms will gain nothing in such a comparison with the husbandry of Tuscany, Flanders, or Switzerland, under a system of small farms.” Quoted, with other similar testimonies, in Mill's Political Economy, Vol. I.

but they feel it a great loss to pay a small sum of money for a school. They waste lakhs of rupees to celebrate with pomp the marriage of their children; but they think ten rupees too large a sum to be expended every month for their education.”*

Their estates are managed by agents, who too often grind the tenantry to the dust, and commit acts of oppression which the Zemindars themselves would not sanction.

2.—The vast majority of the resident Zemindars do not cultivate their estates,† but sublet them to middlemen and ryots. So far from the holdings being larger in Bengal, they are probably smaller than in any other part of India.‡

3.—Numerous unjust demands are made upon the ryots by native Zemindars. Marriages, births, deaths, idolatrous ceremonies in the families of the Zemindars or their agents, law-suits, &c. are made the excuse for illegal cesses.§

4.—When the ryots are under the power of the Zemindars, in many cases the severest terms are exacted. The following notice was issued by one of the principal and most respectable European Planter Zemindars in Lower Bengal:

“If your lease is not valid by law and you have no right of possession, then the ground that you now possess, and what you state that you hold according to the lease, will be reckoned as ground held without engagement, and you will be subject to an annual rent (per beegah) as per the undermentioned list:

• “House Land, Rs. 5; Garden Land, Rs. 2½; Bamboo, Rs. 5; Jack, Rs. 6¼; Mango, Rs. 5; Tobacco, Rs. 4; Date, Rs. 5; Plantain, Rs. 2½; Brinjal, Rs. 2; Late Rice, Rs. 1½; Early Rice, Rs. 1¼; Betel, Rs. 5; Turmeric, Rs. 3; Cotton, Rs. 3; Sugar Cane, Rs. 3; Pepper, Rs. 3; Cocoanut, Rs. 10;” &c., &c.||

I question whether in the worst times of middlemen in Ireland a cottier was charged so much if he grew potatoes, so much if he raised cabbages, or other vegetables. Contrast with the above the condition of the ryot in the Bombay or Madras Presidency, free to cultivate what he pleases, subject to

* Quoted in *Indian Reformer*, December 19, 1862.

† “The Zemindars, as every one knows, have paid no attention to cultivation at all.” See a Lecture on “The Landed Tenure in Bengal,” by Babu Nobin Kristo Bose, displaying considerable research and breadth of view, delivered before the Bethune Society. Transactions for 1859—61, page 73.

‡ A paper on the comparative condition of the ryot in the three Presidencies would form an important addition to the published Records of Government. The Editor of the *Times of India* collected some interesting information with regard to the extent of the holdings of ryots in the Bombay Presidency. Kay’s “Social Condition of the People,” would form a model.

§ Bethune Society’s Transactions, pp. 61-62.

|| *The Indian Empire*, June 4th, 1862.

a fixed tax, and the miserable condition of the ryot in Bengal will be evident. The mode pursued here seems designed to extract from the ryot the uttermost farthing, leaving him only enough to sustain life. It would not do to starve him outright.

To what, then, is the improvement of Bengal owing?

1.—Great natural advantages. Embracing the delta of the Ganges, the soil is fertile and well watered. Though inundations at times cause partial damage, none of the other great divisions of India are so highly favoured by nature.

2.—The permanent settlement on very low terms. The table published by the Civil Finance Commission gives the percentage per head of Land Revenue as follows: Bombay, 2.32; Madras, 1.90; North-West Provinces, 1.40; Punjab, 1.22; Bengal, 1.09. It thus appears that Bengal, the most fertile division, pays least—less than half the Bombay rate.

Comparison with Ryotwari Districts.—The Western Presidency in soil, extent, and population is far inferior to Bengal. A large portion of it came into our possession at a comparatively recent period in the disorganised condition described by Mountstuart Elphinstone in his Report; while Bengal has had a century of unbroken tranquillity. It has few Zemindars or “interlopers” to develop its resources; yet its commerce, once insignificant, now equals that of Calcutta. But the prosperous condition of Bombay is generally ignored, and the finger of scorn is pointed at the Madras Presidency as the most convincing proof of the pernicious results of the ryotwari system. A few facts will show how far this is deserved.

With the exception of two districts on the Western Coast, a great part of the Madras Presidency consists of the arid plains of the Carnatic, subject to long-continued and destructive droughts. The misery of the people was heightened by a land assessment exorbitantly high. Instead, however, of attributing the backwardness of that part of India to the above causes, it has been set down to the ryotwari settlement. During the last few years, when some little justice has been done to the Madras Presidency, the improvement has been nearly as rapid as in any part of India; though the effects of long misgovernment are still very perceptible.

Chiefly through the exertions of Sir Arthur Cotton, irrigation works were executed in some districts on a large scale; Lord Harris instituted a Revenue Survey, and reduced the assessment in several districts. His successors have continued the same wise policy with the greatest advantage both

to the State and to the people. The revenue of Madras had long remained without improvement. In 1840-41, it was £5,218,949; in 1850-51, £5,241,379. ●

Lord Harris became Governor in 1854. The number of acres under cultivation that year was 11,296,020; the revenue, £5,098,338. Reduced rates of assessment* and the irrigation works, so increased the area under cultivation and the revenue, that in 1861-62 the former included upwards of 15 millions of acres, and the latter amounted to £6,951,582.† Though this increase in the revenue is partly owing to the income tax, &c., yet the causes above mentioned have greatly contributed to bringing about this gratifying result. All testimony shows, at the same time, that the condition of the people has been rapidly improving.

Commerce is another test of progress. The following table gives the total value of Imports, Exports, and Re-Exports, including Treasure, during the last twelve years:

	BENGAL.‡	BOMBAY.§	MADRAS.
	£	£	£
1850-51	18,754,025	14,895,135	4,973,839
1851-52	21,337,777	16,041,538	5,401,856
1852-53	21,508,969	16,319,796	6,174,635
1853-54	19,766,112	15,875,538	6,886,590
1854-55	19,825,602	13,998,461	5,837,293
1855-56	28,256,333	19,497,824	7,110,459
1856-57	29,363,967	24,479,512	8,140,261
1857-58	29,455,254	27,374,156	9,628,479
1858-59	30,721,731	31,290,112	8,484,933
1859-60	32,554,956	32,389,402	9,193,355
1860-61	30,842,754	35,157,608	10,477,581
1861-62	30,138,751	43,156,540	11,615,087

Taking the average of the first two and the last two years, the increase is as follows: Bombay, 153 per cent.; Madras, 118 per cent.; Bengal, 52 per cent.

After making all allowances for disturbing causes, as the Mutiny and the demand for cotton, it will be seen that the Zemindari system has no peculiar advantages for developing commerce. But the chief object in introducing the above statement is to show the progress of the despised Madras Pre-

* A rise in the value of produce has had the same effect.

† Madras Administration Report for 1861-62, page 109. The precise area under cultivation is not given; but the extension is said to amount to nearly half a million of acres during one year, page 37.

‡ Bombay's Commercial Annual.

§ Administration Report for 1860-61, page 19.

|| Administration Report, 1861-62, page 29.

sidency under a wise government. For my own part I must acknowledge, that I look upon the increase in Madras commerce with peculiar pleasure, for no product is the result of coercion, neither is there any deleterious article, like opium, exported, bringing disgrace upon the Christian name, and ruining millions.

Act X. of 1859.—The Cornwallis Settlement had at first a most ruinous effect upon the men whom it sought to elevate. "It is said by some," says Sir Henry Strachey, "that we created the Zemindars: it is known to all that we have destroyed most of them. They could not collect their rents as they used to do; they fell in arrear, and we sold their lands: they and their families were ruined."

As the revenue suffered, most severe Distress Laws were passed. These Regulations were best known by the numbers which they bore. One of them was the *Huftum* or Seventh. Its enforcement, as it has been well observed, conveyed to the "Bengali ryot the same uncomfortable impression which is usually connected with the idea of being 'quartered,' or 'decimated.' When he saw that he was about to be 'septimated,' he made every effort in his power to escape from his fate by flight, thereby risking the loss of all he possessed in the world."*

The condition of the ryot in Bengal attracted the attention of the Marquis of Hastings; but the honour of bringing forward a measure calculated to secure to him his rights in many respects, belongs to Mr. E. Currie.

The following is part of a letter from the Bengal Government, quoted by Mr. Currie as containing a statement of some of the evils which the Bill sought to remedy:

"The curse of this district (Chumparun) is the insecure nature of the ryots' land tenure. The cultivator though nominally protected by Regulations of all sorts, has practically, no rights in the soil. His rent is continually raised; he is oppressed and worried by every successive teekadar until he is actually forced out of his holding, and driven to take shelter in the Nepaul Terai. A list of all the ryots who have abandoned their villages on account of the oppression of the teekadars within the last ten years would be a suggestive document.

"Another great evil is the way in which villages are continually sublet. I have known an instance where there were five different teekadars within eight years. Of course all these raised the rents of the village besides taking *salaami*, and a hundred other oppressive *abwabs* from the unfortunate cultivators."—"Objects and Reasons," p. 5.

* See "A Further Paper relative to the Bill to improve the Law relating to Sales of lands." P. 12.

The Calcutta Protestant Missionaries, in their Petition in support of Mr. Grant's Sale Law, observed:—

“Ignorant of his rights, uneducated, subdued by oppression, accustomed to penury, and sometimes reduced to destitution, the cultivator of the soil in many parts of this Presidency derives little benefit from the British rule, beyond protection from Mahratta invasions.”

The advantages which Mr. Currie's Bill was calculated to confer, are, on the other hand, thus stated by the same parties in a Petition to the Legislative Council:—

“That your petitioners regard the provisions in that Bill for securing pottahs, and receipts, and actual occupation, to the cultivators; protecting them from abwabs and other illegal exactions; enabling ryots, in certain circumstances, to resign their lands; withdrawing from landholders the power of enforcing the attendance of their tenants; and regulating the laws of distraints—as the most important boon ever offered by the British Government to the mass of the people of Bengal; and your petitioners gratefully recognize in these proposed enactments the desire of your Honorable Council to extend the blessings of a just and liberal legislation to classes unrepresented in the present system of Government.

“Your petitioners are convinced that, whatever may be the best landed system conceivable for this country, and whatever may be the tendency of trade, civilization, and the accumulation of capital, the Khoodkasht, Poitrik, resident ryots of Bengal, constituting the most valuable and by far the largest portion of the peasantry, have now, in truth and justice, a tenure of a freehold nature, in which they are entitled to protection, and in which it well becomes the British Government to secure them their full measure of rights, without reference to speculative opinions concerning the future development of property. Those ryots are, your petitioners believe, neither cottiers nor tenants from year to year or at will, but yeomen or focuars whose rights are anterior to and independent of those of the Zemindar, and who are entitled by prescriptive and long hereditary occupation to the undisturbed and continued possession of their land, the free choice of crops, and the full results of their industry, subject only to the regular payment of a definite ascertained rent. The tendency of the Rent Bill now before your Honorable Council, and of the Sale Bill (in favour of which your petitioners have already petitioned,) your petitioners believe will be to secure relief to this class, and to the mass of the tenants of Bengal, from extensive and grievous oppression, and the establishment of the rights of myriads of the population.”

The above may be despised by some as only the opinion of *Missionaries*. Such may well ponder the memorable words in which Lord Canning gave his assent to the Bill. This was the only occasion, perhaps, on which he gave reasons for assenting to any measure passed by the Legislative Council.

“I believe that the Bill will confer a great practical benefit on the agricultural population of Bengal. * * * No one doubts, I have to observe, that it has long been desirable that the important questions connected with the relative rights of landlord and tenant dealt with in this Bill should be settled; that no objection is suggested to the nature of the settlement which the Bill contemplates; and that the Bill is a real and earnest endeavour to improve the position of the ryots of Bengal and to open to them a prospect of freedom and independence which they have not hitherto enjoyed by clearly defining their rights and by placing restrictions on the power of the Zemindars, such as ought long since to have been provided.”

Defect in Act X. of 1859.—Though this measure has produced on the whole a vast improvement in the condition of the Bengal ryot, it is not surprising that in one or two respects it should be found either faulty or not sufficiently explicit.

Ryots may be divided into three principal classes. 1. Ryots holding leases, or entitled to leases, at fixed rates. 2. Ryots who have the right of occupancy without leases at fixed rates. 3. Ryots who rent fields by the season, or mere tenants-at-will. The first class do not require any interference, the third seem to be beyond it. The difficulty is with tenants of the second class. Before the enactment of Act X. such ryots were to pay the “Pergunnah rate.” This was apparently abandoned by Mr. Currie as indefinite. Section 5 of Act X. is as follows :

“Ryots having rights of occupancy, but not holding at fixed rates, as described in the two preceding Sections, are entitled to receive pottahs (leases) at fair and equitable rates. In case of dispute, the rate previously paid by the ryot shall be deemed to be fair and equitable, unless the contrary be shewn in a suit by either party under the provisions of this Act”

The grounds on which a ryot having right of occupancy is liable to enhanced rent, are thus stated in Section 17.

“No ryot having a right of occupancy shall be liable to an enhancement of the rent previously paid by him except on some one of the following grounds, namely :—

“That the rate of rent paid by such ryot is below the prevailing rate payable by the same class of ryots for land of a similar description, and with similar advantages in the places adjacent.”

“That the value of the produce or the productive powers of the land have been increased otherwise than by the agency or at the expense of the ryot.

“That the quantity of land held by the ryot has been proved by measurement to be greater than the quantity for which rent has been previously paid by him.”

Section 18 provides that the ryot, in turn, may claim abatement of rent if circumstances are reversed.

On actual trial it was found that the terms "fair and equitable" were quite as indefinite as the "Pergunnah rate," and were calculated to cause an immense amount of litigation. This will appear in the following Sections.

Enhancement of Rents.—After the ryots refused to grow indigo, there was a movement on the part of the planters to raise rents. Some probably hoped thus to get indigo sown as before; others may have looked simply to their profits as Zemindars. When rents two or three hundred per cent. above the old rates were demanded, the ryots naturally refused to pay. An additional Judge was appointed by Government to decide such cases. As might be anticipated, there was a considerable difference of opinion as to what was a "fair and equitable" rent. The ryots seem to have consented that the increase should be divided in equal proportions between the Zemindars and themselves.* The additional Judge considered that if the value of the crop, exclusive of the cost of production, doubled, the rent should also be doubled. The Chief Justice, in appeal, condemned this principle as incorrect, and was of opinion that the views propounded by writers like Malthus with regard to rent should be followed. He decided that the increase demanded in the case before him was "fair and equitable;" but little beyond this seems to have been settled.

Evils of the present state of things.—The principle on which the decision of the Chief Justice is based, has been condemned as erroneous. The point in dispute is not rent simply as understood by Malthus, but *Government Land Revenue*. Much has been written about the nature of the land revenue, whether it is rent or merely a tax. The view in the following extract seems correct:

"The Land Revenue of India, as of all eastern countries, is less to be regarded as a tax on the land owners than as the result of a kind of joint ownership in the soil or its produce, under which the latter is divided, in unequal and generally undefined proportions between the ostensible proprietors and the State."†

The proportion received by the State was generally paid in kind. It varied from a tenth to a fifth, and seldom rose above a fourth of the gross produce.‡ In Ceylon, where Hindu laws were not changed by Muhammadans, the average was about

* See Mr. Twidale's defence.—*Indian Jurist*, p. 28.

† Despatch of Sir Charles Wood, July 9th, 1862, para. 42.

‡ Proceedings of the Bethune Society, 1859—61, page 54.

one-seventh. Even the rapacious and merciless Marathas exacted only the *chout*, or fourth part.

It must be evident, therefore, that all that Government could justly surrender to the Zemindar was its proportion as joint owner, to be paid at the usual rate. The Government demand from the Zemindar was considerably reduced to cover the cost of collection. Whether the above view is correct or not, the following evils result from the decision of the Chief Justice according to the letter of Act X.

1. There is no Permanent Settlement.—The conviction is now general that to secure the full improvement of the soil, the country must be permanently settled, or at least that leases for a considerable number of years must be granted. Under the present law, ryots with right of occupancy will be little better than tenants-at-will. The rent may vary every season. Can it be supposed that when the Permanent Settlement was conceded in Bengal, it was intended that its advantages should be enjoyed almost exclusively by a small body of Zemindars, while they were to have a perpetual right to rack-rent their tenants?

2. The Indefiniteness of the expression, "a fair and equitable" rent, will lead to a vast amount of Litigation.—During the proceedings Sir Barnes Peacock himself observed :

"As far as I can see, I do not think we can lay down any fixed rules for his (the Judge in the lower Court) guidance in all cases; but we might merely tell him, as suggested by you, to find a fair and equitable rate, after deduction of cost of cultivation and other suitable expenses."—*Indian Jurist*, p. 27.

This "glorious uncertainty of the law," it is evident, will lead to an immense number of suits, involving many of the ryots in total ruin.

It is true that "It's an ill wind that blows nobody good." Well might a "Limb of the Law" write to the *Englishman* praising the decision of the Chief Justice. He and his brethren rub their hands with delight at the prospect of such a rich harvest.

3. The worst feelings are excited between Zemindar and ryot.—Numerous evictions may be the result, ending in deadly hostility.

Thus the present unsettled state of things, to use the words of the *Friend of India*, "threatens to ruin the ryot, excite agrarian crime, deluge the courts with litigation, arrest all progress, and make the English settler hated as he is in Tipperary."

Some action on the part of the Legislature is, therefore, imperatively demanded.

Bengal may outwardly appear quiet at present; but the calm may only be that which precedes the hurricane. It is the subject of general remark that there is a rapid change taking place in the character of the people. They are far from being so humble and submissive as they once were; they are beginning to claim their full privileges as British subjects.

REMEDIAL MEASURES.

It must be admitted that, as a general rule, it is much easier to point out evils than to devise remedies, and still more to carry them out. Still, a few suggestions, from various sources, may be thrown together. Government is already acting partially upon some of them; but there appear to be important differences.

Proposed Settlement.—The plan suggested is to grant leases to tenants having right of occupancy on terms defined by Government, either in perpetuity or for a long period.

Government must determine what is meant by a “fair and equitable” rent. Some rule must be laid down, as in the case of recent Revenue Settlements, otherwise it will vary with the views and moods of each judge. Upon what principle is this to be decided? *All circumstances considered*, the best seems to be to require the tenants to pay the same rent to the Zemindar which Government would demand.

The question of a general Revenue Settlement for India is one of the most important which awaits your Lordship’s consideration. It cannot long be postponed, for I believe the terms for which many districts were settled soon expire. It is most desirable to have uniformity—one district should not be taxed twice as much as another under similar circumstances,—not an unusual thing at present. The proportion of the value of the produce claimed by Government may be 15, 20, or 25 per cent.; the settlement may either be perpetual or only for thirty years. The utmost care will be necessary to make allowances for the fluctuation of prices.* But the *point* is, to fix the same terms for tenants with right of occupancy in Bengal.

* To aid in arriving at a satisfactory solution of this question, affecting vitally the interests of 150 millions for many generations, it is most desirable that an able and experienced Revenue Officer in each of the great divisions of the empire should be set apart for a few months to draw up a full report on the nature and effects of the present Land Settlement during the last half century. Perhaps it would also be advantageous for another first rate officer to prepare a report reviewing the whole. Full statistics should be given of each district, or at least of districts representing classes. The rates paid by irrigated and unirrigated lands, the cost of cultivation and the value of the produce; the wages of labourers,

The same course must be pursued as in the Revenue Settlement in the Bombay and Madras Presidencies. The size of each field must be measured, the quality of the soil, &c., classified, and the amount of tax fixed accordingly. Land, good, middling, and bad, will pay differently ; but the scale throughout India will be uniform.

In Bengal this arrangement would affect only one class of ryots. Government must abide by the terms which it made with Zemindars. Neither the land occupied by tenants with leases at fixed rates, nor by tenants-at-will will require to be assessed. Hence the entire area to be surveyed and classified will not be very great, and with a good staff it need not occupy a very long time. Whether a complete Revenue Survey is desirable, is another question.

The proposed arrangement is just to the ryot. Though he has the right of occupancy, he has no lease at a fixed rate. He cannot reasonably object to pay on the same scale as is charged throughout nearly the whole of India. At first sight, indeed, as the rate will, in most cases, be greatly in excess of what he pays at present, the measure may not be very acceptable ; but when he understands that he will no longer have the dread of enhancement hanging over him, I believe he will be quite reconciled to it.

The course suggested is also equitable as regards the Zemindar. An *ad captandum* cry of interference with property, of spoliation, may be raised by men who seem to suppose that they have purchased estates in England instead of Zemindaris in Bengal.

The late lamented Colonel Baird Smith has the following remarks in his Report on the Famine :—

“ There is no acre of land among the thirty millions or thereabout forming the total area of the tract on which private rights of various kinds do not exist, and arbitrarily to destroy them is what nobody would think of. Government can only dispose of what belongs to it, and all that does belong to it, is the right to sell the proprietary tenure of Estates on default of payment of revenue. If there is no default, there is no power of sale. The buyer buys the proprietary rights on its terms, and these terms do not imply the extinction of even the humblest subordinate rights. Such rights are quite as precious to their owners as his peculiar holding is to the Statesman of the Lake Districts, or the Yeoman of Kent or Sussex. ...

the prices of the principal articles of food, cotton cloth, &c. during the above period, as far as can be ascertained, would of course, be included. A vast amount of information is scattered over the Revenue and other Reports ; but digests of the above character are absolutely necessary to enable the Supreme Government to fix the standard. A Permanent Settlement, or even one for thirty years, may be either a great blessing or a sore curse.

"Of course the above remarks have no application to lands properly waste and burdened with no private rights. Of these however, there are none of any importance within the limits of the tract under notice." Section II., p. 48.

The rights of the ryots have, all along, been acknowledged by Government in its *Regulations*. The Sale Law Act XI. of 1859, contains the following paragraph :

"Provided always that nothing in this Section contained shall be construed to entitle any such purchaser as aforesaid to eject any ryot, having a right of occupancy at a fixed rent or at a rent assessable according to fixed rules under the laws in force, or to enhance the rent of any such ryot otherwise than in manner prescribed by such laws, or otherwise than the former proprietor, irrespectively of all engagements made since the time of settlement, may have been entitled to do." Section XXXVII.

A similar provision is made in the Sale Law of 1841. The very Regulation from which the Zemindar originally derived his power, No. I. of 1793, contains the following article :

"VII. It being the duty of the ruling power to protect all classes of people, and more particularly those who from their situation are most helpless, the Governor-General in Council, will, whenever he may deem it proper, enact such regulations as he may think necessary for the protection and welfare of the dependant talookdars, ryots, and other cultivators of the soil."

It has been shewn that most of the original Zemindars were ruined. Many of their successors shared the same fate. A number of them were absentees; others from the wretched manner in which they were brought up, were incapable of managing their Zemindaris. Hence they were often sold out, the purchasers, not unfrequently, being their own agents. So many changes have taken place, that not long ago some of the principal Zemindars in Bengal proposed that entail should be permitted. The interposition of Government, therefore, will not affect old families, holding their Zemindaris since the Cornwallis Settlement. By the arrangement suggested, the Zemindars will probably divide among themselves a sum fully equal to the entire land revenue of Bengal. Most people will, I think, be disposed to consider the amount they will receive extravagantly high to be given to men who were mere tax gatherers. Instead of the cost of collecting the land revenue being small in Bengal, it is greater than the net proceeds. Injustice has ended in folly.

It is fully admitted that it is an exceedingly difficult matter to say precisely in each case how much is due to the Zemindar, and how much to the ryot for past improvements. The plan proposed will do justice, I think, on the whole; while it

proceeds on a definite principle, and can easily be carried out. The Zemindars have, in a great measure, the advantage of all improvements since 1793. The tenants will reap the benefit of all their future labours, which will be a great incentive to improvement. A stop will be put to litigation, and chronic feuds between Zemindar and ryot will be avoided.

Should it, however, be proved in any case, that the above arrangement would be unjust to the Zemindar, the difference between the payment by the ryot and the Government demand, not leaving him a "fair and equitable" profit, the latter should be reduced. But it is very doubtful whether any claim of the above nature can justly be made in Bengal.

Government should adjudicate cases as in the Revenue Settlement.—Ryots must not be left to defend themselves against powerful Zemindars by appeals to the ordinary tribunals. They may be ruined in this way as well as otherwise. Let a skilful Revenue Officer adjust cases referred to him, as he would re-settle Government lands.

A Commencement should be made with one District.—The experiment might be tried at first on a small scale. Probably, in most cases, Zemindars in other districts would be willing for a time to await the result, instead of endeavouring immediately to enhance rents.

Ryots without Right of Occupancy.—The case of ryots of this class, so numerous in Bengal, is miserable in the extreme. It is, however, beset with difficulties. I can only hope that eventually the Zemindars will see it to be their own interest, in the long run, to have substantial tenants able to pay rents with regularity, and that the poorer will become simple labourers.

The Prohibition of Illegal Cesses should be made known more fully.—Sundry "benevolences," the nature of which has already been described, are exacted from ryots by native Zemindars and their agents. Though forbidden in Act X., a brief statement, occurring among 168 Sections, has been in a great measure overlooked, and the exactions are continued much as before. A separate explanatory notice, posted in public places, would have a far more powerful effect.

Every effort should be made to change the Social Customs in which Illegal Cesses chiefly originate.—The cause of female infanticide among the Rajputs is well known. It was a point of honour that marriage ceremonies

should be celebrated among them at a cost which pressed heavily upon a poor and proud people. Hence parents, more cruel than beasts of prey, murdered their own offspring. By the continued and strenuous exertions of some of India's noblest benefactors, this inhuman custom has been, in a great measure, if not entirely, suppressed. Though such festivals, conducted at rather less expense, have not led to similar atrocities among other classes of Hindus, yet the effects are exceedingly injurious. The vast majority of the people are in debt. If inquiry be made, it will frequently be found that this was occasioned by borrowing money to celebrate a marriage. The savings of years are often squandered in a few days, and debts are contracted which cause misery till the end of life. Thus the country is kept poor, while hosts of vagrants are supported in idleness, and the people pauperised.

The subject is brought up in this connection, because it is the great source of unjust exactions. A Zemindar has a marriage, or some such ceremony, to celebrate. His vanity must be fed by the magnificence of the scale on which it is performed; while his avarice must be spared by throwing as much of the expense as possible on others. Hence money is wrung from his miserable tenantry. And such demands do not terminate with the Zemindar himself. He is probably an absentee, and his estates are managed by agents, who make similar claims. It can easily be conceived how heavily, therefore, they fall upon the ryots.

A great deal would be gained by correcting native sentiment on such customs,—if Zemindars could be made to feel that their honour was increased, not by grand festivals at the expense of their tenants, but by refraining from the exaction of a pice for such a purpose. A witness before the Indigo Commission, James Forlong, Esq., long resident in the country and familiar with the people, says, "A native gentleman values what is called his *izzut* or honour, beyond every thing else."* The attempt, therefore, is not hopeless, though like all changes where multitudes are concerned, and the obstacles great, progress must necessarily be slow. The native press, notwithstanding some serious faults, is gradually diffusing more correct views on many points. It is true that frequently both writers and readers must say, as of old,

Video meliora proboque, deteriora sequor.

Still, a great advance is made when the conscience is set right. I feel encouraged by the change which has already, to a large

* Indigo Commission Report, Section 3185.

extent, taken place among the Parsees. Formerly, like the Hindus, they spent at marriages vast sums on childish displays. About two years ago, I had the pleasure of being present at an examination of Hindu female schools in Bombay, presided over by the Hon. W. E. Frere. The Chairman stated that it has become the custom among the Parsees at family ceremonies, whether joyous or the reverse, instead of squandering money as before, to devote, a part of it at least, to the support of female schools. Granting that the Parsees are far ahead of the Hindus in some respects, the latter, if due means are employed, will follow. Every one has some influence for good which he is bound to exert; but a few words from the Great Lord Sahib would vibrate from the Himalayas to Cape Comorin.*

The Spread of Education.—Sir F. Halliday, in his “Minute on Police and Criminal Justice in Bengal,” justly observes,

“While the mass of the people remain in their present state of ignorance and debasement, all laws and all systems must be comparatively useless and vain. Above all things that can be done for this people is their gradual, intellectual and moral advancement through the slow but certain means of a widely-spreading popular system of vernacular education.”

But I shall not dwell on this point, for it has been fully and forcibly brought out in the admirable letter of the Rev. Dr. Duff, appended to the Report of the Indigo Commission. The efforts already made by Government for the promotion of education are also gladly acknowledged.

CONCLUDING REMARKS.

In bringing to a close this long, and, I fear, rambling, letter, the main points sought to be brought out may be briefly recapitulated.

1.—That the ryots in Bengal, in the great majority of cases, are placed under disadvantageous circumstances compared with ryots in the other Presidencies, and while the condition of the latter is rapidly improving, that of the former threatens every year to deteriorate.

2.—That Government, which by its injustice caused the distress, is bound to repair it, as far as possible, by securing leases

* In the Bombay Selections No. LV, there is a correspondence, printed by the late Lord Elphinstone, at the recommendation of Sir Bartle Frere, containing an interesting account of a successful effort to reduce the expenses at Births, Marriages, and Deaths, among a class of Muhammadans at Tatta in Sind. An examination of the tables in Appendix A. will give Europeans a good idea of the magnitude of the evil in some cases.

to tenants with right of occupancy on the same terms which would be conceded in other parts of India.

3.—That further efforts should be made to put down all illegal cesses.

It is scarcely necessary to refer to the charges which have been brought against parties who have condemned the peculiar system of indigo cultivation in Lower Bengal. They can afford to smile when termed ante-diluvians, dodos, surviving relics of a former geological epoch, enemies of progress, advocates of a dead level, with only themselves, perhaps, like Saul, above the people. It is cheerfully admitted that even in Bengal the indigo planters, with some evil, have effected a great amount of good. All that is asked is, let us have the good alone, as in the case of British settlers in other parts of India and in Ceylon, without the evil. Neither is there any opposition to that gradation of rank and wealth evidently ordained by Providence. But aristocracies, like constitutions, to be worth any thing, must grow. The attempt of Lord Cornwallis at the manufacturing process has, thus far, been a dead failure. We have great proprietors who exact all the rights of property, while they discharge none of its duties. Their own condition, in some respects, is not less pitiable than that of their ryots. I was lately informed by a gentleman, perhaps the best able to express an opinion on the subject, that, as a general rule, the young men who attend our English colleges, and study with such zeal, belong, almost entirely, to the middle classes. The children of the richest Zemindars are often allowed to grow up exposed to the worst possible influences. Artful and unscrupulous dependents, by whom they are surrounded, pander to their vilest passions, that they may afterwards have them more completely under their control. Not that the condition of even the Bengal Zemindar is hopeless. The rays of true knowledge, and, what is far more important, the beams of the Sun of Righteousness, will yet penetrate the most hidden recesses of the zenana, and Bengal will number its Shaftesburys, its Buxtons, its Wilberforces. Meanwhile, as in ages past in this country, the strong have always preyed upon the weak, the ignorant ryot requires the protection of Government.

To guard against misconception, I may state that while attempting to show that Bengal, has, of late, been a laggard in the race of progress, I by no means affirm that its system of landed tenure is the *sole* cause of this, nor perhaps, even the *chief* cause. Each of the presidencies has had its drawbacks, and Bengal has not been without its full share. There is a native proverb, "It is darkest under the lamp." While

the Supreme Government was scanning the most distant horizon, and with eagle eye detecting whether the Governor of Bombay was using too much foolscap, or His Excellency of Madras had engaged an extra peon without sanction, what was transpiring under the golden nose, to use the courtly phrase of Burmah, was overlooked. Lord Dalhousie saw this blunder, and gave Bengal a Lieutenant-Governor of its own. Things, however, were in such a state, that some time must elapse under the wisest and most energetic rule before Bengal can have justice done to it. As already mentioned, in natural capabilities it ranks far above the other Presidencies. Though Bombay from its nearer distance to Europe will eventually absorb to a large extent the passenger traffic as well as that of light valuable goods, Bengal has the incomparable advantage of draining the magnificent valley of the Ganges, with a network of rivers, and unequalled facilities for the construction of canals, with which, for bulky articles, railways can never compete. In a voyage round the Cape the difference of a few hundred miles matters little. But enough has been shown to prove that Bengal must bestir herself, otherwise, by and by, even the Madras Jehus may cry out, "Now then!"

I owe some apology for thus trespassing upon your Lordship's attention. My excuse must be that the present is a crisis in the history of the ryots. On the decision of the next few weeks may probably depend, in a great measure, whether the many millions of Bengal are to be handed over to legalised rack-renting and oppression. Before our rule became established in India, the injustice and tyranny of rulers was sometimes cured and avenged by a successful revolt. This rude and terrible remedy is not open to a feeble race kept down by British bayonets. The words of Solomon, which have described the state of the ryot in Bengal under our rule during the past, may hold good with regard to the future: "So I returned and considered all the oppressions that are done under the sun; and behold the tears of such as were oppressed, and they had no comforter; and on the side of their oppressors there was power; but they had no comforter."

The Zemindars, European and Native, are powerful and well represented both in the legislature and by the Calcutta press. But Calcutta opinion, however loudly expressed, may not indicate the general feeling, and, still less, the verdict of justice and posterity. One of the most profound thinkers of the day, observes with respect to English settlers in British dependencies, "It seems monstrous to them that any rights of the natives should stand in the way of their smallest pretensions: the simplest act of protection to the inhabitants against any act of

power on their part which they consider may be useful to their commercial objects, they denounce and sincerely regard as an injury.”*

Lord Canning might have gained a temporary popularity with some had he yielded to clamour during the Mutiny, had the voices calling for vengeance prevailed. But calmly and unflinchingly he held on his course, combining mercy, wisdom, and justice. His bitterest foes afterwards confessed their error, and amid the many glories that encircle the name of Canning, his noble and heroic conduct at that trying juncture, will be the brightest and most enduring.

Thus, through “evil report and good report,” may your Lordship pursue your career. I fondly hope that the pages of the future historian of your Administration may contain no record of battles “with confused noise and garments rolled in blood;” may your Lordship’s triumphs be all peaceful; and when you are laid in the sepulchre of your fathers, or “sleep” with the great and good in Westminster Abbey, may your memory survive to distant generations in the hearts of a contented, prosperous, and an enlightened people.

I have the honor to be, &c. &c. &c.

JOHN MURDOCH.

CALCUTTA, *December 30th*, 1862.

* Considerations on Representative Government by J. S. Mill, p. 329.

INDIAN YEAR BOOK FOR 1861.

A Review of Social, Intellectual, and Religious Progress in India and Ceylon.

Opinions of the Press.

"Somewhat similar to Mr. M. Martin's ('Progress and Present State of British India,') but less pretentious and much more correct."—*Friend of India.*

"We assure our readers of a large amount of information in these pages, and there are few books which would prove more acceptable to those in England who care to read about India."—*Calcutta Christian Observer.*

"A very interesting book, highly creditable to the literary press of India."—*Poona Observer.*

"A most convenient resume of the proceedings of the year ... with especial stress upon Missionary and educational efforts."—*Madras Times.*

"All who take an intelligent interest in 'the Lands we live in'—the Great Indian Empire and the small but advancing colony of Ceylon, ought to provide themselves with a copy."—*Colombo Observer.*

Price 2 Rs. Postage and packing, 3 annas extra.

CALCUTTA, Messrs. Lepage and Co. ; BOMBAY, Bombay Tract Depository ; MADRAS, Messrs. Graves and Co., and Mr. J. Higginbotham.

(37) 4