
UNIT 2 LAND REFORMS

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2.0 OBJECTIVES

After reading this unit, you should be able to:

- describe and explain the generic issues involved in the process of land reforms;
- enumerate the different components and the features of land reforms; and
- identify the problems which need to be attended to.

2.1 INTRODUCTION

Since independence, the objectives of the Land Reforms Policy have been as follows:

- restructuring agrarian relations to achieve an egalitarian social structure,
- eliminating exploitation in land relations,
- realising the age-old goal of land to the tiller,
- increasing agricultural production, and
- infusing equality in society.

Each state in India has its own legislation and programme of land reforms. It will not be possible for us to go into the details of these variations, given the scope and space of this unit. This unit aims at a brief review of the developmental changes regarding land reforms in India. It discusses the meaning of land reforms, the historical context in which they were introduced, the measures we have adopted and finally the new developments. While you read about land reforms in this unit, you will read about the Green Revolution in the next unit of this block. Taken together, they give you a reasonable understanding of the agrarian issues confronting rural development in India.

2.2 MEANING AND OBJECTIVES OF LAND REFORMS

The term '*land reforms*' specifically refers to land tenure reforms. The word tenure, derived from the Latin word "*teneo*", means 'to hold'. Therefore, land tenure is used to refer to the conditions under which land is *held*. Or, we may look at it as an arrangement by which farmers hold or control land and the conditions that must be observed for its use and occupancy. Land is expropriated or confiscated and redistributed in order to maintain this system.

Land reforms are visualised as an instrument of social justice as they seek to do away with exploitative relationships characterised by sharp class division between rich landowning classes and impoverished peasants with no security of tenure. It is a step against the concentration of land holdings in the hands of a few absentee/non-cultivating owners, through imposition of ceilings on the size of holdings, which can be owned by a family. Although land reforms are popularly understood to mean redistribution of land, their scope is much wider (see Box 1).

Box 1

Components of Land Reforms

Land Reforms encompass mainly five components:

- i) Abolition of intermediary tenures;
- ii) Tenancy reforms;
- iii) Ceiling of land holdings and distribution of surplus land;
- iv) Consolidation of holdings; and
- v) Compilation and updating of land records.

Land reforms alter the power structure, both economic and political, since land has always been a source of wealth, income, status and a reflection of the interlocking class and caste structure of Indian society. It empowers the actual tillers of the soil, and enables them to seek development benefits from the state. Thus, they are also a means of increasing agricultural production through land development, as the interest of peasants in investing in the land they own grows significantly.

Apart from this, land reforms would also enable a more equitable distribution of land, which in turn will generate incomes on a more equitable basis. The generation of such incomes will lead to greater demand of industrial goods through increased purchasing power among the lowest sections of society who do not possess any land whatsoever. Thus, land reforms are seen as a way of not only increasing income and employment in the agricultural sector, but also in the industrial sector.

Since, the nature of the problem varies widely in different regions, the policy on land reforms requires a flexible approach to respond to the local requirements. For countries with a large agricultural base, it is essential that land-man relationships are properly defined. The Government has strived to change the ownership pattern of cultivable land, but has had limited success so far. The abolition of intermediaries was a significant achievement after independence. Contrary to it, the lack of progress in the other components of the land reforms programme, viz. implementation of land ceiling laws, security of tenure for tenants and consolidation of land holdings, remain a matter of serious concern (10th Plan document) even today. Therefore, agrarian structure in the country still continues to be as unequal as before. Even now, above 60 per cent of the workforce is engaged in agriculture, majority of whom are either marginal farmers or landless labourers living in abject poverty.

We hope that the meaning and objectives of land reforms are clear to you now.

Check Your Progress I

Note: a) Use the space provided for your answers.

b) Check your answers with the possible answers provided at the end of this unit.

1) List the major objectives of land reforms.

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2) What are the components of land reforms?

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2.3 LAND REFORMS: HISTORICAL PERSPECTIVES

It is important for us to understand the genesis of land reform measures in India. In this section we will present a summary account of the origin and the historical developments, which gave shape to concerns about land reform measures in the post- independence era. In this section, you will come to know about the structural changes in the land related policy during the pre-independence as well as the post-independence period.

2.3.1 The Major Break with the Traditional System

Before independence, India had never been governed by a single ruler. In the late Hindu Period (Ashoka and Gupta periods) and throughout the Moghal period, a large part of North India was under the central rule and, therefore, had uniform land tenure systems. The rest of India comprising several states, however, was separately governed. The tenurial system in the Moghal period was essentially a *ryotwari* system, under which land was held directly by a tenant. **Todar Mal, the Finance Minister of the Moghal Emperor Akbar (1556-1609)** improved the system of land revenue collection by fixing it at one-third of the average yield of grains and valued at the average of 10 years' price. After the death of Aurangazeb (1707), and with the declining power of Moghal rulers, a class of *intermediaries emerged*, which entrenched itself **between the ruler and the cultivators**. They collected the revenue from farmers, gave nine-tenths to the ruler and kept one-tenth for themselves.

When the British came to India, they first tried to collect revenue through professional tax collectors and later by auction to the highest bidder. This system failed before long. Between 1770 and 1793, the device of permanent settlement of revenue, with *zamindars* having proprietary rights on land, was introduced. After the British established their

right to collect land revenue, all thitherto *de facto* authority over land became *de jure*. New rights were conferred and new settlements followed. The type of settlements to be made and the criteria on which revenue was to be collected were finalised by the British authorities after many years of debate and deliberations.

Since the British had to consolidate their position in India, need was felt to regularise the revenue collection system, which they did by working out different settlements with the different sections of the peasantry in different regions.

2.3.2 The Settlements

Permanent Settlement System for assessing land revenue was first introduced by the British in Banaras in 1773. Later, the ***Bengal Permanent Settlement Regulation of 1793*** was passed by ***Lord Cornwallis***. It was applicable to Bengal, Bihar, Orissa and Uttar Pradesh. The traditional revenue collectors, who wielded considerable political, social and economic authority at the local level, were recognised as proprietors of the land and also agents for the collection of revenue on behalf of the government. The original owners of the land (who had the usufruct rights) were reduced to the status of tenants who could be expropriated at the proprietors' will.

The *zamindari* system (as a result of permanent settlement) was resisted at a number of places. As a result, the other variants that came up at different places were as follows:

- a) the *Malguzari* settlement, where village headmen were recognised as *malguzars*;
- b) the *Jagirdari system* in which the *zamindar* did not have proprietary rights on the soil, but enjoyed the right to collect land revenue;
- c) the *Ryotwari* system, whereby the Government settled the rents directly with the *ryots* (cultivators) without the intervention of an intermediary. This settlement was applicable to western and southern India; and lastly
- d) *Mahalwari* system, by which the land belonged to a small group of families who were usually the most powerful in their region and were responsible for paying rent to the state. This settlement covered the north and north-western provinces of India.

A distinctive feature of the above settlements, that affected agricultural production badly, can be understood better with the help of an example. Between the *zamindar* of a certain estate and cultivating tenants, there were ***four groups of intermediaries***. They were all middlemen and rent collectors, in no way interested in agricultural progress. Each of them extracted a certain sum from the one below him in hierarchy. This system led to social unrest among cultivators. Subsequently, on the recommendation of Select Committees, a tenancy act, the Bengal Rent Act of 1859 was passed. For the first time, an attempt was thus made to define ***occupancy tenancy***. The Act defined occupancy tenants as all those who were continuously in cultivating possession of the land for 12 years.

Between 1859 and 1938, many tenancy acts were passed and abolished by the British to get rid of the system of abuses by giving the tenants a measure of protection. This led to setting up of ***Bengal Land Revenue Commission (1940)***, commonly known as the ***Floud Commission***, which recommended that the *zamindari* system was detrimental to agricultural efficiency and should be abolished. It also went on suggesting that the state should acquire all lands of rent receivers. The British succeeded in some states (Bengal, for instance) but failed in many states.

By the time the British rule came to an end, intermediary tenures in *zamindari* and *jagirdari* areas and sub-leasing in the *ryotwari* areas had given rise to an agrarian structure in which unproductive interest groups held the reins. Simultaneously,

concentration of land in the hands of a few continued to grow and landlessness, hunger, unemployment and indebtedness reached unprecedented heights. Eviction and insecurity of tenancy aggravated the problems, which needed to be addressed immediately in independent India.

Having gone through the above details, you must appreciate the context in which the need to recast the land reforms policy was felt after independence. Now, we will discuss the steps taken to address those concerns.

Check Your Progress II

Note: a) Use the space provided for your answers.

b) Check your answers with the possible answers provided at the end of this unit.

1) What were the different land related settlements drawn up by the British?

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2) What were the main problems in pre-Independence land tenure system?

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2.4 APPROACHES TO LAND REFORMS: A BREAK WITH THE PAST

P.C. Joshi has pointed out that attempts to directly alter the pattern of the distribution of land holdings assumed the form of *four types* of approach in land reforms:

- i) Land reform '*from above*' through statutory enactments made and implemented by the state legislatures on the lines broadly indicated by the Central Government.
- ii) Land reform due to *the pressures of militant* peasant action from below (Telengana and Naxalbari movements, for instance) and to some extent, land grab movement by various left peasant organisations.
- iii) Land reform '*from below*' by persuading landlords and through peaceful pressure by peasants (*e.g. bhoodan* and *gramdan* movements under the leadership of Vinoba Bhave).
- iv) Land reform through *legislative enactments 'from above'* in combination with peasant mobilisation 'from below' (*e.g. controlled land seizure* in West Bengal under the United Front Government during 1967-69 and protection of poor peasants in Kerala under CPI Ministry).

Land reform continues to be a state subject, but the Central guidelines provide the framework and the direction for enactments by the state legislatures and implementation of land reform measures by agencies of the state governments.

We shall now discuss some of the major concerns expressed in these guidelines and the shape that they intended to give to the crucial programme of land reform.

Following the policy directive of the First Five Year Plan, wherein increasing agricultural production was accorded top priority, the Government set up a Central Committee for land reforms to review from time to time the progress of land reforms in different regions and to advise the states on their land reform proposals. The Plan document stressed that the main outlines of the policy would have to be conceived in terms of different interests in land, *viz.* those of a) intermediaries, b) large owners, c) small and middle level owners, d) tenants at will and, e) landless workers.

The first major landmark in *land policy* came with the report of the ***Congress Agrarian Reform Committee, 1949***, under the chairmanship of ***J.C. Kumarappa*** (see Box 2). The Committee was in favour of abolishing feudal intermediaries. Even the intermediaries that existed below the *zamindars* and *jagirdars* were proposed to be got rid of.

Box 2

Recommendations of Kumarappa Committee

- Elimination of all intermediaries between the state and the actual tillers of soil.
- Subletting of land to be prohibited except in the case of widows, minors and other disabled owners.
- Providing full occupancy rights on the completion of six years of tenancy.
- Restrictions on the resumption of land by the landowner under the pretext of self-cultivation.
- Safeguarding the position of tenants in the cases of resumption of land by land owners.
- Financial (institutional) support for tenants to realise the above measures.
- Fixation of reasonable rent.
- Setting up of a separate Central Land Commission along with an independent machinery vested with the necessary powers to quicken the pace of land reforms.

Before formulating the proposals for the Second Five Year Plan (1956-61), the Planning Commission constituted a Panel on Land Reforms with the aim of reviewing the progress in the implementation of land policy proposed in the First Plan and studying further steps in connection with the Second Plan.

Detailed proposals on land reforms were set out in the Second Plan for:

- The abolition of intermediaries;
- tenancy reforms (regulation of rent, security of tenure for tenants, and conferment of ownership on them);
- ceiling on land holdings; and
- agrarian reorganisation, including consolidation of holdings and prevention of subdivision and fragmentation.

The proposals in the Second Five Year Plan were essentially in the nature of a broad common approach which had to be adapted and pursued in each state with due regard

to local conditions and in response to local needs. In November 1969, the Chief Ministers' Conference, convened by the Ministry of Food and Agriculture, emphasised the need for a Central body for watching the progress on land reforms and providing guidance to state governments.

In September 1970, a subsequent Conference of Chief Ministers on Land Reforms held in Delhi decided that the entire range of problems connected with land should be referred to a Central body. Accordingly, the *Central Land Reforms Committee* was constituted under the chairmanship of the Union Minister of Agriculture. It looked into the question of ceiling, exemption, compensation, distribution of surplus land, and implementation of reforms.

The Draft Fifth Five Year Plan (1974-79) gave its assessment of land reforms in the following words:

“... the laws for the abolition of intermediary tenures have been implemented fairly efficiently, whilst in the fields of tenancy reform and ceiling on holdings legislation, it has fallen short of the desired objectives and implementation of the enacted laws has been inadequate”.

The National Commission on Agriculture (1976) in its report on 'Policy and Strategy' emphasised that for optimum results from agrarian restructuring, the programmes of land reform, consolidation of holdings, land development, irrigation and drainage should be integrated and executed in a proper sequence.

The Sixth Plan (1980-85) observed that the less than satisfactory progress of land reforms has not been due to deficiencies in the policy but rather due to tardy implementation of reforms and conferment of ownership rights. Both the Sixth and the Seventh Plans stressed therefore, the effective implementation of the land reforms policy covering all the policy instruments (see Box 1). The Seventh Plan enunciated land reforms to be an intrinsic part of anti-poverty strategies and their need has been reiterated in every successive Plan.

The Eighth Plan (1992-97) stressed that *landlessness* is a root cause of rural poverty. The Plan set seven objectives of land reforms as follows:

- Restructuring of agrarian relations to achieve egalitarian social structure;
- Elimination of exploitation in land relations;
- Actualisation of the goal of “land to the tiller”;
- Improvement of the socio-economic conditions of the rural poor by widening their land base;
- Increasing agricultural productivity and production;
- Facilitating land-based development of the rural poor; and
- Infusion of a greater measure of equality in local institutions.

Land reforms continued to be an important policy instrument for poverty alleviation in the Ninth Plan (1997-2002). The Plan, thus reiterated the basic ingredients of land reforms policy, and emphasised the following issues:

- To detect and redistribute the ceiling surplus land,
- To enforce the ceiling laws stringently as the small and marginal farms were viable in terms of efficiency and equity,
- Rights of tenants/sharecroppers to be recorded and security of tenure to be provided to them,
- Leasing of land should be made permissible within the ceiling limit,

- The poor should be given access to wasteland and common property resources,
- Land rights of women must be ensured,
- Consolidation of land holdings be expedited with active involvement of village people, and
- Updation of land records was considered a necessary pre-requisites for the success of the reform policy

The Tenth Plan (2002-07) admits that the need for the effective implementation of the existing land ceiling laws can't be over-emphasised. The changes in the agrarian economy warrant a fresh look at tenancy laws, which may need to do away with all restrictive tenancy conditions. Farmers owning land below the ceiling limit may be provided a guarantee that their land would not be taken away. The fixation of rent could be left to the market forces. Given the extent of concealed tenancy in states that have banned tenancy, it is not likely to increase the area under tenancy dramatically in the short run. In the medium- to long-term, however, more land is expected to come on the land lease market which can be accessed by the rural poor.

Keeping this in view, the *National Agricultural Policy (2000)*, *inter alia*, gave emphasis to the following issues to be accorded utmost attention for rural development and land reforms:

- i) Consolidation of holdings all over the country on the pattern of North -Western States;
- ii) Redistribution of ceiling surplus lands and waste lands among the landless farmers, unemployed youth together with some initial start up capital;
- iii) Tenancy reforms to recognise the rights of the tenants and share croppers;
- iv) Updating, improvement in and computerisation of land records and issuing land pass-books to farmers; and
- v) Recognition of women's rights on land.

Check Your Progress III

Note: a) Use the space provided for your answers.

b) Check your answers with the possible answers provided at the end of this unit.

1) List five main recommendations of the Kumarappa Committee on agrarian reforms.

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2) What were the major issues highlighted in the Ninth Plan to accelerate land reforms?

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2.5 ABOLITION OF INTERMEDIARY TENURES

Legislative measures for the abolition of intermediary tenure started with Uttar Pradesh with the *Zamindari Abolition and Land Reform Act* of 1950 of U.P. followed by legislations in other states. The pattern of land ownership is a key element for ushering in change. Since the *Zamindari Abolition Act* of U. P. was hailed as an agrarian revolution, you may be interested in knowing its key elements. These were:

- i) It abolished all rights of *zamindars* and *jagirdars* and put a ban on further acquisition of land.
- ii) Abolition of intermediary tenures was effected on payment of compensation to the land-owners.
- iii) The vast mass of the peasantry was freed from all illegal exactions in cash, kind and services.
- iv) Land records were created and survey and settlement was carried out in these areas.
- v) Holdings were demarcated on the basis of the individual as a unit.

While the Act ushered in a new era, it was not without any weaknesses. First, an unduly high price was paid by way of compensation to the erstwhile intermediaries, in addition to a number of other benefits like debt settlement and interim compensation. Further, in the name of *khudkasht* of land under self-cultivation, many of the old landlords were able to retain extensive areas under their control leading to dispossession and eviction of a large number of tenants.

Thus, while the tenorial patterns changed, they did not lead to any effective improvement in the position of the poorer (evicted) tenants, the sharecroppers and the agricultural labourers. The Act had not clearly envisaged any radical redistribution of land. Many of the old relationships between the owners of the land and those with tenancy rights were retained.

By 1954 almost every state had passed Land Reform legislation on priority basis for the abolition of intermediary tenures on payment of compensation, as a result of which 20 million tenants were brought into direct contact with the state. Moreover, it is important to note that what is supposed to have been abolished is only the topmost layer of a hierarchy of intermediaries and not intermediaries as a class.

2.6 TENANCY REFORMS

Leasing of land on a large scale in areas where settlement was made directly with the *ryots* and sub-leasing where intermediaries existed, were common practices in the past. Rents were high and there was very little security of tenure. Three important guidelines were laid down by the Plans, which became the major components of tenancy reform. They are:

- i) rent should not exceed one-fifth to one-fourth of the gross produce;
- ii) all tenancies should be declared non-resumable and permanent (i.e. security of tenure was ensured) except in certain specified circumstances; and
- iii) in respect of non-resumable land, the landlord-tenant relationship should be terminated by conferring ownership rights on tenants.

In several states, however, the existing legislation in relation to tenancy reforms falls far short of the accepted policy because of the lack of sharpness in the definition of 'personal cultivation', which did not include family labour as a compulsory element. Large-scale

eviction of tenants, aided by the device of ‘voluntary surrenders’, was carried out under this pretext.

Many of the ‘voluntary surrenders’ were open to doubt as bonafide transactions. The Second Five Year Plan had recognised this and recommended that:

- i) all so called “voluntary surrenders” should be checked and registered by the revenue authorities before they could be accepted as valid;
- ii) landlords should not be enabled to re-possess, even by the tenant’s voluntary surrender, areas greater than they had a legal right to resume; and
- iii) those legal rights to resume should be restricted by sharply redefining the concept of ‘personal cultivation’.

It was felt necessary to strictly enforce the provision of ‘personal cultivation’ and restrict future transfers of agricultural land to persons residing in the same village or in an adjacent village.

Let us now look at the different aspects of tenancy reform in a somewhat greater detail.

a) **Security of Tenure**

The most important and probably the most significant provision for regulating tenancy has been the measure of security to the tenants. Such security provides incentive for carrying out improvements in land, increase its productivity and enable the tenant to retain an equitable share of the produce. The following steps provide for security of tenure:

- prescription of a minimum period of tenancy;
- restrictions on ejection;
- reinstatement of wrongly ejected tenants;
- tenants’ right for compensation for improvement;
- restrictions on resumption for personal cultivation;
- regulation of voluntary surrenders;
- tenants’ right to acquire ownership; and
- tenant’s secondary rights to homestead land, grazing land, trees, etc.

The land tenure system (minimum period of tenancy prescribed) in the country varied from state to state. At the beginning, it ranged from 5 to 10 years with a provision for automatic renewal. Such a provision would have been useful if leasing was always on record. In rural areas, however, oral agreements with legally unacceptable terms continue to be a common practice even today.

Restrictions on ejection of tenants were incorporated in the laws from a very early date in the history of legislation for land reform. It has often been done by prescribing the grounds on which a tenant can be ejected. These include:

- failure to pay rent;
- misuse or non-agricultural use of land;
- subletting or sub-dividing the holding below a prescribed limit; and
- leaving the land uncultivated without adequate reasons (this is applicable in some states).

By the Third Plan (1961-66), legislation providing security of tenure had been enacted in 11 states and in all Union Territories. Insecurity of tenure existed under the garb of

voluntary transfer. The gap between legislation and implementation continued. Legislation for security of tenure had three essential aims. They were:

- ejections do not take place except in accordance with the provisions of the law;
- land may be resumed by an owner if at all, for personal cultivation only; and
- in the event of resumption, the tenant is assured of a prescribed minimum area.

The Fourth Plan (1969-74), noted with concern that under the system of informal tenancy and sharecropping neither the landlord nor the tenant was investing in the improvement of land productivity, thus impeding the modernisation of agriculture. In order to bring a sense of security among tenants, it suggested measures for declaring tenancies non-resumable and permanent, regulating voluntary surrenders, implementing legislation related to security of tenure, penalizing wrongful evictions, and securing tenure in the cases of homestead lands. These measures were pursued in the subsequent plans.

Ejection of the tenants took place on a massive scale through “voluntary surrenders” or by resuming the tenanted land by the landowner for “personal cultivation”. This right of the landowner was widely used to dispossess tenants in many parts of the country. Therefore, during the Second Plan, all the states framed provisions for resumption broadly on three different patterns:

- Full security was given to all tenants giving the owners the right of personal cultivation.
- Owners were given the right to resume a limited area (not more than a family holding) subject to the condition that a minimum area was left with the tenant.
- Limit was fixed on the extent of land, which a land-owner may resume, but the tenant was not entitled to retain the minimum area for cultivation in all cases.

The second type of legislation has by and large been accepted by the major states (Gujarat, Kerala, Madhya Pradesh, Maharashtra, Orissa, Rajasthan, Himachal Pradesh, Assam and Punjab).

b) Regulation of Rent

The issue of rent in our context implies extractions made by the land owning section from the non-owner cultivators, be it tenants or share-croppers. This has been an inherent aspect of the tenorial arrangements. Rates of rent happened to be the basic issue that caused the first legislative intervention in the country, incidentally in Bengal.

Regulation of rent, in a situation where the ownership of land is in the hands of a few, is not an easy job. It is necessary to have very effective, impartial and well educated administrative machinery reaching down to the village with a foolproof system of recording of contracts and observance of such contracts with some sense of equity and freedom from exploitation. The rights and obligations should be known and respected by both the parties with a minimum of administrative interference. These are exactly the factors missing in the rural scene. Ownership in the hands of ‘a few’ powerful persons, and an illiterate and socially and economically deprived group of people depending on them for survival, makes the observance of rules impossible.

The general policy for regulating rents had been to keep the rent changeable with the paying capacity of the cultivator. In the country as a whole, the rate of rent varied between 34 to 75 per cent of the produce. To regularise it, the First FYP stated that the maximum rent should be fixed at one-fourth or one-fifth of the total produce. Legislations fixing the maximum limit of rent, however, have been violated quite often. For instance, while in Bihar, the maximum limit is 25 per cent of the gross produce, share-croppers are usually required to pay 50 per cent. Customary rates of rent continued to prevail for a long time and may still hold true for some parts of rural India. It is only in areas where there is an organised force of share-croppers, tenants, etc. that certain norms are established, although these may still not tally with the all India guidelines. Being ignorant

of the rights granted by legislation, the tenants do suffer at times. Further, where there is pressure on land and the social and economic position of the tenants is weak, it becomes difficult for them to seek the protection of law.

There was a move to shift from rents paid in kind to rents in cash. The Second Plan suggested that commutation of rents in kind into cash payments might be facilitated if, with due regard to variation in each district, rents could be declared as multiples of the prevailing land revenue assessment. Moreover, operationalising the legislation is not an easy task as long as the concentration of land holdings, and political and social power continues to be in the same hands that determine the extent to which land reform measures can be allowed. It is this concentration of power that needs to be altered.

c) **Conferment of Ownership Rights**

The policy of land to the tiller was expounded as early as 1948 by the Congress Agrarian Reforms Committee through provisions like:

- rights of pre-emption or first option to purchase the land if the land owner wanted to sell it;
- right of voluntary purchase when the tenant can, at any time, make an offer to purchase the tenanted land according to the procedure laid down;
- conferment of the ownership right of the tenancy land on the tenant from a specified date by a notification, according to the provisions made in the law.

The ultimate objective of tenancy reform is to confer ownership rights on tenants and share-croppers who are tilling the soil, so that the absentee landlordism is completely eliminated. The failure to ensure full security for the tenants has often been attributed partly to the implementing machinery and partly to the existing conditions of production in Indian agriculture. The following are the major factors that contribute to this situation:

- legal flaws or deficiencies in the Act,
- absence of proper land records,
- weak administrative machinery, and
- interlocking of (land) lease, labour and credit markets in which the poor tenants and the landless are the natural losers.

In a number of states, governments followed three ways for bringing tenants of non-resumable lands into direct relationship with the government:

- by declaring tenants owners and requiring them to pay compensation to earlier owners in suitable installments;
- through the acquisition of the rights of ownership by the government on payment of compensation to the earlier owners and transfer of ownership to tenants, compensation being recovered from them in suitable installments; and
- through the acquisition of the landlords' rights by government and bringing tenants into a direct relationship with the state, option being given to tenants to continue as such on payment of fair rent to the government or to acquire full ownership on payment of the prescribed compensation.

In the course of the Third Plan (1961-66), steps were to be taken to complete the programme for conferring rights of ownership on the tenants of non-resumable lands. As a result, about 11.2 million tenants acquired ownership rights over 15.3 million hectares of land.

| Box 3 | | | |
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| Distribution of lands among cultivators, 1995-96 | | | |
| Category of holdings in hectares | No. of operational holdings ('000 number) | Area operated ('000 hectares) | Average size of operational holdings (hectare) |
| Marginal (< 1) | 71179 (61.6) | 28121 (17.2) | 0.40 |
| Small (1- 2) | 21643 (18.7) | 30722 (18.8) | 1.42 |
| Semi-medium (2-4) | 14261 (12.3) | 38953 (23.8) | 2.73 |
| Medium (4- 10) | 7092 (6.1) | 41398 (25.3) | 5.84 |
| Large (10 & over) | 1404 (1.2) | 24163 (14.8) | 17.21 |
| All Holdings | 115580 (100.0) | 163357 (100.0) | 1.41 |
| Figures within parentheses indicate the percentage of respective column totals. | | | |

Source: Agricultural Statistics at a Glance, 2003.

Wherever ownership rights were not conferred on tenants, provisions of security of tenure were made. A vast disparity in the land distribution among cultivators, however, continues (see Box 3 above). According to the 2001 census, there are 127.6 million cultivators and 107.5 million landless agricultural labourers looking for help.

Some problems continue in the country despite the legal protection provided. Studies have shown that where tenancy has been abolished, concealed tenancy is being carried out under the guise of personal cultivation. In the areas, which have been the greatest beneficiaries of Green Revolution strategy, it is being observed that reverse tenancy is on the rise, as small landholdings are not necessarily compatible with developed technology. Small owners are thus being reduced to the status of agricultural labourers in an increasing measure.

Check Your Progress IV

Note: a) Use the space provided for your answers.

b) Check your answers with the possible answers provided at the end of this unit.

1) What are the major components of tenancy reform?

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2) List five measures that are supposed to provide security of tenure.

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2.7 CEILING ON LAND HOLDINGS

In January, 1959, at the Nagpur Conference of the Indian National Congress, it was resolved that agrarian legislation to cover restrictions on the size of land holdings must be implemented in all states by the end of 1959. The idea was to reduce the extent of inequality in the ownership of land. It was realized that social inequalities and exploitation cannot be eliminated unless ceilings are imposed and the surplus lands are distributed among the landless and marginal workers. The policy on ceiling, however, remained unclear. Finally, it was introduced in two phases:

a) Phase 1: Pre-revised ceiling laws (1960-72)

The question of whether the family or the individual should be the unit for the application of ceiling laws was debated in the Second Plan. The important issue was the treatment of transfers of land on the part of the landowners subject to ceilings. Since the enactment of the ceiling laws, transfers of land have tended to defeat the aims of the legislation for ceiling. Whether a transfer should be disregarded and from which date became an issue in every state.

Transfers were taking place among the family members. This was advantageous to the landed section where the unit of application was the individual. It was suggested that the ceiling should apply invariably to the aggregate held by a family rather than to individuals. Keeping in view the fact that ceilings had already been applied in several states to individual holdings and to aggregate area held by a family in the other states, a way had to be worked out to balance the disparity and discrepancies.

By the time of the Fourth Plan (1969-74), it was realised that due to ineffective implementation of the existing legislation, only about 964,800 hectares had been declared surplus, out of which about 640,000 hectares was taken possession of by the State Governments. The delay in taking possession of the entire land was due to hurdles inherent in the policy framework. Compensation was being given to those who owned land above the ceiling. Thus, in states like Andhra Pradesh, the government decided to take possession of lands only when funds were available for paying compensation. In West Bengal and Gujarat, for example, work was held up due to litigation resorted to by substantial landholders.

There were also administrative and legislative hurdles and the problems arising from the inferior quality of land surrendered by the landholders. These issues came up before the Chief Ministers conference held in November 1969, when it was decided to review the legislative provisions pertaining to the level of ceilings, transfers and exemptions in the light of contemporary technological developments (during Green Revolution) and social requirements. It was also considered necessary to quicken the pace of implementing ceiling laws and the distribution of surplus land to the landless agricultural workers.

b) Phase II: Revised ceiling laws after the National Guidelines (1972)

Following the Chief Ministers' Conference, it was found that the acreage mobilised by land reforms was much smaller than expected. The ineffectiveness of the ceiling laws, the exigencies of agricultural production and the agrarian unrest in the form of land grab movement in the country led to a review of the ceiling legislation. *The Central Land Reforms Committee was set up in 1971* to study the problem, which ultimately laid down the national guidelines for future legislation on land ceilings.

The main features of the policy were:

- i) For irrigated land, the basic ceiling should range from 10 to 18 acres (4 to 7.2 hectares) of irrigated land with two crops for a family of five persons, including husband, wife and minor children. This might vary from state to state or state and in regions according to the fertility of soil and other factors;

- ii) For other land, water, productivity, soil, crops, etc. should be considered, but the upper limit should be 54 acres (21.9 hectares) for a family of five;
- iii) All exemptions for modern, mechanised, etc. farms should be abolished; and
- iv) Exemptions for plantations (tea, coffee, rubber, etc.) should be considered in the states and discussed again *with the Chief Ministers to formulate a more uniform national policy.*

To consider these recommendations, the Chief Ministers' Conference was held in July 1972, which approved the national guidelines. The states enacted legislation or amended the then existing Act suitably, incorporating the suggestions contained in the guidelines (see Box 4). Consequently, a large degree of uniformity was attained. Most of the states accepted January 24, 1971 as the recommended date for giving retrospective effect to the law in the National Guidelines.

Box 4

| Ceilings on Land Holdings (in hectares) | | | |
|--|-------------------------------|------------------------------|----------------|
| State | Irrigated land with two crops | Irrigated Land with one crop | Dry land |
| Ceiling suggested in the National Guidelines, 1972 | 4.05 to 7.28 | 10.93 | 21.85 |
| Andhra Pradesh | 4.05 to 7.28 | 6.07 to 10.93 | 14.16 to 21.85 |
| Assam | 6.74 | 6.74 | 6.74 |
| Bihar | 6.07 to 7.28 | 10.12 | 12.14 to 18.21 |
| Gujarat | 4.05 to 7.29 | 6.07 to 10.93 | 8.09 to 21.85 |
| Haryana | 7.25 | 10.90 | 21.80 |
| Himachal Pradesh | 4.05 | 6.07 | 12.14 to 28.33 |
| Jammu & Kashmir | 3.6 to 5.06 | - | 5.95 to 9.20 |
| Karnataka | 4.05 to 8.10 | 10.12 to 12.14 | 21.85 |
| Kerala | 4.86 to 6.07 | 4.86 to 6.07 | 4.86 to 6.07 |
| Madhya Pradesh | 7.28 | 10.93 | 21.85 |
| Maharashtra | 7.28 | 10.93 | 21.85 |
| Manipur | 5.00 | 5.00 | 6.00 |
| Orissa | 4.05 | 6.07 | 12.14 to 18.21 |
| Punjab | 7.00 | 11.00 | 20.50 |
| Rajasthan | 7.28 | 10.93 | 21.85 to 70.82 |
| Sikkim | 5.06 | - | 20.23 |
| Tamil Nadu | 4.86 | 12.14 | 24.28 |
| Tripura | 4.00 | 4.00 | 12.00 |
| Uttar Pradesh | 7.30 | 10.95 | 18.25 |
| West Bengal | 5.00 | 5.00 | 7.00 |

Source: Agricultural Statistics at a Glance, 2003.

Most of the *ceiling laws* have been included in the Ninth Schedule of the Constitution of India. This provides immunity against any challenge in courts of law on the ground of alleged infringement of the fundamental rights guaranteed in the Constitution. Though exemptions were reduced in the revised ceiling laws, certain categories of land continue to be exempted from ceiling. This left ample scope for evasion of laws through the device of shifting lands to the exempted categories. Some of those categories were:

- Land held by the State or the Central Government, any institution (agricultural college/university) conducting research and imparting education, etc.

- Land held by industrial/commercial undertakings where such lands are necessary.
- Plantations of coffee, cocoa, tea including the land used for any purpose ancillary thereto.
- Land held by religious and charitable institutions of a public nature.
- Lands owned by sugarcane factories solely for research and seed farming.
- Plantations of cardamom, pepper and rubber in Karnataka and Kerala.

Review of the implementation also pointed to the fact that there was *little linkage* between this Central programme and the others. Jurisdiction of civil courts was barred in respect of land reform cases because of their inclusion in the Ninth Schedule of the Constitution in 1990. Now we hope to look forward to a large cultivable area coming under direct possession of the Government.

At the end of the Eighth Plan (1992-97), 2.30 million hectares were declared as ceiling surplus and out of that 2.09 million hectares were distributed among 5.5 million beneficiaries. *By the end of the Ninth Plan, the position was virtually the same. There has been no progress in the detection of concealed land and its distribution to the landless rural poor.*

Since, the assignees of ceiling surplus land are also the targets of other poverty alleviation programmes like IRDP, NREP, RLEGP, etc., it was decided to follow an integrated approach by pooling together resources available under different programmes to undertake activities like rural housing, drainage, link roads, social and farm forestry, land development, minor irrigation schemes in compact areas, etc. in the subsequent plans.

2.8 CONSOLIDATION OF HOLDINGS

Sub-division and fragmentation of holdings chiefly arise from the customary practice of partitioning of land among the heirs. As a result, in successive generations, holdings not only become smaller but also get dispersed in fragments. The growing population only increases the pace of this process. On the other hand, consolidation of fragmented holdings helps in improving the agricultural production as well as in providing common services to small holders.

Consolidation of holdings was attempted in isolated experiments in different parts of the country, mainly under the aegis of the *cooperative movement*. The need for consolidation of holdings was realised way back in 1917 and therefore, All India Board of Agriculture drew the attention of the local governments to draw up remedial measures in consultation with the Registrars of *Cooperatives Societies*. It was only in 1928, however, that the case for consolidation was finally established with the recommendations of the Royal Commission on Agriculture.

The process of the evolution of legislation on consolidation of holdings was a slow one and had two distinct phases. The first phase that started with the Baroda Act in 1920 did not impose any compulsions. The implementation/application was purely on voluntary basis. It was with the Central Provinces Consolidation of Holdings Act, 1928 that a graduated degree of compulsion for consolidation was introduced. The second phase is marked by the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947, which provided for compulsion to be exercised by the state for enforcing consolidation.

The Tenth Plan (2002-2007), reviewed the situation and stated that the progress on the consolidation of land holdings has been slow. Most states have stopped consolidation proceedings. *As on 31 March 2003, the total area consolidated was 66.10 million hectares, against a total cultivable area of 142 million hectares.*

Several factors inhibited the progress of consolidation. These included:

- fear of displacement among tenants and share-croppers;
- advantage of having land in fragmented parcels in the event of floods and other natural calamities as the risks get distributed;
- the apprehension that the bigger farmers would get a better deal in terms of being the major beneficiaries of the better quality land.

The benefits of consolidation in the development process, however, cannot be underestimated. Consolidation of holdings would provide an opportunity to recast and re-build the record of rights needed for orderly flow of credit, apart from other benefits. An integrated approach to soil and water management would also be facilitated by consolidation contributing to better production and productivity or even of more rational use of irrigation potential already created.

2.9 COMPILATION AND UPDATING OF LAND RECORDS

A land record management system is a pre-condition for an effective land reform programme. In 1987-88, a Centrally-sponsored scheme for *Strengthening of Revenue Administration and Updating of Land Records (SRA&ULR)* was introduced in Orissa and Bihar. *The scheme* was extended to other states in 1989-90. *It* provides funds for survey and re-settlement operations, training for revenue and settlement staff, facilities for modernisation of survey and settlement operations and strengthening of revenue machinery at the village level.

The information available in the record of rights is not of a uniform pattern. In every state, the record of rights is expected to contain information about each plot or survey number, its area, name of the owner, the class of land, and therefore also the land revenue payable. In the *zamindari* areas, information about the lands in the possession of tenants of zamindars also could be available.

In the unit on Agrarian Movements, we have seen how non-availability of the proper record of rights was a major hurdle in the programme 'Operation Barga'. Even the Tenth Plan reiterated that the lack of a comprehensive land rights database was one of the main reasons for the concealment of land, which has hampered the land reforms programme. Therefore, SRA&ULR schemes have been emphasised in the Tenth Plan not only to detect concealment of land but also to reduce scope for litigation in rural areas.

The report of the Committee on 'Revitalisation of Land Revenue Administration' brought out by the Ministry of Rural Development (MoRD) in 1995 could be termed as the first systematic attempt at bringing about a semblance of uniformity into the chaotic affairs of land records existing in different states. The Committee made some revolutionary recommendations such as:

- i) transferring Land Administration to Panchayati Raj Institutions,
- ii) renaming the revenue department as Land Administration Department, and
- iii) merging the offices of the Sub-Registrar and Tahsildar for better maintenance of land records.

The Ministry of Rural Development (MoRD) brought out *a Vision Document for Computerisation of Land Records in 1999 to bring uniformity in land administration*. This document, for the first time, spoke about the standardisation of a Land Information System for and the identification of 'core data fields' across the country, which would be useful for planning purposes, implementation of uniform modern

procedures to conduct cadastral surveys and generate land records, conversion of Land Records Administration into a financially self-sustaining activity, etc. Formulating and implementing a national policy on land records in the new millennium is now due.

By now, we hope you fully appreciate the various facets of the policy pertaining to Land Reforms in India and their genesis and progress. In the followign section, we will have a glimpse of the new developments directed to achieve the long-term objective of achieving social equity.

Check Your Progress V

Note: a) Use the space provided for your answers.

b) Check your answers with the possible answers provided at the end of this unit.

1) Mention three ways in which ownership rights can be conferred on the tiller.

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2) What benefits accrue from the consolidation of holdings and what are the apprehensions of farmers in this regard?

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2.10 NEW DEVELOPMENTS: CO-OPERATIVE TO CONTRACT FARMING

The changes in the agrarian economy over the past three decades warrant a fresh look at tenancy laws. We have seen earlier (see Box 3) that more than 80 per cent of the rural households have less than two hectares of land. Therefore, further reduction in land ceilings and acquisition of land for distribution is not a credible policy option any more. Further, market-led development would tend to promote reverse tenancy. States are at different stages of agricultural transformation. Patterns of semi-feudal agriculture in some states co-exist with corporate/commercial farming practices in others, where middle/large farmers lease land from small and marginal farmers.

On the other hand, the ultimate objective of the land reforms was to establish co-operative farms in India. The Agrarian Reforms Committee (1949) suggested, ***“Without various co-operative moulds, the efficiency of agriculture cannot be substantially increased”***. The main features of such co-operative farming were supposed to be as follows:

- i) farmers join the system voluntarily and not through compulsion;
- ii) they retain their land, in the sense, they never surrender their right to land;
- iii) they pool their resources like land, livestock, etc.;
- iv) farm is managed as one unit, elected by all members and;
- v) everyone gets a share in the produce according to the land contributed and labour performed.

Co-operative farming movement in India, however, failed to achieve its much repeated objective of raising farm productivity. The Fourth Plan (1969-74) reviewed the progress and stated that although co-operative farming had been officially accepted, no substantial progress was made in actual practice. In the subsequent Plans, therefore, no special effort was made to organise any co-operative farms.

Now, *contract farming arrangements* are coming up as an alternative device for achieving the same twin objectives—raising farm productivity and increasing the earnings of small farmers. It should be helpful in providing the necessary forward and backward linkages to agriculture as well as to agro-processing industries. It provides for a contractual arrangement between the industry and the raw material producing farmers. The industry provides a forward linkage to the farmers in terms of purchasing their produce and backward linkage in the form of assured supply of all critical inputs. Contract farming helps in raising the yields and income of the farmers irrespective of farm sizes (see Box 5). ***Contract Farming is a halfway house between independent farm production***

Box 5

Contract Farming: Case Study

In Punjab, Hindustan Lever Limited (HLT) has contractual arrangements with farmers for tomato cultivation. The company provides hybrid seed to the farmers on credit basis and takes care of other capital and technology needs of the farmers. Since the price of output is pre-decided under the contract, farmers don't have the risk of price fluctuations. Against this, the company has sufficient and regular supply of raw materials of desired quality. As a result, net income of farmers under contract increased up to Rs. 20,000 per acre in Amritsar district as against that of Rs. 10,200 for non-contract farmers. However, sometimes violation of contracts was reported from both sides. Obviously, creating a conducive environment and legalizing contract farming by the government will protect the interests of both the parties and will go a long way in achieving the social objective of land reforms.

Source: T. Haque (2003)

and corporate/captive farming. For small farmers, it is advisable to operate as a group in order to successfully manage a contract with any user industry. It requires reduced capital investment, and at the same time the farmers/growers are protected from risks of price fluctuations. They are also provided with technical assistance from agro-processing industries.

2.11 LAND REFORMS: AN ASSESSMENT

The land reform measures to a large extent succeeded in breaking down the stranglehold of the traditional *zamindars* and the absentee landlords. The occupant of the land today is directly responsible to the state for the payment of land revenue and other dues. Security of tenure and distribution of land has resulted in the occupants of the land taking interest in its development and increasing its productivity. Regulation of rent has been adopted in all states except the few mentioned earlier. Protected tenancy status

has been strengthened by making provisions in the law regarding termination of tenancy, eviction of tenants, surrender by tenants and purchase of tenanted land by the tenants.

Shortcomings in the past

- i) Since land reforms constitute a state subject, the Central Government's role is restricted to formulating general directions on this issue and persuading the state governments to take them up for implementation. *The political will* on the part of the state governments to enforce the legislation is weak, and the bureaucracy rather indifferent.
- ii) *Legal definitions* of the terms have left room for different kinds of interpretation affecting the process of realising the goals of the programmes.
- iii) *Distribution of land* continues to be *skewed*. Agricultural workers, particularly Scheduled Castes and Scheduled Tribes, who constitute the bulk of the agricultural labour force, have not gained much from the abolition of *zamindari*.
- iv) There remains a *wide gap between the land distributed and its actual occupation* by the beneficiaries, which is obstructed by physical prevention and litigation (the beneficiaries like landless labourers and poor peasants can hardly afford it).
- v) *Identification of benami land* (land held under a different name to circumvent the law) is not possible through the efforts of the administration alone. For this, support of the local organizations of the beneficiaries or the organizations representing the interest of the beneficiaries of land distribution is necessary.

Local civil organisations have to come up with innovative ideas to rectify inequities of land ownership in the rural areas, like in case of the Pani Panchayat in Ralegaon Siddhi in Maharashtra. Under this, every member of the village, irrespective of the size of his land holding, has a proprietary right over the harvested water for irrigation. As the water available to each member is limited, members with large land holdings have been persuaded to lease their land to small and marginal farmers and agricultural labourers who have water rights but no land. The arrangement has allowed the landless access to land. The large landholders have also benefited as they receive rent for land, which would otherwise have remained fallow for lack of irrigation.

Box 6

Some Success Stories

- Intermediary tenures have been abolished. Over 20 million cultivators have been brought into direct contact with the state to gain access to an estimated 6.07 million hectares of land vested in the state.
- Legislative provisions have been made providing ownership rights on tenants or allowing cultivating tenants to acquire ownership rights on payment of a reasonable compensation to the landlords. An estimated 12.42 million cultivators have been conferred ownership rights on 6.32 million hectares of land.
- Under various ceiling laws, till September 1998, 3.04 million hectares of land has been declared surplus, 2.15 million hectares have been distributed to 5.54 million beneficiaries mostly belonging to weaker sections. In addition, about 0.88 million hectares of Bhoodan land and 5.97 million hectares of wasteland have also been distributed.
- Legislative provisions have been made for consolidating holdings and 64.08 million hectares of land has been consolidated in the country so far.
- For preparation, maintenance and updating of land records, the Central Government has allocated Rs.1627.36 million to the States/UTs for purchasing equipment, strengthening of training infrastructure, etc. under the Centrally Sponsored Scheme for Strengthening of Revenue Administration and Updating of Land Records (SRA & ULR).

Newer and holistic approach

Land reform has now come in the mainstream of rural development. It is no longer a programme of concern primarily to the revenue department. However, a lot more needs to be done in practice to make the policy statements and the intentions a reality. Several steps need immediate attention:

- Proper identification of land above *ceiling* and identification of *benami* transfers.
- Taking over possession of wasteland after going through the relevant *quasi-judicial* and other administrative processes.
- Provision for the consumption and the production credit to enable the new allottee to start cultivation without getting into the debt trap of the former patron with the eventual possibility of alienating the land.
- Initiation of the legal process to establish tenancy rights and to register names in the record of rights.
- Legal and physical support to tenants against their eviction from the homestead, as most of the tenants in a number of areas live on landowners' land as mere *permission possessors*.
- Prevention of land alienation due to indebtedness, displacement on account of large scale development projects (industrial, hydro-electric, etc.) and capitalist farming.
- Promotion of institutional arrangements for contract farming while protecting ownership rights of and providing better returns to the small farmers.

The process of implementation will require a fair degree of coordination among the implementing machinery and the organisations of rural workers. The social imbalances can be corrected only if powerful counter-pressures are built up to curb the control of the rural rich on the resources. This task opens up a qualitatively new perspective of economic and political transformation. ***Land Reforms are both the causes as well as the effects of a thorough-going change in the power balance.*** A new beginning can be made by giving a decisive role to the rural-poor in formulating land reform schemes and their implementation at every stage in which they have a substantial representation.

Check Your Progress VI

Note: a) Use the space provided for your answers.

b) Check your answers with the possible answers provided at the end of this unit.

1) Enumerate five important problem areas in relation to land reforms.

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2.12 LET US SUM UP

We have seen that land reforms, leading to structural equity in the distribution of land, are an essential prerequisite for economic development through agricultural

transformation. In addition, the efficiency of land use and land management, and protection of the land rights of the tribals and women have assumed great significance in the context of the changes that are taking place in rural India.

We have reviewed the progress in various components of land reforms such as abolition of intermediary tenures, tenancy reforms, ceiling on land holdings, distribution of surplus land, consolidation of holdings, and compilation and updating of land records.

We have observed how land reforms are being integrated into the overall poverty alleviation strategy to maximise its impact and the support mechanisms that are proposed for its speedy implementation. We have also indicated the steps that need to be taken to consolidate the gains from land reforms.

Finally, we have worked through the recent changes occurring across the states under the new economic regimes, where lowering of the land ceiling does not appear to be the ultimate solution. Under open economies, every produce has to come to the market with the lowest possible price, which needs *inter alia* economies of scale. All this needs different strategies, other than the mere distribution of small plots of land to the poor, for providing gainful employment round the year.

2.13 KEY WORDS

| | | |
|-------------------------|---|--|
| Benami | : | Recorded in the name of another person, while the original owner retains the actual possession. |
| Cadastral Survey | : | It <i>means</i> survey to collect information for maintaining official register showing details of ownership, boundaries, and value of real property in a district, made for taxation purposes, etc. |
| Contract Farming | : | An agreement between farmers and the processing and/or marketing firms for the production and supply of agricultural products under forward agreements, frequently at predetermined prices. |
| Core Data Field | : | It <i>means</i> actual information showing the detail of the field at household level. |
| Credit Market | : | The flow of advance finances in kind or cash between agents with surplus finances to those with deficit finances. |
| Khudkasht | : | <i>Kasht</i> means to cultivate and <i>Khudkasht</i> is self-cultivation. This could mean applying one's labour or supervision. |
| Labour Market | : | Market where labour is hired out for a periodic wage rate. |
| Land Market | : | Market for the exchange of land and its valuation. |
| Rentier Interest | : | It <i>means</i> during pre-independence time, most of the revenue collection rules were framed in such a way that they favoured only to the revenue collector and in no way helped the actual cultivators. |
| Reverse Tenancy | : | It <i>means</i> small farmers sometimes not getting desired return from the land or due to debt burden sell/mortgage their land to the large farmers and thus former are reduced to the status of agricultural labourers. This is just reverse trend of usual tenancy pattern. |

- Share-cropper** : Those who acquire the usufruct right of the land from the owner on condition that in lieu they would pay a share of the produce to the owner.
- Tenants** : Those who enjoy the usufruct right over the land owned by others in lieu of a fixed amount of rent in cash or in kind to be paid yearly or seasonally. Tenants are of two types: occupancy tenants and tenants-at-will. The usufruct rights of the former are hereditary, while the latter do not enjoy the same rights and their contracts are renewed periodically at the owner's will.
- Under-raiyats** : *Raiyat* (cultivators) were those who were directly under the state or the *Zamindar*. Under-*raiyats* were those to whom *raiyats* parcelled out land on payment, i.e. at a cost.
- Usufruct Right** : *means* the right to use and derive profit from a piece of property belonging to another, provided the property itself remains undiminished and uninjured in any way.

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2.15 CHECK YOUR PROGRESS – POSSIBLE ANSWERS

Check Your Progress I

- 1)
 - to ensure social equity as ceiling surplus land is distributed among the landless poor → Social objective;
 - to increase the agricultural production and productivity → Economic objective;
 - to avoid social unrest caused by high levels of inequality in the society → Political objective.

- 2)
 - abolition of intermediary tenures;
 - tenancy reforms;
 - ceiling on land holdings and distribution of surplus land;
 - consolidation of land holdings;
 - compilation and updating of land records.

Check Your Progress II

- 1)
 - Permanent settlement
 - Malguzari settlement
 - Jagirdari system
 - Raiyatwari system
 - Mahalwari system
- 2)
 - Concentration of land ownership.
 - Growth of extensive rentier interest and sub-letting due to absentee land-owners.
 - Increase in the numbers of parasitic intermediary classes.
 - Unfair returns to the actual tiller due to high rents/share of agricultural produce to be given to the owner of the land.
 - Insecurity of tenure characterised by a high degree of arbitrariness/unfairness and unwritten informal agreements which could be twisted to suit the owners.
 - Powerlessness of the tenant and his dependence on the owner through a complex network of social and economic obligations resulting in his exploitation by the landowner.

Check Your Progress III

- 1) The main recommendations of Kumarappa Committee include elimination of all intermediaries; prohibiting subletting land; providing full occupancy rights; restrictions on resumption of land by the land owner; safeguarding the position of tenant; fixation of reasonable rent and setting up of a separate Central Land Commission.
- 2) The main issues highlighted in the Ninth Plan include redistribution of ceiling surplus; enforcement of ceiling laws; recording of the rights of tenants/share-croppers; leasing of land to be made permissible; access to wasteland and common property resources by the poor and ensuring land rights of women.

Check Your Progress IV

- 1)
 - Regulation of rent.
 - Security of tenure.
 - Conferment of ownership.
- 2)
 - Restrictions on ejection.
 - Fixation of fair rent.
 - Right of tenant to acquire ownership.
 - Prescription of a minimum period of tenancy.
 - Restriction on resumption of land for personal cultivation.

Check Your Progress V

- 1)
 - Right of pre-emption or the first option to the tiller to purchase the land if the landowners want to sell it.
 - Right of voluntary purchase when the tenant can make an offer according to the procedure prescribed.
 - Conferment of ownership rights of the tenancy land after a notification.
- 2)
 - Permits efficient working of land through optimum deployment of labour, machinery, etc.
 - Integrated approach to soil and water management can be adopted.
 - Provision of common services becomes easier.

Check Your Progress VI

- 1)
 - Highly skewed distribution of land.
 - Legal loopholes and flaws which prevent actual possession of the land distributed.
 - Benami/ concealed land.
 - Weak political will and indifferent bureaucracy.
 - Slow progress in updating land records on ownership and tenancy.