

CHAPTER VI

Acquisition of Bijni Zamindary by the Government of Assam

The Bijni Raj Estate established by Bijit Narayan alias Chandra Narayan had come to an end with Bhairabendra Narayan *Deb* by the Assam State Acquisition of *Zamindaries* Act of 1951.¹ Actual abolition of Bijni *zamindary* was effected from 1956 A.D., after the judgement of court dated 11th April 1956 where Bhairabendra Narayan was petitioner and State of Assam was respondent.² But this abolition did not happen over night or due to one particular incident. The abolition of *Zamindary* System in Bijni Raj Estate cannot be attributed only to the Assam State Acquisition of *Zamindaries* Act. There are numerous other factors which were responsible for the abolition of *Zamindary* System in the Bijni Raj Estate. The abolition of Bijni *Zamindary* became operative because of several Acts passed before and after the Independence of India and a series of protest from the peasant class against the *zamindary*. Due to various reasons, condition of peasant class was not satisfactory in the estate. For the upliftment of their condition, they submitted many petitions from time to time to the government which paved the way for the abolition of *zamindary*.

We have already discussed that only Goalpara and Sylhet districts of Assam were under the Permanent Settlement System, on the other hand the rest of Assam was under *Ryotwari* System of land settlement. In the case of Bijni Raj Estate the British authorities continued the land revenue system prevalent during the Mughal period.³ Peasants of Bijni Estate paid their land revenue to the *zamindar*, which was known as the '*Raja* of Bijni' and the *Raja* of Bijni paid the revenue for his *zamindary* to the British authorities. Thus a chain system of revenue collection was being continued where British government was beneficiary. As a result at first British government did not want to interfere between *zamindar* and peasants in order to fix revenue rents. But slowly and steadily agrarian discontent began to grow and the British India government was compelled to enact different rent laws and Acts to regulate the land revenue.⁴ There was no particular rent law for Bijni Raj Estate, those rent laws and acts which were in

practice in Bengal and Goalpara district of Assam were also in vogue in Bijni Estate. Here is a discussion about rent laws which paved the way for the abolition of *zamindari* in Bijni Raj Estate.

6.1. Act X of 1859:

Act X of 1859 was actually a rent law act of Bengal, which was later introduced in the Bijni Raj Estate also. The Permanent Settlement had defined the rights and responsibilities of *zamindar* class only, but it did not mention anything about the rights of *ryots*. When clashes emerged in individual cases, the *zamindars* declared complete right over land; on the other hand *ryots* also demanded customary rights. One common reason of strife between *zamindar* and *ryot* was the attempts to increase tariff or rent.⁵ Many *ryots* counter such attempts, as a result of which frequently the law and order was deteriorating. So a bill was submitted in the legislative council and it was passed into a law as Act X, 1859 A.D.⁶ The Act had divided the rights and responsibilities of the *ryots* into three different classes- firstly, *ryots* paying a fixed rate rent, secondly *ryots* having occupancy right, but holding at fixed rate of rent, and lastly, *ryots* having acquired occupancy right and paying rent at a competitive rate.

This rent law provided the *ryots* and tenants occupancy rights if he had possession over the land continuously for twelve years. But this rent law was not very beneficial for the tenants. In 1862 A.D., the High Court decided that the occupancy right which was provided to a *ryot* was a right of occupying his holding in preference to any other tenant upto that period till when he paid a fair and equitable rent.⁷

But regrettably, the rent law did not include the actual meaning of fair and equitable rent. So it was confusing. Again there was another problem on the part of tenants to prove the occupancy right in the law courts that he was in possession of a particular plot of land continuously for 12 years. But there was no systematic method of keeping village records for which *ryots* faced problems to prove that they had possession of that particular plot of land continuously for 12 years. Sometimes *zamindars* played politics with this system and altered the field in possession of the tenant before completing the term of twelve years to stop them from acquiring occupancy rights. Lastly, the landlords considered it complicated to prove that there

had been a multiplication in the value of the produce, since there was no official price lists for the products.⁸ Thus the Rent Law of 1859 proved to be faulty and useless one.

6.2. Tenancy Act of 1885:

The rent law of 1859 was not very helpful for the tenant class. Peasants' discontent began to appear especially in case of East Bengal. Their chief demand at the time of agitation was amendment of the rent law. At last British India Government passed the Tenancy Act of 1885.⁹ This new act revised the controversy over the rent law which was created by occupancy *ryots*. The Tenancy Act of 1885 declared that, A *Ryot* possessing a plot of land for twelve years, either by himself or by his hereditary heir, would become a settled *ryot* of the village, with occupancy rights in his own land or would immediately acquire those rights in any new land which took into cultivation.¹⁰ This act provided further benefits to the *ryots* that they should not be expelled from their possessions for failure to pay the rent except implementation of a verdict for dispossession passed by the court on that ground.

6.3. Operation of the Bengal Act VIII of 1869 to the undivided Goalpara district and Bijni Raj Estate:

It is cleared that British India government showed consideration for the tenants of Bengal by one legislation after another. When the earlier one was turned out to be imperfect and unbefitting to the changing condition of peasant class, the government introduced another legislation. But in the case of undivided Goalpara district and Bijni Raj Estate there was no particular tenancy laws. The tenancy rules and regulations, which existed in Bengal, were also operative in Goalpara district, because Goalpara formed a part of Bengal. Bijni Raj Estate covered a major part of undivided Goalpara district, so the same tenancy rules were prevalent in Bijni Raj Estate also. In 1826 A.D., when Goalpara district was joined with Assam, Goalpara was administered in the manner of Bengal Laws. When the British India government started a separate administration in Assam, Goalpara district was put under the Assam Laws. The first Bengal Rent Law which was also known as the Act X of 1859 was ratified at a time when Goalpara district was not a part of Bengal. As a result this rent law was not in operation in Goalpara district.¹¹

Because of all such reasons Act VIII of 1869 was also not adopted in the case of Goalpara district at the first time of its introduction. After a long time of negligence the British India Government scrutinized tenancy legislation for Assam Valley. The Chief Commissioner appointed a committee in 1882 to formulate a rent law for the Assam Valley to guard the rights of sub-tenants. In the same year the committee prepared an outline of a Tenancy Regulation, which was made public in the Assam Gazette and was spread to all districts and sub divisional officers of Assam Valley district for opinion. But the Commissioner of Assam Valley districts condemned the draft law in a note and rewrite the draft of rent law and transmitted it with Mr. Stock's Circular No. 42 dated the 30th July 1883. The draft was put forwarded to the Government of India with Assam Secretariat letter No. 1200, dated 1st August, 1883.¹² But the whole affair was ultimately dropped.

In 1886, Land Revenue Regulation was passed and it was operating from 1st July 1886 in Goalpara district and Bijni Raj Estate also.¹³ But it was found to be irrelevant in the Permanently Settled portion of undivided Goalpara District because when the Tenancy Regulation referred to was planned in 1883, it was not suggested to expand in Goalpara, and Act X of 1859 was supposed to be effective in Goalpara. Later on High Court decided that Act X of 1859 will not practise in Goalpara. As a result in 1891 through an announcement by the commissioner, Act VIII of 1869 was developed in Goalpara district by notification No. 205 J., 9th May, 1892.¹⁴

6.4. Assam Land and Revenue Regulation of 1886:

We have already mentioned that Bijni Raj Estate was the biggest *zamindari* estate of undivided Goalpara district. The whole Goalpara district was administered under Bengal regulations for revenue purposes until the Assam Land and Revenue Regulation was passed in 1886. In 1870, government approved a set of rules known as Settlement rules of 1870 which stimulated ten years settlement. It can be considered as the genesis of true land rights for the tenants of Assam. The Settlement Rules of 1870 remained indispensable up to 1883, when a general system of ten years settlement was instigated in the Brahmaputra valley. Later on the principles of these rules were epitomized in the Assam Land and Revenue Regulations, because the British government attempted to make the tenures simple and popular.¹⁵

The Assam Land and Revenue Regulation of 1886 can be considered as Magna Carta of land settlement in Assam. The Assam Land and Revenue Regulation of 1886 is divided into ten chapters. But only the chapter II and X attend the significant rights over land. The rest of eight chapters are primarily procedural provisions. According to K.N. Saikia- Chapter II ascertain the rights of different class of owners of land acknowledged by the Regulation, including the owners of estate held under valid revenue free title and the several classes of holders under permanently and temporarily settled estates.¹⁶

On the basis of different interest in the land, the owners of the land have been divided into three categories by the Land and Revenue Regulation of 1886. These three classes were- (I) Proprietors, along with the owners of revenue free estates, fee-simple and commuted waste land grants and permanently settled estates; (II) Landholders, in addition to settlement holders of land held direct from government under decennial leases, or who had held for ten years continuously before the regulation came into force; (III) Settlement holders apart from landholders, comprising persons holding land directly under government under annual leases for less than ten years. On the other hand Chapter X of Assam Land and Revenue Regulation was an amendment act of 1947, which renders protection to backward classes and to the people who lived in tribal belts.¹⁷

The procedural provisions of the Regulation of 1886 fulfilled its objectives competently, but the provisions about substantive rights were not adequate. Despite of analogous attempts, land reforms programme failed to bring praiseworthy effects on the condition of the tillers of the soil. Any reform made up to 1886, attached with the administration of land and the *ryots* were to a large extent left untouched. The Regulation of 1886 granted occupancy right to those *ryots* and under *ryots* who had been in occupation of any particular land for twelve successive years. The rights of inheritance, transmit and mortgages were also included in the occupancy right. Dispossession of occupancy tenants according to the wishes of the landlord was forbidden even for the non payment of rent besides in due process of law.¹⁸ Hence, under the British, land reform process did not get preference. Mainly reforms were composed purposively to make better land administration and to boost the revenue. The condition of the tillers of the soil was actually inferior. As there was least possibility to heal their resentment they started insurrection. Different *Krishak sanmilans* or *ryot sabhas* sprang up to give expression to their grievances. In the

meantime leftist ideology began to develop into the state and young and student academics became interested in it. Consequently, the persecuted *ryots* could accumulate courage to claim solution of their problems. Dissatisfaction of the peasants had however made the rulers to understand that some sort of land reform was mandatory.¹⁹ Therefore, getting encouragement from the Bengal Tenancy Act of 1885, the British India government declared the Goalpara Tenancy Act in 1929.

6.5. Goalpara Tenancy Act of 1929:

In 1929, at the initiative of Maulavi Abdul Mazid, a plan for revision of tenancy law in Goalpara was prepared. But the government denied the plan with the advice that preparing a record-of-rights should be the first step of the regulation. Mr. Webster did not believe that tenancy Act should be postponed until a record of rights had been constructed. He was not willing to be assertive to the requirement of initial examination and record of rights.²⁰ Then it was thought that the composition of a record of rights for Goalpara would be too early because Goalpara district was yet in the making. Finally it was cleared that without further scrutinization of the land and composition of a record of rights it was possible to instigate a tenancy Act in Goalpara.

Ultimately government of Assam recommended outlining a Tenancy Regulation for Goalpara. A committee scheduled by the Legislative Council in its July Session, 1929, prepared the blueprint of the Act. This committee proposed the government of Assam to take rapid action to modify and redraft the Act VIII of 1869, and circulated the tenancy law in full strength in Goalpara and Sylhet or if not then put in new provisions in the Act on the track of Bengal Tenancy Act (VIII of 1885). The committee further recommended appointing a committee comprising of the following gentlemen- Honourable Rai Promod Chandra Dutta Bahadur, Maulavi Abdul Hamid, Bipin Chandra Ghose, Babu Basanta Kumar Das, Mr. B.N. Rou, Mr. A.J. Laine, Babu Biraj Mohan Datta, Maulvi Dewan Abdul Rahim Choudhury and Maulvi Abdul Mazid Ziaosshams.²¹ Maulvi Abdul Mazid moved the resolution.

In 1926 as accomplishment of the committee's work, A.J. Laine was again appointed special officer on duty to outline an enactment on Goalpara Tenancy. The Bill which instigated on 18th July was scheduled for conference on 21st July 1927A.D. Eventually the Goalpara

Tenancy Bill of 1927 was circulated for the reason of obtaining public opinion. Nevertheless, the bill was elected for circulation.

Although subjected to continuous resistance from the *zamindar* class, the bill appeared through the select committee and was placed on the dais of Council on 4th March 1929. The tenant, who cultivated in a particular plot of land for 12 years and more, would be accorded with occupancy rights through this bill. Further, an important provision of the bill was that the rents cannot be increased by more than three *annas* at one time. On March 1929 the Bill was passed and formally asserted.²²

6.6. The Assam Adhjar protection and regulation Act 1948:

The share cropping or leasing of land on *Adhi* System is a common feature of land system of Assam. The *Adhi* system was also in practice in Bijni Raj Estate. Some land owners were not interested to take up cultivation by themselves and used to lease out their land on *Adhi* system. Thus they became non cultivating owners of the land. In order to secure the tenants and share croppers from rack renting and insecurity of tenure, the Assam *Adhjar* protection and regulation Act was passed in 1948 after getting assent from the Governor of Assam. The State government could extend all or some particular provisions of this Act to agricultural land of any district, local area or class of estates in the state of Assam where the Goalpara Tenancy Act 1929, Assam Temporarily Settled Districts Tenancy Act 1935 and Sylhet Tenancy Act 1936 was applicable.²³

In 1948, the then Revenue Minister Sri Bishnu Ram Medhi announced the purpose of introducing this Act in the legislative assembly. On the occasion of introducing the Assam *Adhjar* Protection and Regulation Bill, Medhi pointed out that they had received many complaints and after survey they had found that exorbitant rate of rent in kind was realised from the tenants and on refusal they were evicted and hardship was caused.²⁴

The then Revenue Minister further mentioned that they had observed that the quantity of rent in kind was taken from the *Adhjar* in such a manner that a very small portion was left for real cultivator and for his preservation. The Act of 1948 was introduced after a legal broad movement in the state against the *Adhi* system instigated by the left parties particularly the Revolutionary Communist Party. Hence the Revenue Minister declared that the bill makes an

attempt to provide protection to the tenants and sharecroppers in one hand and reduce the rent in another.²⁵

At the same time presentation on behalf of the landlord was also very common in the Assembly. For example Mr. M.S. Sadullah remarked that, this bill was paying totally no attention to the interest of the landlord who is in worry and trouble during the present time of communist agitation.²⁶ Actually Sadullah vocalized the anxiety of the landlords who wanted to stay away from change. Because any change would disturb the existing state of affairs and overturn the landlord. Therefore a number of representations had come from the landlords as objection in opposition to the proposed bill. Hence it appears that there were enough arguments for and against the bill and finally it was passed in 1948 A.D.

The main provisions of the Assam *Adhiar* Protection and Regulation Act were as follows:

6.6.1. Sharing of the products by an *adhiar*:

According to the provisions of the Act, the products grown by the *adhiar* would be divided between the landlord and the *adhiar* as follows- firstly, if plough cattle were supplied by the owner of the land then the land owner would get $\frac{1}{4}$ share of the product and the tenant would get $\frac{3}{4}$. Secondly, if the owner of the land did not supply the plough cattle, then he would get $\frac{1}{5}$ of the product and tenant would get $\frac{4}{5}$. If the landlord paid any seed grains, it should be returned to him from the gross crop before making division of the crop. If in a particular plot of land more than one crop had been cultivated then the landlord would get the specific part of the only principal crop. Whenever the *adhiar* wanted he could also pay the money value of such crop, instead of the share of crop. But if quantity of share of crop was fixed by a contract then the *adhiar* should be responsible to pay the quantity which had been fixed. The *adhiar* would get a written receipt from the landlord for the quantity of crop delivered by him to the owner of land.²⁷

6.6.2. Abstain from Cultivation by *Adhiar*:

Any tenant who cultivates any land as *adhiar*, throughout the forgoing agricultural year, would have a right to remain in occupation and cultivate the land for upcoming years up to when he either willingly surrender the land or was ordered by an *Adhi* Conciliation Board to cease to

cultivate and get out of the land or was expelled from that place in implementation of a proper direction of the *Adhi* Conciliation Board.²⁸

Although the *Adhi* Conciliation Board could order an *Adhiar* to leave the land on the following conditions- if the landlord genuinely need the land for his personal cultivation, if an *adhiar* had used the land in a improper manner for the purpose of cultivation, if the *adhiar* was unsuccessful to supply the share or product as he was bound to furnish to the landlord within the stipulated period, if the *adhiar* retained the land uncultivated for two continuous years without any logical reason or lease it to other person.

6.6.3. Lower limit of possession for adhiars:

If *adhiar* hold an area which was not more than ten *bighas*, than he cannot be expelled on the ground of personal cultivation, until he had given a plot of land with equal value in the locality. If the owner of the land was a minor, or a widow, or a person with any kind of mental and physical disorder, or a member of the military, air forces and naval of the union, then it would not be compulsory for him to vacate a minimum area of 10 *bighas* with the *adhiar*.²⁹

6.6.4. Rehabilitation of Adhiar:

After eviction of an *adhiar* if the landlord did not cultivate the land during the period of one year or lease it to another within two years from the date of getting custody of the land, then the evicted *adhiar* would be reinstated to the charge of the land. In case of illegal eviction the landlord was bound to pay compensation to the *adhiar*.

6.6.5. Fine for keeping land unploughed:

If an *adhiar*, keeps his *adhi* land uncultivated then he would be responsible to pay an amount equal to double of annual land revenue to the landlord for each year.³⁰

6.6.6. Adhi Conciliation Board:

In particularize areas the state government could construct an *Adhi* Conciliation Board to ensure that the clauses of the Act were followed properly and that there was no unfair expulsion of an *adhiar*. The *Adhi* Conciliation Board comprised of one member from the landlords, one

member from the *adhiars* with the Revenue officer as Chairman. The Board was set up to settle any controversy that emerged between the landlord and *adhiar* and its resolution would be carried out by the Revenue officer. The State government had the power to break down the *Adhi Conciliation Board* at any time and discontinue the office of the member and elect a new member in the place, if it was regarded necessary. If any person was unhappy with the order of *Adhi Conciliation Board* or the Revenue officer he could apply to the sub Judge of that particular area.³¹

As a result of *Adhiar Protection and Regulation Act* share cropping system got legal recognition. But this Act did not enhance the condition of *adhiars* as much as claimed by the government. Unavailability of successful enactment and enforcement agency did not help to knock down the rates of rent. Consequently many share croppers failed to pay required rate of rent. The Act was revised many times, in 1952, 1955 and 1957. But after the revision also condition of *adhiar* was not upgraded.

“The member of Legislative Assembly Mr. Gauri Shankar Bhattacharyya declared that even the modification was not comprehensive enough. So he proposed that, under the situation when we cannot acquire basically comprehensive measure, we should do something by which the poverty stricken people are given some security, refuge and encouragement for their work.”³²

Thus it proved that Assam *Adhiar Protection and Regulation Act* of 1948 was an unsuccessful piece of land reform legislation which could neither decrease the rent nor satisfy the *adhiars* from the problem of displacement. The Act was put through a number of revisions over the years but the performance of the Act was not sufficient and adequate.

6.7. The Assam State Acquisition of Zamindaries Act 1951:

Through the *zamindari* system, the British government tried to obtain more and more revenue from the *ryots* and basically did nothing for the betterment of peasants' condition. The *zamindars* tried to collect excessive or exorbitant rent from the tenants and peasants were forced to lead a sadistic life. Beneath such a condition the abolition of *zamindari* turns out to be unavoidable. The Assam State Acquisition of *zamindaries* Act received the approval from the President of India on 27th July 1951. This Act was formulated to furnish for the acquisition by the state of interests of the tenure holders, in the permanently settled areas and some other estates

of Goalpara, Garo hills and Cachar district. The Act of Acquisition included the following areas- (a) the acknowledged estate of Bijni and Sidli, (b) the permanently settled areas of the undivided Goalpara district, Garo Hills and Karimganj subdivision of the Cachar district, (c) the *lakheraj* estates, inside the boundary of a permanently settled estate.³³ The prime objectives of this act were- to obtain the interests of the tenure holders and in consequence of that eliminate all the mediators between the state and the tillers of the soil, decrease the inconsistency in earnings and prosperity, to impart safety to the tenants and make the tenures easier.

The main provisions of the Acquisition of *zamindaries* Act were as follows:

6.7.1 Confer estates or tenures to the State:

Through notification from time to time the State government announced that the estate or possession of a landowner or tenure holder specified in the notification would be transferred and conferred on to the State without any hindrance. In accordance with the provisions of the Act whole rights and interests of the landowner or tenure holders in the estate or occupation including his interest in the land with its sub soil and mines and minerals, forest and fisheries, *hats, bazaars* and ferries, building or part of a building used primarily as office or *cutchery* for collection of rent, and his rights to acquire rent, royalty, cess, fees and tools in respect of any such interests, were terminated and concluded and confer on absolutely in the State free from all hindrance with effect from first day of the agricultural year (agricultural year starts from first day of *Bohag* i.e. 14th April) to next following the date of publication of such notification.³⁴

6.7.2. Some benefits and rights to the tenure holder to keep certain lands:

Through the acquisition of *zamindary* Act the proprietors and tenure holders were permitted to maintain such kind of possession- (a) homestead which were in their occupation on the date of transfer of power, (b) buildings along with the land where it was situated, which were utilized for the cause of trade, commerce and agriculture or to bring out on rent or lease, and are in his custody on the date of transfer, (c) private land up to upper limit of 400 *bighas* for a proprietor and 150 *bighas* for a tenure holder. If a proprietor or tenure holder who had undertaken large scale farming on a cooperative basis or by the use of power driven mechanical

appliances the upper limit of 400 *bighas* and 150 *bighas* may be minimised; (d) tea gardens, fruit gardens and vegetable gardens.³⁵

All lands occupancy of which was maintained by the proprietor or tenure holder should be proposed for agreement with him as a tenant under the state with the right of tenancy. The lands might be offered for settlement to other person and the proprietor or tenure holders could be abandoned and dismissed from the possession of such land if he denied undertaking such settlement. Besides for the homestead of the proprietor used as his own habitation and not greater than fifty *bighas* in area, the proprietor or the tenure holder would be responsible to pay rent, not surpassing the existing rate of rent for equivalent lands in the neighbourhood.

6.7.3. Administration of the estate was transferred to the State:

A manager was given the charge relating to the power of administration of the estates together with the possession comprised within the estates should either individually or in a cooperative basis, as found satisfactory. The manager would be under the guidance of the Deputy Commissioner. The Deputy Commissioner might, with previous approval of the State government, decline to acknowledge any new settlement, lease or transfer effected after the 1st January 1946, in respect of any land if he had satisfied that such settlement, lease or transfer was effected with a view to avoid or overthrow any provisions of this Act or acquire exorbitant recompense there under.³⁶

6.7.4. Composition of Record of rights:

The State government had to intermediate for the composition of a record of rights in respect of any area or the emendation of the record of rights already prepared and ultimately produced under Goalpara Tenancy Act of 1929, the Sylhet Tenancy Act of 1936 or any other implementation in respect of any area.³⁷

6.7.5. Compensation required to pay to the proprietor:

According to the provisions of Assam State Acquisition of *Zamindaries* Act the proprietor or tenure holder, whose estate or tenure had transferred to the state would get compensation. The proprietors and tenure holders were entitled to compensation on a sliding

scale shifting oppositely with the number of income from two times to fifteen times of the net income, depending on the income group in which the applicant drop down. The Compensation officer would fix the demand of each shareholder after calculating the total compensation resolute for the estate or tenure as a whole.³⁸

In order to determine net income, gross income of the proprietor or tenure holder would be ascertained first. Tenure holder's gross income had to be calculated by taking the accumulation of annual income from different sources like- rents and cesses payable to such proprietor or tenure holder by the immediately subordinate tenants gross income from fisheries, ferries, *hats*, *bazaars*, cesses and fees as well as dues from mines and minerals, accumulated rents from buildings transferred in the state, gross income from forest, rent of land purchased in execution of decrees for arrears of rent, and any other income concerning to the estate or tenure transferred to the state. The proprietor's or tenure holder's net income had been calculated by deducting from his gross income. He earned the net income from the following sources- (a) land revenue or cesses to be paid to the state, (b) rent payable to a upper-level landlord (in the case of tenure holder), (c) agricultural income tax, (d) municipal tax for the buildings which are used for the management of the state, (e) income tax for income other than income gained from agriculture, (f) expenditure of management which vary from 5% to 15% of gross income.³⁹ Varying rates of compensation had been prescribed from different income groups which vary inversely from two to fifteen times of the net income. The amount of compensation payable to a proprietor or tenure holder in any income group should not be lower than the compensation payable to a proprietor or tenure holder in the next lesser income group.

To each proprietor or tenure holder two and a half percent of expected compensation would be paid as 'ad interim' in cash every year before the final publication of recompense statement and after the date of transfer. The quantity of 'ad interim' payment, jointly with any other aggregate for the withdrawal of which the Deputy Commissioner had passed order, should be debited from the total amount of compensation payable to the proprietor or tenure holder. After such deduction the remaining balance would be paid in cash if the quantity is Rs.2500/- or less and in cases $12\frac{1}{2}$ % of the aggregate should be paid in cash and the balance should be paid in cash or bonds or to a certain extent in cash and in bonds. The bonds might be flexible or rigid and should furnish for refund of the total amount thereof in twenty similar divisions. At any time

before due date of submitting last instalment, interest at the rate of 2¹/₂% for each year on the amount outstanding should be paid and the bonds should be improvable at the option of the government.⁴⁰

6.7.6. Implementation:

The main purpose of this Act was to set up a straight relationship between the state and the tillers of the soil and to remove the intermediary interests. In two stages the acquisition of the *zamindaries* was prepared. The first phase comprised the period between 1954 and 1957 under which the proprietary rights of six different *zamindaries* holding nineteen estates in the former Goalpara district, were obtained and transferred to the state. During the period of 1954 to 1972, which was also known as second phase, the rights and interest of the intermediaries, popularly known as tenure holders were acquired as a result of which the tenants were placed under the direct control of government.

But the pace of enactment of Assam State Acquisition of *Zamindaries* Act was very steady. The Act was first introduced in 1951A.D. But it took a long time in the process of application of the Act after its introduction. The main barriers in the process of speedy application of the legislation were- (a) Absence of sufficient and instructed administrative machinery and (b) Lack of effective and contemporary record of rights.⁴¹

6.8. Consequence of introducing different land reform acts:

Throughout the period of *zamindari* system the economic condition of the peasant class was not very satisfactory. The peasants of the Bijni Raj Estate submitted a number of petitions and forwardings to the British government which resulted in initialisation of some land reform measures by the British government. However the reforms undertaken by the government was not satisfactory enough to resolve or heal the problems of the peasantry. They did not take any thorough assessment for land reforms. The judicial measures undertaken by the government were generally restricted to develop the tenorial condition of definite classes of tenants. As a result a pressure from the side of peasantry had come to abolish the *zamindari* system and to undertake some development programme.⁴²

It is worth mentioning here that peasants' uprisings that took place from time to time can't only be associated with Bijni Raj Estate alone. But such uprisings could be seen in different parts of Assam also. In order to nullify peasant upsurges, the British government declared some land reform measures. But these measures were merely confined to the abolition of intermediaries and some reforms related to tenancy. Soon after attainment of Independence, a number of legislations were enacted to please the peasantry, but unfortunately the government was unable to find the root cause of the problem.

After attainment of Independence, the power to rule shifted from the possession of the British to the Government of India. Many new reformatory policies were implemented by the government for the welfare of the people of India. In Assam too, after independence the government took various steps for land reforms, but was unsuccessful in implementing those reforms for longer period of time. The failure of the government was mainly due to their inability to bring change in the agrarian structure. Moreover there were several loopholes in the legislation enacted by the government. Also those legislations that were passed by the government were improperly implemented and in certain cases implemented half heartedly.

As a result after the independence of India when land improvement procedure was started on, it actually failed to ascertain the required results. There was no particular tenancy law in Goalpara at the time of its annexation with Assam in 1826. In 1867 the undivided Goalpara district was placed under the Cooch Behar commissionership, and the judicial administration of the district was set down under judicial commissioner of Cooch Behar in the next year. The new province of Assam was framed in 1874, and after that Goalpara district officially came under Assam Laws. But in reality the Goalpara district was deprived of a rent law for the period it was under Assam. Act VIII of 1869 (Bengal Act VIII of 1869) was officially widened to undivided Goalpara district up to 1892.⁴³

In 1886 the Assam Land and Revenue Regulation was passed and it was in effect in the entire Assam including Goalpara on papers only. However a great confusion arose in those days, whether Act VIII of 1869 should be allowed to carry on, or the Assam Land and Revenue Regulation would be put in force or whether a new law should be passed for the undivided Goalpara district. A proposal had arisen in 1902 to press forward some section of the Bengal Tenancy in Goalpara, but Government of Assam declined to do so. In 1907 Mr. Monahan

(secretary to the Chief Commissioner of Assam) started a particular investigation for advising on general modification of the rent law and put forwarded his suggestions. In 1912 the *zamindars* themselves moved to the Chief Commissioner and in 1916 the then Deputy Commissioner of Goalpara Mr. Laine was instructed to enquire and present a statement on the deficiency of prevailing Rent Law.⁴⁴

The law enactment programme of tenancy for Goalpara had brought matters to a critical point. Up to that time Government concluded an agreement to compose a new tenancy law for Goalpara which would ensemble the elementary and distinctive conditions of Goalpara. The *zamindars* exhibited their anxiety on this outcome because they admired their early traditions which combined traditional intuition with the encouragement for constant development. In 1925 Assam Legislative Council passed a resolution, by which the government appointed a representative committee of seventeen members in November 1926, to compose a practicable bill which would be acknowledged by both *zamindars* and tenants. The bill was the outcome of the committee's hard work and effort, and the general assumption of the bill had acquired the solid and united acceptance of the committee. This bill is known as Goalpara Tenancy Act which was passed by the legislative council in 1929 and received the approval of the governor general on 1st October 1929.⁴⁵

The first official venture to safeguard the interest of the share-croppers was the Assam *Adhiars* Protection and Regulations Act of 1948. This act had fixed the maximum rent to be paid by the *adhiar* or share-cropper. According to the provision of Assam *Adhiars* Protection and Regulations Act, it is mandatory for the share-cropper to dividend their principal crop only, which should have rendered some encouragement to them to increase other crops.⁴⁶

But this act does not succeed to protect the interest of the *adhiars*. Whereas the *adhiars* were not acknowledged as a class of tenants under the Assam (Temporarily settled districts) Tenancy Act of 1935, the number of *adhiars* was not known and inspite of clear provision for fair rent in the act, *adhiars* were required to pay rent which was much higher than what was specified in the act.⁴⁷ The unexpected increase of *adhiars* share from one-half to four-fifth of the produce had destroyed the poor peasantry rather than to helping them. As this provision totally discouraged *adhi* system of production, the rich land holders found it commercially successful to start again the cultivation or to bring land under capitalistic mode of production. Furthermore,

through this act the *adhiars* were thrown in a very unwanted position, because they had to prove their legitimate claim over the land for continuously three years and it was very hard for *adhiars* to prove it. Under the safety net of this act only a minimal portion of *adhiars* had been able to get protection and a great amount of *adhiars* had been ousted by the big landlords.⁴⁸

Even the ministers of ruling party also showed their moral support to the landlords in the floor of Assam Assembly. In the year 1918, M. Saudullah spoke in Assam Assembly regarding a bill that was the aforesaid Bill totally neglects the interests of the landlords who were going through difficult times as a result of communist agitation.⁴⁹ The communist workers maintained a close relation with the peasants of Assam since 1938. During the year 1948-50, they mobilised the peasants with the slogan 'Give life but will not give paddy.' This communist supported peasant struggle not only affected the landlords, but also the *zamindars*, *jotedars*, and money lenders.⁵⁰

The Assam State Acquisition of *zamindari* Act of 1951 had restricted the feudal and semi-feudal oppression over the peasantry to a great extent. Simultaneously it laid the first stone to bring a large number of tenants directly under the government. Up to 1970 the rights of all the proprietors were acquired in Goalpara, Cachar and Garo hills area. Furthermore, as a result of the reforms, the economic position of the *zamindars* was significantly destroyed. They were no longer owners of big estates and their supremacy and guidance in the rural politics had been curtailed in a substantial way.⁵¹ Although the transformation of their masters from *zamindars* to the government brought slight relaxation to the tenants, because they had to pay same rate on land revenue to the government up to 1974 (when the rate of land revenue for all the tenants of Assam became equalised) as they used to pay their earlier masters. The arrangement of permitting the *zamindars* to keep possession of as much as 400 and 150 *bighas* of land accordingly up to 1974 as private land had the effect of maintaining the intermediary rights in land even after the abolition of *zamindari* system.⁵²

6.9. Effects of the Abolition of Bijni Zamindari by the government of Assam:

Before the independence the government of India passed different land revenue regulations and numerous bills and acts for the benefit of peasantry. But all such acts and bills

did not help the tenants or *ryots* to uplift their condition. After the independence of India in 15th August 1947, the Government of India decided to abolish the *zamindari* system and to construct a greater India by edition of all the *zamindaries* throughout India. Eventually the government of Assam passed the Assam State Acquisition of *Zamindaries* Act in 1951. As a result of all such preparation the Bijni Raj Estate was formally acquired by the government of Assam in 1956. The abolition of *zamindari* system can be considered as important achievement in the field of land reform measures of the government.⁵³

After the acquisition of *zamindari* and removal of the intermediary interests, the tenants holding land obtained rights and power over his land. Thus tenant became real owner of the land. Earlier tenants were under the mercy of the *zamindar* or *Raja* and they entertained their rights at the will of the *zamindar*. But after the abolition of *zamindari*, tenants came directly under the government and the mediator class between the government and tenant had gone forever. With the termination of the landlord class, the subjugation and persecution over the tenant by the ex-intermediaries have automatically come to an end.⁵⁴

The abolition of *zamindaries* empowered the government to develop a new land policy in which all the owners of the land are treated with equal right and status. The removal of intermediary interests and the creation of direct relation between the tenants and the state increased the gross national product. When the government started direct settlement of land with the tenant a sense of ownership began to grow in their hearts and this thing created a motivation among the tenants to do hard labour for the improvement of their land.⁵⁵

No doubt the acquisition of *zamindaries* increased the revenue of the government from land, minerals, forest and fisheries but at the same time government had to bear the burden of compensation.⁵⁶ The Bijni Raj Estate along with the other *zamindaries* of Assam got a good amount of indemnity from the Government of Assam for their loss because of the acquisition of *zamindari*.

After the acquisition of Bijni Raj Estate in 1956, tenants lost various rights which they enjoyed earlier in free of cost under the *Raja* of Bijni. Earlier tenants got wood, bamboo and thatching materials from the forest of Bijni Raj Estate at a very nominal cost. These materials can be considered as basic necessity of tenants and rural population for house building, fencing

and different agricultural purposes. But now they have to purchase timber, bamboo etc at a high price.⁵⁷ No doubt taking of forest by the state government from the *zamindars* is a praiseworthy step for the preservation of forest resources, but at the same time this affected the family budget of the poor tenants.

The abolition of *zamindari* became a curse upon the intermediary class of Bijni Raj Estate. This class was engaged in revenue collection under the Bijni Raj Estate and worked as mediator between the *zamindar* and *ryot*. As a result of acquisition of Bijni Estate, the intermediary class not only lost their permanent source of income, but also lost their high social status. The amount of compensation which was provided by the government was going into the hands of Raj family only. Practically nothing was left in the hands of intermediary class.⁵⁸ Consequently some of them became cautious and searched for an opportunity to shift towards townships in search of substitute source of income. This problem broadened the number of unemployed.

Therefore the abolition of *zamindari* system cannot be considered as fully successful. After the acquisition of *zamindari*, Government of Assam passed different acts and bills to solve the tenancy problems. The government of Assam passed the Assam Fixation of Ceiling on Land Holdings Act in 1956, Assam Consolidation of Holdings Act in 1960, the Assam (Temporarily Settled Areas) Tenancy Act in 1971, Assam Gramdan Act in 1961 and Assam Bhudan Act in 1965 etc.⁵⁹ Though the government of Assam passed different Acts from time to time for the development of the condition of peasantry, but still there are lots of gaps to be filled. Even till the present day we cannot say that peasants of Assam are enjoying every rights and privilege over the land from the government side. They are living a life which is to some extent similar with the life under the *zamindari*.

Thus from the above discussion we can conclude that the acquisition of the Bijni Raj Estate was a spontaneous outcome of the Independence of India (1947 A.D.). After attaining independence the Government of India envisaged in building a greater India by engulfing different states, Raj Estate, *zamindari* states and princely states. So the government abolished the *zamindari* system and monarchy system and established democracy in India where every person has equal rights and status. As a result of this new political arrangement the Bijni Raj Estate had to lose its *zamindari* rights. At the same time peasants' discontentment also attributed towards

the abolition of *zamindari*. The British India government introduced some tenancy legislation and rent law Acts for the benefit of peasantry. But they were not sufficient.⁶⁰ Though the *Raja* of Bijni tried his best to improve the condition of peasantry, but he failed in many cases. As a result of which sometimes tenants of Bijni Raj Estate started peasant uprising. Ultimately the Government of India passed the Acquisition of *Zamindaries* Act, 1951. Consequently the acquisition of Bijni Raj Estate became effective on 1956. Thus the glorious history of Bijni Raj Estate, which started from the time of Chandra Narayan (1671), came to an end in the days of last king Bhairabendra Narayan *Deb* (1956) as a result of the Assam State Acquisition of *Zamindaries* Act.

Endnotes

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