Legislations on Revenue Reforms
CHAPTER -VI

LEGISLATIONS ON REVENUE REFORMS

This chapter describes the changes that were introduced by the then Governments of the Madras State from 1947 to 1967 by causing several legislations in the field of Land Revenue Administration. The Governments were led by the Nationalists and the elected representatives of the Madras State.

The Indian Independence Act of 1947, constituted the culmination of the origin and growth of the Indian Legislatures from modest expansions of the Executive Councils of the Governor-General and the Governors in the Provinces into separate sovereign legislative bodies.

The First Legislature of the erstwhile Madras State under the Constitution of India was constituted on 1st March 1952, after the first General Elections were held in January 1952 on the basis of adult suffrage.\(^1\)

According to the Delimitation of Parliament and Assembly Constituencies (Madras) Order, 1951 made by the President under section 6 and 9 of the Representation of the People Act, 1950, the then Composite

Strength of the Members of the Madras Legislative Assembly

Madras Assembly consisted of 375 seats to be filled by election distributed in 309 Constituencies—243 single member Constituencies, 62 double member Constituencies in each of which a seat had been reserved for Scheduled Castes for Scheduled Tribes. Three seats were uncontested. The elections were contested only for the remaining 372 seats. One Member was nominated by the Governor under Article 333 of the Constitution to represent the Anglo-Indians.²

On 1st October 1953, a separate Andhra State consisting of the Telugu speaking areas of the Composite Madras State was formed, and the Kannada speaking area of Bellary District was also merged with the then Mysore State with effect from the above date and as a consequence, the strength of the Assembly was reduced to 231.³

The States Reorganisation Act 1956 came into effect from the 1st November 1956 and consequently the constituencies in the erstwhile Malabar districts were merged with the Kerala State and as a consequence the strength of the Assembly was further reduced to 190. The Tamil speaking area of Kerala (the present Kanniyyakumari District) and Shencottah taluk were added to Madras State. Subsequently, the strength of the Madras Legislative Assembly was raised to 205.⁴

² Ibid, p. 5.
The Second Legislative Assembly was constituted on 1st April 1957 after the General Elections, held in March 1957 consisted of 205 elected Members besides one nominated Member. As a result of the adjustment of boundaries between Andhra Pradesh and Madras Alteration of Boundaries Act, 1959, one member from the Andhra Pradesh Legislative Assembly was allotted to Madras and consequently the strength of the Madras Assembly was increased to 206.\(^5\)

By the Two-Member Constituencies (Abolition) Act, 1961, the 38 double-member Constituencies were abolished and an equal number of single-member constituencies were reserved for Scheduled Castes and Scheduled Tribes. However, there was no change in the strength of territorial constituencies in Madras Assembly which had remained as 206.\(^6\)

The Third Assembly was constituted on the 3\(^{rd}\) March 1962 after the General Elections held in February, 1962. The strength of the Assembly continued to be 206. By the Delimitation of Parliamentary and Assembly Constituencies Order, 1965, the number of territorial constituencies in Madras was increased to 234, out of which forty-two seats were reserved for Scheduled Castes and two seats for Scheduled Tribes besides one nominated member from the Anglo-Indian Community.\(^7\)

The Fourth Assembly was constituted on the 1st March 1967 after the General Elections held in February 1967. It consisted of 234 territorial Constituencies of which 42 had been reserved for the Scheduled Castes and 2 for Scheduled Tribes besides one nominated Member. During the term of this Assembly on the 18th July 1967, the House by a resolution unanimously adopted and recommended that steps should be taken by the State Government to secure necessary amendment to the Constitution of India to change the name of Madras State as “Tamil Nadu”.

Accordingly, the Madras State (Alteration of Name) Act, 1968 (Central Act 53 of 1968) was passed by the Parliament and came into force on 14th January 1969. Consequently, the nomenclature “Madras Legislative Assembly” was changed into “Tamil Nadu Legislative Assembly”.

After independence, the Madras State Government felt that the reform of land system is urgently needed in order to improve the standard of living conditions of tiller of the land. The agrarian reforms to be taken must be in consonance with the Directive Principles of State Policy enshrined in the constitution of India. So the Government passed a number of enactments in that direction.

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The elimination of intermediaries in agricultural holdings, conversion of agricultural holdings in to Ryotwari land to the tiller, fixing of tenure, protection of tenancy and of Kudiyiruppu are some of the objects taken in to consideration in bringing the land reforms in Tamil Nadu.

THE EVOLUTION OF LAND REVENUE POLICY UNDER POPULAR GOVERNMENTS

The first major decision of the Congress Government of the Madras Presidency under C. Rajagopalachari was the abolition of all future Resettlement.\(^{10}\) This was inspired by the fact that the country which was then in the grip of recession was slowly turning around the corner and the agriculturist was the worst affected by recession. In the context of the nationalistic fervour of that period, this decision and the similar one to introduce sales-tax to offset the loss in liquor revenue due to introduction of prohibition, came to be looked upon as land marks in the freedom struggle.

But as a purely administrative measure it helped to balance the incidence of land-tax with agricultural prices and make the tax structure more rational and it assumed political significance of a magnitude, which made it thereafter difficult to examine in a rational manner.

\(^{10}\) G.O. Ms. No. 1067, Revenue, dated 21\(^{st}\) May 1937.
The history of land revenue assessment of the State thereafter was just a jumble of adhoc decisions taken from time to time to meet particular situations. Apart from the deliberate handicap of the assessments failing to keep pace with the steep rise in the prices and general level of income, the basic settlement classification of land itself, has increasingly become invalid.

A new system of double and multiple cropping was adopted. High-quality seeds, fertilizers and pesticides were used by the farmers according to the nature of the soils and seasons. Due to better marketing facilities, cultivation of commercial crops was increased. The farmers were able to get agricultural loan by which improved their land, irrigation sources and drainage facilities. Above all the fixation of economic prices for food and commercial crops facilitated the agricultural section and thus the ‘half net theory’ had now been a long gone by.

A large number of new irrigation scheme, covering extensive areas have been implemented since the last resettlement. These expensive projects called for the levy of much higher water charges than those envisaged by settlement norms. The economic principle that water charge should have a reasonable relation to the capital cost of the project, or approximate to the cost of this input as a factor of production, could not be accommodated within the frame work of settlement notifications in force, nor was it possible to make each project self financing.
The Government therefore, had to resort to the practice of retaining the classification of the lands newly brought under the ayacut of the new projects as dry and charge appropriate water rate under the Irrigation Cess Act, besides levying betterment tax.\textsuperscript{11} Thus a large chunk of the land revenue has come to be derived by adopting methods outside the frame work of the settlement notifications in force though land revenue as such has come to occupy an insignificant part of the complex tax structure of the State.

The Madras Estates Land Act Committee, headed by Thiru T. Prakasam toured the State and recorded evidence from involved parties, both zamindars as well as ryots.\textsuperscript{12} After independence, the National Government implemented the Estate Land (Reduction of Rent) Act in 1947 with a two-fold objective. It reduced the prevailing rents to the ryotwari level and also did the collection work. Thus this act severed, the direct contact of the landholder with the ryot.\textsuperscript{13}

The enactment of the Tamil Nadu Estates Land (Reduction of Rent) Act, 1947 (Act XXX of 1947) came into force with effect from 1\textsuperscript{st} July 1947.\textsuperscript{14}

\begin{footnotesize}
\begin{itemize}
\item \textsuperscript{11} G.O. No. 1122, Revenue, dated 22\textsuperscript{nd} June 1967.
\item \textsuperscript{12} History of the Land Revenue Settlement and the Abolition of Intermediary Tenures, Madras, 1977, p. 131.
\item \textsuperscript{13} Ibid, p. 133.
\item \textsuperscript{14} Ibid, p. 133.
\end{itemize}
\end{footnotesize}
Under that Act, after a rough and cursory examination of the village accounts, and the details furnished by the landholder and the body of the ryots in an estate, the special Officer appointed under the Act framed rent reduction proposals on which he invited objections from the interested bodies. He had recommended the appropriate reduced rates of rents as collectable under the Act to the Government, who notified the reduced rates of rent in the official gazette. The Special Officer was assisted by Special Assistants in his work. When the work of the Special Officer was reduced sizeably, the remnants of work left over were attended to by the Additional Assistant Secretary.\textsuperscript{15}

In March 1948, the Government published a Press Communique drawing the attention of the ryots in estates to the fact that, till the reduced rents under the Rent Reduction Act were actually fixed and notified they were legally bound to pay rent to the Landholders. They would be entitled to set off the excess paid, if any. After reduced rents in any estate, the ryots may pay adhoc rent at 75 per cent of the cash rates and at an equitably reduced rate in respect of grain rent lands subject to adjustment after the reduced rents were finally fixed.\textsuperscript{16}

\textsuperscript{15} Ibid.,
\textsuperscript{16} Ibid.,

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Since the ryots continued to withhold the payments to landholders resulting in consequent delay in collection of peshcush and cesses, another Press Communiqué was published on 6th May 1949 so as to avoid accumulation of arrears causing hardship to the ryots as well as the estate owners and to reduce the dues to the Government.17

The rent so collected by the Government was paid to the estate owners after deducting 10 per cent towards collection charges and setting off all arrears of Government dues towards peshcush, Jodi, quit rent and cesses, etc. The question of payment of commission to Village Officers for their extra work came up for consideration. The Government ordered that 2 per cent commission be paid to kamams, 1 per cent to the headmen and another 1 per cent commission to be shared equally by the talayaris and vettis and that the commission payable should be calculated on the actual collections made.18

ABOLITION OF INTERMEDIARIES AND INTRODUCTION OF RYOTWARI SETTLEMENT

The State of Tamil Nadu took suitable legislative measures step by step to implement the policies advocated by the centre and recommended by the Planning Commission of India. Infact Legislative measures in that direction had been on the anvil in our state since 1948, was enacted.19

17 G.O. No. 2973 (Revenue) dated 22nd November 1949.
18 G.O. Ms. 2783 (Revenue) dated 25th October 1951.
The Election Manifesto, which the working committee of the Congress issued before the general elections of the year 1946, declared that the reform of land system was urgently needed in India. The manifesto indicated that such reform would involve the removal of all intermediaries on payment of equitable compensation.

The Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948 (Act XXVI) of 1948 was enacted for the acquisition on payment of equitable compensation to all estates as defined in the Madras Estate Land Act, 1908, before it was amended in 1936. Under this Act, the Government have taken over all the zamindari and under tenure estates and Melwaram Inam estates.

Causes for the Abolition

The Zamindari system had become an anachronism in the welfare State. Agriculture remained backward in the Zamindari tracts and it affected national economy to a very great extent. Land remained undeveloped and irrigation sources neglected. The Zamin ryot was harassed due to rack renting by selfish landholders. The Zamindari system was thus a drag in the economic system of this country and it had to be abolished.
The Government had to assume power to exploit the undeveloped natural resources of estates for economic development and amelioration of the Zamin ryot and thus incidentally enlarge the ambit of Land Revenue Collection, a substantial portion of which was being cornered by the Zamindars for their own profit. Thus the abolition of Zamindaries was essentially a land reform measure to bring the zamin ryot directly into contact with his benefactor (i.e.) the Government. This also helped in a way to bring about land revenue reform, by unifying the land tax structure in the State and plugging all loopholes through which the State's revenues were wasted.

In many estates, in the province of Madras, the rent levied by the landholder from his ryots was substantially in excess of the assessments charged by the Government on similar lands in the neighbouring ryotwari area and was in many cases, beyond the capacity of the ryots to pay and lead a decent life.

The Zamindari system had perpetuated an assessment which had no relation to the productive capacity of the land. It had further led to loss of contact between the Government and the actual tiller of the soil and had acted as a brake in regard to agricultural improvement. Most of the irrigation works in estates were in a state of disrepair. The complexities of the Zamindari system had led to an immense volume of litigation. The
Government was convinced that the Zamindari system in force in the country had outlived its usefulness and should be abolished at the earliest possible date.

Thus the introduction of Zamindari abolition was a saga in the Revenue and welfare administration of the State, and the other legislation that followed have only helped to complete the task set before the Government in the abolition of intermediaries.

In February 1947, the Madras Legislative Council passed a resolution accepting, on general principle, the abolition of Zamindari system and recommending to the Government to bring forward legislation for the purpose. Accordingly a bill was prepared and it was sent to a Joint Select Committee. It was named the Zamindari Abolition Bill.

The Bill was finally passed by the Legislature which came into force from 2nd April 1949. Some of the estate owners unsuccessfully challenged the validity of the Act which withstood judicial scrutiny. It was also included in the Ninth Schedule to the Constitution.

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The act is a self-contained code by itself. It covers (i) Zamin estates (ii) under tenure Estates and (iii) Melwaram Inam Estates. On the notification of the estate, the entire estate (including all communal lands and porambokes, other non-ryoti lands, waste land, pasture land, lanka land, forest lands, etc., rivers, streams, tanks and irrigation works, fisheries and various other rights) would stand transferred to the Government and vest in them free of all encumbrances from such notified date, and the Madras Revenue Recovery Act, the Madras Irrigation Cess Act, and all other enactments applicable to the ryotwari areas would become applicable to these erstwhile estates.

The effect of the notification would be to vest the entire estate in the Government and the estate owners whose rights stand transferred to Government would be entitled only to a compensation. Provision has, therefore, been made under the Act for the appointment of Settlement Officers, Director of Settlements and Tribunals for the grant of pattas and adjudication of disputes.

A formula for compensation was laid down on a sliding scale to be paid to the proprietors who stand expropriated from the estate, under which the smaller estates would get proportionately more compensation. Buildings owned by the Estate owners used for administrative purposes shall also vest
with the Government, while other buildings shall vest in the person or the institutions who owned it on the notified date.

It is also to be noted that all rights and interests created in or over the estate before the notified date by a landholder shall cease and determine as against Government and the persons whose rights and interests stand so transferred or determined shall be entitled to such rights and privileges as are recognized or conferred on them by the Act.\(^{21}\)

A person who shall be primafacie entitled to a ryotwari patta will not, however, be disturbed from possession till the character of the land is determined by the statutory forum prescribed under the Act as ryoti or Pannai under the relevant provisions of the Act and patta granted to the rightful claimant. The vesting of the estate in the State contemplated under the Act is the sheet anchor from which alone the rights claimed under the statute have to be worked out.

The Act contemplates the survey and settlement of the lands in the estate on ryotwari system and the introduction of a ryotwari settlement, adopting the principles and rates in force in the ryotwari tract. This Act enables the ryots to get ryotwari patta for their lands and buildings, while the erstwhile land holders also get patta for their pannai lands and for other lands

\(^{21}\) Ibid.
which are proved to have been under their personal cultivation for the given period. It also enables Government to collect arrears of rent due to the landholder to a limited extent and pay it to him after deducting collection charges.

**Amendments to the Estates Abolition Acts**

In the actual implementation of the Act several impediments and lacunae were noticed arising out of judicial comments in court proceedings which necessitated the enactment of the following amendment Acts.  

**TABLE: 6.1**

| 1. The Madras Estates (Abolition and Conversion into Ryotwari) Amendment Act I of 1950 |

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Government of Tamil Nadu History of Land Revenue Settlement and abolition of Intermediary Tenures, Madras 1977, p. 147.
The other Legislative measures relevant to the Abolition of estates is summarized below:

*The Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) Act 1963 (Act 26 of 1963)*

The Madras Inam Estates (Abolition and Conversion into Ryotwari) Act, 1963, provides for the acquisition of the rights of land holders in Inam estates in the State of Madras and the introduction of ryotwari settlement in such estates. The Inam estates dealt with in this Act are those Inam Villages the grant of which comprised both the Melwaram* and Kudiwaram* and which become estates by virtue of the Madras Estates Land (This tenth Amendment) Act, 1936. The Act of 1963 also deals with an amount of compensation given to the land holder.23

It covered also the Inam estates both whole Inam and part Inam grants in the merged territory of Pudukottai, for which title deeds had been issued in the meanwhile under the Pudukottai Inams Act. This Act, is similar in structure to that of the earlier Act of 1948 in setting out the provisions, providing machineries, etc., except in the matter of compensation for which a different formula was adopted.24

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* Melwaram – State or the overlord.
* Kudiwaram – Cultivator


24 Ibid.,

This Act provides for the termination of the leases of certain leaseholds granted by the Government (99 years lease in some cases and some permanently), the acquisition of the rights of lessees in such lease holds and the introduction of ryotwari settlement in such lease holds.\(^{25}\)


There were 11, 59, 263 Minor Inams and service tenure grants covering an area of 1556.68 sq.m. scattered throughout the State.\(^{26}\) The Act provides for the abolition of these minor Inams with effect from 1\(^{st}\) July 1963 and the introduction of ryotwari settlement in the lands. It provides for grant of patta for the occupants of both melwaram minor Inams and iruwaram minor Inams. The melwaramdar who does not get patta was given compensation.


\(^{26}\) Ibid, p. 27.
The Tamil Nadu (Transferred Territory) Ryotwari Settlement Act, 1964 (Act 30 of 1964)

This Act provides for the Survey and ryotwari settlement of lands in the Kanniyakumari district and the Shencottah taluk of Tirunelveli district which were transferred to Tamil Nadu under the States Re-organisation Act. The total area for settlement is 505.92 sq.m. comprised in 74 villages. It provides for the abolition of basic tax structure fixed under the erstwhile Travancore-Cochin State Land Revenue rules and the introduction of ryotwari rates of assessment, based on classification of different kinds of soils and irrigation sources.27

The Kanniyakumari (Sree Pandaravaka Lands) Abolition Act, 1964 (Act 29 of 1964)

Sri Padmanabha Swamy Temple at Trivandrum held certain lands known as “Sree Pandaravaka lands” in Kanniyakumari district. The income from these lands was utilized for the upkeep of certain services in the said temple and some other group temples through Sanketham Department of the Kerala State. This Act provides for the acquisition of the temple’s rights in these lands by the Government with effect from 1st March 1965 and for the introduction of ryotwari settlement. The Act provides for grant of patta to the tenants in these lands and the payment of compensation to the temple.28

28 Ibid.,

This Act provides for the extinguishment of the rights to receive and the liability to pay Thiruppuwaram in Kanniyakumari district and the Shencottah taluk of Tirunelveli district. The Act came into force on 1st March 1965. ²⁹


The Jenmies, who were intermediaries were collecting in the Transferred Territory (i.e.) Kanniyakumari district and Shencottah taluk of Tirunelveli district, certain amounts called ‘Jenmikaram’ from Kudiyans. This Act provides for the extinguishment of that right with effect from 16th March 1965, on payment of compensation collectable from the Kudiyans. Compensation and Tasdic allowance has been paid in all the cases. ³⁰

The abolition of the intermediary tenures, chiefly the Abolition of zamindaries, brought the actual tiller of the soil into direct contact with the Government under the ryotwari tenure. It has enabled the correct maintenance of land records which is very vital for a country where private property in land is respected. The ryots in turn have been enabled to raise Taccavi and other co-operative loans on account of the fixity of tenure ensured by these legislations.

²⁹ Ibid.,
³⁰ Ibid.
The incidence of Taccavi loans in process before a loan could be granted to an estate ryots. It has to be done after notice to the proprietor and taking his objections into account. Frequently it involved settlement of disputes whether the applicant was a tenant at will of the landholder’s estate accounts was a major handicap.

Even in cases when the landholder or proprietor gave clearance, it was necessary to survey the land offered as security, as in most estates, the villages were not surveyed and even if a survey has been done, the records had been maintained indifferently and the survey had consequently fallen far out of date.

Disputes between landholders and ryots by way of rent suits and between one ryot and another on boundary disputes, were very frequent and they occupied most of the time of revenue and civil officers. Agriculture in the estate areas was very backward due to rack renting, the unstable tenure of estate ryots and lack of improvements. These conditions militated against land improvement in estate areas and proved a handicap in executing major and minor irrigation schemes.

The estate tenants lacked initiative and incentive for fear of enhancement of rent by the landholder (under the pretext of crop sharing) if any investment was made in the land to increase the yield by adopting
improved agricultural practices. The natural resources in estate areas were thus going to waste. The estate wastes and forests were exploited indiscriminately.

The administration of big estates was generally oppressive, with the huge machinery of staff at their disposal, while small landholders were at the mercy of the ryots for collecting the waram due to them. Unlike the ryotwari villages, seasonal remissions were unknown in estate areas and the arrear rent accruing in years of bad season had a snow balling effect on the indebtedness of the estate ryots.

The scheme of the Estates Abolition Act which freed the ryot from liability to pay arrears of rent, whether covered by decrees or not, that accrued prior to fasli 1356, and the conferment of fixity of tenure at no extra cost to the ryot were far reaching reforms in the annals of estate administration.

The survey of ex-estate villages and preparation of land records have given the quietus to the intrigues which the estate ryots were subject to for generations and helped to implement land reform measures successfully.\(^{31}\)

These reforms, undertaken in independent India and culminating from the Rent Reduction Act, have also strengthened Government administration. The Rent Reduction Act which severed direct contact between the landholder and his ryot did not benefit the Government as such, except to the extent of 10 percent commission charged for the services rendered in collecting agency.\textsuperscript{32}

The Estates Abolition, however, added a large chunk of territory to the direct revenue administration of the State and correspondingly increased the total land revenue demand. This brought, a sizeable addition to the annual rent roll of land revenue, besides placing at the disposal of Government untapped resources like forests, waste lands, mines, etc.\textsuperscript{33}

The Inam Assessment Act that followed enabled the levy of full assessment on Inamdar's land, both in whole Inams and minor Inams, with the difference that the Inam Assessment was in addition to quit rent in the case of whole Inams whereas in respect of Minor Inams it was in lieu of quit rent.

Consequently when these Inams were abolished later in the year 1965,\textsuperscript{34} their impact on the land revenue demand was marginal in the case of whole Inams where the ryot's land became taxable for the first time and negligible in the case of Minor Inams.

\textsuperscript{32} \textit{Ibid.}, p. 153.
\textsuperscript{33} \textit{Ibid.},
\textsuperscript{34} Jamabandi Report, Proceedings of Board of Revenue, 1965-66, p. 16.
Figures are given below to illustrate this point:\textsuperscript{35} The period reckoned with was a stable one, when the prevailing rates of assessment and water charge, etc., were more or less constant, due to a liberal attitude being adopted as of policy in the spur of the Grow More Food Campaign.

Only the temporary reduction, of the percentage enhancement of assessment made at the last resettlement in consideration of fall in agricultural prices had been withdrawn from fasli 1353 due to the general prosperity of the agriculturists.

\textbf{TABLE: 6.2}

\begin{tabular}{|l|c|}
\hline
I. Land Revenue demand for fasli 1355 (1945-46) & 380 lakhs \\
excluding local cess, surcharge and remissions for the & \\
ryotwari villages comprised in 12 districts in the residual & \\
Madras State, excluding Pudukkottai and Kanniyakumari & \\
Districts, but including Dharmapuri portion of Salem & \\
District. & \\
Deduct–Charge for water collected in estate villages & 28 lakhs \\
& 352 lakhs \\
\hline
II. Land Revenue demand for fasli 1363 for Ex-estate & \\
villages (including estates not taken over). & \\
Deduct – (i) administrative charges on estate Manager’s & \\
establishment since merged with district administration & 13.10 \\
(ii) Peshcush and cesses & 23.96 \\
& 37.06 \\
Total & 37 lakhs \\
Net increase in Revenue of Estates & 64 lakhs \\
\hline
\end{tabular}


\textsuperscript{35} Ibid, p. 153.
Considering the fact that the total liability on payment of compensation for the estates, including the additional compensation guaranteed to the Zamindars under Section 54-B of the Act, amounts to Rs. 6½ crores (i.e., the incidence on the residuary State) the net increase in revenue ensures a return of 10 percent on capital investment and thus the social reform is indirectly a profitable financial venture also.³⁶

The estimate made in fasli 1355 (i.e.) prior to the Estates Abolition, was, it involved a total expenditure of Rs. 160.97 lakhs in the composite State on district administration besides Rs. 210.66 lakhs on village establishment including those in estate villages, together accounting for 38.14 per cent of the total revenue and cesses collected.³⁷

The incidence of this cost due to the increase in the strength of the district administration since then and the revision of the village establishment consequent on the abolition of estates, introduction of settlement in ex-estate villages and the revision of the pay scales effected from time to time, on the net and revenue collected should be much higher. This is because the land revenue is considered to be an inflexible source of revenue related, as it is, to fixed extents of occupied land held on fixed money rates with the water potential having been exploited to the saturation point.

³⁶ Ibid.,
But the district administration and the village establishment, being, the backbone of the welfare State, any investment on them cannot be related in terms of monetary productivity by trying to assess the net gain to the State due to their employment.

**Estates Abolition**

(a) The Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948 Zamin Melwaram Inam and undertenure estates notified and taken over under this Act:

<table>
<thead>
<tr>
<th>TABLE: 6.3</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Number of Estate</strong></td>
</tr>
<tr>
<td>Total number of Estates taken over</td>
</tr>
<tr>
<td>Area settled up to 31&lt;sup&gt;st&lt;/sup&gt; January 1974</td>
</tr>
<tr>
<td>Balance</td>
</tr>
</tbody>
</table>

* The remaining one case is under orders of stay and other legal proceedings.

(b) The Tamil Nadu Inam Estates (Abolition and Conversion into Ryotwari) (Act. 1963 – Iruwaram and part village Inam estates have been abolished under this (Act):

<table>
<thead>
<tr>
<th>TABLE: 6.4</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Number of Estate</strong></td>
</tr>
<tr>
<td>Total number of Estates taken over</td>
</tr>
<tr>
<td>Area settled up to 31&lt;sup&gt;st&lt;/sup&gt; January 1974</td>
</tr>
<tr>
<td>Balance</td>
</tr>
</tbody>
</table>

* All the 97 cases are under orders of stay and other legal proceedings.

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(c) The Tamil Nadu Leaseholds (Abolition and Conversion into Ryotwari) Act, 1963:40

TABLE: 6.5

<table>
<thead>
<tr>
<th>Number of Estate</th>
<th>Area in square miles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total number of Estates taken over</td>
<td>13</td>
</tr>
<tr>
<td>Area settled up to 31st January 1974</td>
<td>13</td>
</tr>
<tr>
<td>Balance</td>
<td>--</td>
</tr>
</tbody>
</table>

(d) The Tamil Nadu Minor Inams (Abolition and Conversion into Ryotwari) Act, 1963:41

TABLE: 6.6

<table>
<thead>
<tr>
<th>Number of villages</th>
<th>Area in square miles</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total area for settlement</td>
<td>13.584</td>
</tr>
<tr>
<td>Area settlement upto 31st January 1974</td>
<td>13,574</td>
</tr>
<tr>
<td>Balance</td>
<td>*10</td>
</tr>
</tbody>
</table>

* Of the Balance 10 villages, 5 villages are covered by injunctions. In the remaining 5 villages, settlement operation are in progress.

40 Ibid, p. 155.
41 Ibid.,
The following table illustrate the Extent of patta granted and persons benefited under the Abolition Acts.42

<table>
<thead>
<tr>
<th>Name of the Act</th>
<th>Number of persons granted patta</th>
<th>Total extent in acres</th>
<th>Number of persons granted patta</th>
<th>Total extent in acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tamil Nadu Estate (Abolition and Conversion into Ryotwari) Act, 1948</td>
<td>23,38,798</td>
<td>44,90,067.35</td>
<td>8,10,197</td>
<td>14,74,152.58</td>
</tr>
<tr>
<td>Tamil Nadu Estate (Abolition and Conversion into Ryotwari) Act, 1963</td>
<td>-</td>
<td>-</td>
<td>3,34,041</td>
<td>4,99,093.07</td>
</tr>
<tr>
<td>Tamil Nadu Estate (Abolition and Conversion into Ryotwari) Act, 1963</td>
<td>-</td>
<td>-</td>
<td>6,078</td>
<td>13,892.92</td>
</tr>
<tr>
<td>Tamil Nadu Estate (Abolition and Conversion into Ryotwari) Act, 1963</td>
<td>-</td>
<td>-</td>
<td>5,10,820</td>
<td>10,32,535.83</td>
</tr>
<tr>
<td>Tamil Nadu Estate (Abolition and Conversion into Ryotwari) Act, 1964</td>
<td>3,72,989</td>
<td>2,46,445.89</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>23,38,798</td>
<td>44,90,067.35</td>
<td>20,34,125</td>
<td>32,66,120.29</td>
</tr>
</tbody>
</table>

AGRARIAN, TENANCY AND LAND REFORMS UNDERTAKEN AFTER INDEPENDENCE

The origin of the agrarian reforms can be said to have stemmed from the evolution of the concept of landed property in India. We have seen that the first squatter on land was treated as its owner and those who got it by devolution, either by sale or inheritance, succeeded to it in title. Whenever he did not cultivate it himself, it was let on lease or waram to others who were only tenants at will and did not have fixity of tenure.

Thus in course of time land holding became an economic proposition with the land resource being limited and concentrated in a few hands and many cultivators competing for its tenancy just to secure a living.

Eventually it tended to the demand of high warams by the landholders and to the existence of many intermediaries in the shape of lessees, sub-lessees, etc., between the landowner, who was mostly an absentee and the tiller. The impact of the too many intermediaries casting undue burden on the tiller of the soil came to be first felt in the Province of Bengal soon after the introduction of Permanent Settlement.

There the first tenant, holding directly under the Zamindar was alone deemed as the tenant having occupancy right and all others claiming under
him were to have the status of tenants at will, with no fixity of tenure and consequently with no incentive to improve the land.

The Government wanted to set right this anomaly and ensure fixity of tenure so the tiller of the soil abolishing the intermediaries between him and the Zamindar, thus consolidating the interest of the tenant on payment of compensation. It resulted in the Bengal Tenancy Act, 1885,\(^{43}\) which can be considered as a radical reform judged by the conservative concepts then prevailing. Its extension to Madras\(^{44}\) was not, however favoured as conditions prevailing here were considered not to be similar to that in Bengal.

The average agriculturist of those days was the proverbial beast of burden, on whose efforts depended the national economy. The aim of the Government was to augment revenue to meet the ever increasing cost of administration.

Land revenue was the chief, if not the sole, source of revenue of these days. This, aggravated by bad harvests and economic prices, lodged the agriculturist in permanent indebtedness.


\(^{44}\) *Ibid*, p. 816.
The alien Government of Britishers was not quiet too sympathetic with the agriculturist when it came to the question of its foregoing any portion of its revenue, be that it would ameliorate the living condition of the agriculturist. This was one of the planks on which the National leaders put up their fight with the Britishers for self-Government.

The national sentiment which favoured grant of concessions to agriculturists expressed itself in a few enactments in this State soon after the popular Ministry was installed in the year 1936 in Madras.\(^\text{45}\)

In the election manifesto which the working committee of the Congress issued in December 1945, it was urged that the reform of the land system was urgently needed in India.

It was also felt that reform of tenancy measures was quite necessary to see that food production keeps pace with the growth of population, that food supply was very much connected with the mode of agriculture in this country as elsewhere and that unless the man who cultivates the land gets his due from out of the produce of the land he will not be interested in producing the food and thus meet the demands of his countrymen.\(^\text{46}\)

\(^{45}\) History of Land Revenue Settlement and Abolition of Intermediary Tenures, Madras 1977, p. 203.

\(^{46}\) Ibid.,
In order to create a living interest in him for the land he cultivates he must be given fixity of tenure, adequate margin of profit, protection of tenancy, protection of kudiyiruppu, etc. So as to take up suitable legislation to better the lot of the tenancy folk, the Government set up the Land Revenue Reforms Committee in 1950 and entrusted the work.47

They accordingly had set up the following Committee:

Chairman – Sir M.V. Subramanian, I.C.S

Members – Sri B. Ramachandra Reddi, Buchireddipalem

Sri N. Ranga Reddi, M.L.C
Sri Alluri Satyanarayana Raju, M.L.A
Sri C. Subramaniam, M.P., Coimbatore
Sri Manathunainatha Desigar, M.L.C
Sri Muniswami Pillay, M.L.A
Sri G. Sankaran Nair, B.A., B.L, Ottapalam

Secretary – Sri S.R. Kaiwar, I.C.S

The Committee sent its first report on 8th December 1950, which includes 58 items and recommendations.48

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In its second report sent on 18th April 1951, the Committee considered the alternative to the land revenue system, reforms of land revenue system, special problems relating to Malabar and South Kanara Districts, preparation of a land revenue code, and applicability of the recommendations to the areas under the Madras Act XXVI of 1948.

Most of the recommendations of the Committee resulted in bringing out a spate of legislative measures to better the conditions of the cultivating tenant’s etc., of various categories which are dealt with hereunder. These agrarian reforms are in consonance with the Directive Principle of State Policy as enshrined in the Constitution and are an echo of the demand of politicians to adopt “Land to the tiller” policy.49

The occupancy right of land as recognized under the Ryotwari system is not necessarily with the tiller of the soil. Though land ownership originated with the person who first cleared waste or forest land and brought it under cultivation, in course of time, land ownership passed on to third parties including absentees and non-cultivators due to operation of economic pressure.

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Ever since land came to be looked upon as property, its ownership has also changed hands. The cultivation was done by the tiller whose status is described as “Tenant”.\textsuperscript{50} The rent payable by the tenant is usually a portion of the gross produce varying in proportion from tract to tract or fixed in cash or in kind and payable in all seasons good or bad. There are payment of lease amount or rent to the owner, but at times very little is left with the tenant after payment of rent.

With the evolution of welfare State, and in order to safeguard and protect the interest of the tiller of the soil though short of vesting the occupancy right in him certain enactments were made in this direction by the popular Government in Madras State.

After independence the following acts were passed by the State Government with a view to protect the peasants.

THE THANJAVUR PANNAIYAL PROTECTION ACT, 1952

The agrarian condition in Thanjavur district which is the “granary of the south” according to history was disturbed soon after independence and came to a climax around 1951-52. The relationship between the landowners and their agents on the one hand and tenants and farm labourers on the other hand become strained. It resulted in the displacement of tenants and the

\textsuperscript{50} \textit{Ibid.},
dismissal of farm labourers and it ultimately culminated in agrarian crimes and disturbances. The situation threatened to cause law and order problems besides fall in agricultural production.

The enhancement of cooly for farm labour and improvement of conditions of their work were the demands of the farm servants which took political overtones.\(^{51}\)

A meeting of leaders of both sides and Government officers was convened by Kala Venkata Rao, the then Revenue Minister and a settlement was arrived at known as the “Mayavaram agreement”.\(^{52}\)

The Government promulgated the Tanjore Tenants and Pannayal Protection Ordinance, 1952 (Madras Ordinance VI of 1952) embodying the provisions of this agreement. This was replaced by the Tanjore Pannayal Protection Act, 1952 (Act XIV of 1952).\(^{53}\)

This Act provided for the regulation of wages payable to pannaiyals in Thanjavur district. Remedial measures were taken by the officers, in case a pannaiyal is dismissed by the landowner. Certain verbal alterations were made in this Act wherever found necessary subsequently by the Amendment Act XXV of 1956.


\(^{52}\) History of Land Revenue Settlement and abolition of Intermediary Tenures, Madras 1977.

\(^{53}\) Madras State Administration Report, Chapter II, p. 7.
This had improved the relationship between the farm worker and the land owner and has helped to maintain conditions conducive to intensive cultivation which is the vanguard of food production.\textsuperscript{54}

**THE TAMIL NADU CULTIVATING TENANTS PROTECTION ACT, 1955 (ACT XXV OF 1955)**

The Act extended to the whole of the State of Madras\textsuperscript{55} other than the areas to which the Malabar Tenancy Act 1929 – Act XIV of 1930 extends.

The scope of this Act was to protect the cultivating tenants from improper eviction by landowners. Under this Act, cultivating tenants can be evicted from their leasehold in case of wilful and continued default in payment of rent, causing wilful damage or injury to land, etc. If the tenants were forcibly evicted, they have the right of applying to the Revenue Courts for restoration of possession.

The cultivating tenants could also deposit rent due to the landowner in the Revenue Court and thereby avoid the risk of becoming defaulters in case if the land owners refused to accept the rent offered by them. The Act also enabled the landowner to resume one-half of the land leased out to a tenant for personal cultivation, subject to certain limits on his total holding.


\textsuperscript{55} G.O. No. 554, Ms. 21, 4, 1961.
After the passing of this Act, adequate security of tenure had been conferred on tenants. The Amendment Act XIV of 1956 made certain verbal changes as found wherever necessary in actual implementation.

This Act was made permanent by the Madras Cultivating Tenants Protection (Continuance) Act, 1965 (Act 8 of 1965). An amendment, was made by which even sub-tenants have been made eligible for the protection afforded to the tenants, irrespective of the fact that even if the lease in favour of the original tenant has come to an end.

There were three Revenue Courts at Thanjavur, Mayavaram and Tiruvarur in Thanjavur district and one at Tiruchirappalli in Tiruchirappalli district to administer the Act. In other districts, the Authorised Officers are attending to this work and their orders are subject to revision by the High Court.  

THE TAMIL NADU CULTIVATING TENANTS (PAYMENT OF FAIR RENT) ACT, 1956-ACT XXIV OF 1956

This Act aimed at the collection of fair rent by landowners from the cultivating tenants in the State of Madras other than the areas to which the Malabar Tenancy Act 1929 extends. It afforded adequate protection to the tenants against the collection of arbitrary and enhanced rents.

The fair rent payable is

1. 40 per cent of the gross produce in the case of wet lands.

2. In the case of wet land, whose irrigation is supplemented by lifting water 35 per cent of normal gross produce or its value in money and

3. 33-1/3 per cent in the case of any other class of land. Fair rent once fixed will be in force for a term of five years.

Tahsilars had been empowered to act as Rent Courts to decide the claim for fixation of fair rent. Prior to this enactment, tenants were at the mercy of the landowners, who demanded higher rent from them and enforced it under the Contract Act. The tenants had since become fully aware of the provisions of this Act, are paying the fair rent to the landowners without the need to resort to rent courts in many cases. An amendment was made to secure protection even for sub-tenants also.

In Thanjavur District there were are five Special Tahsildars. In Trichirappalli District there were two Special Tahsildars one at Tiruchirappalli and another at Musiri. There had also one Tahsildar at Chidambaram in South Arcot District and in other districts the work was attended to by regular Tahsildars. Appeals against the order of rent courts laid to the District Munsif functioning as Rent Tribunals under the Act.

58 G.O. No. 1688, Ms. 8. 11. 1961.
59 A. Chandrasekaran, op. cit., p. 72.
In certain parts of Tiruchirappalli district a peculiar kind of tenancy in respect of land called Kaiyeruwaram or Matteruwaram existed. A Kaiyeruwaramdar was one engaged by a landlord to do ploughing and watering operations or ploughing operations alone on land and was remunerated for such work by a share in the crop raised on the land in respect of which such work is done or by payment of a fixed quantity of paddy or by both.\footnote{History of Land Revenue Settlement and abolition of Intermediary Tenures, Madras 1977, p. 226.}

Similarly a matteruwaramdar was one engaged by a land owner to supply bulls for ploughing and other operations on a land and receive as remuneration for such work, a share in the crop on the land in respect of which such work is done.\footnote{Ibid.,}

The uncertainties in the above relationship between the land owners and the waramdars led to frequent disputes leading to unsettled conditions, breaches of peace and consequently resulting in the fall of agricultural production in that district. It was in order to define the conditions of engagement and to provide protection of Kaiyeruwaramdars and Matteruwaramdars, this legislation was enacted.\footnote{Ibid.,}
The power of adjudication of disputes rests with the regular Tahsildars with a provision for appeal to the Revenue Divisional Officer. The provisions of the Madras Cultivating Tenants Protection Act, 1955 and the Madras Cultivating Tenants (Payment of Fair Rent) Act, 1956, had since been made applicable to Matteruwaramdar under a landowner who owned more than ten acres of wet land and such Matteruwaramdar shall be deemed to be a cultivating tenant within the meaning of these Acts.63

THE TAMIL NADU LAND REFORMS (FIXATION OF CEILING ON LAND) ACT, 1961 (TAMIL NADU ACT 58 OF 1961)

The policy to abolish all the intermediaries (such as Zamins, Jagirs and Inams) was followed up by extending protection to and improvement of tenancy rights and the imposition of land ceiling as a further step in the agrarian reform.64

The fixation of ceiling on land was under active consideration ever since, the Land Revenue Reforms Committee was appointed in 1950.65 It examined this aspect also on the background of the landholdings obtaining in this State, which brought to light the concentration of land in the hands of a few landlords, quite detrimental to the interest of the peasantry population and retarding the economic development of the country and food output.

64 Land Revenue Reforms Committee, First Report, 1953, para 41-51.
65 Ibid.
The Act was passed with the following objects and reasons

"Having regard to the recommendations of the Planning Commission in the Second Five Year Plan for reducing the glaring inequalities in the ownership of agricultural land, the Government had decided to undertake legislation for prescribing the maximum extent of agricultural land that a person may hold. The ceiling will, except as otherwise provided in the Bill, apply to all agricultural lands held by a person either as owners or as usufructory mortgagee or as a tenant or as an intermediary or in one or more of those capacities. The provisions of the Bill were to apply to the whole of the State of Madras. The Bill contains provisions for controlling future acquisition of agricultural land".66

The Act which took retrospective effect from 6th April 1960 was a self contained code which defined all the incidence connected thereto, viz fixing the limits up to which land can be held in the State, including the transferred territory of Kaniyakumari district and Shencottah taluk of Tirunelveli district. The Act was applicable to all land holdings owned or held by persons, companies, families and societies but not to plantations, topes, orchards, grazing lands, dairies and land held by sugar factories.67

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66 Ibid.,
The ceiling limit on land holding as originally fixed depended on the number of members in the family, the extent of Stridhana lands held by the female members in that family and the surplus determined in the manner prescribed under the statute. The ceiling was 30 standard acres for a family of 5 members with an additional five acres for every additional member of the family subject to an over all standard ceiling limit of 60 standard acres.\textsuperscript{68}

Lands in hill areas were exempted from the Act. Standard Acre was defined as follows:\textsuperscript{69}

1. **In any area in the State, except the transferred territory:**

   a. 0.8 acre of wet land assessed to land revenue at any rate above Rs. 15 per acre; or

   b. 1 acre of wet land assessed to land revenue at the rate of Rs. 10 and above but not exceeding Rs. 15 per acre; or

   c. 1.2 acres of wet land assessed to land revenue at the rate of Rs. 8 and above but below Rs. 10 per acre; or

   d. 1.6 acres of wet land assessed to land revenue at the rate of Rs. 6 and above but below Rs. 8 per acre; or

   e. 1.75 acres of wet land assessed to land revenue at the rate of Rs. 4 and above but not exceeding Rs. 6 per acre; or

\textsuperscript{68} Ibid.,
\textsuperscript{69} Ibid.,
f. 2 acre of wet land assessed to land revenue at the rate of Rs. 4 per acre; or

g. 2.5 acres of dryland assessed to land revenue at the rate of Rs. 2 and above per acre; or

h. 3 acres of dryland assessed to land revenue at the rate of Rs. 1.25 and above but below Rs. 2 per acre; or

i. 4 acres of dryland assessed to land revenue at any rate below Rs. 1.25 per acre;

2. In the Kanniyakumari district: 70

a. 1 acre of registered wet land irrigated by any source forming part of or benefited by, any project; or

b. 1.2 acres of registered dry land irrigated by any source mentioned in item (a); or

c. 1.6 acres of dry land irrigated by any Government source other than a source mentioned in item (a); or

d. 4 acres of dry land unirrigated by any source mentioned in item (a) or by any other Government source of irrigation:

3. In the Shencottah taluk of the Tirunelveli district:

a. 1.2 acres of wet land irrigated by any river or stream or by tank fed by any river or stream; or

b. 1.6 acres of wet land irrigated by any Government source other than a source mentioned in item (a); or

c. 2 acres of dry land irrigated by any Government source: or

d. 4 acres of dry land unirrigated by any source mentioned in item (a) or by any other Government source of irrigation.

Compensation for surplus land taken over by Government was payable in the shape of 10 years bonds carrying 4 per cent interest. The lands acquired by the Government were assigned to eligible persons in accordance with the Tamil Nadu Land Reforms (Disposal of Surplus lands) Rules, 1965. The Act also imposed a ceiling of 5 standard acres for cultivating tenants.

After implementing the Act for about 10 years, it was found that its result was not appreciable. Even while the legislation was on the anvil, landholders owning large extents started disposing of their surplus landholding to whoever would offer a price, including benamidars or partitioned the land among coparceners and relatives.

71 Ibid.,

Trusts came into existence in large numbers.\textsuperscript{73} There was large scale adjustment of land holding within the ceiling, with the result that only a meager extent came to be declared as surplus. The exemptions granted under the Act also proved a handicap in securing a sizeable extent of land as surplus for distribution to bonafide and poor agriculturists.

After the breakdown of the British colonial rule and the introduction of agrarian reforms by the Government after 1947 a few sections of these tenant holding were elevated to full or partial ownership of lands which the tenants had cultivated. But a very large section continued as tenants of the land lords, who were the actual proprietors of the land. Any amount of legislation, which has not been much, has not changed the situation thoroughly. If there is a law, there is a loophole and while the law may benefit the poor, the loopholes benefit the rich.

The Panniyal Protection Act of 1952 doubled the wages of the Panniyals and gave them certain rights. The mirasdars retorted by dismissing the Panniyals and reducing them to the level of daily wage labourers. The Cultivating Tenants Protection Act of 1955 aimed at preventing the eviction of tenants arbitrarily, but eviction on certain grounds was permitted by the law itself.

The land lords being stronger and more powerful than the tenants, they evicted many of the tenants and brought the lands under owner-supervised cultivation with the help of daily wage labourers. The fair Rent Act of 1956 also met with a similar fate. If the Land ceiling Act had been implemented forcefully, there would have been lands for redistribution to the landlers. The road has been a long and arduous one and the journey is by no means finished. The active co-operation of the agrarian society is also essential for the situation to change.