**UNIT .II Land Reform Measures**

CONCEPT OF LAND REFORM

The concept of land reform has varied over time according to the range of functions which land itself has performed: as a factor of production, a store of value and wealth, a status symbol, or a source of social and political influence. Land value reflects its relative scarcity, which in a market economy usually depends on the ratio between the area of usable land and the size of that area’s population. As the per capita land area declines, the relative value of land rises, and land becomes increasingly a source of conflict among economic and social groups within the community.

The patterns of wealth and income distribution and of social and political influence are partly determined by the laws governing land tenure. These laws specify the acceptable forms of tenure and the privileges and responsibilities that go with them. They define the land title and the extent to which the owner can freely dispose of it and of the income accruing from its use. In this sense, the form of tenure determines the wealth and income distribution based on the land: if private ownership is permitted, class differentiation is unavoidable; in contrast, public ownership eliminates such distinctions. The forms of tenure range from temporary, conditional holding to ownership in fee simple, which confers total unencumbered rights of control and disposal over the land.

Historically, land reform meant reform of the tenure system or redistribution of the land ownership rights. In recent decades the concept has been broadened in recognition of the strategic role of land and agriculture in development. Land reform has therefore become synonymous with agrarian reform or a rapid improvement of the agrarian structure, which comprises the land tenure system, the pattern of cultivation and farm organization, the scale of farm operation, the terms of tenancy, and the institutions of rural credit, marketing, and education. It also deals with the state of technology, or with any combination of these factors, as shown by modern reform movements, regardless of the political or ideological orientation of the reformers.

**Land Reforms in India after Independence: Purposes and Features**

**Land reforms programmes in India includes: Abolition of Intermediaries, Tenancy reforms, consolidation of holdings and determination of holdings per family and to distribute surplus land among landless peoples.**

At the time of independence ownership of land was concentrated in the hands of a few. This led to the exploitation of the farmers and was a major hindrance towards the socio-economic development of the rural population. Equal distribution of land was therefore an area of focus of Independent India's government. Laws for land ceiling were enacted in various states during 50s & 60s which were modified on the directives of central government in 1972.

**Under the 1949 Indian constitution, states were granted the powers to enact (and implement) land reforms**. This autonomy ensures that there has been significant variation across states and time in terms of the number and types of land reforms that have been enacted. **We classify land reform acts into four main categories** according to their main purpose.

1. **The first category is acts related to tenancy reform**. These include attempts to regulate tenancy contracts both via registration and stipulation of contractual terms, such as shares in share tenancy contracts, as well as attempts to abolish tenancy and transfer ownership to tenants.
2. **The second category of land reform acts is attempts to abolish intermediaries**. These intermediaries who worked under feudal lords (Zamandari) to collect rent for the British were reputed to allow a larger share of the surplus from the land to be extracted from tenants. Most states had passed legislation to abolish intermediaries prior to 1958.
3. The **third category of land reform acts concerned efforts to implement ceilings on land holdings, with a view to redistributing surplus land to the landless**.
4. **Finally, we have acts which attempted to allow consolidation of disparate land-holdings**.' Though these reforms and in particular the latter were justified partly in terms of achieving efficiency gains in agriculture it is clear from the acts themselves and from the political manifestos supporting the acts that the main impetus driving the first three reforms was poverty reduction.

Existing assessments of the effectiveness of these different reforms are highly mixed. Though promoted by the centre in various Five Year Plans, the fact that land reforms were a state subject under the 1949 Constitution meant that enactment and implementation was dependent on the political will of state governments. The perceived oppressive character of the Zamandari and their close alliance with the British galvanized broad political support for the abolition intermediaries and led to widespread implementation of these reforms most of which were complete by the early 1960s. Centre-state alignment on the issue of tenancy reforms was much less pronounced. With many state legislatures controlled by the landlord class, reforms which harmed this class tended to be blocked, though where tenants had substantial political representation notable successes in implementation were recorded.

Despite the considerable publicity attached to their enactment, political failure to implement was most complete in the case of land ceiling legislation. Here ambivalence in the formulation of policy and numerous loopholes allowed the bulk of landowners to avoid expropriation by distributing surplus land to relations, friends and dependents. As a result of these problems, implementation of both tenancy reform and land ceiling legislation tended to lag well behind the targets set in the Five Year Plans. Land consolidation legislation was enacted less than the other reforms and, owing partly to the sparseness of land records, implementation has been considered to be both sporadic and patchy only affecting a few states in any significant way. Village level studies also offer a very mixed assessment of the poverty impact of different land reforms. Similar reforms seemed to have produced different effects in different areas leaving overall impact indeterminate. There is some consensus that the abolition of intermediaries achieved a limited and variable success both in redistributing land towards the poor and increasing the security of smallholders.

For tenancy reform, however, whereas successes have been recorded, in particular, where tenants are well organized there has also been a range of documented cases of imminent legislation prompting landlords to engage in mass evictions of tenants and of the de jure banning of landlord-tenant relationships pushing tenancy under- ground and therefore, paradoxically, reducing tenurial security. Land ceiling legislation, in a variety of village studies, is also perceived to have had neutral or negative effects on poverty by inducing landowners from joint families to evict their tenants and to separate their holdings into smaller proprietary units among family members as a means of avoiding expropriation. Land consolidation is also on the whole judged not to have been progressive in its redistributive impact given that richer farmers tend to use their power to obtain improved holdings. **There is a considerable variation in overall land reform activity across states with states such as Uttar Pradesh, Kerala and Tamil Nadu having a lot of activity while Punjab and Rajasthan have very little**.

**New Agency for Land reforms:** Government is planning to establish a separate agency for land reforms & upgradation of wasteland. New agency named; “Jai Prakash Narayan Mission for Land Reforms & Wasteland Management” will work under the ministry of rural development. This body will be authorized for making policies and implementing them for land reforms & wasteland upgradation.

**Objectives of land reforms:**

* Redistribution of land across society so that land is not held in the hands of a few people.
* Land ceiling to disburse surplus land amongst small and marginal farmers.
* Removal of rural poverty.
* Abolition of intermediaries.
* Tenancy reforms.
* Increasing agricultural **productivity**.

**Land Reforms In India**

**Land reforms from 1947 to 1970:** In British India, there were three major systems of land tenure

* Mahalwari System,
* Zamindari System, and
* Ryotwari System.

**Zamindari System:** It is a system of land tenure in which permanent settlement (introduced in 1793 by Lord Cornwallis) confirmed land rights of intermediaries. **Mahalwari System:**William Bentick, governor-general of India introduced this system in Punjab and parts of United Provinces in 1833. It is a system of land tenure in which land rights were settled with the entire village. In this, each peasant of the village was required to contribute to the total revenue demand of the village on the basis of the size of the land he cultivated. **Ryotwari System:**Thomas Munro introduced this system in 1820 and the main feature of this system is the transfer of ownership rights to the peasants. Major areas where Ryotwari system was in practice include parts of Assam, Madras, Bombay, Coorgh provinces of British India. The situation became more worsen because of landlordism and intermediaries, especially, in the states of Uttar Pradesh, Bihar, West [Bengal](https://myphotohunter.com/s/?q=Bengal), and Orissa. To increase agricultural growth and to remove the adverse effects of Landlordism and intermediaries, it became very important to undertake some land reforms measures. **The Need for land reforms**

* To remove unethical agrarian relations.
* To convert barren land into productive lands.
* To legitimize tenancy with the ceiling limit.
* To register all the tenancy with the village Panchayats.
* To remove rural poverty.
* To lessen social inequality
* Empowerment of women in the traditionally male-driven society.
* To increase the productivity of agriculture.

**LAND REFORMS MEASURES AFTER INDEPENDENCE:** After Independence, the Agrarian Reforms Committee under the Chairmanship of J.C. Kumarapppa was appointed by Indian National Congress. The committee recommended that all intermediaries between the state and the tiller should be eliminated. Some of the steps taken based on the recommendation of the committee:

* Intermediaries abolition
* Surplus land redistribution among landless or semi-landless peasants.
* Fixation of ceilings on land holdings

**Abolition of Intermediaries:** To abolish intermediaries, some steps were taken as follows:

* The imposition of ceilings on land holdings.
* Tenancy Reforms were undertaken during the Second Five Year Plan.
* Except for some disabled categories of landowners, leasing out of agricultural land was made illegal.
* After continuous possession of the land, tenants were allowed to acquire the right of purchase of that land.

**Protection of Tribal Land**: The government banned the transfer of tribal land into non- tribal land. **Bhoodan and Gramdan:** Vinoba Bhave introduced Bhoodan movement in 1951 and following this another movement called Gramdan was launched in 1957 to convince landowners to renounce their land rights so that the land could be redistributed equally. **Consolidation of Holdings**: It refers to the redistribution of all plots of land in [order](https://myphotohunter.com/s/?q=order) to create one compact block of land. **Ceilings on Land Holding:** The government put a limit on the size of land beyond which no farm household can hold any land. **Changes in land structure due to the steps taken by the government:** After Independence, a number of land reform measures were undertaken **in the1950s and 1960s**.

* End of the feudal mode of production.
* A decrease in the area under the tenancy.

**PATTERN OF LANDHOLDINGS:** the pattern of ownership holdings and operational holdings is as follows: **The Pattern of Ownership Holdings in rural areas:**

* The average size of ownership holdings was **72 acres**.
* The percentage of the households that did not hold any land was nearly 22 percent.
* The households which holds1.4 percent of the land was 24.9 percent.

**The Pattern of Operational Holdings:**

* 5 percent of the area was operated by the bottom 60 percent of holdings.
* 6 percent of the area was operated by the top 5.8 percent of holdings.

The failure of the first round of land reforms **(during the 1950s and 1960s)**to remove the unequal power structure in the villages caused a lot of discontent among the poor and all this forced the government to revise the ceiling laws in the early1970s. **Various measures of land reforms undertaken since 1970 are as follows:** **EFFECTIVE REDISTRIBUTION OF SURPLUS LAND:** The surplus land was redistributed in an effective and equal manner. **AMENDMENTS IN TENANCY LAWS:** Many amendments were made to tenancy laws by various state governments. **In Andhra Pradesh, the amendment of 1974** to tenancy laws conferred a continuous right of resumption on landowners. **In Gujarat,** the tenancy act was amended according to which tenants who were evicted between 1957 and 1992 were entitled to restoration. The Government of **Karnataka** amended the Land Reform Act 1961 in 1973, which provided for fixity of tenure subject to landlords right to resume half the leased area. **CHANGES IN THE AGRARIAN STRUCTURE:** Even after the  implementation of land reforms, inequality in the ownership of land holdings has not declined much over time and **the proportion of landless households increased from 9.6 % in 1971 to 11.3% in 1992(NSSO 48th Round, Report No. 399)** Thus, the agrarian structure seems to be as unequal and unproductive as before. **UPDATING OF LAND RECORDS**: Efforts for the land record updation undertaken during the Seventh Five Year Plan and the Eighth Five Year Plan. **LAND RIGHTS OF WOMEN:** It was recommended in the revenue ministers’ conference (1992) that the women should be given equal opportunities in the distribution of lands. **GOVERNMENT POLICY:**The government emphasized on land reforms from the Fifth Five Year Plan. In the Ninth Five Year Plan, it was realized that land reforms are very important in [order](https://myphotohunter.com/s/?q=order) to tackle the problem of rural poverty. The Ninth Five Year Plan emphasizes on:

* the ceiling surplus land redistribution.
* the implementation of the ceiling law effectively.
* providing access of government wastelands and common property to the poor.
* ensuring the land rights of women.

Furthermore, in the wake of economic reforms since 1991, the concern for implementation of land reforms by the government appears to have declined. Government land policies are implemented to make more rational use of scarce land resources so that cultivation can be done in the more economical and efficient manner.

 **Causes for shortcoming**

Some of the major causes of slow progress of land reforms in India are as follows: 1. Deficiency of Reliable Records 2. Lack of Financial Support 3. Lack of Integrated Approach 4. Improper Implementation 5. Legal Hurdles 6. Lack of Pressure from Below 7. Lack of Political Will 8. Indifferent Attitude of the Administration.

The Task Force on agrarian relations was set up the Planning Commission for the purpose of appraising of progress and problems of land reforms. It enumerated the following causes of poor progress of land reforms in India.

1. Deficiency of Reliable Records:

The absence of concurrent evaluation and reliable (up-to-date) records is the biggest hurdle for the slow progress of land reforms. After forty five years of land reforms, the reporting system is weak and irregular. There has been no systematic review of progress at periodic intervals. No efforts are being made to make comprehensive concurrent evaluation. Wrong records are maintained with deliberate mala-fide motives. Therefore, it is not possible to identify obstacles in the way of implementation of land reform.

2. Lack of Financial Support:

Lack of financial support is still another hindrance in the way of land reforms. No separate allocation of funds was made in the Five Year Plans for financing land reforms. Many- states declined to include even expenditure of such essential items like the preparation of survey, record in their plan budget. Thus, lack of adequate budget support in any form is largely responsible for the poor results of its implementation.

3. Lack of Integrated Approach:

Another reason for the failure of land reforms in India was the lack of integrated approach such as abolition of intermediary tenures, tenancy reforms and ceiling of holdings etc. They lack proper co-ordination in the programmes. It means that land reform programmes has been viewed in isolation from the mainstream of economic development programme.

4. Improper Implementation:

The responsibility for the implementation of land reforms rests with the revenue administration in almost all the states. To implement land reforms is only one among its many functions. On the other hand, high priority was allotted for the maintenance of public order collection of land revenue and other regulatory functions. Thus, land reforms do not get required attention.

5. Legal Hurdles:

Legal problems and constraints also stand in the way of implementation of land reforms in the country. The Task Force has specifically stated that, “Whatever little chance of success was there, has completely incorporated because of the loopholes in the laws and protracted litigation.” The land reform laws were defective in many ways; some loopholes were deliberately built in, while others were the results of poor drafting.

6. Lack of Pressure from Below:

The Task Force of Planning Commission has observed “except in few scattered and localized pockets, practically all over the country the poor peasants and agricultural workers are passive, un-organised and non co-operative.” The fundamental problem lies in the fact that the beneficiaries of land reforms do not constitute a homogeneous social or economic group. In such circumstances, it is little wonder that there has been no pressure from below for its effective implementation of land reforms.

7. Lack of Political Will:

The Task Force was of the view that there was lack of political will in the enactment of progressive measures of land reforms and their efficient implementation. Efficient implementation requires far hard political decisions and effective political support, direction and control. The Task Force has correctly pointed out “the task of political will is amply demonstrated by the large gaps between policy and legislation and between law and implementation.” Thus, it is admitted fact that political will is not forthcoming due to the existence of democratic political power structure of the country.

8. Indifferent Attitude of the Administration:

In all the states, the whole responsibility for the implementation or measures of land reforms is with the revenue administration. But it is a sorry state of affair that the attitude of the administrative staff is quite indifferent and even their behaviour is cold. Besides the village functionaries like patwaries, Karamcharies, Karnams, Sombogs etc. are largely under the influence of landlords. They have, in fact, proved non-co-operative.

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**Measures of Land Reforms:**

The comprehensive land reform policy that evolved so far after independence consisted of:

i. Abolition of intermediaries between the State and tenants;

ii. Tenancy reforms that provide (a) security to tenants, (b) rationalisation and regulation of rent, and (c) conferment of ownership rights on tenants;

iii. Fixation of ceiling on landholdings;

iv. Consolidation of holdings; and

(i) Abolition of intermediaries:

Abolition of zamindari and similar intermediary tenures during 1950-55 essentially involved removal of intermediary levels or layers of various amorphous and parasitic groups in land between the State and the actual cultivators. However, such abolition of intermediaries involved compensation to the owners of land.

As a result of this measure, about 2.5 crore farmers were brought into direct relationship with the State. This facilitated distribution of 61 lakh hectares of land to landless farmers. Large areas of privately-owned forests and wasteland now vested in the State.

Despite abolition of intermediary rights, poor peasantry continued to be exploited in various ways. It led to large-scale ejectment of poor tenants from land. While landlordism has been abolished, absentee landlordism now continues to flourish. The legislation conferred ownership rights not upon the actual cultivator, but on the statutory tenant, who himself was an intermediary with a chain of sub-tenants under him.

All this happened because:

(i) The law permitted the intermediaries to retain their home farms,

(ii) No limit was put on the area of land they could retain,

(iii) The term ‘personal cultivation’ was ill-defined, and

(iv) No protection was given to sharecroppers and other tenants-at-will.

Thus, this zamindari abolition has paved the way for a remarkable shift in the balance of power. But the goal of “land to the tiller” is yet to be achieved.

(ii) Tenancy Reforms:

Tenancy legislations have taken three forms:

(i) Regulation of rent,

(ii) Providing security of tenure, and

(iii) Conferring rights of ownership for tenants.

Rent payable to the landowners should not exceed one-fifth to one-fourth of the gross produce of land. In the light of this guideline, all the states have enacted laws for fixation of rent. However, large inter-state variations exist in the fixation of land rent rates. Further, one notices inter-state differences in land rents.

Even the tenancy reforms have failed to regulate rent. Owing to the weak position of tenants, demand for fair and just rent from landowners occasionally lead to ejectment from land.

Tenancy Legislations have made it clear that in no case the tenants can be evicted except only in the situation where landlords themselves want to resume cultivation. Even in the event of resumption of cultivation by the owners, tenancy legislations have made it obligatory to leave a minimum area for the tenant.

Avery important aspect of land reform is the conferment of ownership rights to tenants in respect of non-resumable land. As a result of this measure, by 2000, only around 124.2 lakh tenants operating no more than 4 p.c. of the cultivated area have been benefited from this ownership rights or their rights have been protected on 63.2 lakh hectares of land.

On the eve of tenancy reforms, the area under tenancy was around 50 p.c. As a result of this action, this area has been reduced to 15 p.c. of the operated area by 2000.

Overall impact of tenancy reforms has been rather limited. Firstly, tenancy laws have been violated. For instance, in Bihar, the maximum limit of rent was kept at 25 p.c. of the gross produce. But tenants are required to pay even more than 50 p.c. as their social standing is abominably low. Secondly, as regards the security of tenant- cultivator, escape clauses have been misused against the interest of tenants.

Tenancy laws that have been framed in different states contained a provision for the resumption of land by the landowners for ‘personal cultivation’ with the object of protecting the interests of landowners, rather than tenants.

Due to a loose definition of the term personal cultivation, landowners continued to resume land for self-cultivation. The law also permitted the voluntary surrender of tenancies. Informal or concealed and oral tenancies are still prevalent.

Thus, the right of resumption of land for self-cultivation has rendered all tenancies insecure. Finally, there is no legal provision for conferring ownership rights in the tenancy laws of some states. In reality, legislation for conferment of ownership rights could not yield good results because many tenants are incapable of buying land from the landowners and many of them are unwilling to do so.

(iii) Ceiling on Landholdings: To reduce the existing disparities in the pattern of land-ownership and make some land available for distribution to landless agricultural workers, the Second Plan (1956-1961) recommended the imposition of ceilings on agricultural holdings.

It was envisaged that land above a certain limit would be acquired by the State and redistributed among the landless workers and small farmers so as to meet their hunger for land and, thus, to enable them to create economic holdings.

Land ceiling laws were passed in two phases. In the first phase—which lasted up to the end of 1972— ‘landholder’ was treated as the unit of the cultivation. This ceiling unit was changed to ‘family’ after 1972. The ceiling limits have also been lowered in the second phase with differences varying as between irrigated land with two crops, irrigated land with one crop, and dry land. But exemption for orchards, grazing land, cattle- breeding farms, religious/charitable/educational trusts, sugarcane plantations, tank, fisheries have made the ceiling laws virtually redundant.

Up to end September 2001, the total amount of land declared surplus was 73.67 lakh acres, 64.95 lakh acres of land have been taken over by the states. A total of 53.79 lakh acres of land have been distributed among 54.84 lakh tenants. This amounts to saying that about 12 lakh acres of land could not be distributed because of variety of reasons, of which litigation is considered to be the most inhibiting factor.

The operations of the ceiling law made virtually no impact on the agrarian structure. The enforcement of the ceiling law was preceded by a public debate spread over several years. This enabled landowners to manipulate land records leading to fictitious (benami) and fraudulent partitions of lands among their relations, friends, fictitious trusts, etc.

We have seen that the extent of area declared surplus is much less than the estimated surplus, mainly due to a wide range of exemptions provided in the ceiling laws, shortcomings and loopholes in the laws and inefficient implementation of the laws.

As a result, only the small landowners were caught in the net and most of the big landowners or jotedars circumvented it and, even if the land was taken from them, it was not redistributed among the landless peasants. Lack of political will is considered to be the greatest stumbling block for its speedy implementation.

(iv) Consolidation of Landholdings:

Fragmented and subdivided landholdings as well as small-sized holdings have made Indian agriculture un-remunerative. So consolidation of these lands is necessary to boost efficiency and economy in India’s agriculture. It has been completed in the states of Punjab, Haryana and Uttar Pradesh.

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Scope of Land Reforms

Land reforms in general and tenancy reforms in particular aim at redistributing ownership holding from the view point of social justice, and reorganizing operational holdings from the viewpoint of optimum utilization of land. Apart from this, the problem of tenancy i.e., the rights and conditions of holding land also come under the scope of land reforms.

The entire concept aims at the abolition of intermediaries and bringing the actual cultivator in direct contact with the state. The provisions of security of tenancy and rent regulation provide a congenial atmosphere in which the agriculturist feels sure of reaping the fruits of his labour. The scope of land reforms therefore entails abolition of intermediaries, tenancy reforms, i.e., regulation of rent, security of tenure for tenants and conferment of ownership on them. It also focuses on land ceiling and land holdings, agrarian reorganization including consolidation of holdings and preventing of sub-division and fragmentation and organization of cooperative farms.

Land Tenure

At the time of independence, there existed three types of proprietary land tenures in the country. The term land tenure is used to refer to the terms and conditions on which land is held and used.

1. The Zamindari or Landlord Tenure

Lord Cornwallis is considered to be the father of Zamindari system in India. He introduced this system for the first time in 1793 in West Bengal and was later adopted in other states as well. Under this system, the land was held by a person who was responsible for the payment of land revenue. They could acquire the land mostly free of charge from the government during the British rule and it is called estate. Landlords never cultivated the land they owned and rented them out to the cultivators. The amount of land revenue may either be fixed once one for all when it was called ?permanent settlement? or settlement with regard to land revenue may only be temporary and may, therefore, be revised after every 30-40 years, as the practice may be. The Zamindari system is known as absentee landlordism. In this system between the actual state and the tiller there grew an intermediary who was interested in the land only to the extent of extraction of exorbitant rent. The Zamindari tenure covered about 57 percent of the area of the country.

2. Ryotwari System

It took its birth in 1792 in Madras at the hands of Caption Read and Thomas Menro and was later extended to other states. Under this system, the responsibility of paying land revenue to the Government was of the cultivator himself and there was no intermediary between him and the state. The ryot had full right regarding sale, transfer and leasing of land and could not be evicted from the land as long as he pays the land revenue. But the settlement of land revenue under ryotwari system was done on a temporary basis and are periodic, after 20, 30 or 40 years.

3. The Mahalwari or The Joint Village Tenure

This system was introduced by William Bentinck in Agra and Oudh and was later extended to Madhya Pradesh and Punjab. Under this system, the village communities held the village lands commonly and it was joint responsibility of these communities to make payments of the land revenue.

Thus the overall system of collection of revenue was based on exploitation. The British government snatched away whatever surplus above the minimum subsistence the cultivator produced. The latter were forced to lead a wretched life of slavery and deprivation. Under the above-mentioned systems the practice of cultivation by tenants became widely prevalent. These tenants were also exploited in a number of ways. It was basically to stop the exploitation of the actual tillers of the soil and pass on the ownership of the land to them that land reforms introduced in the post-independence period in India.

**Tenancy reforms**

The land reforms refer to the reforming of defective structure of the land holdings and are a planned and institutional organization of the relation between man and land. The agriculture system that existed at the time of independence consisted of several defects including that of tenancy i.e., the insecurity of tenure and high rents charged by the landlord. The reforms aimed to eliminate all forms of exploitation and social injustice within the agrarian system, to provide security for the tiller of the soil and to remove such impediments to increase in agricultural production as arise from the agrarian structure inherited from the past. One of the major aspects of the land reforms in India has been the tenancy reform.

Under the Zamindari and ryotwari systems, tenancy cultivation had been quite common in India. Tenancy cultivation may be done by small proprietors who find that they have an insufficient quantity of land or it may be carried on by landless labourers. Sometimes, the tenants holding land from an intermediary may sub-let it for cultivation. Broadly speaking tenants are divided into three categories:

1. Occupancy tenants-enjoyed permanent and heritable rights on land. They had security of tenure and could claim compensation from the landlords for any improvement affected on the land.

2. Tenants at will-did not have security of tenure and could be evicted from the land whenever landlord so desired. There is no security of tenure for them and they are also made to pay exorbitant rent to the landlords.

3. The Sub tenants-were appointed by the occupancy tenants.

The rights of tenancy are permanent and heritable. The tenants can also receive some compensation from the landlords incase they make some improvements on the land. The tenants enjoy a fixity and security of tenure, which makes them the virtual owners of the land. It can be said that the only difference between the occupancy tenant and the peasant proprietor is that the former is required to pay rent to the landlord and the latter to pay the land revenue to the state. So, for all practical purposes, occupancy tenants are treated as land owners. The position of tenants at will and that of sub-tenants is extremely weak and mostly they are subjected to ruthless exploitation. Frequent enhancement of rent, eviction of minor pretexts of several kinds, extractions and beggar are some of the popular ways of exploitation. In a country like India where the demand of land is more than its supply on account of its growing population, exploitation of weak and unprotected is a widespread evil. Fifty percent of the produce was the normal rent under Batai or sharecropping. On several occasions, the peasant had to forgo even two thirds of the produce as rent.

The tenancy cultivation suffers from three main defects; they are insecurity of tenure, rack-renting and lack of incentives of the actual cultivator. The National Sample Survey (8th round) had estimated that in 1953-54 about 90 percent of agriculture land was under tenancy system. The percentage of area leased out varied from 11 to 26 percent, though the all India average was 20 percent. It showed that about one-fifth of the total area was held under tenancy and thus it was not possible to ignore a problem affecting such a wide area. According to the 1961 census, 77 percent of the total-cultivating households were in the nature of ownership holdings, 8 percent of pure tenancy and 15 percent in mixed tenancy.

Besides this open tenancy, there is a considerable amount of land leased out on the basis of oral or hidden tenancy that accounts for anything between 35-40 percent of the total cultivated area. The informal or the oral tenancy has been a common feature of traditional agricultural societies. Although attempts have been made to provide security of tenure, redistribution of land and fixation of fair rents, yet informal or oral tenancy has continued to exist even to this day. The term informal tenancy is referred to as oral tenancy which refers to tenancy without legal sanctions and permissions, or without any written agreement. The principal of shifting to informal tenancy is to extract higher land rents from the tenants. This is primarily done so as to get high yielding varieties programme that has brought a realization among the landlords that land is a very valuable asset and promises high rates of return. India, which is marked by land hunger, it is possible here to take advantage of the situation by charging higher rents. Also, informal tenancy arrangements are a convenient device with the landlords for nullifying tenancy reforms. Thus, unrecorded or clandestine tenancy perpetuates a semi-feudal land system that was sought to be abolished by measures of land reforms.

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**Measures of Tenancy Reforms**

The legislation for abolition of intermediaries was aimed at providing land to the tiller but it did not put an end to the problem of tenancy. Moreover, even with the limit of ceiling, it may not be possible for a family to cultivate the entire land and so some sub-letting is unavoidable. Besides, in order to induce agricultural population to take over non-agricultural occupations, some sub-letting to tenants may be allowed. A total ban on letting or sub-letting land would neither be socially desirable nor administratively practicable. That is why measures were taken up so as to minimize the evils of tenancy cultivation and to safeguard the interest of the tenants.

Regulation of rents: during the pre-independence period, rents were fixed either by the custom or were the result of the market forces of demand and supply. Supply of land being fixed, the demand of land rowing with an increasing population, there has been a continuous tendency for rents to rise. The decay of handicrafts increased the dependence of land further and thus pushed up the rents. Rack-renting was a common feature of the Indian agrarian structure.

It was, therefore, imperative that rents should be fixed by enacting legislation. The rates of rent prevalent were one half of the produce or more. Considering the return on investment in other sectors of economy, these rents were excessive by any standard of social justice.

Consequently, the First and the Second five-year plan recommended that rents should not exceed one fourth or one fifth of the gross produce. Various states have passed necessary legislation regulating rents, but there are large variations in the rents fixed in different states. In Gujarat, Maharashtra, and Rajasthan, one-sixth of gross produce is fixed as maximum rent. In Assam, Karnataka, Manipur and Tripura, maximum rents vary between one-fourth to one-fifth of the gross produce. In Punjab,one-third of produce has been considered as fair rent, while in Tamil Nadu it is between 33.3 and 40 percent of the gross produce. In Andhra Pradesh one-fourth of the gross produce for irrigated land and one-fifth in other cases has been fixed as rent.

Owing to the weak position of the tenants and the prevalence of the widespread land hunger, the law regulating rent is observed more in its breach then in its compliance. Another suggestion in this regard is to fix rents in cash rather than in kind. Historically, rents have been paid in kind in India but in view of the fact that the peasants have to make a good many payments in money, while purchasing seeds, fertilizers, implements and other necessaries of life, it would be desirable to switch over to cash payment of rents. This is in fitness with the requirements of a rural economy changing rapidly from barter to money economy.

Security of Tenure: the security of tenure is aimed to provide some incentives to tenants to make certain improvements of permanent nature on the land they cultivate. Many states have, therefore, enacted legislation providing for the security of tenure so long as they continue paying the rent. In some states like Maharashtra, Gujarat etc., the landlord for his personal cultivation has granted tenants security of tenure in respect of areas not resumable. In some states, the minimum period of lease of land has been prescribed, e.g., five years in Punjab, Haryana, etc., and in Andhra Pradesh four years for one category of tenants and six years for another.

Ownership rights: experience of the implementation of Zamindari abolition showed that, on the plea of resumption for personal cultivation, eviction of tenants took place on a massive scale. There is no doubt that in certain cases and categories on holder's resumption should be allowed, but the plea of resumption should not lead to large-scale ejectment of tenants. During the Second plan, states formed provisions for resumption broadly on the following patterns:

1. All tenants have been given full security of tenure, without giving the owners the right of personal cultivation.

2. Owners have been given the right to resume a limited area (not more than family holding in any case) subject, however, to the condition that a minimum area is left with a tenant.

3. A limit has been placed on the extent of land which a land-owner may resume, but the tenant is not entitled to retain minimum area for cultivation in all cases.

Thus the tenancy reforms aim at conferring the right of ownership of land on the tenants. To encourage hard-working tenants to become owned-cultivators, many state governments have given tenants the right to purchase their holdings. This right however, is subject to the condition that the total holdings of the landlords is not thereby reduced below the limit laid down for maximum holding of a landlord.

Right of Ownership of Tenants: A very important feature of the land reform is the provision of the right of ownership of tenants. The Second plan considered it very desirable to bring tenants in non-resumable area in direct contact with the state. Earlier the right to purchase was optional to the tenants but this did not prove to be effective. Thus, the third plan suggested the optional clause to be removed and peasants be required to purchase land. Legislation for this purpose was enacted in various states. For instance, in West Bengal the tenants and sub-tenants have been brought into direct relationship with the state by the conferment of full ownership rights. In Punjab, the right to purchase is optional. Legislation has been enacted in Gujarat, Kerala, Madhya Pradesh, Maharashtra, Karnataka, Orissa, Rajasthan, Uttar Pradesh, West Bengal and the Union Territories. Whereas in Assam, Jammu and Kashmir and Tamil Nadu, no provisions exists even for an optional right of purchase. While the state can facilitate the transfer of ownership rights from the landlords to the tenants, no financial burden is imposed on the state.

In case of voluntary surrenders, to check its evil two recommendations were made in the Third Plan. First, the volunteer surrenders of land by tenants should not be considered valid unless they were duly registered by revenue authorities, and second in case of voluntary surrenders, the land-owner should be entitled to undertake cultivation only to extent of his right resumption by law. There is much leeway to be covered in implementation in this regard so as to save the poor tenants-the most vulnerable, though the most important section in rural India. Legal Protection to Tenants unable to bring about redistribution of ownership of land, the legislation attempted to provide security of tenure to tenants, to fix land rents and condition of tenancy. Also, in order to enable tenants to obtain institutional credits, tenants should have the right to pledge their interests in land taken on rent by them. Some states have taken steps in this area of tenancy legislation. In few states, creation of a tenancy in future has been prohibited, i.e., only in special cases that also for a limited period of three years at a time. The steps for the Remission of rent for the tenants in times of famines or natural calamities when the landlord is given relief through the remission of land revenue have also been taken. Begar and other unauthorized levies have been declared illegal.

Moreover the tenancy legislation being not comprehensive has failed to grasp the interdependence of fixation of ceiling on rents and security of occupancy rights. Myrdal focuses attention on this problem in the following words: ?In the absence of limits on rent, all rules about security of tenure can be nullified, the landlord can simply raise the rent beyond the tenants capacity to pay and legally evict him for non-payment. By the same token, legislation on maximum rentals is meaningless if not buttressed by security of tenancy. Besides this, legislation aimed to provide security to a minority of tenants who paid fixed rentals and left out the majority of sharecroppers who represented the more vulnerable section of the Indian peasantry.

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