

4. **AGRARIAN CRISIS IN BIHAR DURING THE PROVINCIAL AUTONOMY 1937-1939**

**Hitendra Anupam¹, Shilpy Sharan Sinha², Sudeep Kumar³*

¹Assistant Professor, University Department of History, VBU, Hazaribag

^{2,3}Research Scholar, University Department of History, VBU, Hazaribag

**email: bhaai.hitendra@gmail.com*

The tenants of Bihar were perhaps in a stronger position than tenants of other provinces by reason of the fact that their rights were very fully safeguarded by the provision of the Bengal Tenancy Act of 1885 or even earlier Acts. In particular that Act gave the great majority of the tenants occupancy rights.

North Bihar

In Muzaffarpur for example the settlement operations completed in 1899 showed that non-occupancy raiyats were an insignificant class holding only about 1.6 per cent of the area and 2 per cent of the number of holdings. It also made it difficult for the landlord to enhance the rent to an undue extent. During the last decade there had been prolonged discussion about the amendment of the Act with a view to securing further rights for the tenants, and finally in 1934 an Act was passed giving all occupancy raiyats power to transfer their holdings. This Act thus removed two outstanding grievances of the tenant. As a result of this protective tenancy legislation, agrarian conditions in Bihar before the period of economic depression did not lend themselves greatly to the activities of agitation. The relations between landlord and tenant were generally good.

In the province generally and in North Bihar in particular the rents had never been high. Thus the revisional settlement proceedings in the Saran district terminating in the year 1921 showed that large proprietors, such as the Hathwa Raj and the Bettiah Raj, owning between them a considerable portion of the district, were on good terms with their tenants, and that rents were paid regularly. Sales in execution of rent decrees were exceptional, and it was further found that in certain villages of the Hathwa Raj having found the rents to be too high had reduced them. There was some friction at the time of the settlement over the question whether certain lands were or were not part of the landlord's

private zirat in which occupancy rights cannot be acquired, but this was a feature common to settlements in North Bihar and the ill-feeling aroused was temporary only. Conditions in other North Bihar districts were very similar. The relations of the Darbhanga Raj with its tenantry were good, and the same applied to the numerous scattered zamindari estates administered by European planters. Rent generally were low, averaging Rs. 4 an acre in Muzaffarpur and Darbhanga, and between Rs. 3 and Rs.4 an acre in North Monghyr. Moreover, in part of North Bihar where rents tended to range higher, it was often the case that the raiyats cultivated specially valuable crops, such as tobacco, chillies and sugarcane.

South Bihar

In South Bihar, i.e., in the area comprising the district of Patna, Gaya and Shahabad and the southern portion of the Monghyr and Bhagalpur districts, the conditions as regards rents were very different from those prevailing north of the Ganges. In North Bihar cash rents were the rule, but in South Bihar large areas of land are held on the bhaoli system of produce rent whereby the crop was divided between the landlord and tenant either in equal parts or in the proportion of 9 is to 7. A large portion of the Shahabad district and parts or in the Patna and Gaya districts were irrigated from the Son canal system, the raiyats paying Government for their water on a tabulated scale of rates. In central and east Gaya and in the south of the Patna district there was an extensive and often complicated system of irrigation by means of private reservoirs and small water-channels which depended to a great extent for its efficiency on the goodwill of the landlord. The bhaoli system in theory was fair and equitable to both parties. In practice, however, owing to the dishonesty of the landlord's collection staff it tended to be inequitable to the raiyat, for it gave the tahsildar many opportunities of harassing him. As a result, the tenants in South Bihar had, over a considerable period of years, taken resort to the provision of section 40 of the Bihar Tenancy Act and had preferred for commutation of their rents into cash. In many cases also cash rents have been fixed by agreement with the landlord. In making commutation under section 40 of the Bihar Tenancy Act, a Revenue officer was required to take into account certain definite factors, including the average value of the rent actually received by the landlord during the preceding ten year or during any shorter period for which evidence may be available. A determination of cash rent, therefore, depended mainly on the price of staple food grains over a period of continued high prices which tended to be high and which moreover tended to become beyond the capacity of the tenant to pay during a time of economic depression. This has actually

happened to a considerable extent in South Bihar. In the districts of Gaya and Patna and a part of Monghyr landlords were inclined to insist on payment in full and to press tenants to the point of buying up their holdings for arrears of rent and taking their land into their personal possession as bakasht. Any period of pronounced economic depression tended inevitably to make the raiyats discontented with his lot especially in a Province such as Bihar where, owing to the pressure of the population on the soil, the average holding was extremely small. The recent period of political agitation had brought to the surface long-standing grievances in some estates against the landlords' illegal exaction of begari (forced labour). It brought into even greater prominence the rapacity of the landlords' subordinates in a number of ill-administered estates. This was particularly noticeable in the Gaya district and in parts of the Patna. On the Tikari-Amawan estates in Gaya district, which was one of the earliest targets of the agitators, the genuine grievances of the tenantry was summarized as follows:(1) The rents, commuted subsequently to 1920 were, in many cases, more than the raiyat could pay. In some instances they ranged as high as Rs. 15 an acre. Many holdings had been sold up for arrears of rent and the lands bought by the landlord and turned into bakasht. (2) In some instances the landlords had deliberately neglected the irrigation works after their produce rents had been commuted to cash.(3) There was a general grievance against the rapacity and dishonesty of the landlords collection staff not only on the Tikari-Amawan estate, but also on other estates where the landlord habitually absented himself for the greater part of the year.

Chotanagpur

In Chotanagpur before the settlement and preparation of the records-of-rights in 1908, there had been a good deal of oppression of the unsophisticated aboriginal inhabitants by alien landlords, but during the settlement operations the rights of the tenants were carefully ascertained and recorded and they were also given generous concessions as regards forest rights. The soil of the Chotanagpur plateau was of far less fertile than that of the Gangetic valley, but rents were proportionately lower and except in parts of the Palamau district the average rental was only about Rs. 2 an acre.

Kisan Sabha and Sahjanand Saraswari

The protagonist of the Kisan Sabha movement in Bihar was Swami Sahajanand Saraswati, a Babhan agitator, who was a native of Ghazipur in United Provinces. His chief supporters were Jadunandan Sharma, another Babhan, who devoted his activities to the Gaya district, and Karyanandan Sharma,

also a Babhan, a resident of Lakhisarai in Monghyr, who had applied himself to the development of the movement in the Monghyr district. The Swami, by dint of vigorous propaganda and extensive touring, succeeded during the year 1933-35 in organizing Kisans Sabhas throughout Bihar. He was a strong speaker, with an influence over illiterate people, and commanded a ready audience in places where the tenants had grievance, real or imaginary, against their landlords. Thus, in the Shahabad district, he made capital out of complaints against the Dumraon and Surajpura estate; in Bhagalpur the Grant estate was one of the object of attack; similarly the Khaira estate in Monghyr, the Ramgarh and Kunda estates in Hazaribagh. He also found material in Shahabad and Gaya in the raiyats complaints that the canal rates were too high.

The Swami from the start had taken the lines that the Kisan movement was separate from, but allied to, the Congress. He was himself anti-Zamindar, but had definitely taken as his target the large Zamindars as distinct from the smaller, many of whom were themselves supporters of the Congress. In his public pronouncements his advice to the raiyats had been to ventilate their genuine grievance through legitimate channels and to organize themselves for this purpose. He always remained careful to dissociate himself from any suggestion of a no-rent campaign. Some of his supporters had not been so guarded. Thus Jadunandan Sharma in 1934-35 attempted to incite the tenants of the Tekari estate to withhold their rents, and action was taken against him on several occasions under Section 144, Criminal Procedure Code.

Background of the Kisan Sabha Movement

The pertinent history of the movement could be briefly outlined from 1935-6. By this time the Congress party was alive to the value for electioneering purposes of an organization which now covered practically every district in the Province. Congress leaders began to take frequent opportunities of addressing the Kisan organisations with a view to election propaganda. There was little doubt that Sri Krishna Sinha, the leader of the congress Party in the legislature, would have liked to amalgamate the organization with Congress, but the Swami was always opposed to this. He did, however, at a meeting at Hajipur in November 1935, make the pronouncement, referred to above, that he regarded petty Zamindars as peasants and that it was only the big Zamindar he regarded as Zamindars. In many of the districts the preoccupation of Congress with the election issue overshadowed the real objectives of the Kisan movement, but in the Gaya and Patna districts

organizations were still urging on the raiyats to ventilate their grievances. Toward the end of March 1937, the agitation took a new form when some 500 raiyats of Patna to state their grievances subsequently marched to the Legislative council. It seems probable that the demonstration was organized against the wishes of the Swami. But he did nothing to stop it. The demonstration before the Council Chamber was probably aimed at the President, Babu Rajandhari Sinha, who as a zamindar had become a centre of agitation. The same form of demonstration appeared in other districts. In Gaya district deputation of raiyats, mostly from the Tikari Raj, visited the Collector to state their grievances. They behaved in a peaceful and orderly manner and were told that definitely-stated grievances would be investigated. The complaints were mostly from raiyats who had lost the whole or portions of their holding through default in payment of rent. In the South Bihar districts the local officers were by this time systematically taking up the investigation of such complaints and in a large number of cases a settlement was effected between landlord and tenant. But there were several instances in which the local agitators intervened in order to prolong a dispute after the local officers had found the landlord and tenant quite ready to settle it. Thus in the Gaya district, in village Sunda on the Tikari estate, the Sub-divisional Officer, after prolonged negotiations, had succeeded in getting from the proprietor favourable terms for a number of tenants whose land had been sold. Just when the dispute was on the point of settlement, the local Kisan agitators persuaded the tenants to refuse the terms. When the landlord's again attempted to plough the bakasht land they were obstructed by a number of women. In other parts of the same district a considerable number of such disputes were settled amicably. Later it became evident that however genuine the attitude of the Swami himself, his lieutenants were encouraging the raiyats in certain area to take the law into their own hands. In several cases the police had to take precautionary measures because villagers threatened to obstruct, either forcibly or by Satyagraha on the part of their womenfolk, the ploughing of landlords bakast land. At the beginning of June 1937 the Congress launched a Kisan Enquiry Committee to investigate the grievances of the raiyats throughout the Province. This Committee started work in Gaya and then passed on to Shahabad and Patna and thence to Chotanagpur. They listed to grievance and recorded a good deal of evidence, but the primary object was electioneering, and it was not intended to excite the agricultural classes to violent measures. Nevertheless the visitation had at the time a noticeably disturbing effect, particularly in those places where the raiyats were already prepared to break the law. At the end of June 1937 His Excellency Sir James Sifton had invited a number of the more important landlords of South Bihar to discuss the situation with him in Ranchi. He impressed upon them the

importance of personal contact with their tenants. The landlords agreed to settlement of bakasht land with tenants whose lands had been sold up through inability to pay excessive rents. It was arranged that the local officers should draw the attention of the landlords to case in which commutation of produce rent in the time of high prices had resulted in the setting of cash rents which were beyond the tenants capacity to pay and that in such cases the rents (and the arrear demands) be suitably reduced. The gentlemen present also promised to use their influence with their fellow-landlords to take similar steps with regard to their own estates. It was hoped that if the landlords acted up to these promises, a good deal of ground would be cut away from under the feet of kisan agitation. Actually, in the ensuring few months a certain amount was effected in this direction, and as the cultivators grew more occupied in agricultural operations, agitation began to die down. In the Patna district the prosecution of two Congress agents for advocating the forcible seizure of land sold for arrears of rents had a sobering effect. In July the Kisan Sabha issued their election manifesto. Although their basic demands included the abolition of the Zamindari system and the writing off of agrarian debt, their immediate demands were more moderate, including the abolition of rent in kinds, the exemption of uneconomic holdings, cancellation of arrears and the reduction of rent and canal-dues by half. It was emphasized that the Sabha would work on close collaboration with Congress and the wording was clearly designed to propitiate the smaller zamindar. At the end of July the congress Enquiry Committee pursued its proceedings into the Bhagalpur and Tirhut Divisions. It was clear to the educated classes by this time that the tour was nothing against the zamindari system itself, but they urged their hearers to resist the exaction of the landlords amla. During August and September there was a lull in agitation, although in the Bhagalpur district a number of local Kisan Sabha leaders were arrested under section 107, Criminal Procedure Code, for threatening a violent campaign against the Grant estate. During most of the period from June onwards Swami Sahajanand had been keeping in the background. He addressed very few meetings, but on several occasions sent misleading accounts of agrarian incidents to the All India bulletin. At the end of September he appeared again in the open and began to interfere in a land dispute in Majhauri (a village in the Dinapura subdivision of the Patna district). 21. On the 7th - 8th November a much-advertised Provincial Kisan Conference was held in an area in the Bhagalpur district which had been a centre of agitation during the first Civil Disobedience movement. Jai Prakash Narayan, the Socialist agitator, presided on the first day, and Swami Sahajanand later took his place. A good many of the audience of 5,000 were attracted by the fact that loud speaker had been installed, an innovation in rural meeting in Bihar. The leading members of the Socialist and Kisan

Parties were present and the speeches were moderate considering the character of the meeting. A resolution of Ram Briksh Benipuri, an extremist member of the Socialist Party, setting forth the kisans' demands, including abolition of the zamindari system, aroused opposition, and there was still stronger opposition to a resolution advocating a separate kisan flag of communistic design. A resolution was passed asking Government to adopt measures to restore the holdings of tenants who had lost them through inability to pay the cash rent fixed by commutation. Criticism was also leveled at alleged corruption amongst subordinated in the Canal Department.

Role of Congress

The congress electoral campaign was by now in full swing. At election meetings Congress candidates everywhere were inclined to paint extravagant pictures of the golden age which would ensure upon their being elected at the polls. At the same time a great deal of quiet propaganda was going in the villages, directed chiefly against the landlords. The visit of Jawaharlal Nehru to the Province in early January was primarily concerned with the election, but he paid visits to two notable centres of Kisan agitation in the Patna and Gaya districts. He was welcomed everywhere by large crowds. In his speechless he harped as usual on the poverty of the masses.

He emphasized the necessity for voting for the Congress candidates, but also explained that this was only a step toward the attainment of a panchayat raj. After the elections were over and the sweeping success of congress had become a fait accompli, a marked change of tone became noticeable in the public utterances of the Kisan Sabha leaders. Ram Briksh Benipuri at an important Kisan meeting at Aurangabad made an open reference to the abolition of the zamindari system. The Swami's speeches also began to show a distinct tendency towards the left. In early March agrarian trouble came to a head in the Mokameh Tal in the district of Monghyr.

The Mokameh Tal was a wide expanse of completely featureless country which flooded in the rains and usually grew a luxuriant rabi crop. It was largely in the possession of landlords of the Babhan caste who had a bad reputation for oppressive behaviour. For many years these Babhan had been staunch supporters of the Congress Parties, and in fact the behaviour of a section of them made it necessary for Government to maintain a strong force of additional police at Barhaiya in the north of the area for two consecutive years.

Seeds of Discontent

It was evident that there had been a great deal of illegal enhancement of cash rents when the prices of grains was high. During the economic depression the tenants were unable to pay these high rents and a great deal of their land was sold up and converted into bakasht. It seems likely that in many cases the original tenants were allowed to cultivate on batai terms, but recently the landlords had been importing outside cultivators for the purpose so as to prevent the fresh accrual of occupancy rights. On the 27th and 28th of February a Kisan Sabha Conference was held at Sheikhpura which was close to this area. Though the set speeches were not particularly violent for this type of meeting, the resolutions had particular reference to the situation in the Tal and the problem of bakasht lands. One of them purported to warn tenants against taking possession of such lands by force. The principal speaker at the meeting was the Kisan leader, Karyanand Sharma, whose home is at Lakhisarai, a few miles from the Tal. He had undoubtedly been engaged in fomenting the agitation in this area for some time previously. The zamindaras alleged that in addition to these set speeches and resolutions there was a good deal of propaganda at the meeting for the purpose of inciting the tenants to attack the landlords and take possession of the bakasht lands. A few days after the meeting the whole area was in a state of extreme tension and a number of the landlords came to the District Magistrate and complained that gangs of tenants were roaming round the area. The District Magistrate took prompt measures. A case under Section 153 of the India Penal Code and Section 107 of the Criminal Procedure code was started against Karyanand Sharma. Who was arrested with a number of his supporters. The District Magistrate and his subordinate officers went out into the area, and found that a good deal of looting of crops had occurred, but that it was confined to about a dozen villages belonging to landlord whose conduct was believed to have been particularly oppressive. The District Magistrate adopted the course of narrowing down the dispute to the plots where the tenant had some colourable claim to cultivate. Both sides naturally made exaggerated claims, but in the end the District Magistrate was able to confine the dispute to particular fields, the crops of which were to be cut under police supervision, while the remainder of the crop was to be harvested in the ordinary way. Two troops of mounted military police were despatched to the area. The efforts of the local officers in the investigation of genuine disputes were largely successful and in the course of a fortnight the situation generally had settled down and there was no further attempt on the part of the tenants to take the law into their own hands. At a political conference, held at Jamui in the south of the Monghyr district on the 13th - 14th March, the reference to the agrarian situation in the Mokameh Tal were raked up in

moderate terms by one Congress M.L.A., criticising the looting of crops. After the meeting some of the Kisan leaders held a secret meeting at which this speech was condemned. In various parts of the Patna and Gaya districts and in other parts of the province agrarian tension considerably shot. During the first half of April the situation in South Bihar showed little change. There were three more cases of crop- looting in the neighbourhood of Sheikhpura in the district of Monghyr, but the situation in that area was on the whole quiet. Rajendra Prasad made efforts to effect a settlement with some of the zamindars, but received no assistance from Swami Sahajanand who was apparently annoyed at not having been consulted first. In the district of Gaya there was no improvement in the situation. Two cases of arson occurred in the Jehanabad subdivision. The existing situation in South Bihar was not without dangerous possibilities. Where the tenants speak for themselves, their demands were usually moderate and they undoubtedly have a number of genuine grievances. The Kisan leaders naturally went a good deal further in their demands and although they did not in public advise action which is contrary to the law, there was a general suspicion that, in private some of them encouraged the tenants to resort to violent measures. In North Bihar conditions were comparatively quiet and free from agitation. Swami Sahajanand never obtained the same personal hold in this part of the Province as in the districts south of the Ganges, and his supporters diminished their influence by a tendency to quarrel among themselves. In the Champaran district Congress established itself. In the Sitamarhi subdivision of the Muzaffarpur district a quarrel between two of the local leaders over the elections distracted attention from the Kisan Sabha and when the Swami tried to revive interest by a personal visit, his meetings were poorly attended. The major portion of the Saran district was free from agrarian agitation. It was reported that the Swami contemplates touring the district in order to stir up flagging interest, against Anugrah Narayan Singh, who was reviving the moribund Congress Kisan Enquiry Committee with a similar object. In Purnea the position was very much the same. There were frequent feuds between local leaders, but neither here nor in the district of Darbhanga the movement made much headway against the dominating influence of the Darbhanga Raj. In the South of the Saran district and in the Hajipur subdivision of the Muzaffarpur district, agitation had taken somewhat distinctive lines. This was a locality in which the revolutionary movement at one time found a home and its tendencies was always prone towards extremism. This time the guiding influence was Kishori Prasanna Singh, a former member of Jogendra Shukul's revolutionary party, now general secretary of the Bihar Socialist party. Although nominally President of the Kisan Sabha for the whole district of Muzaffarpur, he had actually little influence in the district outside the Hajipur subdivision. His object

was apparently to develop the Kisan Sabha on extreme left wing lines. Both in Hajipur and South Saran he had concentrated on Youth Leagues and several such organizations were coming up in this area.

In North Bihar in well-administered estates such as the Darbhanga Raj the information was that rents were now coming in smoothly. In South Bihar particularly in the districts of Patna, Gaya and Monghyr the tension between landlord and tenant had undoubtedly increased. Besides the Mokameh Tal incident, already described, there were tangible signs that discontented raiyats were becoming more and more inclined to break the law. The murder of a landlord's patwari at Chero in the Patna district on the 18th April, the brutal murder of a small zamindar at Goh in the district of Gaya, following a similar murder at Jehanabad in the same district earlier in the month, which can all probably be attributed in part to the feelings aroused by the Kisan agitation, were significant of the dangerous atmosphere in the area where the agitators have concentrated their attentions. The Bihar Government decided to take action under the tenancy law in cases where the tenants had genuine grievance on the ground of high commuted rents or against the illegal exactions of the landlord or his staff. A portion of a press communiqué on this subject stated that there were many individual cases in which rents were excessively high in relation to the prices of agricultural produced, owing to enhancements or settlement of holdings on increased rents. It was these classes of cases with which the Government intended to deal, and decided the use of Section 112 of Bihar Tenancy Act. The Government intended therefore to apply that Section to the settlement of rents and to the reduction of rents in specified classes of cases. The Government of Bihar also intended to introduce an amendment of Section 75, Bihar Tenancy Act, to facilitate the prevention of the extraction of illegal abwabs. It was hoped that this action will allay agitation by striking at one of the main roots of agrarian discontent in Bihar.

Role of Babu Ramnarayan Singh in Chotanagpur

In Chotanagpur sporadic attempts were made to arouse and sustained interest in the Kisan movement, but without much success. In parts of the Palamau district where the incidence of rent for paddy land averaged as high as Rs. 7 an acre, it was probable that Swami Sahajanand will make further effort to establish a foothold. An attempt was made in the Dalbhum subdivision of the Singhbhum district to encourage the aboriginal tenants to start an agitation about their alleged right in forests which had



been declared reserved by the Forest Department. The movement had little prospect of success in an area where labour conditions in Jamshedpur took precedence of other interests. The greater part of the Santal Parganas in a large Government estate, known as the Damin-i-Koh in which the rents were low, and collected by village headmen. In consequence of this and also because of the Santal Regulation of 1872 afforded the Santal an adequate protection the agitation never met with much success. There is no doubt that the raiyats were led to believe that under the new regime with Congress the chaukidari tax would be abolished, and rents would be reduced by half. The dangerous expectations aroused by these promises became evident shortly after the elections when it was reported from almost every district in Bihar that the raiyats were showing a disposition to withhold their rents and to take possession of holdings which had been sold by the courts. The Commissioner of Chotanagpur had proposed to Hallett, that Babu Ram Narayan Singh, M.L.A., should be prosecuted for certain speeches which he delivered in the neighbourhood of the Pareshnath Hill. The Legal Remembrancer had examined the evidence and has advised that the speeches constituted a clear offence under section 153-A, Indian Penal Code, and that the evidence for a prosecution was good. A meeting was held between 8.30 and 10.30 on the 5th November 1937 at Madhuban which was just north of the Pareshnath Hill. The report of this meeting by Sub-Inspector B. Sahay and also another report by Rai Sahib Rudra Prashad, who was the manager for the Jain owners of the Hill were sent to Linlithgow. After this meeting the speaker went on to Dumri about eight miles away and held another meeting. This was reported by Sub-Inspector K. Mallick and by Rai Sahib Rudra Prasad.

The outstanding feature of these speeches of Babu Narain Singh was that they abounded with the most open incitements to violence and that these incitements were acted upon by his audience. In the first speech, that at Madhuban, he began telling his audience to defy the orders of the courts in the matter of the possession of lands and to resist the attempts of decree-holders to obtain possession even if they had to kill decree-holders. He then told them not to allow the owners of the forests to cut any wood from them. If such owners or their men tried to do so, the audience was invited to draw them away by force and, if necessary, to kill them. He went on to say that the Police and the Magistrates were powerless to stop such actions and finally he gave the same advice to his audience for dealing with mahajans; these also might be killed and their books burnt. This resulted in a display of great excitement at the meeting and part of the audience cried out that they would act on the advice. Rai Sahib Rudra Prasad who attempted to intervene was only saved from assault at the meeting by the

Sub-Inspector. The Sub-Inspector thought it necessary to remonstrate with the speakers and pointed out the imminent danger which such speeches involved. His remonstrances had, however, no effect and the speaker went on to hold another meeting at Dumri-eight miles away; apparently Rai Sahib Rudra Prashad went with them. At this meeting Babu Ram Narayan Singh repeated the advice which he had given regarding the cutting of the jungles, advised that the settlement record on the subject should be burnt if it stood against them and said that under a Congress Government no one need be afraid of doing such things. It was observed that these speeches not only abounded in incitements to break the law and to commit murder against anyone who opposed such breaches, but also aimed directly at destroying the authority of the Police and the Magistrates. There were definite indications at the meetings that the audience had been worked up to following the advice of the speaker. Early on the following morning, the 6th of November 1937, a number of villagers made raids on the hill and cut wood in the presence of the Police. On the next day, the 7th of November, further and more extensive raids took place, again in the presence of the Police and of the Magistrates and various members of these raiding parties when reasoned with by the authorities referred to the speeches as their justification for their action. The speeches were therefore followed in the most direct and most positive fashion by action of the nature which Babu Ram Narayan Singh had advocated in his speeches. The landlord's men, acting on the advice of the Magistrate, did not attempt to offer opposition to the raids; if they had come out to protect their property, as they were fully justified in doing. It was suggested that Babu Ram Narayan Singh be prosecuted for abetment of murder. His offence was aggravated by the fact that he is a member of the legislature and that he misused his position. But the Governor in the past on several occasions had advised that intemperate utterances from him need not be made the basis of a prosecution because it was clear that they had not been taken at their face-value by his audience. This argument might have been given some weight if the speech had not in fact resulted in violence, but where intemperate words repeated after remonstrances from the authorities had the effect of making his audience do what he advised them to do, it was impossible to make any allowance. Government had issued instructions that the audience should be treated in the most lenient possible manner. This rendered it all the more essential that the chief author of the trouble should be placed on trial and should suffer any penalty which the court found fit to impose upon him. The Governor believed that any other treatment of the matter would not only result in the law regarding such incitements becoming a completely dead letter, but would leave the officers of Government powerless to prevent violent invasions of the legal rights of peaceful citizens.

The jungle disputes at Dumri in Hazaribag was also discussed shortly and it was thought that Mr. Hopna Manjhi might be asked to exert his influence to quiet the tenants. The Council also considered the action to be taken to implement the decision to appoint a Committee to enquire into changes in the system of administration in the Santal Parganas. It was decided that Mr. R.E. Russell should be President and that the following should be invited to serve as members;-

The Revd. Mr. Edmunds of Hirapur,
Rai Bahadur Shyam Narain Singh,
Mr. D.N. Samanta, M.L.A.
Mr. Krishna Ballabh Sahay, M.L.A.
Pandit Binodanand Jha, M.L.A.
Professor Abdul Bari, M.L.A.
Mr. Maheshwar Prasad Jha, Pleader of Deoghar,
Mr. Charan Murmu, M.L.A.

The Chief Secretary was asked to take the consent of these gentlemen. A resolution was to be issued appointing the Committee and stating that the terms of reference and the programme of work would be announced subsequently. It was thought desirable that Mr. Russell should be asked to visit Patna where he could study the papers and draft terms of reference for the approval of Government. If it was necessary for him to remain absent from Ranchi for a considerable period, Mr. Lacey was to be appointed as Deputy Commissioner in addition to his duties as Settlement Officer.

Role of Rajendra Prasad in Formulating Fresh Legislation

In response to the two circular Letters of AICC-one intended for the guidance of members of the Legislative Assembly and the other dealing with leakage of Working Committee discussions Rajendra Prasad gave his detailed report on the agrarian situation in Bihar with main reference to Barhaiya in Munger District. It was a pretty big village inhabited mostly by Bhumihars who were middle class zamindars and cultivators and quite well-to-do. During the Civil Disobedience movement of 1930-32, they were enthusiastically with the Congress and many persons courted imprisonment. The Government marked it out for special treatment and posted additional police at the cost of villagers who were made to pay anything between Rs. 80000 and a lakh annually for three consecutive years. It was always looked upon as a Congress stronghold and the Government was unable to break its spirit

in spite of severe repression. This vast area had very sparse population and the residents of Barahaya had large landed possession. It was said that some of them were aggressive landlords and had acquired big plots by squeezing out the smaller tenants. On the other hand most of these have held the lands for generations and, barring some, most of their land was ancestral. The Kisan movement had taken a turn within recent months. All these lands which were in the possession of the landlords were recorded as their bakhasht lands. It was a technical expression in the Tenancy Act and connoted land in actual cultivation of the landlord in which a tenant can acquire occupancy right, if he remained in possession for ten years and under certain other conditions. The practice of landlords in respect of their bakhasht lands ordinarily was not to allow the same tenant to remain in possession of the same land for the required period and otherwise prevented his acquiring occupancy right, even if they allowed tenants to cultivate their bakhasht lands. In this area thus the landlords used to settle some of their bakhasht lands with tenants for short terms. Dispute arose some months ago between the landlords and tenants, as the latter refused to give the former their ploughs during cultivation season gratis as was the custom and perhaps also to work in the landlords' fields. The landlords refused to settle their bakhasht lands with the tenants. It was reported that the tenants in large numbers go to the bakhasht land of the landlords and cut and take away the crop. This was being done not only against the repressive landlords but without discrimination. The landlords had approached the government. In the meantime the magistrate had also been approached and who sent police force to prevent loot of the crop and ordered arrests. One prominent Kisan Sabha worker who was also one of Congress workers in the area, Karyanand Sharma, was arrested and it was reported about 100 tenants were also arrested. Babu Sri Krishna Sinha who was resident of the district and fully acquainted with the situation was asked to visit the place and deal with it. In some cases the bakhasht of the landlord was acquired by selling out the tenant for arrears of rent. Bihar had no ejection policy for arrears of rent under the Bihar Tenancy Act and the landlord had to sue for arrears and sell the holding in execution of his decree like any other creditor only getting a first charge on the holding if he was the sole landlord. The loot of the crop was indiscriminate and took place in the land of any and every landlord whether he was oppressive or otherwise and whether the land was cultivated by the tenants or not. The trouble was spread in an area covering about 20 miles, if not more. The name of Barahaya which was most prominent but there were several other villages involved. Kisan Sabha was not directly blamed for instigating the tenants to loot but there was no doubt the situation was largely due to the general awakening among the kisans and the anti-zamindar feeling which prevailed. While Congressmen

sympathized with the trouble of the tenants, they found it difficult to justify and support this loot of crop. The extent of this loot was not known and it was possible that it was exaggerated but there was no doubt that there was a general widespread movement in the locality which may spread to adjoining parts. In law, the tenants had no case, and were not resourceful enough even to fight it out in courts. Sri Babu (Srikrishna Sinha) had the opinion that if the loot stopped it was possible to arrange with the landlords to settle the lands with the tenants as used to be done before i.e., without occupancy right and perhaps to some other concessions. Rajendra Prasad had requested Nehru to intervene on behalf of AICC for coming up with suitable legislation as solution to the conflict between the Kisan Sabha and representative Zamindars. At Calcutta some landlords of Bihar met Prasad there and wanted to intervene and bring about a settlement of the agrarian question, after which he spoke to Maulana Azad and discussed the matter. Prasad had requested Maulana to come to Patna and discuss in detail the pending legislation and other matters connected with the agrarian question. He had prolonged discussions with Congress workers, who were interested in the Kisan Sabha and representative Zamindars. As a result of these discussions they arrived at certain conclusions which were considered to be reasonable, and which could had been enforced by legislation.

Response of Congress Ministry

The Bihar Council of Ministers including the Governor, Sri Krishna Sinha and Anugrah Narain Singh reviewed on November 9th, 1937, the position regarding the maintenance of order in areas where agrarian tension was severe. In Tirhut the situation was found to be reasonably quiet and the local officers did not consider that it was likely to deteriorate in the near future. Among the landless labourers, only the Musahars had shown any disposition to resort to force and the appropriate course was to deal with their leaders under the criminal law where disputes occurred. The Dusadhs and other castes of landless labourers were generally found to be quiet. The movement to organise the landless labourers against the Kisan had originally been backed by the Zamindars, but the latter had now dropped out. In Gaya, the situation in the Aurangabad sub-division appeared to be under control and it was only in the Goh thana that there were a few troublesome villages. The principal danger in Gaya was pointed out in the Jehanabad sub-division, particularly in the inaccessible are south of the Arwal-Jehanabad road. Village Usri was mentioned as a centre of trouble. There were places in the Sadar sub-division where trouble was possible, but they were mostly accessible from Headquarters, while in the Nawadah sub-division there were a certain number of disputes, but here again the situation was

not as serious as in Jehanabad. It was decided to strengthen the Police by deputing 50 of Gurkha Military Police to Gaya. It was thought that they could best be stationed at Kurtha or at Arwal, but that the decision was left to the District Magistrate. It is also decided that there should be an additional first-class officer with the powers of a Sub-Divisional Officer who would have his headquarters in the affected area of Jehanabad and would deal with agrarian promptly. He was decided to be given one or more subordinate magistrates to help him in enquiries so that the use of the police for these enquiries would be minimised. An extra officer for this purpose was also to be sent to Nawadah. In Patna and Monghyr and Shahabad it was not considered necessary to make any special arrangements, except that an extra Sub-Deputy collector was to be detailed to enquire into land disputes in Sheikhpura, Barbigha and Lakhiserai, The police stations were to be strengthened, where necessary, from the range reserve. The Government also decided to have verbatim reports of the speeches delivered by prominent leaders, including Swami Shajanand , Babu karjanand sharma , Pandit Ramanand Misra, Babu kishori Prasanna Singh and Mr. Ashiq. These reports were to be submitted for the perusal of government. The speeches of minor persons were to be reported as fully as possible by the ordinary thana staff. It was believed that there was a class of irresponsible agitator working in the area and stirring up agrarian strife who pretended that they had been deputed by the Congress or the Kisan Sabha, but in fact belonged to neither of these organisations. A watch was to be kept on these persons. Where actual reports could not be made of their speeches, it was thought to be useful to send constables to watch them since their presence itself would tend to prevent wild speaking. It was thought that the making of speeches advocating attacks on Zamindars as a class would usually amount to an offence under Section 153-A and that suitable cases should be sent up for sanction to their prosecution. Proposals to proceed under Section 108. Cr, P.C., was also decided to refer to the Government before action was taken on them in the districts. On 11th November, 1937, Hallett reported to Linlithgow about his observations regarding the Kisan movement. There appeared to be some signs of the lowest stratum of society giving trouble and of "landless labourers" starting an agitation. He wrote about trouble with the Musahars in North Bihar and the riot at Sitamarhi which was also referred to in letter No. 1027-G.B., dated the 18th September 1937. But the main anxiety was regarding the Kisan agitation which was described in the official report. The ministers shared that anxiety and realised that they were up against a difficult problem. In the council meeting they discussed mainly the immediate remedies necessary for maintaining "law and order", not the ultimate remedies for dealing with the problem. Gaya district was the possible storm center, though, Patna and



Monghyr were also troubled. The finance minister A.N.Sinha who had property in Gaya, and knew the district better, had full confidence in the district officers. The same line of action was followed in the other two possible storm centres, Patna and Monghyr. The ministers appeared to realise the danger fully. They were prepared to watch the major Kisan leaders and have agreed that their speeches should be reported. It may be suggested that at that stage of a split between the left and right wings of Congress was very probable. But it appeared that the right wing and the Bihar ministers were gradually realising the danger of the left wing and were inclined to take action against it. Discussions on the Tenancy bill in select committee was on the anvil of course meant increased agitation by the kisans. The Governor accepted that the bill should become law, even if it led to an increase in agitations. Hallett also reported to Linlithgow regarding the Kisan agitation that there occurred no serious riots in Bihar. The Right wing Congress workers, including the Ministers, were clearly doing their best to prevent any violence. He referred to a Police abstract of Intelligence which showed that at a meeting in Patna district, at which the Prime Minister was present, one speaker said that "they should be brave and unmindful of life and should drive from India by the force of the lathi the dirty tyrant, the British Government. Zamindars were the pillars of Government and were looting the people. It was time they were looted and put an end to by force." The Prime Minister told him to resume his seat and told the audience not to be guided by his foolish advice. On another occasion the Prime Minister was reported to have urged the meeting not to adopt a resolution advocating the abolition of the Zamindari system, as that would only cause war between landlords and tenants. The Police and Magistrates were found to be alert and active in stopping breaches of the peace and are making full use of their powers under the Criminal Procedure Code. In a case in Gaya, a Magistrate arrived with a force of Gurkha Military Police at a village where there was a dispute over bakasht land. He promptly arrested and convicted some of the men, and the women who attempted to do "satyagraha" which melted away at the sight of the Gurkhas. But the Kisan leaders in Gaya, in particular Pandit Jadunandan Sharma and Swami Sahajanand, were indulging in attacks on the Ministry. At one meeting the latter is reported to have said that he challenged Government and the Police to proceed against him, adding that he was aware of the extent of his right of speech. "The zamindars could kill Pandit Sharma and himself, but they could not end the kisan movement, which would extirpate zamindari root and branch." On another occasion, this time in Darbhanga district (North Bihar), he said that "the zamindari system would have to be removed, but he did not desire that zamindars should be beaten". Speeches such as these in any other country were regarded as merely

advocacy of a policy which differed from that of the Ministry in power, but the Governor apprehended that they may have very different results. There have been two demonstrations in Patna, the first of the kisans on 26th November and the second of the Khet Mazdurs (landless labourers) on the opening day of the Session. These were referred to in the official report. One danger of these demonstrations was that if representatives came from all over the Province, it may have caused the infection which was at that time localized in Gaya and Patna, to spread elsewhere. On the occasion of the Khet Mazdur agitation arrangements were made to keep them away from the Assembly Chamber.

Reaction of the Landlords

The Executive Committee of the Bihar Land Holders' Association's resolution was published in the Star of India dated November 2nd, 1937, regarding the necessity of resisting unfair laws, as even by their method of civil disobedience was subjected to a great deal of comment. They felt that some people doubted the practicability of this resolution and characterised it as an idle threat. They also found that in indicating the action of the Ministry, the Governor had gone out of his way to deprecate our action. Evidently the landlords had been stirred by the attitude of the Government towards them. Zamindars declared that they were not going to be beguiled by such pretensions when seeds were being sown which would have inevitably produced greater class antagonism. It was therefore but natural that faced with the grim alternative of effacement the Zamindars decided to go to any length to protect their rights and privileges. However they decided not to take drastic steps till alternatives would be available and unless circumstances forced them to do so. The resolution expressed that the entire body of landlords, except perhaps those who had merged themselves in the Government, were sure to honour the solemn pledge they had taken for self-defence. They held that though fewer in number in comparison with other sections of the people of the province, they would rather die fighting for their just cause than submit to the tyranny of the majority. It maintained that their resolution had the general support of the landlords of the province whose number was by no means negligible. The change in the angle of vision of the Governor was noticeable and therefore they were guided by exigencies of political situation. They also declared to act in the best interests of all sections of the people, and appealed to our all landlords to stand shoulder to shoulder during the troublesome times ahead. It also said that the financial difficulties of the raiyats were always blamed to be due to the actions of the landlords, but such mischievous allegations, will not bear an impartial scrutinizing. It



was in the interest of the landlords to keep their raiyats happy and prosperous and so the resolution reiterated that it was the duty of every landlord to strive to that end.

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