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## Commodified Land, Dangerous Water: Colonial Perceptions of Riverine Bengal

Most books on the Bengal delta begin by describing it as “riverine,” implying that the land is the product of fluvial action, which shapes the physical, social, and cultural attributes of the landscape. Yet, in thinking about Bengal, one tends to imagine the rice-paddy fields where peasants make a living off the land. It was not so all the time; Bengal was never really a land of farming and farming was, at best, a secondary occupation. Traveling through Bengal in the eighteenth century, the French traveler Orme saw a highly sophisticated water-based economy—the blessing of rivers—irrigated naturally by the monsoon rains and annual flooding. Even in the early colonial period, Sir Francis Buchanan observed in 1798 that many inhabitants of the more densely-populated parts of Bengal treated agriculture as a subsidiary occupation: “In this part of the country, there is hardly such a thing as a farmer” (7). In this water-based artisan economy, the countryside was dotted with dispersed local markets attesting to a highly commercialized economy that boasted impressive industries. The rivers were not just channels of water; they carried a thriving trade, transporting people and goods from one part of the delta to another.

Today, Bengal is generally seen as comprising lush green rice paddies where farmers have toiled for generations on the land. Not only that, the capricious rivers of Bengal with their shifting courses and monsoon floods have come to be closely associated with destruction of life and property. Rivers are often presented as causing immense grief to the rural peasantry. Clearly, there is a mismatch here. A part of my research takes a step back and asks: How (and when) did Bengal’s social milieu transform from water-based to land-based?<sup>1</sup> This is the specific question I address in this paper.

Bengal’s essential character as a fluid landscape was changed during the colonial times through legal interventions that were aimed at stabilizing lands and waters, at creating permanent boundaries between them, and at privileging land over water, in a land of shifting river courses, inundated irrigation, and river-based life. Such a separation of

1 This question is explored in detail in my recent book (see Lahiri-Dutt and Samanta 2013).

land and water was made possible not just by physical constructions but first and foremost by engineering a legal framework that gradually entered the popular vocabulary. As an example, I present BADA, which stands for the Bengal Alluvion and Diluvion Act, a law passed by the colonial British rulers in 1825, following the Permanent Settlement of 1793. Over the years, BADA has become a Bangla term referring to the muddy wetlands that characterize this part of South Asia. The splitting up of land from rivers marked the beginning of other, more physically oriented interventions, to protect the lands from being over-run by the rivers. The environment of Bengal can be described as hybrid, where the demarcation between land and water is neither well-defined nor permanent. Nature here represents a borderless world, or at best one in which borders are not fixed lines on the ground demarcating a territory, but are negotiated spaces or zones. Such “liminal spaces” comprise “not [only] lines of separation but zones of interaction...transformation, transgression, and possibility” (Howitt 2001, 240).

Current boundaries of land and water are as much products of history as nature and the colonial rule of Bengal played a key role in changing the ideas and valuations of both. Bengal, a quintessential hybrid environment located on the border of land and water, is neither the product of “immaculate linguistic conception” (Demeritt 1994) nor does it represent an absolute real world entity that is completely separate from human interventions. A starting point to understand the hybridity of Bengal could be the environmental historians’ perspective, in which the role of the British Empire is critical, marking an exceptional global ecological moment in world history. Of particular interest here are the laws that were meant to tame the ferocity of the utterly strange nature of the delta.

Bengal’s mighty rivers carry enormous amounts of silt and flow sluggishly over near-perfect flat plains for most of the year, only to rise during the monsoons and metamorphose into devastating torrents. As the roaring rivers descend from the Himalayas during the monsoons, they almost choke with the enormous body of sand and other sediments carried in their waters, causing them to shift their courses frequently. The capricious rivers of Bengal, flowing only seasonally and through whimsical and fluctuating courses, seemed quite different to what the British colonialists thought “nature” should be. The idea that the lands traversed by the rivers were underutilized and in need of being put to better use led to legal measures to initiate more intensive cultivation, to raise agricultural productivity, and to increase trade, transforming the hybrid world of land and water in the process.

The debate on what constituted productive and unproductive uses of land preceded the application of English property law not only to establish permanent *zamindari* (a common term for the system of landlordism) settlement of land tenure in India, but also to valorize land in what had essentially been a land-water hybrid environment. The colonial land revenue system, by seeing land as more productive (being able to yield revenue) and useful, began the long historical process of branding the rivers of Bengal as uncivil and in need of control. As the lands were in need of protection from the unpredictable rivers that changed their courses without notice, they were walled-in by embankments and dikes, encouraging the rivers to stay within fixed courses and thus making the lands more stable.

The problem with deltaic land is its non-permanent nature, as silt is stored by rivers: rivers do not always flow along a certain route, nor is the land fixed and permanent. The laws that the colonial British brought to Bengal, however, were founded upon the thinking of land as being fixed in place. Two land-based laws, the Permanent Settlement and BADA, played crucial roles in the process of presenting land as fixed, productive through intensive farming, and separate from and more valuable than water. If Bengal was to be made productive, the lands needed to be stabilized so that a systematic revenue collection could begin. Experiments to fine-tune the land-based economy began in 1760 when Bengal, and its ceded territories, came under the East India Company rule. This land-based polity presented the rivers only as instrumental because it was land that yielded revenue and, hence, riches. Whoever could own more land, had more riches, and the less they had to pay to the Company as rent, the better.

To entrench the system, the Permanent Settlement of 1793 created zamindars (or landlords) “in perpetuity”—meaning for good. The system was aimed at reducing the complexities of revenue collection due to erratically shifting lands and unpredictable harvests in a monsoon-dependent area. Defaulting on revenue payment would mean losing all or parts of the landlords’ estates. Alarmed at the possibility of dismemberment of their estates, the zamindars decided to bind tenants to the same conditions to which they themselves were bound by the colonial government, and one of their actions was to create *patni* tenures or perpetual leases. One can say that the new tenure system was essentially a hypothecation of the land as security to ensure the punctual payment of the rent. It also meant that the right to collect rent from the tenants, often through the use of force, devolved to the lower layers, making the upper-layer zamindars more of a

juridical rather than a real social entity in the eyes of the peasants. The patnidars, finding how much trouble this arrangement took off their own back, created *dar-patnis* or patnis of the second degree, upon the same terms and with the same rights over the land as they themselves had. The dar-patnis created *se-patnis* or patnis of the third degree. The East India Company, therefore, had to legalize, through Regulation VIII of 1819, the creation of such formations, thus giving a *de jure* recognition *post facto* (Bhattacharyya 1985). The regulation, although innocuous and simple, was of great historical potency: it became the key that unlocked the door to environmental and socio-economic changes of unparalleled magnitude. From a riverine community, within a hundred years, Bengal was transformed into a land-based community. This was associated with the gradual decay of the rivers and meant that river-borne livelihoods, trade, and transport became secondary to land-based ways of life. Such a transformation had unforeseen impacts in shaping the meaning of place and landscapes in Bengal.

The meaning of property also changed as a result of this law: the cultivators began to lose the right to occupy the land that they had enjoyed since ancient times because the colonial British had enumerated the characteristics of the zamindari property as an absolute right of proprietorship in the soil, subject to the payment of a fixed amount of revenue to the government. This absolute right helped the colonizers by allowing them to accumulate primary capital through land taxation, to determine the agrarian relations as well as the relations between land and the waters, and alter the meanings that these elements of nature held to local residents. As embankments were constructed to protect revenue-yielding land from the rivers, the silt these rivers carried accumulated within the riverbanks and gave rise to chars or river islands. Silt accumulation on the riverbed caused further decay to the rivers and to the traditional overflow irrigation system, causing the crumbling fluvial systems to desperately increase the shifting of their courses. As such movements became more unpredictable, those settlements that began with the blessing of the river now needed protection from it.

With the Permanent Settlement established, the Company then began to contemplate the problematic issue of legalizing the fictional entities of chars and attempted to resolve the maze of problems associated with accretional lands and the erosion of existing lands by the rivers. The law that was created for this purpose— and still rules the rights of ownership of charlands—is the Bengal Alluvion and Diluvion Regulation Act (BADA) of 1825. BADA was meant to establish a set of rules to guide the courts to determine the



Char people catching fish. (Courtesy of the author.)

claims to land “gained by alluvion” or accretion, and the resurfaced land previously lost by diluvion or erosion. Even if one takes it for granted that chars are technically non-land in the sense that they exist within river banks, the difficulty remains that when a piece of land is lost to bank erosion, it may not arise in exactly the same location or arise at all within the foreseeable future. This means the owner has no certainty that they will get it back when it resurfaces or when another char rises nearby. BADA considers two main categories of charlands rising within the riverbanks: those rising in situ and new accretions. For the right to land that once existed, but was diluviated, and subsequently resurfaced in the old site, BADA considers that right to be incidental to one’s title to a tangible property, derived from the principle of justice and equity. The right to property is not affected only because that property has been submerged under water, and the owner is deemed to be in “constructive possession” of the land during the time of its submergence and can be claimed back when it reappears out of water and can be identified as land. For this, however, the owner must continue to pay rent for the diluviated land. BADA ensures that when new land rises within a river, it should be considered as “an increment to the tenure of the person” to whose land it is contiguous to, subject to the payments of revenues assessed by the state. Thus, the key to establishing land rights in the court of law remained the payment of rent, even on diluviated land.

Such a rule will, however, not be applicable if a river suddenly changes its course and separates a considerable piece of land from one to join it with another farm, but without

destroying the identity of the land so removed—thus preventing legal recognition,. New accretions in large navigable rivers would be the property of the state, but if the channel between the island and the shore is fordable at any season of the year, it shall be considered an accession to the land tenure of the person who is “most contiguous to it.” The changes, in response to these laws, in social relations of production in agrarian Bengal are well documented; what is less so is how the ecology was transformed and how the values of land and water changed in response to these laws. The laws unleashed a cycle of change in which one thing led to another—interventions on land and water changed production relations and exacerbated power inequalities within communities. Even the spatial layout of agrarian Bengal was changed. Villages that originally stood next to the river gradually moved away from it as dependence on its water and use of the river as a means of transport lessened. One sees, therefore, an alteration of the environment that is much more than a purely natural process: deltaic Bengal was also being shaped by the colonial government’s official processes and directives.

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