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COLONIAL AGRARIAN POLICY AND PUNJAB TENANCY ACT- 1868: A CASE STUDY

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Abstract

The present paper attempts to focus on the Colonial Agrarian Policies and Punjab Tenancy Act, 1868 in the Punjab province. The previous land settlement policies were flawed and demanded changes because of this reason the officials at higher ranks intervened to form new policies which benefitted the Government, the Landlords and the Tenants. That's how the Punjab Tenancy Act was introduced and passed in 1868. The Tenancy laws were introduced to protect tenants against the unfair practices and secure their rights.

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1. INTRODUCTION

The British through their colonial agrarian policy which varied with region and time dominated and exploited Punjab to the maximum. Their strategy worked successfully in their favour. Numerous factors such as varying demography, agriculture potentialities, nature of peasantry, colonial needs and understanding of land rights and political hold over the territory were responsible for change in the policy.

The 1849 Punjab annexation holds a great significance in Indian history contributing mainly towards the economic and political aspects of it. The annexation marks the several thresholds that the British had reached. From physical and political thresholds of their control to the threshold of their expansion that required them to add fertile region in their empire. By the late nineteenth century, they had reached another threshold of making revenue defaults. Owing to Punjab's varied demography the British made manipulations to their policy for this region but the economic exploitation continued. Here too, like rest of the sub-continent the British government enforced their control over the finances of the Punjab, its shared income and expenditure and that automatically favoured them making them an obvious co-sharer in the region's growing wealth.[i]

The British always took a keen interest in the land revenue policy as they were aware that their chief source of income was land revenue as agriculture was chief source of livelihood.ii The experience gathered in early days of British rule in revenue administration in the North Western Province was used in the Punjab.iii During the pre-annexation days the British Resident demanded cash settlement of the land revenue in some districts of the Punjab and these settlements were later introduced throughout Punjab. To replace these temporary settlements Punjab followed the same system as followed by the Delhi district, which government of North West Province had placed under regular settlements before its (Delhi district) transfer to the Punjab in 1858 A.D.iv Without any consultation with famers land revenue was fixed arbitrarily with law of compulsion working its way through with the Settlement Officers. A settlement officer in his testimony reveals that village headmen were virtually imprisoned till they gave in to the terms offered to them and assured payments by furnishing securities.[v]

The Government's annual share by way of land revenue was more than that of the peasant's with their share in Kharif harvest equal to that of the peasant's while in Rabi harvest it exceeded that of the farmer's. In a span of just few years, many poor farmers, unable to bear the burden of accumulated revenue debt were declared defaulters and were jailed four to five times.

2. PUNJAB TENANCY ACT, 1868:

Government of India's tenancy laws were introduced with main objective of protecting tenants against the unfair practices and securing their rights. The Tenancy Act of 1868 aimed at minimizing the effects of the assault on the existing small peasants. The tenants, who occupied continuously for twelve years without a lease, were usually given the rights of occupancy with rents generally fixed for the term of settlement extending from ten to thirty years.[vi]

This system of conferring rights of occupancy was condemned by Mr. Edward Thornton, the Commissioner of the Jhelum Division in 1855 who started settling the disputes rather arbitrarily.[vii] He was supported by the Chief Commissioner, Sir John Lawrence, who remarked, "it was the nature quite as much as the length of occupancy that entitled a cultivator to privileges." However, this idea restricted itself to Jhelum Division.[viii]

In view of making amendments to the flawed and lapsing settlement policies Mr. Edward Prinsep was appointed Commissioner in 1863. He challenged some previous settlements where tenants were recognized with occupancy rights and expressed with great conviction that during Sikh time there were few tenants who would fit the definition of tenants with rights of occupancy since, in that era land owners had the authority of evicting tenants. Thus, he worked towards revising the settlement records and restoring the status the tenants enjoyed before the annexation of Punjab.[ix] The attention that the issue got resulted in a huge collection of documents including minutes by high functionaries from the likes of the Financial Commissioner, the Judges of the Chief Court, the Lieutenant Governor and Governor General.[x]

The principle arguments favouring the proprietors urged that the rights of occupancy were unknown in the Sikh times. The real proprietors rarely exercised that right because of the pressure of Sikh taxation that absorbed almost the entire rent of the land but he still had the right of eviction and rent enhancement. Another argument was the unjust action of the Government towards proprietors, in recognizing rights of occupancy at fixed rates for long periods needed to be rectified. Lastly, proprietors should be allowed to get rid of their occupancy tenants on paying compensation.[xi]

Whereas, others opposing the above argument maintained that the tenants anyway had reasonable expectation. Their second argument was that since the British Government, by reducing taxation and improving communications, had largely increased the value of land; it would be equitable for them to offer tenants some rights against eviction. Their last argument was that, it would be highly unjust, after a lapse of nearly twenty years, to withhold their rights by suddenly leaving them at the mercy of their landlords.[xii]

Mr. Prinsep carried out his system provisionally in the District of Amritsar, Sialkot and Gurdaspur, and out of 60,000 the number of occupants with tenancy rights was reduced to 46,000.[xiii] The Governor-General, Sir John Lawrence, advised a decision to the issue by legislative enactment providing an equitable compromise between the two contending parties. Accordingly a draft bill was prepared by Mr. E. L. Brandreth, Commissioner of Rawalpindi Division and a member of the Supreme Legislative Council in October, 1867.[xiv] The bill was amended many times by Lieutenant-Governor, the Financial Commissioner, the Judges of the Chief Court, Mr. Prinsep, and thrice

discussed in the legislative Council before being finally passed on 21st October, 1868.xv

This Act was called 'The Punjab Tenancy Act, 1868', and extended only to the territories for the time being under the Government of the Lt. Governor of Punjab. There were seven chapters and forty five sections in The Punjab Tenancy Act, 1868. The leading provisions of the Act relating to the status of the landlord and the tenant were the followings:

3. PROVISIONS TO TENANTS

1. Tenants were declared to have absolute rights of occupancy;[xvi]
2. Tenants who were formally recorded to have occupancy rights were presumed to have them unless the contrary was proved by the Landlord;[xvii]
3. Tenants with occupancy rights had to pay a rent proportionately below the market rate;[xviii]
4. Occupancy tenants were allowed to sub-let or alienate their interest in their land reserving a right of pre-emption to the proprietors;[xix]
5. Tenants of every kind were entitled to get compensation for making any improvements duly permitted, in cash or in a beneficial lease as offered by the landlord.[xx]

4. PROVISIONS TO LANDLORDS

1. The authority to evict tenants of less than thirty years' standing having presumptive rights of occupancy;[xxi]
6. To enhance the rents of occupancy to the prescribed amount below the market rates, at intervals of five years, in lieu of previously existing law under which rates were fixed for currency of settlement;[xxii]
2. It opposed the previously existing law under which a tenant could claim the privilege of paying in cash instead of grain, and disallowed commutation of grain into cash payments without consent from either party.[xxiii]

5. IMPACT OF THE TENANCY ACT

The passing of the Punjab Tenancy Act, which was a victory for Sir John Lawrence,xxivhad restoration of the rights of a large number of occupancy tenants as its immediate effect. Their rights of occupancy were defined with great precision and the relations of landlords and tenants of all classes were duly regulated.[xxv]

According to Charles Aitchison, "Its aim was to define and so place beyond the see-saw of personal view and individual theory, the beneficial interests which various classes in the Punjab enjoyed under native rule, so the Act clearly crystallized and defined these interests".[xxvi]

The impact of the Act was such that it at once restored occupancy rights in five districts (namely, Amritsar, Gujranwala, Gurdaspur, Lahore and Sialkot) of the Punjab.[xxvii] The Act empowered the landlords to demand more rents from tenants who had been paying nothing beyond the Government revenue and comparatively much less and to evict a tenant from the land after the payment of legitimate compensations. The practice of rent enhancement added a new dimension to the changing norms of agrarian relations. In many cases it 'led to jealous interference on the part of the landlords in all proposed improvements by tenants', as it was sure to 'increase the selling value of the tenants' right' and 'diminish their change of succession' to those holdings. On the other hand, the feeling of the tenants towards the proprietors was that of 'apprehension and distrust'.[xxviii]Of the 249 enhancement suits of 1874-75, 134 were in the Amritsar division, 87 of them being in the Amritsar district itself. Delhi and Sirsa also showed the maximum number of disputed cases. In Delhi division alone the numbers of ejectment notices were 3301 in 1875-76.[xxix] The year 1880 saw 1296 ejectment notices against tenants in Sirsa, 780 of which were contested.xxx And other similar such cases were noticed in different areas of the Punjab.

The act fulfilled its purpose but later legal difficulties about some sections of the Act, especially those about working of the enhancement clauses was found out. The law did not recognize the period of 12 years or less by giving the right of occupancy.[xxxi]According to G.R.G. Hambly, "The passage of the first Punjab Tenancy Act marked an important stage in the struggle between the rival revenue schools and administrative traditions which divided Indian officialdom in favour of either the peasant- proprietor or the landlord".[xxxii]

Since the agricultural prosperity of this district mainly depended on the 'maintenance of harmony between the several classes composing the agricultural population', the local revenue officials rightly pointed out to the Punjab government that these litigations had produced 'a state of uncertainty which prevents things from settling down'. They insisted that the Government should intervene. For this reason, the Punjab Government passed another Tenancy Act on 1 November 1887 which came to be known as the Punjab Tenancy Act, 1887.[xxxiii]

6. CONCLUSION

The Punjab Tenancy Act: the need to introduce, pass and finally reform it rose from the fact that agriculture was the chief means of livelihood for the people and as a result land revenue was chief source of income for Government. This correlation attracted the attention of British authorities as soon as they came to power. Before their advent, there were no records of any rights in land and peasants cultivated the land individually. No sooner did they arrive than the British made records of rights in land. Their main objective was to obtain a record of liability for revenue which depended wholly upon cultivating possession. The Government, therefore, formed a policy of land settlement and decided the type of land tenure in each region. Hence, first regular settlement was introduced in Punjab. During the early years of British Raj the positions of tenants were comparatively strong than those of the proprietors. After 1860s the tables turned and the Punjab Tenancy Act, 1868 was passed. Its intentions were three-fold. Firstly, to

define the occupancy right; Secondly, to regulate the rate of enhancement of rent; And lastly, to provide compensation for the eviction of tenants. The immediate effect of the passing of the Punjab Tenancy Act was that a large number of occupancy tenants whose rights had been taken away by the Settlement Commissioner and his subordinates, were restored to their previous rights. The landlord could demand more rents from tenants who had been paying nothing beyond the Government revenue and evict after paying decent legitimate compensations. Thus, The Punjab Tenancy Act was framed and passed with the intention of empowering both landlords and tenants but mostly benefitting the interests of the Government.

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