CHAPTER - II

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I. Introduction

Under India's Constitution of 1950 land reform has been a State Subject. The National Government lays down the guidelines regarding the various land reform programmes. But it is upon the State Legislatures the responsibility for initiating the agrarian reforms has fallen. In this Chapter an attempt will be made to review the progress made in the implementation of different land reform programmes in the various States of India, since independence.

Soon after independence, the Congress Agrarian Reforms Committee,¹ which was also known as Kumarappa Committee made for the first time a detailed survey of the agrarian relations prevailing in the country and forwarded comprehensive recommendations covering all issues of land reforms. All the land reforms policies undertaken by the various State legislatures till this date are based on the recommendations of the Kumarappa Committee. The Committee opined that all intermediaries between the State and the tiller should be eliminated and

¹. All India Congress Committee, Report of the Congress Reforms Committee, New Delhi, 1949.
land must belong to the actual tillers of the soil, subletting of land should be prohibited except in case of widows, minors and other disabled persons, persons who put a minimum amount of physical labour and participate in actual agricultural operations should be deemed to cultivate personally, etc. The Committee also felt that there should be a ceiling to the size of holdings which a farmer should own and cultivate. The Committee also considered collective farming for the development of reclaimed waste lands on which landless labourers could be employed. It held that peasant farming would be the most suitable form of cultivation. In case of holdings which were smaller than the basic holding should be brought under the scheme of cooperative joint farming.

The Report of the Panel on Land Reforms set up by the Planning Commission in May, 1955 reviewed the progress of land reforms in the country and made certain recommendations. According to the Panel ceiling on land holdings would bring more capital investment, encourage personal cultivation, provide security of tenure, provide work and security for the landless etc. which would ultimately increase total production; while imposing ceiling on land holding the Panel opined that the family should be regarded as an operating unit. The Panel was of the opinion that in order to prevent malafide transfers by big landowners with the object of circumventing ceiling laws,

such transfers should be disregarded from a given date in determining the surplus area.

The Panel favoured exemption from ceiling in cases of certain categories of land like: (i) sugarcane farms owned by sugar factories; (ii) orchards; (iii) plantations including tea, coffee and rubber; (iv) special farms like cattle breeding, dairy farms etc.; (v) farms in compact blocks; and (vi) mechanised farms and farms with heavy investment. The Panel also recommended that those holdings which were below the floor level and incapable of efficient cultivation should be consolidated and formed into cooperative units.

In case of tenancy reform the Panel made the following recommendations:

(i) ejectment of tenant and sub-tenants should be stayed;
(ii) those tenants who were ejected in recent years should be restored to possession except where ejectments were made through courts. All the surrenders should be treated as ejectments and restored thereon, (iii) there should be direct relationship between the cultivating tenant and the State.

Regarding full security of tenure the Panel opined that (a) those tenants who were holding the land continuously for the period of twelve years should have permanent and heritable rights in land and should not be liable to ejectment on any ground whatsoever, not even on the ground that the landlord required the land for personal cultivation; (b) all other tenants should have security of tenure subject to the landlord's right
to resume land for personal cultivation.

The Panel put certain restrictions on the landowner's right to resume land for personal cultivation. Every tenant, according to Panel had to have a prior right to retain a family holding* for personal cultivation. If and when the tenant held land in excess of the family holding, the landlord could resume the excess land for personal cultivation. The Panel defined personal cultivation as bearing of the risk of cultivation by the land-owner himself, personal supervision and owner's personal labour. However, the Panel did not support the idea of a complete prohibition of leasing of land.

II. Land Reform Measures in Different States

In consonance with the guidelines recommended by the National Government, the State legislatures enacted and enforced various land legislations for bringing about land reforms in different States of India. A State-wise brief description is made below excluding Assam.

Andhra Pradesh: For the purpose of land reforms, Andhra Pradesh had been divided into two areas, viz. the Telangana Area and the Andhra Area. The two areas had different provisions with regard to abolition of intermediaries, tenancy reforms and land records.

* Family Holding - A family holding is defined as a holding which ensures the minimum income necessary for supporting a family.
Legislation for consolidation of holdings was enacted only in Telangana area. The legislation relating to ceiling was, however, common to both the regions. The Andhra Pradesh Ceiling on Agricultural Holdings Act, 1961 overrode the provisions of the Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 in relation to ceilings.

Telangana Area: Under the Hyderabad (Abolition of Jagirs) Regulation of 1949 all the Jagirs numbering 951 covering an area of approximately 12,000 square miles had been abolished. The total estimated compensation was worked out to be Rs. 1,078 lakhs. Out of this amount Rs. 963 lakhs was paid upto the end of March 1964.  

For the abolition of inams (other than charitable and religious institutions or village service inams), the Hyderabad Abolition of Inams Act, 1955 was enacted. The Act came into force on 20th July 1955 and all the inams stood as abolished. But due to certain loopholes, mainly with regard to registration of inamdars as occupants on lands under the possession of various categories of tenants, the Act needed amendments and therefore, its implementation was postponed.

The Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 provided for the fixation of maximum rent, security of tenure, purchase of ownership by protected

tenants, ceiling on holdings and consolidation of holdings and prevention of fragmentation. Later on the provision relating to consolidation of holdings and prevention of fragmentation were omitted from the above Act through an amendment and incorporated in a separate Act, namely, the Hyderabad Prevention of Fragmentation and Consolidation of Holdings Act, 1956.

The Act of 1950 provided for fixation of rent at 3 to 5 times the land revenue. The rent in any case would not exceed one-fourth of the produce in case of irrigated lands and one-fifth for other lands. The Act divided the tenants into two classes, protected tenants and ordinary tenants. Those tenants who were in possession of the land for a continuous period of six years were regarded as protected tenants. Both the classes of tenants were liable to ejectment on grounds as non-payment of rent, destruction or permanent injury to land, sub-division or sub-leasing etc. The ordinary tenants could be ejected on the expiry of the lease. The landowners were entitled to resume land for personal cultivation up to 3 family holdings. The resumption was subject to the condition that the protected tenant would retain a basic holding, i.e. one-third of the family holding or half his land whichever was less. An owner owning a basic holding or less was entitled to resume the whole area. Under the Act, the protected tenants were given the right to purchase the right of ownership of non-resumable land on payment of compensation varying from 6 to 15 times the rent. As the voluntary rights of purchase were exercised on a small-scale, the law provided
for conferment of ownership rights upon protected tenants on non-resumable lands. Upto October, 1964 about 14,284 protected tenants purchased voluntarily an area of about 1,05,533 acres. 4

Andhra Area: Upto 30th September 1964 out of 1,049 plus 6,774 sub-divided Zamindari estates, 1,047 plus 6,769 sub-divided estates were abolished. The approximate area of all categories of estates was about 16,289 square miles. The compensation under the Andhra Pradesh (Andhra area) Estates (Abolition and Conversion into Ryotwari) Act, 1948 was estimated at Rs. 12 crores out of which Rs. 6 crores were paid till 1964. Abolition of intermediaries was almost completed. Out of 11 lakhs of minor inams found under the Andhra Inams (Abolition and Conversion into Ryotwari) Act, 1956 about 10 lakhs inams were abolished and ryotwari pattas were granted.

The Andhra Tenancy Act of 1956 put the fair rent at 90 per cent of the gross produce for lands under Government irrigation, 28.33 per cent where lands were irrigated by bailing from Government irrigation sources and 45 per cent of the gross produce in other cases as well as for commercial crops like, betel, chillis, cotton, sugarcane etc. The Act provided for termination of tenancy on certain grounds like, failure to pay rent, destruction or permanent injury to land, subletting the land, etc. As the Act of 1956 was of an interim nature and originally gave protection for only 3 years, but extended from time to

4. Ibid., p.23.
time, it was difficult to enforce its provisions as it would not create enthusiasm among tenants or inspire them with feelings of strength or confidence to claim their rights on land they cultivated. Tenants were also not recorded in village records in Andhra area. In such a situation one would not expect the law to be effective either with regard to the level of rent or security of tenure.  

The Andhra Pradesh Ceiling on Agricultural Holdings Act, 1961 provided for ceiling on existing holdings at $4\frac{1}{2}$ times the family holding (varying from 27 to 32$\frac{1}{4}$ acres depending on class of land) and ceiling on future acquisition at $3$ times the holding (varying from 18 to 216 acres). In case of a family consisting of more than 5 members, an additional area of one family holding (varying from 6 to 72 acres) could be retained by each member in excess of five.

Though it was estimated that the surplus area would be about 52 thousand acres (0.2 per cent of the total cultivated area in the State) till 1964, no surplus land could be taken possession of.  

The Chief Ministers' Conference on ceiling on agricultural holdings took the decision that ceiling should range between 10-18 acres in case of best category of land, land with

6. Ibid., p.27.
7. Guidelines drawn up on the basis of the conclusions of the Chief Ministers' Conference on Ceiling on Agricultural Holdings held on July 23, 1972, New Delhi, p.11.
assured irrigation and capable of yielding at least two crops in a year. For inferior lands the limit should not exceed 54 acres. Accordingly the ceiling legislations were revised in various States.

The area declared surplus in Andhra Pradesh under the revised ceiling stood at 16.37 lakh acres on 31-10-1978 but fell to 12.85 lakh acres two months later. By 31-1-82 the 10.13 lakh acres were declared surplus which again went down to 8.80 lakh acres on 31-5-82. The area distributed was 3.1 lakh acres. 8 Yet another feature in Andhra Pradesh is that very large area is covered by litigation. Nearly 4.20 lakh acres are the subject matter of litigation.

Nearly 65,000 acres of ceiling surplus land were unfit for cultivation. But these lands will be used as house-sites for agricultural labourers, village artisans or other poor persons owning no houses or house-sites to weaker sections for agricultural purposes. 9

The Hyderabad Prevention of Fragmentation and Consolidation of Holdings Act, was passed in 1955 for consolidation of holdings. Till 1971-72 about 355 thousand hectares of land were consolidated in Andhra Pradesh. 10

9. Ibid., p.16.
Bihar: The Bihar Land Reform Act for the abolition of intermediaries was enacted in 1950 and after its validity had been upheld in Court, implementation was taken up in 1952. Vesting of estates and tenures was carried out in stages and completed by January 1, 1956. About 387 lakh acres (90 per cent of the total area of the State) were under permanent settlement and there were no records of the raiyats and their holdings. So, Government had to depend primarily upon the record of the Zamindars and the revenue payable by them. After the abolition of the intermediaries and the raiyats came into direct contact with the Government, preparation of tenants record-of-rights was undertaken.

The Act provided for interim payment to intermediaries pending the assessment and payment of compensation. As a result of the abolition of intermediaries, considerable areas had come into possession of the State including about 70.4 lakh acres of private forest. About 15 lakh acres with a total rental of Rs.66.5 lakh which was in the khas possession of the intermediaries were settled with them as raiyats. About 71 lakh tenants came into direct relationship with the State on an area of about 2.2 crore acres. The implementation was very slow due to lack of rights as well as administrative difficulty.

In Bihar, tenancy is regulated by the Bihar Land Reform (Fixation of Ceiling Area and Acquisition of Surplus Land) Act 1961. Under this Act limited right of resumption for personal

11. Implementation of Land Reforms, p.44.
cultivation was given to the raiyat holding land in excess of the ceiling. Such a raiyat could resume half the land held by the under-raiyat subject to the condition that the under-raiyat would retain a minimum area of 1 acre and a maximum of 5 acres. Further, the under-raiyat could become raiyat by paying compensation to the raiyat whose holding was above the ceiling. Regarding maximum rent to be paid by the under-raiyat, the Act provided that the rent would not exceed 150 per cent of the rent paid by the raiyat himself in cases where there was a registered base or agreement and in other cases 125 per cent.

In case of share rent it would not exceed 7/20th of the produce. The Act also provided for regulation of surrenders by verification of such surrenders. But the Act was completely ineffective and no serious efforts appeared to be made to implement it.12

Though the Act provided for prohibition of sub-leasing, yet sub-leasing of land or 'batai' was widely prevalent. According to 1961 Census 7.4 per cent of the cultivating households were tenant cultivators and 24.8 per cent were part-tenant and part-owner cultivators. The rent payable by the tenant was usually half the gross produce and in some cases where it was fixed in terms of a given quantity of produce or its value, went up to even about 65 per cent of the gross produce. These tenants did not enjoy any security of tenure. The landlords constantly change the bataidars to prevent them from acquiring any rights.

The Bihar Land Reforms (Fixation of Ceiling area and

12. Ibid., p.45.
Acquisition of Surplus Land) Act, 1961 came into force on April 19, 1962. Initially it was estimated that about 1 to 1½ lakh acres would become available as surplus land above the ceiling. The Act also provided for levy on small holdings. The levy was 1/20 of the total area if the land held by a person did not exceed 5 acres, 1/10 when the land exceeded 5 acres but less than 20 acres, 1/6 when the land exceeded 20 acres, subject to the condition that a minimum would leave with the person concerned. A sugarcane farm held by a sugar factory was exempted from ceiling but was liable to pay the land levy. Lands held by religious institutions of public nature were exempted from ceiling upto a limit of 240 acres subject to the payment of land levy.

Till 1964 very little progress was made in the implementation of the ceiling law. But in 1972 when the ceiling laws were revised some progress were made. By 1977 nearly 90,000 acres, which accounted for 40 per cent of the total area declared surplus were distributed. But since 1977 there was practically a stalement in the tempo of work and only about 30,000 acres had been taken possession of and distributed since 31-3-1977, 10,000 acres since 1-1-1980 and 1,105 acres since 1-1-1982.

The main reason for delay in taking possession and distribution of the ceiling surplus land is attributed to protracted litigation by big land holders. Certain decisions of the Patna High Court are clearly contrary to the provisions of the land...

ceiling Act and have seriously affected its implementation. In some cases, even the land already distributed to the landless has been denotified. These cases are as follows:

(1) The widow of a person, who had more than one wife, and who transferred land to his wives during his lifetime has been treated as a separate land holder;

(2) Certain transfers made after October 2, 1959 through a registered instrument and for bonafied reasons have been held to be outside the purview of the benami transfer;

(3) A deity of a religious institution should be provided with a separate holding which is contrary to the Act which treated the entire trust as a single unit.

But fortunately the State Government has amended the Act disregarding the verdict of the Court by taking into consideration the benami transfers. This is because the area declared surplus and distributed so far is pitifully short of the requirements in Bihar where the problem of landless is endemic and more serious as compared to other States.\(^{14}\)

The Bihar consolidation of Holdings and Prevention of Fragmentation Act was enacted in 1956. By 1971-72 about 300 thousand acres were consolidated.\(^{15}\)

**Gurarat**: There were about 28 different laws for the abolition of intermediary land tenures. The laws dealt with the abolition

\(^{14}\text{ Ibid.}\)

\(^{15}\text{ National Commission on Agriculture, } Agrarian Reforms, p.233.\)
of intermediary tenures provided only for the vesting of waste lands, forests etc. in the State while the cultivated land (including land held by tenants) was resettled with intermediary concerned who was given the status of "occupant". By 1964 out of the total area of 130 lakh acres affected by these tenures abolition laws, about 24 lakh acres were vested in Government and about 2.4 lakh inferior holders and tenants became occupant in respect of about 35.4 lakh acres. (It should be mentioned here that some laws provided that the inferior holders, permanent renants, sub-tenants of permanent tenants and other tenants could accrue the right of an occupant")\(^1\). The occupant tenants required to make a small payment of 3 to 6 times the assessment, as occupancy price.\(^16\)

As a result of the abolition, of the additional land revenue accrued to the State Government was about Rs. 116 lakhs per year. The total amount of compensation payable by the Government was about Rs. 1280.7 lakhs.

For the purpose of tenancy reform Gujarat may be divided into three areas which are guided by three different tenancy legislations.

Former Bombay Region: The Bombay Tenancy and Agricultural Lands Act, 1948 provided for the maximum rent at 2 to 5 times the assessment on land but not exceeding Rs. 20 per acre. The tenant had to pay both the rent as well as the assessment and various cesses amounting to 52 np to 60 np per acre and irrigation cess

\(^16\). \textit{Ibid.}, p.57.
in respect of irrigated lands amounting to 20 np per acre. The tenant could purchase the occupancy rights in the land. The Act provided that where the total payment including the rent exceeded 1/6 of the produce the tenant would be entitled to deduct the excess from the rent.

The tenants were provided security of tenure subjected to liability of ejectment for failure to pay rent, destructive or injurious use of land, sub-division or sub-letting or failure to cultivate the land personally or use of land for non-agricultural purpose. The landlord had the right to resume a limited area for personal cultivation. The Act provided for regulation of surrenders by making the surrenders in writing. The Bombay Tenancy and Agricultural Lands (Vidarbha Region and Kutch Area) Act, 1958 provided for the maximum rent at $4 times the assessment on land. The assessments and the cesses were the same as in Bombay area. The tenant in Kutch could apply for commutation of rent in kind into cash rent. In both the Bombay and Kutch regions, the Acts provided for conferment of occupancy rights upon tenants. There was also a provision for a voluntary right of purchase in Kutch which expired in 1960. In Kutch, there was a restriction on purchase of land. After the purchase if the land left with the landlord becomes a family holding (12 to 45 acres) or less, the tenant could not purchase it. In Bombay such restriction was removed.

But the implementation of these Acts was very slow and unsatisfactory. Out of the total of 10,22,639 registered tenants,
8,65,343 tenants were deemed purchasers up to 1961. Out of these 8,65,343 tenants as many as 3,02,750 persons had not acquired ownership rights because the relationship between the landlord and the tenant was not established, or the tenants refused to purchase the land. Though the purchase price was fixed in case of 4,62,176 tenanted holding consisting of 14,08,589 acres the purchases became ineffective on account of failure to pay the purchase price in about 15,000 cases. 17


The next Act of 1951 provided for conferment of occupancy rights upon the tenants without any payment and for allotment of land to Barkhalidars for personal cultivation. In the allotment of land care was taken that each tenant was left with at least half an economic holding.

As a result of the implementation of these two Acts, 27,971 Girasdars were given 9,28,750 acres of land for personal cultivation. At the same time 59,853 tenants got occupancy rights

17. Ibid., p. 59.
on 19,73,685 acres. About 15,485 Barkhalidars were given 2,07,908 acres of land for personal cultivation, and the tenants got occupancy rights over an area of 4,64,917 acres. In Gujarat all together 82 lakh tenants got the occupancy right, till 1974. The implementation of these Acts was done effectively, while the existing tenants were given occupancy rights by the above Acts, leasing of land in future was prohibited by the Act of 1953, except in cases of a widow, minor, or member of defence forces or persons suffering from physical or mental disability.

The Gujarat Agricultural Lands Ceiling Act, 1961 provided for fixation of ceiling on future acquisition as well as existing holdings. The ceiling limit varied from 19 to 14 acres in case of perennially irrigated land, 38 to 88 acres in case of rice land and 56 to 132 acres in case dry crop lands. Though the State Government fixed December 1, 1961 as the last date for furnishing statement by persons holding land in excess of the ceiling, but failed to receive a single statement. It appeared that little attempt was made to keep watch over the progress of implementation till 1964. For a number of years the implementation of the ceiling law was at a standstill pending review by the Land Commission appointed by the State Government. The result was that practically no land could be acquired or distributed till 1980. The implementation of the law was resumed in May, 1980.

18. Ibid., p.61.
and till April 1982, 1.42 lakh acres were declared surplus after scrutiny, out of which 56,166 acres were taken possession of and 7,325 acres were distributed to 1,863 beneficiaries. 20 About 46,000 acres was locked up in Court cases and it should be mentioned here that some land had gone out of the surplus pool as a result of Court judgements. Recently, Government has taken steps to distribute the remaining 40,000 acres which are not involved in litigation. As regards distribution, about 500 acres were settled on ek sali basis and another 10,000 acres are proposed to be settled with the oustees of Narmada Project. According to the State Government, more than 70 per cent of the acquired land is unfit for cultivation. Thus, there is now no availability of land for distribution among the landless and other weaker sections unless more lands which were declared as surplus is taken possession of and distributed.

The Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947 was brought into force in 1948. By the end of 1971-72 consolidation scheme was enforced in over 12.07 lakh hectares. 21

The Act also provided for prevention of fragmentation. A standard area was determined beyond which the holding was regarded as fragment. The standard area was 20 gunthas in respect of paddy lands, 2 acres in case of dry crops and 20 gunthas

1 acre in case of garden lands. The Act provided for no transfer of land so as to create a fragment. The already existed fragments could be transferred only to a contiguous owner or leased to a person cultivating contiguous land. 22

Kerala: On the eve of independence there were a number of intermediary tenures like, Edavagoi estates, Pattazhi Devaswom lands, Jenmies, Sreepadom lands, Sripandaravagi lands belonging to the Padmanabhaswamy temple, Viruthi and Service inam lands, Oodupally lands and Thirupuvaram lands, etc. While some of the tenures were abolished through legislative devices, others could not be.

The Travancore-Cochin Edavagi Rights Acquisition Act, 1955 was fully implemented. Consequently, 51,376 land-holders and tenants holding 1,23,595 acres were made owners. The implementation of the two Acts, viz., The Jenmikaran Payment (Abolition) Act, 1960 and The Pattaghi Devaswom Lands (Vesting and Enfranchisement) Act, 1961 was very slow. The chief reason for the slow implementation of these Acts was slow progress in determination and payment of compensation for acquisition of such estates. 23

In the case of remaining intermediary tenures no efforts were made for their abolition till 1969.

The Kerala Land Reforms Act, 1963 provided for security of tenure for all tenants subject to a limited right of resumption for personal cultivation or for extension of places of public

23. Ibid., p.65.
worship or the construction of residential buildings. The landlord's right of resumption for personal cultivation was subject to the conditions that, the landlord having land exceeding 24 acres could resume half the land leased to a tenant; the medium or largeholder could resume land if and when the tenant held more then the ceiling limit; in case of tenants who had already acquired fixity of tenure, the landlord could not resume land for personal cultivation. The Act regularised surrenders through Land Tribunal. Provision was also made for giving the tenants rights to purchase ownership on payment of purchase price which was equal to sixteen times the fair rent plus the value of structures, wells and embankments of permanent nature belonging to the owner. The Act further provided that the State Government could make compulsory transfer of ownership to tenants in which case the tenant had to pay the purchase price. Fair rent was fixed under the Act, such as, in case of paddy land 1/8th to 1/4th of the gross produce, for garden lands 1/10th to 1/3rd of the gross produce and for dry lands 1/8th of the gross produce and Rs. 4.00 per acre.24

But the major provisions of the actual tenancy reforms came into force as late as 1970. About 3,95,704 applicants got ownership rights out of 10,79,256 till 1974, out of 3,38,420 applicants for purchase of homestead plots 208,003 were permitted till 1974.25

24. Ibid., p.67.
The Act of 1963 also provided for ceiling on existing holdings as well as on future acquisition. The level of ceiling applied to a family of five members was 12 standard acres, (a standard acre varies from $\frac{1}{2}$ to $\frac{1}{4}$ acres depending upon the class of land). The family having more than five members would get one standard acre more for each additional member subject to the upper limit of 20 standard acres. All voluntary transfers, except in case of partition, on account of natural love and affection, in favour of a tenant holding before 27-7-1960 and in favour of a religious, charitable or educational institution, were regarded as null and void. The Act also provided certain exemptions also.

The compensation payable for acquisition of ceiling surplus land was fixed at 55 per cent of the market value of the land, payable either in cash or bonds redeemable in 16 years with interest at $\frac{4}{4}$ per cent. But the implementation of the Act was very slow till the ceiling legislation was revised in 1972. No land was acquired or distributed under the old ceiling Act.26 Till the end of 1981 an area of 53,091 acres of ceiling surplus land was distributed to 85,885 beneficiaries, while an extent of 67,523 acres already declared surplus remained undistributed. About 27,752 acres were covered by stay orders by the High Court and another 9,133 acres against assignment. Out of the land already taken over, an area of 15,869 acres was reserved for

26. Minutes of the Conference of State/UT Revenue Secretaries on Land Reforms, p.27.
various public purposes.\textsuperscript{27}

Kerala has not adopted any legislative measure for consolidation of holdings as it is reported that the holding in Kerala is generally not scattered. 35 per cent of the land holders comprising 80 per cent of the total area of the State have holdings scattered in not more than three places.

\textbf{Madhya Pradesh :} The Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) Act, 1950 was enacted for elimination of various categories of intermediaries, namely, the Zamindars, Malguzars and their under-tenures of Central Province and jagirdars, izaradars and palampatdars in Berar. The Act provided for the acquisition, free from all encumbrances, of all rights and interest of the proprietor in land (cultivable or barren) including forests, trees, fisheries, wells, tanks, ponds, water channels, pathways, village sites, hats and bazars, mines and minerals etc. The ex-proprietors were entitled to compensation and the small proprietors were given rehabilitation grant in addition to compensation. By August 1952 all intermediary tenures were abolished.\textsuperscript{28} Compensation amounting to Rs. 14.53 crores had already been paid leaving a balance of Rs. 0.97 crores.

The Madhya Pradesh Land Revenue Code, 1959 was a comprehensive law providing for all aspects of tenancy reform including

\begin{itemize}
\item \textsuperscript{27} Ibid.
\item \textsuperscript{28} Report of the National Commission on Agriculture, \textit{Agrarian Reforms}, p.103.
\end{itemize}
security of tenure, review of surrenders, restoration of ejected tenants, regulation of rents and ownership for tenants.

Every tenant or sub-tenants other than a tenant of a person who was suffering from physical or mental disability and a member of the defence forces, holding land at the commencement of the code became an occupancy tenant. The landlord could resume land for personal cultivation upto 25 acres of irrigated land subject to the condition that the tenant retain a minimum area of 25 acres of unirrigated land if he was in possession of land for more than five years prior to the commencement of the code, and 10 acres in other cases. The Act also provided for restoration of possession to the ejected tenants if and when ejectment was carried on during the three years preceding the commencement of the code otherwise than by process of law. Provision was also made for registration of surrenders. In respect of non-resumable land, the occupancy tenant would get the right of ownership, under the provisions of the Act.

The Madhya Pradesh Ceiling on Agricultural Holdings Act, 1960 provided for ceiling on land holdings at 25 standard acres, a standard acre varied from 1 to 3 acres depending upon the nature of soil and irrigation. The unit of ceiling was a person. The Act as amended upto 1974 lowered the level of ceiling to 10 standard acres in case of an individual holder and 15 standard acres in case of a family consisting of five members.29

29. National Commission on Agriculture, Agrarian Reforms, pp.139-140.
tion payable on acquisition of ceiling surplus land was fixed at fifty times the land revenue per acre subject to a minimum of Rs. 20.00 (in case of land whose land revenue per acre was Re.1 or less) and 225 times plus 20 times the amount by which the land revenue per acre exceeded Rs. 6 (in case of land whose land revenue exceeded Rs. 6 per acre).

The progress of distribution of ceiling surplus land has been uneven. The already declared ceiling surplus land under the old ceiling Act (till 1971) amounting to 2.21 lakh acres remained undistributed till 1979. The pace of distribution had further been slowed down over the last few years and hardly 8,836 acres were distributed since 1.1.82. The gap between the area declared surplus and area taken possession of was mainly attributed to Court cases. 26,542 acres of land which were already taken possession of were found to be uncultivable and 35,000 acres have remained more or less static over the last few years.30

The Madhya Pradesh Consolidation of Holdings Act was enacted in 1950 by extending the Central Provinces Consolidation of Holdings Act, 1928. Considerable progress was made in consolidation of holdings in Madhya Pradesh since the enactment of the Act. Till 1972 about 35.52 lakh acres had been consolidated.31

Tamil Nadu: The Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948 provided for abolition of intermediaries. Accordingly all Zamindars, under-tenures and Inam estates were abolished on payment of compensation to the landholder and allowance to the landholder as the case might be. Compensation was determined on the basis of annual farm income which varied from 12½ times the basic annual income to 30 times of such income.

The Madras Cultivating Tenants Protection Act, 1955 afforded protection to tenants from unjust eviction. The Act provided that no tenant would be evicted from his holding or any part thereof. The tenant who was in possession of land on 1.12.1953 but was not in possession at the commencement of the Act would be restored to possession on the basis of the application submitted by the ejected tenant. A cultivating tenant could deposit the rent in court. The landlord was entitled to resume land for personal cultivation not exceeding one-half of the extent of lands leased out to the cultivating tenant.

The Madras Cultivating Tenants (Payment of Fair Rent) Act, 1956, provided for regulation, fixation and payment of fair rent. The fair rent was fixed at (a) 40 per cent of the gross produce in case of wet lands or its money value; (b) 35 per cent of normal gross produce in case of wet land where the irrigation was supplemented by lifting water or its money value; (c) 33.33 per cent of the normal gross produce in case of any other class of land or its money value.
The fair rent would be paid either in cash or in kind or partly in cash and partly in kind according to the contract made between the landlord and the tenant. In absence of which, at the option of the cultivating tenant.

There was no provision to confer ownership on the tenants. The Tamil Nadu Cultivating Tenants (Right to Purchase the Landowner's Right) Act was enacted for conferring on the cultivating tenant the right to purchase the land cultivated by him from the landowner. The Tamil Nadu Agricultural Lands (Records of Tenancy Rights) Act, 1969 provided for preparation and maintenance of complete and reliable records of tenancy rights which would brought an end to the evils associated with oral leases.

The Madras Land Reforms (Fixation of Ceiling on Land) Act, 1961 provided for a ceiling on existing holdings as well as on future acquisition. The ceiling limit was 30 standard acres (24 to 120 ordinary acres). The unit of ceiling was the family consisting of 5 members. For a family having more then 5 members provision was made for additional area of 5 standard acres subjected to the maximum limit of 60 standard acres. In addition a family could hold 50 acres of grazing land. A further area of 10 standard acres, in addition to ceiling limit, a family could retain as a Stridhan of the wife. Any transfer or partition made after the publication of the Bill (6-4-1960) would be declared as void for determining the surplus area. On acquisition compensation would be paid varying from 9 times to 12 times of the
net income where the annual net income varied from Rs. 5,000 to Rs. 15,000. The Act also provided for certain exemptions while imposing ceiling on land holdings. These included lands held by Central or State Government or any local authority, Charitable Trust, University constituted by law, co-operative societies, industrial or commercial undertakings (in whose case the State Government determines the extent of land they can hold), plantations, orchards, arecanut gardens and lands used exclusively for growing fuel trees.

All the above-mentioned provisions of the ceiling Act are not in conformity with the national guidelines and the State Government has been impressed upon time and again to suitably amend the law.32

On implementation of the amended ceiling law in 1970, the Tamil Nadu Government estimated to mop up over 2 lakh acres of land as surplus. However, the area declared surplus till 1981 was 80,971 acres only and the area taken possession of was 77,618 acres out of which only 60,237 acres were distributed among 40,514 beneficiaries till 30-6-82. An area of 7,036 acres was involved in court enses: Another 12,336 acres (taken possession of) were reserved for public purposes. Thus land available for distribution was practically negligible.33

32. Minutes of the Conference of State/UT Revenue Secretaries on Land Reforms, p.36.
33. Ibid.
Maharashtra: Though Bombay Province was predominantly an area of ryotwari tenure yet there existed various types of intermediary rights. Therefore, in Bombay 17 Acts were enacted from 1949 to 1955 to do away all the intermediary tenures. The laws abolished those intermediary tenures like Bhagdari, Narwadari, Kooti, Paragana, Kulkarni Watens, Personal Inams, Kauli, Katuban, Service Inams, Bhab Naik Inams, Shilotri Rights, Shetgi Watans, Inferior village Watans, Bandhijama, Udhad, Ugadia, Khoti, Jagirs and certain other intermediaries of miscellaneous character. Thus by 1955 all the intermediaries tenures were abolished in Bombay.  

For the purposes of tenancy reform in Maharashtra three distinct regions should be treated differently: (i) Bombay region where the Bombay Tenancy and Agricultural Land Act, 1948 applied, (ii) Marathawada region where the Hyderabad Tenancy and Agricultural Land Act, 1950 applied, and (iii) Vidarbha region where the Bombay Tenancy and Agricultural Act, 1958 (Vidarbha Region and Kutch area) was applicable. The provision of these Acts were more or less similar and they provided for fixity of rent and security of tenure to the cultivating tenants. These Acts also provided for compulsory transfer of land to the tenants which were non-resumable by landlords.

The Act of 1948 (applicable in Bombay region) provided for payment of rent by a tenant to the landlord at 2 to 5 times

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the assessment, but not exceeding Rs. 20/- per acre. Provision was also made for commutation of crop rent into cash rents. The landlord was not liable to bear cost of cultivation. In addition to land revenue the tenant was also to pay irrigation cess, local cess levied under the Bombay Local Boards Act, 1923 and cess levied under the Bombay Village Panchayat Act, 1933. The total should not exceed 1/6th of the produce. The landlord could resume land for personal cultivation up to the ceiling limit. But the tenant must be left with half the area leased to him. If the tenant was a member of a co-operative farming society, no resumption was allowed. Voluntary surrenders were to be verified before the Mamlatdar under the provision of the Act. The Act also fixed the purchase price to be paid by the tenant for ownership rights at 20 times to 200 times the assessment.

The Act of 1958 (applicable in Vidarbha region and Kutch area) fixed the rent at 3 to 4 times the land revenue. The landowner could resume land up to 3 family holdings. Purchase price was fixed at 7 to 10 times the rent in case of occupancy tenants and not exceeding 2 times the rent in other cases. All other provisions were same as in the Act of 1948.

The Act of 1953 (applicable in Marathwada region) provided for different rates of rent for different classes of land ranging from 3 to 5 times the land revenue. Purchase price for acquisition of ownership rights for both protected tenants and ordinary tenants was fixed at rate not exceeding 12 times
the rent. All other provisions were same as were provided in the Act of 1948.

The Maharashtra Agricultural Lands (ceiling on Holdings) Act, 1961 provided for imposition of ceiling on land holdings, the unit of application was the family consisting of 5 members. For different classes of land different limit was fixed like, for class I land 18 acres, for class II land 27 acres and for class III land 48 acres, the maximum limit being twice the ceiling area. Exemptions were given according to the National Guidelines. The Act fixed the compensation to be paid to the landowner for acquisition of surplus land at 55 to 195 times the assessment per acre.

The implementation of the Act was not so encouraging. Of the 3.75 lakh acres declared surplus after the Act was revised in 1972 only, 2.90 lakh acres were taken possession of till 1981. About 52,000 acres could not be distributed due to stay orders and about 6,000 acres were involved in remand cases. There are about 9,500 acres still involved in exemption claims filed by different parties to be decided. About 8,000 acres were unfit for cultivation. Thus hardly 5,000 acres remained undistributed.35

It should be noted here that the position regarding implementation under the old ceiling law enforced since 1961 was also equally uncomfortable. There were 60,000 acres of

35. Minutes of the Conference of State/UT Revenue Secretaries on Land Reforms, p.28.
land to be distributed even after the expiry of two decades.  

The Bombay Prevention of Fragmentation and Consolidation of Holdings Act was passed in 1947 and was made applicable to Vidarbha and Marthawada regions also. Till 1972 about 97.68 lakh acres were consolidated in Maharashtra.

Karnataka: In most of the area of Karnataka ryotwari system was prevalent. In some parts the intermediaries like watanclars, inamdars, jagirdars existed in the State. These intermediaries were abolished by the following Acts.


viii) The Bombay Merged Territories and Areas (Jagir Abolition) Act, 1953.


36. Ibid.

Compensation was paid at the rate of seven times the net income of each tenure and 880 thousand hectares was vested in the State.\(^{38}\)

The Mysore Land Reforms Act was enacted in 1961 and was amended in 1968 and 1974. Under the provisions of the Act, rent was fixed at one-fourth to one-fifth of the gross produce or the money value thereof. The landlord or any person on his behalf would not receive rent-in-kind or personal services. The landlord would not contribute towards the cost of cultivation of the land held by tenants. The Act further provided that the landlord could resume half the leased area for personal cultivation. The Act prohibited leasing out of land except by a soldier or a seaman. From March 1, 1974 all lands held by tenants had vested in the Government and the tenants got occupancy right by paying the occupancy price which was equal to 20 times the rent. The Act also provided that all surrenders would be made only in favour of the State Government.

The rights of the registered occupants who were in possession of the land for a continuous period of six years were made heritable and transferable including right of mortgage in favour of the State Government and Scheduled banks.

The Act of 1961 also provided for ceiling on land holdings. The ceiling limit was 27 standard acres on existing

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38. Ibid., pp.119-120.
holdings and 18 standard acres on future acquisition. The unit of application was the family. No significant implementation was made for the first few years as the Central Committee forwarded certain modifications to be made to the Principal Act. During the period of 1956-64 temporary laws were in force in different parts of the State which were almost ineffective as is well known temporary laws are rarely effective.39

The ceiling provision of the Act was revised according to the National Guidelines. After its revision also the progress of implementation appeared to be very slow. Till recently only 69,833 acres were distributed to about 14,385 beneficiaries under the revised ceiling law. Practically no land was distributed under the old ceiling law. Although 2.32 lakh acres were declared surplus under the new law. The delay in taking possession and distributing the land declared surplus was mainly on account of large number of suits pending in the High Court. Apparently, there should not be any difficulty in getting the stay orders vacated since the revised ceiling law together with its amendments are already included in the ninth Schedule of the Constitution.40

As regards the area declared surplus, it was much less as compared to the area of 4 lakh acres originally declared surplus.

estimated by the State Government.  

The Mysore Fragmentation and Consolidation of Holdings Act was passed in 1966 and enforced from May 1, 1969. Upto 1973-74 about one million hectares were consolidated which was about ten percent of the total cultivated area.  

Orissa: The Orissa Estate Abolition Act, 1951 provided for abolition of all intermediary interests. Out of 423,154 intermediary estates 421,022 intermediary rights were abolished and the remaining 2132 outstanding tenures were also abolished by the amendment Act of 1972. The Principal Act also provided that transfers made by ex-intermediaries after January 1, 1946 with a view to defeating the provisions of the Act would be declared as void and would be set aside. Compensation would be payable on such abolition at the rate of 15 times to 3 times the net income, when the net income varied from Rs. 500 - Rs. 15,000 and more.  

The Orissa Tenants Protection Act, 1948 was a temporary measure protecting tenants including sub-tenants of crop-sharers from ejectment and fixing maximum rent. The maximum rent was 1/4th of the gross produce or the value of 4 standard maunds of paddy in case of dry lands, 6 maunds in case of wet lands and 8 maunds in case of certain special crops. Where a tenant held land with permanent and heritable rights the

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41. Ibid.
43. Ibid., p. 95.
maximum rent was 1/6th of the gross produce.

The Orissa Land Reforms Act, 1960 was a comprehensive measure in bringing uniformity in the tenures and consolidating the benefits accrued under the provisions of the different legislations preceding it. It was amended in 1965 and the Principal Act alongwith the amendments was brought into force from January 9, 1965. Under the provisions of the Act, fair rent was fixed at 1/4th of the gross produce or the value thereof. The landlord could resume half the area held by tenant for personal cultivation. The tenants of non-resumable area could acquire the right of ownership on payment of compensation equal to 10 times the fair rents and payable in five instalments. Share-croppers were not treated as tenants.

The Act of 1960 as amended upto 1974 fixed the ceiling on land holdings at 2 standard acres. Where the family members exceeded five, the ceiling limit would be increased by two standard acres for each additional member subjected to a maximum limit of 18 standard acres alongwith three acres of homestead lands. Compensation would be paid for acquisition of surplus land ranging from Rs. 200/- to Rs. 800/-.

By the end of June, 1982, out of an area of 1,27,117 acres declared surplus, possession in respect of 1,21,371 acres had been taken over and 1,08,548 acres were distributed among 78,201 beneficiaries, leaving a balance of 15,246 acres.
Of this balance an area of 12,253 acres was involved in Court cases, 4,831 acres reserved for public purposes, and 5,343 acres were found to be unsuitable for cultivation.

Punjab: In order to extinguish intermediary tenure four Acts were passed in Punjab, viz. (i) The Punjab Occupancy Tenants (Vesting of Proprietary Rights) Act, 1952, (ii) The Pepsu Occupancy Tenants (Vesting of Proprietary Rights) Act, 1953, (iii) The Punjab Abolition of Ala Malkiyat and Talukdari Act, 1952 and (iv) The Pepsu Abolition of Ala Malkiyat and Talukdari Rights Act, 1954. Thus the intermediary tenures were abolished and the inferior land owners were given full ownership rights. 6,47,740 occupancy tenants acquired proprietary rights over an area of 1.85 million acres.

In Punjab tenancies were regulated in the Pepsu region under the Pepsu Tenancy and Agricultural Tenancy Act, 1955 and in other areas under the Punjab Security of Land Tenures Act, 1953. The basic provisions of both the Acts were same. Under the provisions of these Acts maximum rent was fixed at 1/3rd of the gross produce or the money value thereof. The Act provided full security of tenure to those tenants cultivating lands which were outside the owner's permissible limit of 30 standard acres. Within the permissible limit, the landowner while resuming land for personal cultivation must leave minimum

44. Minutes of the Conference of State/UT Revenue Secretaries on Land Reforms, p.31.

five standard acres with the tenant. In Pepsu area a tenant holding land for a continuous period of twelve years was given complete security of tenure in an area not exceeding 15 standard acres. The Act further provided for the right of purchase of ownership rights by tenants on payment of compensation. In Punjab the compensation was $\frac{3}{4}$th of the market value and in Pepsu 90 times the land revenue or Rs. 200/- per acre whichever was less.

Till 1964 about 13,353 tenants acquired proprietary rights on 89,704 acres of land in Punjab and in Pepsu area about 5,989 tenants acquired proprietary rights on 38,090 acres of land.\(^{46}\)

Initially there was no ceiling legislation in Punjab, but the State Government was empowered to take over surplus land above the permissible limit of 30 standard acres, for resettlement of ejected tenants. Under such provision about 3.9 lakh standard acres were declared as surplus out of which 1,22,262 standard acres were utilised for the resettlement of 63,520 tenants.\(^{47}\)

The Punjab Land Reforms Act, 1972 fixed the ceiling at 7 hectares where there was assured irrigation with two crops, 11 hectares in case of one crop, 20.5 hectares in case of barani lands (including orchards) and 20.8 hectares in case of other

\(^{47}\) Ibid., p.117.
land including banjar lands. Unit of application was family/person. Exemptions were provided according to the national guidelines. Compensation for acquisition of ceiling surplus land was fixed at Rs. 5,000/- per hectare for the first 3 hectares, for next 3 hectares, Rs. 3,750/- per hectare, and for the remaining land Rs. 2,500/- per hectare.

Till May 1982, 2,89,309 acres of land was declared as surplus out of which 98,397 acres were taken possession of and 95,963 acres were distributed so far. The area taken possession of and the area distributed were negligible because of the fact that about 347 cases are still under scrutiny. About 1,93,346 acres already declared surplus still remain undistributed and about 1,09,439 acres have gone out of the surplus pool as a result of the decisions of the various law Courts. 78,484 acres are still under litigation. It is interesting to note that the Punjab and Haryana High Court upheld on 13-2-78 that a tenant was entitled to as much permissible area as a landlord. In another case the High Court held that if the State Government failed to distribute the surplus land within a specified period, all adult sons of the landowners would be entitled to claim separate permissible areas. Where the landowner has died, the land would be distributed amongst the heirs and then only surplus area would be detected. 48

Rajasthan: Of the total area of 836 lakh acres in Rajasthan about 60 per cent was held under intermediary tenures, namely Jagirdars, Zamindars and biswadars. The abolition of intermediaries, after attainment of independence was carried out under the provisions of the Rajasthan Land Reforms and Resumption of Jagirs Act, 1952, Ajmer Abolition of Intermediaries and Land Reforms Act, 1955 and the Rajasthan Zamindari and Biswedari Abolition Act, 1959 etc. The Zamindari and Biswadari tenures were abolished in 1959 and the others in 1969.\footnote{49. \textit{Implementation of Land Reforms}, p.121.}

The Rajasthan Tenancy Act, 1955 came into force all over the State in 1955 replacing all the laws in force prior to that. The Act was a comprehensive measure providing for fair rents, security of tenure for the tenants subjected to a limited right of resumption for the land owner leading to conferment of right of ownership upon the tenants and for ceiling on land holdings. Under the provisions of this Act rent would not exceed three times the land revenue. In Case of rent in kind, the maximum rent would not exceed one-sixth of the gross produce. Where the landowner shared the cost of production the rent would be one-fourth of the gross produce. Provision was also made for commutation of crop-rent into cash rent. Rent could be enhanced only through registered agreement. The landlord could resume land for personal cultivation if and when the size of his holding did not exceed 30 acres in case of
irrigated land and 90 acres in case of unirrigated land. The Khatedari (ownership) rights could be transferred to the tenants and sub-tenants in case of non-resumable areas on payment of compensation which was fixed at 1.5 times the rent for unirrigated land and 20 times for irrigated land payable in 10 instalments. 50

The Rajasthan Tenancy (Amendment) Act, 1960 provided for restrictions on holding land in excess of ceiling area. The Act came into force in 1963. The ceiling limit was 30 standard acres (an standard acres means an area of land yielding 10 maunds of wheat). The State Government decided to enforce it by stages. First for owners holding 150 ordinary acres and above. Though it was estimated that there would be 39,690 holdings fell in the category of holdings of 150 bighas, very little progress was made as such land owners challenged the provision in the Courts and Supreme Court and stay orders were issued. 51

The Rajasthan Imposition of Ceiling on Holdings Act, 1973 lowered the ceiling level upto 18 acres in case of holdings having assured irrigation and two crops in a year, 27 acres in case of one crop and 54 acres in case of land under orchards. The unit of application of ceiling was family/person. Compensation would be payable for acquisition of surplus land at the rate of 12 times the fair rent for the first 7.5 acres,

50 National Commission on Agriculture, Agrarian Reforms, p.129.
51 Ibid., pp.141-142.
9 times for the next 7.5 acres and for the remaining surplus
6 times the fair rent.  

The following table shows the implementation of
ceiling legislation in Rajasthan till December, 1981 (in acres):

<table>
<thead>
<tr>
<th></th>
<th>Old Law</th>
<th>New Law</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Area declared surplus</td>
<td>3,52,299</td>
<td>2,61,976</td>
<td>6,14,275</td>
</tr>
<tr>
<td>Area taken Possession of</td>
<td>3,03,379</td>
<td>2,35,894</td>
<td>5,39,273</td>
</tr>
<tr>
<td>Area distributed</td>
<td>2,24,176</td>
<td>1,30,938</td>
<td>3,55,114</td>
</tr>
<tr>
<td>Area remaining undistributed</td>
<td>1,28,123</td>
<td>1,31,038</td>
<td>2,59,161</td>
</tr>
</tbody>
</table>

The Rajasthan Holdings (Consolidation and Prevention of Fragmentation) Act, 1954 came into force on December 11, 1954 and the actual work started in May 1957. Upto 1974-75 only 1,730 thousand hectares had been consolidated which worked out to about 10 per cent of the total cultivated area. The progress was slow as the work was extended with the consensus of the tenure holders.

Uttar Pradesh: The Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950 provided that the landowner could retain only the 'sir' and Khudkash† lands and would be given the

53. Minutes of the Conference of State/UT Revenue Secretaries on Land Reforms, p.34.
status of bhumidars. They were having permanent, heritable and transferable rights and need not to pay any amount to the Government. The Act also created three new categories of tenure, namely Sirdars, Asamis and Adivasis. Sirdars had permanent and heritable rights but not the right to transfer their holdings. They could acquire the bhumidari right on payment of compensation at the rate of 10 times the hereditary rents. Both asamis and adivasis continued to hold lands as tenants under the newly created bhumidars and Sirdars and were given complete security of tenure. Landowners could not resume land for personal cultivation and all leases were banned except in case of disabled persons. The Act also provided for restoration of possession in case of ejected tenants. There was a provision for commutation of crop-rent into cash rent. Conferment of ownership on the tenant was given on 18.54 million hectares of land.

The Uttar Pradesh Imposition of ceiling on Land Holdings Act, 1960 as amended upto 1973 provided for ceiling on land holdings. The level of ceiling was 7.30 hectares in case of irrigated land and 10.95 hectares in case of unirrigated land. The ceiling limit would be increased by 2 hectares of irrigated land for each member exceeding five subjected to a maximum of 6 hectares of such additional land. The unit of application was the family. Exceptions were provided for lands held by public, religious, charitable institutions and goshalas. Compensation for acquisition of surplus land was fixed at for bhumidars 80 times the land revenue, for tenants with same
rights 20 times the hereditary rent plus 20 times the difference between the hereditary rent and the land revenue and for the asamis and other tenants with permanent rights 5 times the rent payable by them.

Till 1980 about 2,85,863 acres of land were declared surplus, 2,70,52 acres were taken possession of and 2,33,914 acres were distributed so far among the landless. 55

The Uttar Pradesh Consolidation of Holdings Act was passed in 1953 and brought into force from July 1954. Consolidation programme was a great success in Uttar Pradesh. Till 1971-72 about 117.73 lakh hectares were consolidated. 56

West Bengal: On the eve of independence West Bengal was mostly under permanent settlement. In 1953 about 117 lakh acres of land were under cultivation out of which intermediaries had approximately 4 lakh acres, raiyats 105 lakh acres and under-raiyats 8 lakh acres. The raiyats were known as Jotedars. Jotedars held the land under 'Zamindars but did not cultivate the land themselves. They were in fact intermediaries. The under-raiyats who were holding land under raiyats also in fact intermediaries. All of them, the intermediaries, raiyats and under-raiyats cultivated their land by bargadars. The bargadars besides cultivating the land supplied bullocks, implements, seeds and manures and in return they received 50


per cent of the gross produce.  

The West Bengal Estates Acquisition Act, 1953 provided for vesting of all rights and interests of all the intermediaries with the State free from all encumbrances and the raiyats came into direct relationship with the State. The under-raiyats were also upgraded and brought into direct contact with the State. Compensation would be paid to the ex-intermediaries on the basis of their net income varying from 6 times to 20 times the net income.

The Act of 1953 also provided for a ceiling on existing holdings at 25 acres and it was applied uniformly. The rates of compensation were the same as for intermediary abolition i.e. 20 times to 2 times the net income. In 1972, under the West Bengal Land Reforms Act, 1955 the level of ceiling was reduced to 12.4 acres in case of irrigated lands and 17.3 acres in other lands. The provision was made for additional allowance of 1.2 acres for each additional member in excess of five subjected to an overall limit of 17.3 acres for irrigated land and 24 acres for other lands. The unit of application was family/person.

Under the Act of 1955 about 1,60,821 acres were declared surplus, out of which 1,03,326 acres had been taken possession of and 58,632 had been distributed. Under the Estates Acquisition Act of 1953 6.46 lakh acres had also been

distributed. However, strictly speaking, the area distributed under this Act could more appropriately be termed as abolition of intermediary tenures. The main constraint in distribution of vested agricultural land under the Land Reforms Act was that an area of nearly 31,079 acres was hit by injunctions before and after taking possession. 58

The West Bengal Land Reforms Act, 1955 had certain provisions for land consolidation. The consolidation programme would be undertaken if two-thirds or more landowners agree. But the scheme was a total failure in West Bengal.

Himachal Pradesh: The Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act, 1953 was a comprehensive measure in giving full security of tenure for occupancy tenants and non-occupancy tenants and, in a limited way for sub-tenants. The Act also provided for ceiling on land holdings. Under the provisions of this Act all tenants (occupancy or non-occupancy) and sub-tenants would enjoy security of tenures. The landowner could resume land for personal cultivation, subject to the condition that no tenants would be evicted from more than 1/4th of the area leased to him. The maximum rent payable by a tenant was fixed at 1/4th of the gross produce. The Act also provided for abolition of intermediaries and conferment of proprietary rights on the tenants.

There were seven more Acts for abolition of intermediaries in Himachal Pradesh. With the application of those Acts, Zamindari tenures and all superior proprietorship had been abolished and full proprietary rights conferred on the 'inferior proprietors. About 23,3 thousand hectares were vested with the State and an amount of Rs.34.13 lakhs were paid as compensation to the ex-proprietors.59

The Himachal Pradesh Ceiling on Land Holdings Act, 1972 fixed the level of ceiling at 10 acres in case of land having assured irrigation for two crops, 15 acres for land having assured irrigation for one crop only, and 30 acres for other land. The outer limit was twice the ceiling area. The unit of application was family/person. Compensation for acquisition of surplus area would be 95 times the land revenue upto 10 acres, 75 times for 11 to 30 acres, and for the remaining lands 45 times the land revenue.

Till 31-12-1981 an area of 94,187.47 acres were declared surplus out of which 93,371.39 acres were taken possession of and 3,343.66 acres had been distributed among 4,362 persons. It was reported that the remaining areas not distributed were either forests (later on handed over to forest Department) or unculturable waste which were being used for afforestation. Thus practically there was no land out of surplus area left for distribution in the State.60

60. Minutes of the Conference of State/UT Revenue Secretaries on Land Reforms, p.23.
The Himachal Pradesh Consolidation of Holdings Act was passed in 1953 and till 1973-74 an area of 233 thousand hectares was consolidated. 61

Haryana: All the laws enacted by the erstwhile Punjab and Pepsu States were in force in the composite State of Punjab (including Haryana) continued to be in force in Haryana. The four Acts, namely (i) The Punjab Occupancy Tenants (Vesting of Proprietary Rights) Act, 1953, (ii) The Pepsu Occupancy Tenants (Vesting of Proprietary Rights) Act, 1953, (iii) The Punjab Abolition of Ala Malkiyat and Talukdari Rights Act, 1952 and (iv) The Pepsu Abolition of Ala Malkiyat and Talukdari Rights Act 1954 applied in Haryana abolished all intermediary rights and about 359 thousand hectares were vested in the State. Rs. 12.08 lakhs were paid as compensation. 62

Tenancies in Haryana were regulated by the Pepsu Tenancy and Agricultural Land Act, 1955 and the Punjab Security of Tenure Act, 1955. The Acts provided for fixation of fair rent at 1/3rd of the gross produce or the value thereof. The landowner could resume land for personal cultivation subjected to the condition that the tenant would not be ejected from a minimum area of five standard acres. The Act also provided for purchase of ownership by tenants in respect of non-resumable areas by payment of compensation. Till March 1973 about 26 thousand tenants purchased 65 thousand hectares of land.

62. Ibid., p.108.
Ownership right was conferred on 12.3 thousand tenants over 23.5 thousand hectares of land. 63

The Haryana Ceiling on Land Holdings Act, 1972 provided for imposition of ceiling on land holdings. The level of ceiling was 7.25 hectares in case of lands having assured irrigation with two crops in a year, 10.9 hectares in case of assured irrigation capable of growing one crop in a year and 21.8 hectares in case of other lands. Outer limit was twice the ceiling area. Unit of application was family/person. Compensation would be paid on the basis of valuation of land so acquired.

Initially an area of 3.5 lakh acres was declared surplus which was subsequently reduced to 1.3 lakh acres. The rest 2.2 lakh acres came under exemptions, inheritance and purchase by tenants. The revised ceiling law was enacted in 1976 in order to remove the judicial and procedural hurdles. Till 1980, 27,562 acres were declared surplus out of which 17,863 acres had been distributed. 64

The Punjab law relating to consolidation of holdings was prevalent in Haryana also. Till 1971-72, 183 thousand hectares were consolidated in Haryana. 65

63. Ibid., p.119.
Jammu & Kashmir: The Big Landed Estates Abolition Act, 1951 expropriated big proprietors from 4.5 lakh acres of land out of which 2.3 lakh acres were transferred to tillers and given ownership rights free from all encumbrances. 66

The Jammu & Kashmir Tenancy (Amended) Act, 1955 provided that no protected tenant would be ejected in future on ground of requirements of the lands for personal cultivation by the owners. Persons whose holdings exceeded 12½ acres would get one-fourth of the produce in case of dry land as rent. Those persons whose holding did not exceed 12½ acres would get half the produce. The landlord was bound to supply seed, plough and bullocks.

The Jammu & Kashmir Agrarian Reforms Act, 1972 came into force on May 1, 1973. The Act provided that there should be no tenant will in the State and share-cropping was completely abolished. Tenanted land would be transferred to the tillers on realisation of levy landowner could resume land for personal cultivation subjected to the condition that a minimum area of 2 standard acres would be retained by the tenant. Tenancies in the State stood abolished from May 1, 1973 for all practical purposes. 67

The Act of 1972 also provided for ceiling on land holding. The level of ceiling was 12.50 standard acres. The

unit of application was family/individual. Exemption was provided for orchards subjected to payment of annual tax. Compensation was fixed at 20 times the Chakla rate (Rate of rent) plus 5 times to cover administrative cost.

About 2.2 lakh acres of land acquired from big landowners under the Act of 1951 were vested in the State and were subsequently distributed/allotted to the needy including the refugees. Another 3,176 acres of land held by the ex-owners under personal cultivation in excess of ceiling area were vested in the State under the Agrarian Reforms Act, 1976, and were available for distribution. But no information was available on distribution till 1981.68

The Jammu & Kashmir Consolidation of Holdings Act, 1962 provided for consolidation of Holdings. Till 1973-74 about 23 thousand hectares were consolidated in Jammu & Kashmir.69

In hill areas the implementation of usual land reforms programmes is not possible. In these areas cadastral surveys have not been completed till now.

From the above discussion we have found that among the various land reform measures, abolition of intermediaries and ceiling on land holdings were the most successful measures that could be implemented effectively in the different States of India. According to Prof. Philip Roup70 "land reform is an

68. Minutes of the Conference of State/UT Revenue Secretaries on Land Reforms, p.25.
70. Roup, Philip M., op.cit., p. 306.
ongoing process. In many countries the major thrust is yet to come. The effective political strength of the farmers may not reach its peak until considerable economic and social development has taken place. Where peasants comprise 70 to 80 per cent of the total population, they are often a formless mass, lacking leadership and the discipline and capacity to strive for long range goals. By the time they have gained education and experience necessary for this, considerable movement out of agriculture will have taken place." Thus, "rural migrants to city provide much of the political support for land reform".

State-wise discussion on limits of ceiling on land holdings, financial assistance to new allottees of ceiling surplus land and the number of tenants registered are appended in Appendices 2.1, 2.2 and 2.3.

III. Salient Common Features of Land Reform Measures:

1. Abolition of Intermediaries: Starting from the year 1950 to the year 1964 all the intermediaries between the actual tillers of the soil and the Government, popularly known as Zamindars and Jagirdars, were abolished and their lands were vested in the States. However, some lands were allowed to be retained by these intermediaries for their personal cultivation and as homesteads.
2. Scale of Compensation: After acquiring the lands of the intermediaries the State Governments were paying compensation to them. Different State Governments made payments of compensation in different modes and scale. While some States fixed it as a multiple of rent on land or value of the land or net income of each tenure, others fixed it as a multiple of land revenue. Sometimes a stipulated amount was fixed, as in Punjab.

3. Fair Rent: In some States fair rent was fixed as a share of the gross produce or the market value of the same and in others, it was fixed as a multiple of land revenue. In making assessment of fair rent due consideration was given to the nature of land - irrigated and not irrigated, wet and dry, paddy and garden lands etc. Sometimes a specified rate of rent was fixed as in Gujarat where the rate of rent was fixed ranging from Re. .50 to Re. .60 per acre on irrigated land. In some States, in addition to rent the tenant was also to pay irrigation cess, local cess etc.

4. Protection of Sharecroppers and Other Tenants: Sufficient provisions were made by the various land reform measures to protect the share croppers and other tenants. Restrictions were put on eviction of tenants. A landowner could evict his tenants only on grounds of non-payment of rent, destruction or injury to land, making the land unsuitable for cultivation, sub-letting etc. A protected tenant could retain a minimum area in case the landowner resumed land for personal cultivation. They were also given the right to purchase the right of ownership on
non-resumable land on payment of compensation.

5. **Consolidation of Holdings**: In States like Uttar Pradesh, Gujarat and Mysore (Karnataka) a considerable progress was made in the works of consolidation of holdings. In other States also, except West Bengal, some progress was made in the consolidation of holdings. In some States it was made voluntary while in others it was compulsory.

6. **Ceiling on Land Holdings**: Almost all the States of India adopted ceiling on land holdings as a measure of land reforms. Levels of ceiling were different in different States depending upon the fertility of the soil, availability of irrigation facilities, number of crops raised, orchards and dry lands. The unit of application was the family consisting of five members. Concessions were given in case of families having more than five members.