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Land Reform measures:

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CHAPTER : XIV

LAND REFORM MEASURES

Poverty is one of the main problems of the world. It involves raising the living standards of two thirds of the world population. The quite a large sizeable sections are from rural folk, many of whom are denied the right of land, the basic need for self improvement. There has been a continuous struggle on the part of the poor for land which is reflected in the history. Land reform has come to be a tremendously popular slogan for redistribution of wealth and promotion of economic development; this has been true in countries with such widely divergent historical, cultural and geographical backgrounds as India, Italy, Bolivia and Japan. One influential writer goes so far as to say that it is the most important social change now taking in the world.  

1. Argument for land reforms :  
   (i) The social equity :  
The argument is based on the ethical moral consideration that inequality and, worse still, exploitation, are bad things.  

   (ii) Ideological :  
This argument is based on ideological position and therefore with political dogma.
(iii) Economic:

This is the strong argument on economic ground, either for the benefit of the individual farmers or as part of an overall development policy.

Material on the subject of the land reform has been produced by scholars and practitioners of many different disciplines, each of whom tend to apply a biased viewpoint derived from parent discipline.

Normally land reform may be divided in two parts.

(ii) Abolition of intermediaries like the zamindars.

(ii) Tenancy reforms and ceiling of holdings.

In economic terms the objective of land reforms is not only for greater equity and social justice but also to provide an incentive to the owner and tillers for increasing agricultural efficiency leading to increased production.

The first is essentially abolition at agrarian feudalism and it has to be the first step for agricultural development under democratic conditions. The tillers must be liberated from the feudal hierarchy.
A property structure based on multifaceted exploitation of one section of society by another causing under utilisation of manpower and inefficient use of land tends to adversely affect production. But a property structure based on egalitarianism, providing opportunities for self development to all sections of producers and ensuring the maximum utilisation of both land and manpower increases production and raises the agrarian economy to higher levels. Agrarian reforms are, therefore, considered a major structural transformation. As aptly observed by a Commentator "A land reform is a revolutionary step, it passes power, property and status from one group to another". The sections of society who have linkages with the political power holders and vested interest in the perpetuations of the existing agrarian structure and property relations, have a negative attitude towards agrarian reforms. Therefore, state backing for the enforcement or agrarian reforms is essential.

1. **Agrarian structure prior to independence:**

At the beginning of British rule, they found that various kinds of land tenures and rights in land had existed since the Mughal rule. Vast areas of land were held by the state as Khas lands. Then there were jagirs, inams etc. allotted to big feudal landlords as a Quid pro Quo for certain financial or military obligations towards the state. Then came Zamindars who had to pay fixed amount annually as land revenues to the state.
The British administration, however, modified the pattern of land tenures with the aim of maximising the revenues of the state. British introduced the:

(i) **Permanent settlement policy**: fixing the amount of land revenue that the zamindar would have to pay to the British.

The actual tillers of the land were deprived of all their traditional rights including the security of tenure. The mass of peasants were reduced to the status of landed labour. This system brought in its wake rack renting and pauperisation of the rural peasantry. This system was confined mainly to the Eastern parts of India, in the state of West Bengal, Bihar and Orissa.

(ii) **Ryotwari System**: In other parts of India, notably in Madras and Bombay, the British tried another system of land tenure known as ryotwari system. Under this system settlement was made separately with each peasant holder of land or ryot who was recognised as the proprietor with the right to sublet, mortgage or transfer by gift or sale. The ryot was protected from eviction so long as the fixed assessment was paid to the government.

(iii) **Mahalwari System**: Another type of land tenure called Mahalwari tenure was initially introduced in the united provinces (North India) and extended to Punjab. Under this
system the settlement was made with the entire village as a whole with each of the joint holders of the land being jointly and severally liable for the payment of the land revenue.

A cultivator had ownership of the land so long as he remained in the village. If he left the village, his land reverted to the class which redistributed it to any other member of the same class.

Zamindari system in India and in England is not equally structured. The English landlord of 18th and 19th centuries, as an absolute owner of his land was conditioned to promote agriculture. The Indian Zamindars, who was also vested with proprietary rights, was interested primarily in rack renting and money making and not in agricultural development.

The ryotwari system had only a superficial resemblance with French peasants proprietorship. In French the peasants class developed certain dynamic characteristics of initiative and enterprise after over throw of old feudal order. But in India the ryotwari system was imposed from above by a colonial power interested only in extracting the maximum surplus of agricultural produce in the form of land revenue.
During the colonial era, the proprietor of land were mostly non cultivating class. The landlords did not invest the surplus in improving agriculture rather they extracted the maximum rent from the tenants. The tenants were exploited extensively. Besides rents there were many illegal levies imposed on tenants and sharecroppers as for e.g. labour rent or Begari which was a hallmark of semi-feudal domination. Daniel Thorner described the agrarian structure a "built in depressor" responsible for the stagnation of the rural economy. In the context of agrarian situation, there was a surplus of foodstuffs to the extent of 5 million tons in 1880, there was a deficit of 10 million tons in 1945. By 1945 nearly 30% of India's population was suffering from chronic malnutrition.

As observed by the National Commission on Agriculture "under the British rule land reforms had a very limited scope and content". Land reforms did not touch the privileges or status of Zamindars and other intermediaries. British land reforms gave hardly any protection to the tillers of the soil. They gave protection mainly to certain big and middle tenants between the landlords and the actual cultivators.

The report on U.P. Zamindari Abolition aptly summed up the state of the agrarian structure "when the British withdrew from India in 1947, they left the country with perhaps the world's most refractory land problem."
1. INDEPENDENT INDIA AND LAND REFORM:

Independent India took the land reform programme in the following ways.

(A) Abolition of intermediary tenures.
(B) Tenancy rights
(C) Fixation of ceiling on land holding
(D) Consolidation of holdings.

(A) Zamindari Abolition: Land Reform Programme was the issue of elimination of intermediaries, namely holders of certain recognised proprietary or sub proprietary tenures created by the colonial power in the form of statutory landlordism—abolition of Zamindaris. Since land and agriculture are within purview of the state list, the different states passed laws in respect of abolition of Zamindaris. This measures tried to remove the vestiges of feudalism and prepared the ground for the development of modern commercialised agriculture.

(B) Tenancy rights: Abolition of intermediaries, certain amendments to the existing tenancy law were made to protect the interests of the tenants of former intermediaries. Innumerable eviction were effected through the process of "resumptions" of land by landowners. They resorted to coercion, intimidation, violence and the facade of 'voluntary surrenders' to achieve displacement of tenants. Thus, the first phase of land reform adversely affected the interests of weaker tenants who formed a very large section.
of the tenants. Consequently, legislative reforms to rectify the defect in the existing legislation were made to enlarge the area of protection to tenants.

The first five year Plan laid down the tenancy reforms and recommended the right of occupancy of all tenants subject to the owners' right to resume a limited area for personal cultivation. It disapproved of resumption of land except for self cultivation. The rights of resumption was to be exercised within a period of five years. If the lands were not resumed within that period, the tenants would have the right of purchase, the price to be determined in terms of multiples of the rental value of the land, with payments in instalments. The rental value should not exceed one fourth or one fifth of the produce.

The major reforms of tenancy legislation in the different states pertained to:

(i) Security of tenure
(ii) Termination of tenancy
(iii) Resumption for personal cultivation
(iv) Surrenders
(v) Regulation of rent.

While considerable progress has been made in the field of tenancy reforms, yet there exist many loopholes in the laws. Though leasing out of land is prohibited in
most of the states, in reality, the leasing out is done in the form of sharecropping and the exclusion of sharecroppers from the scope of tenancy laws deprives them of the protection and right of tenants. Third Five Year Plan suggested that, to be valid, surrenders must be registered with revenue authorities and, even with respect to valid surrenders, landowners should be allowed to take possession of land only up to the permissible extent of resumption. Fourth Five Year Plan suggested that the landowner should not be allowed to regain possession of the surrendered land and every surrender should be in favour of the Government which should allot such land to other eligible persons.

This suggestion has been incorporated in the legislation of some states. The objective of conferring occupancy rights on the tenants has not materialised much because first, the tenants with their weak purchasing power are not in a position to pay the prescribed high rates of compensation for acquiring ownership rights. Secondly, the provision, which requires a tenant to prove continuous occupation of a holding for a specified number of years, negates the spirit of tenancy reforms. It becomes virtually impossible, except for an influential tenant, to prove continuous occupation, as the landlords manipulate landrecords, do not issue rent receipts and rotate tenants from plot to plot. The burden of proof currently on the tenant is too onerous to make the legal provision effective.
LAND CEILING REFORMS: The imposition of a ceiling on agricultural holdings is a redistributive reform. The unit of the ceiling was generally an individual and not a family. The exemptions from the ceiling limits were manifold and varied. The land record were either not available or defective. The administrative machinery was not committed to this reform. Ceiling legislation fell within the competence of state legislative jurisdiction, each state enacted its own ceiling legislation.

CONSOLIDATION OF LAND HOLDING AND UPDATING OF LAND RECORD:

The necessity for consolidation of land holdings for increasing agricultural productivity cannot be overemphasised. Fragmentation and subdivision of holdings are created due to demographic pressure. The National policy on land reform right from its inception has continued to press the need for land consolidation. Most of the states have enacted laws on the subject.

1. Land reform measures in Assam:

The issue of land reforms did not receive due attention of the Government during the pre-independence period. The land reforms measures which were undertaken by the British Government related mainly to land administration in Zamindari areas with the sole purpose of establishing their political influence in the rural areas and not for improving the conditions of tenants and raiyats. During the British period, based on the Bengal tenancy Act of 1885, the following acts were passed.
These are noted:

(i) Goalpara Tenancy Act, 1929

(ii) The Assam (Temporarily settled Districts) Tenancy Act, 1935

(iii) The Sylhet Tenancy Act 1936

These Acts sought to protect the interest of the tenants who were classified into occupancy and non-occupancy tenants.

1. Land Reform measures undertaken since independence

   A. The Assam Adhiar Act, 1948:

   The first land reform measures undertaken since independence in Assam is the Assam Adhiar protection and Regulation Act, 1948 (amended in 1952, 1955, 1957 and 1960). This Act sought to give protection to the sharecroppers from indiscriminate eviction. It also fixed the share of the crop rent to be paid by 'Adhiar' to their landlords at one third of the produce of the major crop if plough cattle were provided by the landlord, otherwise at one fifth of the produce. But the act could not give necessary protection to the various types of sharecroppers in Assam. In the absence of Adhiars record of rights, adhiars are often shown as wage labourers by the landowners and in this way the adhiars are deprived from their legitimate rights.

   Three Tenancy Act of Pre-independence Indian and the Adhiar Act 1948 were replaced by the -
(B) Assam (Temporarily Settled Areas) Tenancy Act, 1971. As per this Act, the tenant can get occupancy right after holding the land for three years. This confers the holder permanent, heritable and transferable rights of use and occupation. Non occupancy tenants were given only the right to possession, but their lands are not transferable. The Act fixed the maximum rent in kind at one Fifth of the produce and in cash three times the land revenue. The occupancy tenants and other tenants can acquire intermediary and ownerships rights on payment of compensation equal to fifty times the land revenue. 1971, tenancy Act also has been ineffective to improve the relative position of the adhiars. They were rather pushed back to despondency by being forced to sign an agreement that they would plough the land for a year for some lumpsum payment. Moreover, landrecords are not properly maintained as a result tenants are found break in their occupations.

(C) Abolition of intermediaries:

The Assam State Acquisition of Zamindars Act, 1951 was chronologically the second law of land reform. According to this act, Zamindars (proprietors) and other intermediary tenure - holders like jotedars and Mirashdars were abolished in the permanently settled estates of Goalpara and Karimganj districts. The Government had to pay compensation to Zamindars and other intermediaries amounting to about 3 crores at the rate of Rs. 42 per hectare. On the other hand, the Government began to receive
land revenue amounting to about Rs. 22 lakhs as against only Rs. 30 thousand from the intermediaries. Moreover, government came to possess vast areas of valuable sal forests and fisheries.

Delay in implementation of the Act caused by legal proceedings against it, there had been many cases of destruction of forest, illegal leasing of waste land and ejection of tenants. The act provided for allowing the Zamindars and tenure holders to retain as much as 400 and 150 bighas of land respectively till 1974 as private land. But this provision paved the way for prolonging intermediary rights in land even after the statutory abolition of the Zamindary system.

State acquisition of land belonging to religious or charitable institutions of public nature Act, 1959 Act was passed during the 2nd plan period was aimed at abolishing the intermediary rights of the religious or charitable institutions of the state on payment of perpetual annuity equivalent to net income. The tenants of the acquired land have now been accorded the status of land holders.

(D) Ceiling on land holding:

Ceiling on landholding is an important measure to bring social justice. It is one of the most
fundamental contributory factors in the eradication of rural poverty through its impact on income and employment of a large section of rural population. Assam fixation of ceiling on land holdings Act in 1956 and the Act came in force on 15.2.58. The original Act 1956 fixed the ceiling of land that a person or family can hold 150 bighas (or 49.05 acres) plus 30 bighas for orchared. In 1971, the ceiling was reduced to 75 bighas plus 30 bighas for orchard and Act was amended in the year 1972 and ceiling was brought down to 50 bighas plus 4 bighas for orchard. Big land owners resorted to large scale 'benami' transfers, thus frustrating the very object of the land ceiling act. Right of appeal to the law court also hindered the progress of implementation of ceiling land.

Success of ceiling measures much depends upon the availability of surplus land. There are loopholes in the ceiling act. There are provision for joint family, special cultivation, orchard. These provision help to divert the ceiling limit. Moreover, land records are unsystematic and do not reflect correct picture of position of lands of landowner.

(E) Consolidation of holding:
Consolidation of land holding is a very important measure of land reform in a agrarian setting. The Assam Consolidation of holding Act, 1960 was passed.
There are two statutory approaches to the measure of consolidation of holdings - permissive or voluntary based on the initiatives of the land holder and the other is compulsive in which the initiative is taken by the Government and the decision is binding on the parties. The compulsive method has been adopted mainly by Punjab, Bihar and Maharastra etc. But in the 1960 consolidation Act, Assam has adopted the voluntary method. In Assam consolidation of holding is slow because of voluntary nature of consolidation of holdings.

IMPLEMENTATION OF LAND REFORM MEASURES IN THE STUDY AREA:

On study of sample household in the sample village of Barpeta and Nagaon district it is observed that tenants are not protected under the Assam (temporarily settled Areas) Tenancy Act, 1971. though there is a provision of rent in kind is fixed at one fifth of the produce, yet the landowner very often come to an agreement verbally at half of the share of produce.

Secondly, records of right is not established even after continuous possession over the same land.

Section 23 of Assam (temporarily Settled Areas) Tenancy Act, 1971 provides the rights to acquire the rights of the his landlords status, yet the tenants at the study areas are deprived from the right of landlord as a result they are being exploited by the landlords.
Thirdly, even after continuous possession for more than three years, landlords ejected the tenants to break the occupancy right of the tenants so that the tenant cannot claim occupancy right.

In the study area among the sample households, it is observed that landlords lease out the land on agreement of half of the share of total produce, between landlords and tenants. In this context, percent of lease out land to owned area district wise among the sample household for the year 1993 is shown at Table No. 14.1. Similarly, concentration of owned operational holding according to the size group of holding for the year 1993 is also shown at Table No. 14.2. In the context of better understanding of the operational holding by tenant is also shown at Table No. 14.3.

From the Table it is clear that lease out at higher size group of holding is more than lower size group of holding. Similarly, concentration of owned operational holding is less at lower size group. On the other hand, lease in land among the sample household is more at Sutargaon, Kotowani in the district of Nagaon and at Chalcharia, Mahtoli, Khundaibari pathar, Banglibara in the district of Barpeta.

From the Table it reflects the position of sample households who perform tenant cultivation, yet the
### TABLE NO. 14.1

Percent of Lease out land to owned area according to the size group of holding. Year 1993

<table>
<thead>
<tr>
<th>District</th>
<th>0 - 5</th>
<th>5 - 10</th>
<th>10 - 15</th>
<th>15 - 20</th>
<th>20 - 30</th>
<th>30 - 40</th>
<th>40 - 50</th>
<th>50 % Above</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nagaon</td>
<td>15.59</td>
<td>14.64</td>
<td>56.25</td>
<td>37.23</td>
<td>32.35</td>
<td>36.62</td>
<td>56.50</td>
<td>41.09</td>
</tr>
<tr>
<td>Barpeta</td>
<td>24.54</td>
<td>18.00</td>
<td>17.24</td>
<td>70.59</td>
<td>26.47</td>
<td>25.81</td>
<td>-</td>
<td>50.00</td>
</tr>
</tbody>
</table>

Source: Compiled from Field Survey

### TABLE NO. 14.2

Percentage of Concentration of owned operational holding according to size group of holdings. Year 1993

<table>
<thead>
<tr>
<th>District</th>
<th>0 - 5</th>
<th>5-10</th>
<th>10 - 15</th>
<th>15 - 20</th>
<th>20 - 30</th>
<th>30 - 40</th>
<th>40 - 50</th>
<th>50 % Above</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nagaon</td>
<td>24.81</td>
<td>60.21</td>
<td>72.00</td>
<td>81.40</td>
<td>92.40</td>
<td>87.79</td>
<td>97.23</td>
<td>98.52</td>
</tr>
<tr>
<td>Barpeta</td>
<td>24.65</td>
<td>61.75</td>
<td>79.58</td>
<td>95.00</td>
<td>94.87</td>
<td>95.12</td>
<td>100.00</td>
<td>100.00</td>
</tr>
</tbody>
</table>

Source: Compiled from Field Survey
<table>
<thead>
<tr>
<th>Block</th>
<th>Name of Village</th>
<th>Percentage of Lease in land on total operational holding</th>
<th>Name of Village</th>
<th>Percentage of lease in land on total operational holding</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>2. Kachariagaon</td>
<td>30.80</td>
<td></td>
<td>2. Ahompathar</td>
</tr>
<tr>
<td></td>
<td>4. Barangatali Panikhowa Chukk.</td>
<td>33.60</td>
<td></td>
<td>4. Durramari</td>
</tr>
<tr>
<td></td>
<td>5. Samaguri Grant</td>
<td>10.40</td>
<td></td>
<td>5. Ketekibari</td>
</tr>
<tr>
<td>B. Kathia tali</td>
<td>1. Rangloo Sutargaon</td>
<td>27.97</td>
<td></td>
<td>1. Dakhin Burukkhomar</td>
</tr>
<tr>
<td></td>
<td>2. Nagoshalkhal</td>
<td>36.60</td>
<td></td>
<td>2. Sukanjan</td>
</tr>
<tr>
<td></td>
<td>4. Potonimukh Panigaon</td>
<td>34.06</td>
<td></td>
<td>4. Uttar Buralkhomar</td>
</tr>
<tr>
<td></td>
<td>5. Namgamotha</td>
<td>58.99</td>
<td></td>
<td>5. Khundal Baripathar</td>
</tr>
<tr>
<td>C. Pakhi maria</td>
<td>1. Kotowal</td>
<td>70.73</td>
<td></td>
<td>1. Madhabpur</td>
</tr>
<tr>
<td></td>
<td>2. Ranthali</td>
<td>39.85</td>
<td></td>
<td>2. Mahtali</td>
</tr>
<tr>
<td></td>
<td>4. Marangial</td>
<td>32.00</td>
<td></td>
<td>4. Banglipara</td>
</tr>
<tr>
<td></td>
<td>5. Deodhar</td>
<td>41.46</td>
<td></td>
<td>5. Galia</td>
</tr>
</tbody>
</table>

SOURCE: Compiled from Field Survey
Sample households are deprived the right of Status of landlords - despite of protection declared under the Tenancy Act, 1971. Sample households are poor landless, small and marginal farmers who are insecure and has no ability to invest for production of agricultural crops. Landlords get half share without any investment.

Ceiling on land is miserably failed in respect of diversion of surplus land to the landless cultivators. Benami transactions system of joint family give the opportunity to the landlords.

Consideration of holding though is an important part, yet no consolidation of land are performed.

This is the position of sample households of sample village. Majority of the sample household rely lease in land. Landlords lease out land and thus the landlord do not take any risk and no investments are made. Under such a situation agricultural development cannot be expected. This situation can be explained throughout Assam.

The principal problem of agriculture in Assam is that it is overburdened with a disproportionate share of our population. This cannot be solved either by various subsidies or by credit. Creation of necessary infrastructure along with creation of employment either
permanently or semi permanently through labour co-operatives with assured contract work or land army with monthly salary basis. This will induce many marginal and non-marginal farmers to lease out or sell their land or leave agriculture.

Mere technological improvement is not sufficient. Important changes in respect of property structures and the socio-economic set up of the rural population is a necessary condition. A wise combination of these two in a scientific manner is necessary for ensuring maximum production with measures for redistributive justice.

To sum up, land reforms measures undertaken by the Government failed to bring change of agrarian structure in the study areas including entire Assam. All norms of tenancy laws are failed miserably and landlords are leasing out land and taking the advantages from the tenants. For justice and prosperity, it requires the important change in respect of property structure and the socio-economic set up of the rural population.

* * *


5. XV Report of the National Commission on Agriculture 12 (1976)

7. Jacob Alice : Land Reform in India – A review
Quoted from Manilal Nanaviti's assessment.

8. XV report of the National Commission on Agriculture,
   Supra note 2 at 12.

   (1978) Quoted in Johsi, "land reforms in India.

     planning Commission, Report of
     the land Reforms (1988). The
     implementation of land reforms.
     A review (1966). The task force
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