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Preface

This is the second of two volumes resulting from a suggestion by Oxford University Press that they republish some of my essays with extensive new introductions. Part I comprises the introduction and supporting essays follow in Part II. A fuller statement of the rationale for the collections is provided in the companion volume Liberalism, Modernity, and the Nation (henceforth Liberalism).

Both volumes reprint essays on diverse subjects that may be read in the context of the part played by empire in the modern constitution of identities in India. Except for the first in this volume, which has been rewritten, the supporting essays have not been significantly changed from the form in which they were first published. Instead, the introductory chapters draw out and elaborate upon a connecting theme that was not necessarily the main focus originally.

The particular argument in this volume is that colonial laws and economy, alongside the forces of government interference and regulation discussed in Liberalism, helped frame the political identities that emerged in India over the last 150 years or so. I say 'helped frame' because, as insisted in the above-mentioned volume, I am not claiming that colonialism alone explains anything, or that Europeans rather than Indians were the significant agents of change. Also, it is the form and basis of colonial policy that are at issue, not its success. Indeed, its failures and misrepresentations had an important influence on the interest groups and rhetoric that helped decide which identities would emerge and how they would develop.

In these ways, the two volumes share a common theme and purpose. This book looks mainly at the connection between certain features of agrarian policy, revenue and property law, and commercial production, and the emergence of related political identities. But it builds on Liberalism, which connects liberal rhetoric and modern technology and governance to the reinforcement of bounded categories and to a discourse of rights. The argument is that such linkages were a necessary part and an instrument of the building of modern identities, including the nation.
The identities are modern not in a chronological sense so much as in their rationale and organization—in particular, as said in *Liberalism*, in their generalizing character and recourse to the concept of rights. This volume is almost all about rural conditions, and hence the relevant identities are those of landlords, tenants, peasants, labourers, and so on. But the points are intended to be more general. In Chapter 8, for example, the impact of the Factory Acts is considered. That discussion provides a useful paradigm, already mentioned briefly in *Liberalism*. A Factory Act defines work in terms of place, time, task, reward, power, and organization. It defines government and law by identifying their responsibilities, and it identifies employers and employees by defining their rights. It assumes a concept of national society and economy in its purposes and rationale—for example, by setting rules that reduce the comparative advantage of the worst employers by applying to all, and by doing so in the public interest and with an eye to the social and economic health of a country and a jurisdiction as a whole. A Factory Act depends too upon skills and technologies—such as scientific measurement and environmental health—and so is a function of modernity. Finally, it reinforces comparable trends and categorizations—just as it defines men, women, and children, so too do many other processes and regulations: age-of-consent laws, demands for compulsory education, franchises for legislatures, administrative policies and departments, and censuses. Inevitably, these categories spawn organizations: unions, political parties, women’s groups, or social reform movements. Such processes, or rather the contributions made to them by empire, are the subject of this book.

This book too is dedicated to Lizzie, Ben and Katy, Tom and Emma.

London, 2006

PETER ROBB
Acknowledgements

As said in *Liberalism*, these collections have been put together in moments borrowed from my current ‘day job’ as Pro-Director of SOAS, a post not designed to permit a scholarly life. As ever, I am thankful for help. Kelly Scott and others created computer-readable texts from some old originals. My wife Elizabeth put up with yet another intrusion of laptop and papers. Some sections and chapters benefited from specific input that is acknowledged in each case.

The following essays are republished with the consent of the publishers named:


Note

I

AGRARIAN POLICY
AND POLITICAL CHANGE
1. Agrarian Policy and Law

Villages.

In this volume, we will consider some of the changes in political economy under colonialism, with special reference to the countryside. Perhaps the emphasis needs no justification other than the ratio of rural to urban population and the occupational bias of the colonial period. But there is more to it. India could have had an urban-based political revolution, as in some other countries; but by and large it did not. The agricultural sector always mattered politically, even though land revenue provided smaller and smaller proportions of government income. Of course town-based professionals and trading communities, especially the Parsis, were crucial to political developments; but mobilization of the countryside was also evident. Landowners as well as ratepayers formed the earliest representative organizations. Resistance to land-revenue demands and other rural revolts as well as largely urban anti-salt tax protests, expressed popular Indian resistance to the colonial state. The district boards, which helped forge provincial politics, were often peopled by new men from the cities as well as local notables; but they were rooted by their operations, concerns, and character in small towns and mofussils. Broad or specific coalitions of peasants in 'unpolitical' regions chiefly formed the new constituencies of support for M.K. Gandhi and the reformed Congress party (and later for the radical Sikhs, and later still for the separatist Muslims). Importantly, this debunked the myth of the 'loyal peasant' beloved of the British, ensuring that constitutional concessions would continue to be made. Elections in independent India—including those in 2004, which confounded the urban pollsters—demonstrate the enduring importance and the political liveliness of rural voters.

Another reason for concentrating on agrarian conditions is that there is more to be said about their political importance in the context of government policy. There can always be work for historians, but the role of the Western-educated and professional classes in all aspects of nationalism and social development hardly needs re-emphasis. The trade unions have had their chroniclers too, debating the significance of social attitudes and ideologies
and the part played by employers, politicians, and the state. Religious and social groups are being extensively studied, usually while noting the new context of colonialism and the challenges of Western theology and science. Not so much, it is true, with reference to the nature or actions of the colonial state itself, beyond ‘divide-and-rule’; but those are matters already addressed in *Liberalism*. Of course, the agrarian scene too has been repeatedly examined for its political importance by such diverse scholars as David Ludden, Sugata Bose, David Washbrook, Christopher Baker, Sumit Guha, and Dilip Menon. But a particular issue in such rural histories, more than in the other fields mentioned, seems to be whether or not—or how—colonialism mattered. In *Liberalism*, I mentioned the *Subaltern Studies* emphasis on autonomous classes. Whatever its other merits heuristically, it does not help clarify the articulation of politics between state, elites, and populace, or indeed among castes and within religions. It is odd that the state’s influence on the countryside should be controversial, as agrarian society is surely an aspect of India with which the British were very closely involved and in which notable changes clearly occurred. The controversy and that involvement are other good arguments for my emphasis in this book. Finally, in any case, the agrarian sphere provides good examples of more general changes.

Henry Cotton was wrong when he claimed (as quoted in *Liberalism*) that within a few miles of government headquarters there were villages unchanged since Akbar:¹ The persistence of this myth is not remarkable. It suited colonialism, in its supervisory stance, to think Indians conservative and fatalistic, just as it had suited some historians and politicians to overemphasize the alien character of colonialism in India. Both these positions underestimated India. Indians, not Europeans, did the main work of transforming India’s economy. Colonial government was overwhelmingly Indian in personnel. Images of European stuffed shirts and soldiers pontificating in council and of paternalistic district collectors taking charge of childlike subjects were encouraged by the empire’s own view of itself, but manifestly they were never accurate or complete and after 1920, it should be remembered, Indians were in the majority even in the executive councils of government. Asiaticus had picked it up at once, in the 1780s: Indians were adaptable.² Even Indian domestic servants and road-workers quickly took to the Supreme Court’s very English law. This was not just going along with change or succumbing to force majeure. Indians proved themselves self-interested and very adept at this ‘foreign’ legal system and at everything else of use that the British had to offer:

¹ See Cotton to Ripon, 10 September and 8 November 1893, Add. MSS. 43618.
What then of those unchanged villages? These were the very villages that transformed the Indian economy and its exports of primary materials, that increasingly stored foreign bullion and consumed foreign goods, and that experienced boons or buffeting from international prices. These were the same villages that by 1900 were invariably close to a fixed or weekly market, and often within a day's travel of a railway. Mostly they had a post office even nearer. (See any large-scale map of the time, and search for the little 'PO's.) These were villages that, therefore, sent out and received back more pilgrims and workers and saw more travelling traders or officials than ever before. Leave aside the later impact of local buses and of distribution trucks on metalled roads, or of press, radio, film, television, and the Internet. Can one imagine what it meant for a poor rural family to be able to receive and be able to cash a postal money order sent by a family member working in the mills of Howrah or Bombay? Or that the family member could have journeyed away by buying or being given a ticket on a train that operated according to a timetable and was more or less safe from brigands and warlords? Certainly India had long had sophisticated means of transferring money over distances, potentially to all, but not as a public good provided and guaranteed by the state. So there were old and continuing traditions of migration too, but nothing with the degree of regulation and organization existing only from the nineteenth century. I am not saying that these are good things or bad. I am suggesting that they must have had an effect on people's views of themselves and the world.

Thus part of the origins of modern identities may be traced to economic change and agrarian policy. The intention of raising these questions in this collection is to highlight the kinds of connection that I have often stressed between economy, society, and politics, and particularly between the impact of law and commercialization and the construction of identities and political constituencies. Parts of this volume continue and generalize the arguments of my study of the nature and impact of British agrarian policy, based around the Bengal Tenancy Act. The articles I have included in 'Part II: Law, Economic Change, Interest Groups, and Rights', do not pay much direct attention to identities or politics, but they offer a basis for understanding how new kinds of interest groups and class interest might have arisen. Chapter 4 outlines the limits of the sway of capitalism under colonial rule, a subject taken up in specific ways in the essays that follow it. Chapter 5 discusses the impact of law. Chapter 6 asks similar questions with regard to the actualities of production. Chapter 7 explores the fluidity and contingency of rural hierarchies.

3 Peter Robb, Ancient Rights and Future Comfort: Bihar, British Rule in India and the Bengal Tenancy Act of 1885, Richmond, Surrey, 1996.
except within broad class-like categories. Chapter 8 considers in particular the impact of indigo and tea production, and the fate of labour. All five imply continuities with the past, the mixed impact of colonial administration and trade, and the ability of already advanced or well-resourced groups to prosper at the expense of others. Chapter 8 also widens the discussion beyond agriculture—those aspects have been described in the Preface. Together, the essays define conditions in which new expressions of identity were needed and were possible. The introductory chapters are concerned with antecedents or contexts, and with the ways they were translated into identities.

**Government and the Countryside**

Agrarian policy comprises all the actions of government towards rural society and agriculture. It includes policies relating to land revenue, surveying, and records; to land ownership, tenancy, and rural labour; to agricultural production and trade; and to the science and development of cultivation. It is complex; its detail may seem dull; but it is very important. It affects politics, among other things—how power is exercised in the countryside; how the state tries to gain support; what interests it represents. It affects government—what it can and cannot do, and what it is for; the state’s income and how it is spent. It affects the economy—the terms on which societies organize the production of food and the exchange of goods; the comparative importance of cultivation, processing, industry, and services; a country’s or a region’s standing among others. It helps determine well-being—the social distribution of food, work, and wealth; levels of health and population. Finally, it is part of culture—attitudes towards property, employment, family, and inheritance; other social and moral values, such as the significance and purpose of cultivation; how people think about socio-economic classes and ‘rights’. Later, these elements together will bring us back to identity and politics.

For a foreign government, agrarian policy provided (as said) what is arguably the most important point of influence upon the subject people and territory. In India the British, though so few and distant from the majority of people, could change the nature of landholding, the availability of land, and the capacity of people to move from one place or one job to another. They could influence the kinds of crop that were grown, the manner in which credit was provided to cultivators, and the ways crops were marketed. They could affect the patterns of consumption, the basis of prestige, and the terms on which some Indians gained dominance over others. They could control and reward favoured classes. They could transform India’s internal and international economy. Or,
more precisely, as we should not think of any government as being all-powerful and all-knowing, they could introduce policies for a variety of motives and find that they produced a range of intended and unintended effects in these various aspects of life. With hindsight, we can see that agrarian policies led to a transformation in India. Though agrarian legacies and continuities were important and the picture of an India of unchanging villages had never been true, yet the integration of the countryside with broader systems of government, law, and trade became markedly greater than before, during the nineteenth and twentieth centuries.

Let us concern ourselves at first with only one aspect of colonial agrarian policy, the large aspect related to land rights. This is a very well-known story, but there may be benefits from my telling it again as lucidly as I can, with an emphasis on the elements relevant to this book. There are two main contexts, relating to the motives lying behind the policies. First is the motive of control. Land policies are partly about ensuring that there is order in the countryside and that revenue is readily relinquished to the state. This does not mean that land policies were merely a form of coercion. Just as important, they offered a means of persuasion. The British wanted to support or create classes which would have an interest in collaborating with them and which would be able to curb those who tried to resist or avoid the state's authority. The British also intended to ensure (though they did not succeed in this) basic levels of well-being in the population as a whole so as to avoid the costs and dislocation of famine, disease, and desertion, and thus protect future state revenues.

Second, there is the question of trade. In the eighteenth century, British trade with India centred on exchanging cotton goods manufactured in India for bullion (silver and gold). This was partly because there was little market in India for British produce, but also because silver and gold were not simply money but commodities wanted by India that Europe could supply relatively cheaply. Even cheaper for the British East India Company, however, was to make its purchases in India using revenues from Indian territories and using profits from the sale of products in which the Company established a monopoly, such as salt and opium. Such strategies also implied land policies.

Later, from the mid-nineteenth century, this not very efficient system gave way to one that sought to draw on a much wider range of products and to involve a much bigger proportion of Indian consumers. This meant that land policies became even more important. Overseas land and labour resources were now beginning to support and enrich the population and the capitalists of Britain as its industrialization progressed. At first, slave plantations, North American development, and the newer settlement colonies played a larger part in this process than India. But India soon became a source of raw materials (cotton, jute, indigo) and of some foods and drugs (opium, tea, coffee, wheat),
and also a market for British manufactures. The surpluses earned by India's foreign trade (except with Britain) helped Britain to finance its own deficits in trade with some other countries. India was also a vital site for British employment, services, and investment.

Contrary to what is sometimes thought, colonial land policies were not exactly calculated to achieve these effects. They were the outcome of countless individual economic decisions and not of any farsighted state plan. But certainly Indian land policies were expected to help (or at least, not hinder) British economic interests, which were also supported by the economic theories of those days. The success of the policies can be seen in the extent to which India's countryside did perform the roles required of it by British industrialists, merchants, and consumers.

The basis of land policy was the revenue settlement, meaning the decision of how much would be paid to the state for land, who would pay it, and on what terms and conditions. The tendency in India was for strong states to reach down as near as possible to the actual cultivators for information about agriculture and landholding as well as to fix responsibility for the payment of land revenue. No pre-colonial states managed to do without local intermediaries—lords, record keepers, headmen, and so on—but many kept careful records relating to landholding and revenue payment. The most celebrated survey was that ordered by Todar Mal, finance minister of the Mughal emperor, Akbar. During much of the seventeenth century, this and further surveys permitted a system of regulated revenue settlement based on assessments of agricultural output.

In the eighteenth century, however, there was an ever-increasing demand for revenue. This was attributable to a number of factors: the growth of stronger regional states, the cost of warfare, investment in production and trade, tributes paid to others (especially the Marathas and the British East India Company), and loss of income to intermediaries or to the powerful, again including the European trading companies which generally avoided local tolls and taxes. This need for money led to agreements between local rulers and either the powerful elites (a few zamindars, then meaning the territorial lords and official revenue collectors) or efficient 'fixers', so-called revenue-farmers or ijaradars chosen by the auction of rights to the highest bidder. In general these arrangements implied short-term increases in revenue in return for a reduction of central control.

In 1765, the British East India Company gained hold of the revenues of Bengal and Bihar. At first the Company worked through deputies who also served the náwâb of Bengal; and even when it took control directly at the behest of the Governor, Warren Hastings, in 1772, it still awarded the revenue-collecting right to the highest bidders for terms of one or more years. But the
Company was gaining information through access to the revenue records (moved to Calcutta), the experience of some European collectors, and also a commission of inquiry in the districts. Strong theoretical and practical arguments were advanced, notably by Council member Philip Francis, that short-term revenue-farming was unwise.

In 1789, therefore, a 10-year settlement was declared by the Acting Governor, Sir John Shore. In 1793, under the new Governor General, Lord Cornwallis, this was superseded by a settlement that was declared permanent—that is, the rate of tax was fixed for ever. The settlement was to be made by local arrangements using the existing records, without survey, and with what were thought to be (but in many instances were not) hereditary landed interests, the zamindars.

Many considerations lay behind this system, which was ordered from Britain. It provided a means of running India through general rules set out in a long list of Regulations enforceable by the courts. Such minimal direct government was favoured by the political theories of the time. The system was also thought suited to Indian expectations and to conditions in Bengal, where the self-seeking servants of an imperfectly organized commercial company were now in possession of an empire. Making the settlement with zamindars would secure, or if necessary create, an indigenous rural aristocracy. Permanence would place a clear and fixed limit to the government’s share of production and thus encourage investment, higher productivity, and trade, which then would increase the government’s income indirectly.

To some extent these goals were achieved, though the Company soon turned against the Bengal system. The cultivated area increased and more crops were grown for local and international markets, adding to an already commercialized agriculture and to established means for the reclamation of land. Zamindars, despite pockets of resistance, gave up their broader military and political roles and became adjuncts to a new political order and subjects of the Company’s government. Gradually, from the early years when land could barely be sold at any price, a valuable land market grew along with the population, giving meaning to the rights created in and after 1793. New landlords, at first often resisted by local communities, were able to call on state force to ensure their possession. A tendency in favour of separate rather than shared landholding led to partitions under official scrutiny, so that the number of zamindars increased markedly, especially in some districts. Land became a reliable security for borrowing and mortgages, but also therefore a means whereby traders and moneylenders could extract agrarian produce at lower cost and somewhat reduced risk to themselves.

The Permanent Settlement attached possession to revenue payment. In the past, non-payers could be punished in their person by imprisonment or torture,
for example. Now their property was at risk. Some great zamindars lost out as the revenue demand was often set at rates that were initially very high (a notional 90 per cent of income). But new regulations were introduced to help the remainder over the next few decades by giving them near-absolute powers over their tenants and over their tenants’ property, including standing crops.

Some other agrarian classes had their pre-existing rights recognized. This qualified those given to zamindars. In some areas, intermediary landholders (jotedars) gained most from the Permanent Settlement through directly managing production. On the whole, however, the legal position of cultivators was weakened. For most of the nineteenth century, until changes in the law and in official attitudes, they did not share in the benefits as incomes from agriculture improved. Even in the eighteenth century, dispossessed and opportunistic people had formed criminal gangs (as dacoits) in the countryside. In the nineteenth century, armed or concerted resistance broke out, expressing various mixtures of religious, social, and economic grievances. Disease, scarcity, and famine worsened in rural communities, partly because of the gradual spread of the effect of these changes in property law.

Very soon after the introduction of the Permanent Settlement in north-east India, it was challenged by Company officials, especially Thomas Munro, who, as remarked in Liberalism, held that it was inappropriate to the regions they knew. In Munro’s case, this meant parts of the Madras Presidency, where (despite a permanent settlement along the Andhra coast) he claimed that either there were no identifiable landlords or the local chiefs threatened British rule and should be removed, not revived. More generally, he argued that a zamindari settlement was contrary to Indian understandings of landholding and revenue obligations. A little later, around 1812, these conservative arguments were allied with the reformist and anti-aristocratic tendencies of Utilitarian thinkers and political economists, such as James Mill, who now controlled the London administration of the Company. The alliance ensured that no further settlements would be permanent. It was argued that landlords did not generally contribute to prosperity and were not doing so in Bengal, and that production would be best increased by giving property rights to those responsible for tilling the soil. It was claimed in this context that Indians did not understand, or were abusing, the elaborate legal system that had been set up in Bengal and that they would be better served by rulers who combined executive and judicial functions.

In future, therefore, most settlements were raiyatwari, that is made with the raiyats (those regarded as actual cultivators) rather than with landlords. Such settlements were introduced in southern and western India. Similar but modified versions were later devised for village communities (mahaluwari settlements) based around co-sharers (pattidari or bhaiachara) in parts of north
India, especially the Punjab. Broadly speaking, these temporary settlements relied on close surveys of the countryside and on regularly revised records. Revenue rates for each cultivated plot were set for a limited period, commonly 30 years. Actual payments depended on annual reports on the use of that plot. Temporary settlements therefore implied close and personal, rather than distant and legalistic, government. They nevertheless standardized the categories of landholding and replaced systems based on shares or collective liabilities with ones based on individual title.

The surveys were always elaborate and became more time-consuming and 'scientific' as the nineteenth century went on. Measurement and the drawing of plans were separated from the recording of landholders and from economic, social, and historical assessments of the conditions in every village and in regions (called 'circles') of similar character. Revenue rates were increasingly set at levels related to the supposed capacity of the soil (not current output) in order to discourage idleness. They were calculated in accordance with the definition of rent by the classical economist David Ricardo—namely, that rent was merely the unearned extra produce from better land compared with returns from the least favourable land, and therefore that it was both measurable and safe to tax. When this (in fact very imprecise) calculation led to overly high revenue demands, these were modified by more subjective assessments of what areas could afford to pay.

The Punjab, in particular, in the late nineteenth century advocated a peasant-proprietary model of agrarian policy and turned the survey and settlement report into an expensive intellectual exercise, one of the founts of today's anthropology and development studies. By contrast, the United Provinces saw a resurgence of belief in aristocratic land-control, especially in Awadh following the rebellion of 1857-8. There a settlement was made with superior landlords (taluqdars) in replacement of a village-level settlement introduced immediately after the British annexation. It was debated whether this and other settlements should be made permanent. In the end (as already mentioned) they remained temporary, even where superior revenue collectors were again recognized, for example in central India as well as in Awadh.

There were subsequent adjustments, of course. The systems introduced between 1770s and the 1850s did not remain unchanged. New ideas and perceived problems prompted reforms, which continued up to and after the end of British rule. These expansions in government responsibilities were significant. Many measures were taken to preserve property. On larger estates, the British encouraged primogeniture so as to avoid the risk of subdivision upon inheritance. Legislation was passed to ease the burden on 'encumbered estates' whose survival was threatened by bad management or misfortune. The Court of Wards, first introduced in Bengal in 1790 and 1793, provided
for the temporary administration of an estate by the Board of Revenue, where necessary or requested, in the stead of an 'incapable zamindar' (a description often held to include women). In the twentieth century too, many (though less effectual) efforts were made to halt the fragmentation of plots of cultivation and to facilitate land swaps that would consolidate scattered holdings.

Especially after riots in the Deccan in 1875, a host of more general measures sought to protect landholders in the temporarily settled areas against moneylenders who, supposedly, were snapping up land rights and disturbing the time-honoured political and social equilibrium of the countryside. Various laws qualified the advantage given to creditors by the increased security of landed property, including tenancies, and by the operation of the laws of contract. The most extreme of these was the Punjab Alienation of Land Act of 1900, which tried to restrict land transfer (and hence mortgages on rural land) to recognized agriculturists, members of the ‘tribes and castes’ listed in a schedule to the Act.

Whereas in the first half of the nineteenth century the government sought mainly to ensure that revenue was paid promptly, in the second half it became more concerned with agricultural development. This matched the demands of British industry for raw materials and markets, but also responded to worries about rural unrest and about the condition and vulnerability of the poor. Such concerns had become important to policy and to political debate from the late 1830s onwards. One consequence was an attempt once again to use property rights as a means of securing political and economic goals. Gradually the idea of state-enforced rights was applied further and further down the tenurial and social scale. This was an important change, and it will be useful to summarize the story again here, relating it to the colonial management of the countryside.

Various Tenancy Acts set out both to protect superior landowning interests and to provide a measure of security to the cultivators. In the second half of the nineteenth century, these enactments began to give some rights to those who held land from landlords rather than directly or indirectly from the state. In Bengal, the Rent Act of 1859, while purporting to help zamindars collect rents, also recorded as 'settled or occupancy tenants those who had held land for 12 years. It placed restrictions on the enhancement of rents. It also sought improvements in landlord-tenant relations and the more effective resolution of agrarian disputes.

Defects in this legislation and more radical impulses for reform in the aftermath of further famine and rural unrest led to the Bengal Tenancy Act of 1885, which added two major points. Firstly, there were more elaborate classifications of tenants and gradations of rights, with a presumption of occupancy status in a village for all those holding any land in that village. In many areas,
this status now applied to large majorities of first-tier tenants (that is, excluding those who were the tenants of other tenants). Secondly, there was provision for survey and settlement to establish and record rights, holdings, and rents by analogy with the procedures in temporarily settled areas. These had the effect, as operations proceeded, of establishing tenant rights and familiarizing people with them.

Indian legislation was influenced by the ideas of fair and fixed rents and of secure tenure that had been popularized during tenancy debates in Ireland, where they took on a populist and nationalist hue. More important, however, was that the 1885 Act extended the Punjab peasant-proprietary model. The occupancy tenants of Bengal and Bihar (the latter region being the immediate focus of attention in view of the poverty of the region) were being ensured a kind of property in their landholdings in order to encourage them to invest in agriculture: to make them, in short, rich peasants.

The trend after 1885 was for the principles of the Bengal Act to be extended elsewhere, such as to the Central Provinces in 1895. But it was overtaken by measures designed to regulate all aspects of agrarian relations. Other regions had also had tenancy legislation, but the needs were different where numerous cultivators rather than landlords were the ostensible revenue payers. In the twentieth century, too, further measures were taken in Bengal and Bihar (as elsewhere) to afford some legal protection to subtenants, sharecroppers, and labour. None of these strictly related to property. Rather they built on arguments about equity (also heard during the debates over the 1885 Act).

Tenancy reform was thus advocated by leading officials in most provinces. Ideas included placing limits on rents and providing more secure occupancy for tenants. It was claimed, as one minute put it with regard to the Central and the North-Western Provinces in 1883, that the law had developed by merely ‘ascertaining and defining prescriptive rights and customary privileges of certain classes’ rather than by intervening ‘so as to regulate beneficially’. In short, colonial law merely ‘recognized’, it did not create.

Rights had been declared or revived through appealing to principles that sometimes arose in remote antiquity but were still ‘preserved within the hearts of the people’. These rights, however, now bore all the exclusivity and protection of English

5 J. Woodburn, Secretary to the NWP Government, to the Government of India (henceforth GOI), Proceedings of the GOI, Revenue and Agriculture Department (henceforth R&A), 21 December 1883, Add. Mss. 43584, British Library.

6 T.W. Holderness, note, 21 July 1884, quoting William Muir, note on Oudh Tenant Right, Tenancy papers, 1867, and A. Colvin, Memorandum of Settlements, 1833–4; Add. Mss. 43584. After Thomason’s rule in 1844, repeated in the 1859 Bengal Tenancy Act, land rights were subject to a prescription of 12 years’ occupancy, the period derived from English law but also claimed as an ancient custom of India.

7 Woodburn note, 21 July 1883, loc. cit.
law, which among other things placed a ‘very powerful engine of [rent] enhancement in the hands of the landlords’.

Many non-privileged tenure-holders—and most actual cultivators had suffered. Hence ‘further remedial legislation’ was needed, though it required great caution. Within this rather timid argumentation, there was a bold proposal to change the government’s role in agrarian society from protection and facilitation to regulation and reform. As I have shown elsewhere, it was a goal shift from preserving ‘ancient rights’ to promoting ‘future comfort’ hinted at by famine policy in Lytton’s day, but worked out above all under Ripon and in the Bengal Tenancy Act of 1885. That Act (as would be expected of a moment of transition) embodied complex and contradictory attitudes to custom, property rights, economic advance, and social reconstruction.

Increasingly, a ‘hands-on’ approach was demanded. The 1880s saw the end of a long debate about permanently fixing the land-revenue demand (as in eastern India since 1793, but not elsewhere in India) and the ridiculing of a scheme advanced by Edward Buck for a self-regulating variable demand based on agricultural price statistics. Instead, programmes of agricultural improvement were planned. In 1870, by initiative of a Conservative, Lord Mayo, agricultural departments had been set up, partly to relieve others of administrative burdens, but also to collect information and to promote experiment and good practice, with one model farm planned for every district. This partly followed the scheme of a statistical committee set up in 1866 after the north Indian famine of 1861. Initially agricultural returns were made only in temporarily settled areas; but in the 1870s, after famine in Orissa, George Campbell, a reforming Lieutenant Governor, ensured that Bengal followed suit, though its local agency remained very weak. These separate agricultural departments were soon abandoned; but in the 1880s, with the impetus provided by a major new Famine Commission, they were re-established on a more professional and permanent footing.

Ashley Eden, architect of legal rights for enterprising tenants, was dismayed: He thought the departments a sham, though he was willing to have a roving commissioner who would learn from his travels and advise the local and central governments. Bengal zamindars were also generally opposed to further scrutiny by state officials. But Eden’s successor Rivers Thompson disagreed.

8 Holderness note, loc. cit.
9 Woodburn note, 21 December 1883, loc. cit.
10 Peter Robb, Ancient Rights and Future Comfort—this book offers a specially focused exposition of this and several of the other arguments in this introduction.
11 See J.R. Reid, Secretary to the NWP Government to R&Ca Dept, 17 May 1884, and extensive other papers, Add. Mss. 43584; and, on Buck’s schéme, Bayley to Ripón, 22 August [1882], Add. Mss. 43612.