CHAPTER IV
LAND REFORMS

Land reforms could be regarded as one of the principal areas of concern in development studies. Almost every discussion of the development problem in the LDCs necessarily includes an analysis of the agrarian structure and the need to modify it through land reform legislation. In view of the pervasive importance of the agricultural sector in the LDCs and given their skewed land distribution, the place occupied by land reforms in the literature on development as also the vast amount of writing on land reform itself are hardly surprising.

As a field of study land reform bristles with controversy. This again need cause no surprise since the subject has attracted a large number of distinguished minds and also because it is influenced by a wide range of factors – economic, political, social and technological. Further, the impact of land reforms is profound. They have far-reaching implications. It is for these reasons that any analysis of land reforms to be meaningful, should be presented on a wide canvas and should focus on the nexus among the variables mentioned above.

It is obviously impossible to attempt a full scale review of the enormous quantity of literature on land reforms. This chapter is not intended to be a review. In this chapter, attention is directed at the principal factors in relation to land reforms. The factors so identified are the following – the definition or rather multitude of definitions of land reforms, factors influencing land reforms, the approaches to land reforms, the mode of production, the legislating framework, and peasant mobilization for the success of land reforms. It need hardly be emphasized that the above mentioned aspects are highlighted as they are crucial to this study.

Every aspect of land reforms has been subjected to scholarly scrutiny. The very definition of land reform is not free from debate
and dispute. Since no standard definition exists, different scholars use different definitions. This way, we are confronted with a multitude of definitions covering the entire gamut from an all encompassing definition to a highly restricted one. Each definition is representative of a particular ideology. Each scholar/author conceives of land reforms in a particular perspective and this perspective is usually traceable to his/her perception of the subject and its socio-potential and economic implications.

A study of land reforms attracts more than normal attention in the Indian context because of the complexity of the issues involved. In India, an analysis of agrarian relationships becomes multi-dimensional as the ownership and control of land carries with it not only economic power, but also social status. The agrarian structure is characterized by both ‘caste’ and ‘class’ factors which necessitate a study of the nexus between the two. With this, ‘the political factors’ enter the picture as land is the most important economic asset which carries with it political overtones. Because of this, any reform measure that attempts to change the agrarian structure has political implications.

When all these dimensions are superimposed on the agrarian structure, the classification of the agrarian structure becomes extremely complex. Debate centering on the impact of technology on land relations is also of crucial importance because among the exogenous factors that influence the agrarian structure, ‘technology’ can be said to play a very important role. It determines the size/scale of the farm, the productivity of the farm, etc. which cannot be ignored while formulating land reform laws.

Reference is usually made to agrarian reforms in studies relating to other aspects of agriculture, especially technological change. Therefore the entire agrarian framework with its economic,
social, political and technological dimensions should be scrutinized to get an overall picture of the agrarian problem.

The interplay of the above mentioned factors has led to difficulties in defining the subject of land reforms. The problem is further aggravated by the fact that there are divergent views on what constitutes land reforms. Different scholars have put forth different approaches to this problem. In essence the approaches to land reforms follow from the definitions. Any approach to land reforms represents an ideological basis which indicates what kind of legislation is favoured to improve the agrarian structure. Thus, ideologies become an integral part of the study of land reforms. This also means that each approach with its ideological foundation has a definite political implication. The type of law that is preferred represents an ideological position. It is necessary to analyse this, as a good part of this thesis is devoted to analyzing the manner in which land reform law has been formulated in the State of Karnataka.

Another dimension added to the study of land reforms is ‘the mode of production’. The mode of production is determined by the interaction, in a historical setting, of several forces. The mode in turn shapes the agrarian structure. The mode of production has to be studied since in the view of many, it is this that governs all agrarian relations and represents in a nutshell the kind of differentiation that exists among the peasantry. Further it is the opinion of a large number of theoreticians that only by comprehending the dominant mode of production in any society one can chart out a course of action for ushering in changes in the agrarian structure.

The scholarly studies made on the mode of production gives us an insight into the differentiation of the peasantry which has a bearing on the mobilization of peasants. The mode of production has important political implications as it not only categorises the
peasantry, but also indicates, at least by implication, the manner in which alliances among the various groups I the peasantry can be forged.

Whatever be the mode of production visualized, whatever be the approach towards land reforms, the success of a land reform programme depends upon the effectiveness of its implementation. It is only through land reform legislation that the rhetoric can be turned into action. An ideological approach towards land reform is translated into concrete reality through land reform legislation.

As the legislation has a direct and immediate bearing on the agrarian structure and is in turn influenced by various factors that prevail in the agrarian structure, a change in the agrarian structure is made possible through land reform law. The kind of agrarian structure visualized i.e., the final goal of the reforms, should be kept in mind while formulating a particular land legislation. In the gradual movement of the law – for example, from a higher ceiling level to a lower ceiling level, from securing tenurial rights to conferring ownership rights on tenants – a progress is reflected which again reflects the approach towards land reforms. A gradual progress is possible only if the final goal is well-defined.

To achieve the final objective, whatever be its contents, peasants should be made aware of their rights – only then will a land reform programme achieve some progress. Meaningful land reforms are implemented in areas where the peasants are organized. Reference to peasant movements, therefore, becomes necessary in the present analysis. Also, analysis of the class differentiation and debate on which group of peasants should be mobilized highlights the possible future courses of action for mobilizing the peasants.
It is against this backdrop that the present chapter highlights some of the crucial theoretical issues pertaining to land reforms.

### 4.1 Definition of Land Reforms

Land reforms is a vast subject and is aptly described by Byres as “a peculiarly different problem to handle analytically” because “the meaning of the term varies from country to country, from writer to writer, and from period to period” (Byres, 1974, p.222). However, one can detect an underlying ideology in every definition. For example, Byres identifies as land reforms “the removal of land from large, ‘feudal’ landowners and its vesting with ‘rice peasants’” (p.223). This stems from his bias towards industrialization. On the contrary, for Lipton (1974), the objective of land reform is “that of increasing intra-rural equality” (p.271), therefore, land reform is said to comprise “(1) compulsory takeover of land usually (a) by the state, (b) from the biggest land-owners, and (c) with partial compensation; and (2) the farming of that land in such a way as to spread the benefits of the man-land relationship more widely than before the takeover. The state may give, sell or rent such land for private cultivation in smaller units than hitherto (distributivist reform); or the land may be jointly farmed and its usufruct shared through co-operative, collective or state farming (collectivist reform)”.

Lipton believes that the primary objective of reform is “to reduce poverty by reducing inequality” and this can be achieved only through “distributivist or collectivist means” (p.270).

Other programmes which act as alternative methods (settlements schemes and even reform of tenure conditions) to increase intra-rural equality are rejected by Lipton as “they do not attack the rural power structure, which is rooted in an extremely unequal distribution of owned land” (p.272).
But the wider definition of reform as a comprehensive programme blows it up into a concept so all-embracing that it almost amounts to a policy of agricultural development. While it is true that ‘land reform’ is one of the important policy measure that a developing country must undertake to achieve progress, care should be taken to avoid looking at land reforms as a synonym of agricultural development. A clear cut distinction between land reforms and development should be maintained because the latter is a broader aspect than the former.

Another important characteristic of land reform definition is that the primary motive behind every reform is said to be ‘social justice and/economic productivity’. Some tend to emphasize one objective more than the other along with prescribing different means of achieving the objectives. Even those authors who do not have a strong line of argument professing the ultimate goal of reforms (their main concern being analysis of their related aspects of agrarian reforms) regard it as a tool to rural inequality or to maximize agricultural output as to do both. The relationship between productivity and facts should be scrutinized because the choice made deeply the nature and content of land reforms. While the districts (Lipton, Warriner) would opt for social equality, basic efficiency would gain emphasis in Byres to whom land is a tool used to increase the marketable surplus of agriculture Byres calls for a restructuring of the agrarian structure to meet the needs of industrialization. Byres’ view could be regarded as the anti-thesis of Lipton’s ‘urban bias’. Byres is convinced that the agricultural sector can and ought to contribute to the development process by making available larger marketable surpluses. Yet it would be fair to add that Byres is by no means unmindful of the effect of his prescription on the agrarian structure, for instance, its impact on class formation, etc.
Bell recognize four major objectives for implementing land reforms:

1) To secure greater rural equity;
2) To raise output and improve the efficiency of resources use;
3) To raise agriculture’s marketed surplus and its taxable capacity; and
4) To capture or secure a rural power base.

Bell believes that the priority given by the government depends on the nature of social and political forces which put the reform into effect (Bell, 1974).

Whatever may be the definitional variations, land reforms is mainly viewed as an instrument to achieve ‘greater productivity and social justice’. With population growth and technological openings, reform has the duel purpose of serving both the needs. Land reforms, in a strict sense, could only help in creating an equitable distribution of property. But as Peter Dorner points out, “redistribution alone will achieve only modest and temporary benefits”. To achieve an increase in productivity, “land reforms must be accompanied by changes in the pre-reform structure of supporting services – like agricultural marketing, agricultural credit, research, extension, input supply, processing, storage, etc.” (Dorner, 1972, p.19)

**Definition and Classification of Agrarian Structure**

“The study of the agrarian structure in India has developed into one of the most important themes of social science research” (Joshi, 1975, p.3). An analysis of the agrarian structure in the Indian context is important because “nowhere in the world are agrarian relationships more complex than in India” (Thorner, 1962, p.149).

The agrarian structure is considered to be “a vague but generally used concept to denote the whole institutional framework within which agriculture operates” (p.1). In its simplest form it means
“the network of relations among the various groups of persons who draw their livelihood from the soil” or more precisely, “the agrarian structure is, after all, not an external framework within which various classes function, but rather it is the sum total of the ways in which each group operates in relation to the other groups” (Thorner, 1976, p.8).

Innumerable classifications of the agrarian structure are available. Generally, absentee landlords, self-cultivators, sharecroppers, tenants, agricultural labourers all from the agrarian structure. A simple definition of the agrarian structure would divide the land cultivators into two general groups: a small group of landlords and big farmers and a large group of tenants, small farmers and landless workers (Cohen, 1978). A believes that there exist only two classes – “a class of big include landless labourers, landed labourers and poor tenants who do not hire any labourers (in Thorner, 1982b, p.1995). But different layers of the agrarian structure. As Griffin (1979) points out, even in a simple rural community, there is no sharp class differentiation because “an individual may be simultaneously, or alternately, a sharecropper, an owner-operator and a wage-labourer” (p.24)

The study of agrarian structure gets special attention in the Indian context because of the complexities of the issues involved. The agrarian structure was found to be complicated before the agrarian legislation was passed in India because “between the landowner and the direct producers there often existed a series of intermediaries with varying rights on the produce of land. The producers themselves were subdivided into various categories according to the size of their holdings, the security of tenure, the mode of rental payments to landlords and the degree of freedom enjoyed vis-à-vis the landlord” (Dasgupta, 1977, p.35). Permanent tenants, tenants who could be evicted at will tenants who paid rent in cash and those who paid them
in kind – large tenants leasing out land to others – all formed this category. At the bottom of the ladder were agricultural labourers, who were again subdivided into permanent farm servants (or attached labourers) and hired casual labourers and sometimes even bonded labourers (Dasgupta, 1977).

Prior to the zamindari abolition in India, despite wide regional variations, Thorner recognized three categories within the agrarian structure – the proprietors (Malik), working peasants (Kisan) and labourers (Mazdur). The first category included the absentee landlords and smaller proprietors who possessed a high type of property right in the soil and lived on the agricultural income (rent) derived from the soil, the second had only a recognized property interest in the land – they were either the small owners or tenants with varying degrees of security. Sharecroppers and tenants-at-will who earned their livelihood from working on other people’s land were placed under the third category. (Thorner, 1976).

The above classification later came to be rejected by the Thorners as it was found inadequate. A new classification was put forth to encompass the complex structure of the Indian village:

“Class I: The “owner-cultivators”, includes proprietors, tenants who hold directly from the state, and occupancy or hereditary tenants who hold from landlords, provided that they “take the responsible decisions” which direct the process of cultivation.

Class II: The “tenant-cultivators” consists of holders of weak or short-lived tenancies and farm managers.

Class III: “Cultivating labourers” comprising of persons whose business merely is to perform physical labour in the manner required by the cultivator”
Class IV: “Agricultural rentiers” – Zamindars and “other proprietors of ‘estates’ who receive rent from land in these estates” (p.142). This class also includes a number of non-cultivating owners of land (Thorner, 1962).

Like the Thorners, Byres (1974) also gives a detailed classification of India’s earlier agrarian structure, his criterion being essentially the size of holding. While Byres has identified a single criterion to classify the agrarian structure, John Harris (1979) “defines his classes according to two criteria – size of production resources (including land) in relation to household livelihood requirements, and labour relations. This gives four categories as follows:

1) Capitalist farmers, with assets capable of realizing more than four times basic livelihood requirements, employing a permanent labour force, not contributing personally more than a very little family labour;
2) Rich peasants, with assets yielding 2-4 times household requirements, possibly employing permanent labourers, but substantially dependent upon family labour;
3) Independent middle peasants, whose assets yield 1-2 times household needs, employing principally family labour, may sometimes do wage labour for others;
4) Poor peasants, whose assets do not cover their livelihood requirements, so that they must depend primarily upon wage labour, this group includes ‘marginal farmers’ and agricultural labourers” (in Thorner, 1982b, p.1996).

A detailed classification of agrarian structure is given by John P. Mencher (1978) who divides “the population which derives its main subsistence from land, in one way or another” as follows:
1) The landless – “those who primarily derive their livelihood from working in agriculture either as day-labourers, as attached permanent labourers for particular landlords, or as .... a kind of share-cropper receiving one portion for every six retained by the landowner.”

2) Poor peasants – “those who own small pieces of land, between one and 2.5 acres, small enough to require that on occasion some of the members of a household do day-labour”.

3) Middle peasants – “those who are clearly self-sufficient and able to sustain themselves without ever doing coolie-work ... Households with over 2.5 acres of land are employers of labour, and rarely go out as manual labourers themselves.”

4) Rich farmers – “those having between 7.5 and 15 acres, not only self-sufficient, they are able to store surplus for a bad year, and still have enough grain to sell to obtain cash for the purchase of consumer goods.”

5) Rich farmers, capitalist farmers and traditional landlords – “households owning between 15 acres and approximately 30 acres of land. In this category there are three types of agriculturists:
   a) “rich farmers who, apart from giving small parcels of land to share-croppers, cultivate most of the land themselves with the help of coolies and actually go into the fields and do some of their manual work...”
   b) Capitalist farmers who do not do physical labour themselves.
   c) Traditional landlord of the old school (this category consists of landowners who give their land on various kinds of tenancy to labourers who look after their land for them).
   d) Intermediate class of large landholders – “a few households in the over 30 acre category” who are not
distinguished either as ‘capitalist farmers’ or ‘feudal landlords’.

4.2 Factors Influencing the Agrarian Structure

4.2.1 Social Factors

Whatever be the classification of the agrarian structure, it is apparent that the blanket term ‘peasantry’ cannot be applied to the village communities, as they are far too differentiated and stratified to suit the label. In India, the village communities get classified in terms of ownership, control and use of land on caste lines; it cannot be done only on ‘class lines’, because in India, caste also plays a very important role. Therefore, Beteille (1974) considers it essential to gauge the extent to which the caste structure creates divisions and subdivisions within the village.

Perhaps the most important single contribution to the study of ‘caste’ in the agrarian structure is made by Andra Beteille. Beteille believes that “caste has been particularly important in the social system centering around agricultural production, especially the control and use of land” (Beteille, 1974, p.63). According to Warriner (1969), “the agrarian structure of India enclosed a world of its own, since it is neither a large estate nor a peasant system, but a system of caste” (p.141). By placing emphasis only on the caste factor, Warriner has overstated the role of caste in the agrarian structure. While it is true that caste plays a very important role in determining agrarian relations, it cannot be considered as the sole element influencing the agrarian structure. This is because economic factors also influence agrarian structure to a large extent. In fact, there is a caste-class coincidence in the Indian situation, which should be taken into account.

Even though everyone in the village was allowed to make a living from agriculture, their contribution depended on the caste to which
they were born. The belief that low castes are born to labour and high
castes to enjoy the fruits of others’ labour, is deep-rooted in the minds
of the rural population. The dependence of agricultural labourers on
their masters is based on the economic hierarchy which is
strengthened by the social and religious institutions that support high
caste landowners. “Throughout India, land ownership has usually
been restricted to a few upper castes – in Thanjavur the mirasi system
was linked to the sway of Brahmin landlordism. This provided a
peculiar influence of ideology over production relations, the caste
system intervening in the division of labour and the organization of
production, and in this manner sharpening and rigidifying class
oppressions” (Menon, 1979, p.403)

Even to this day caste forms a barrier in matters relating to the
agrarian structure (Menon, 1979). This is proved by the fact that no
State in India has passed a land reform legislation requiring the
cultivators to till because there is a feeling that manual labour in
degradng (Thorner, 1976). “The improvement in economic condition
and hence in social standing is shown by engaging other people to do
the work” (Thorner, 1962, p.6). While it is true that any type of
manual labour, especially connected with land tilling is considered to
be degrading in India, it is wrong to put the blame entirely on this
factor and to go so far as to state that India has not passed a land
legislation demanding the owners to actually till the land. The main
difficulty arises in ensuring constantly that the real tillers own the
land. Also, such a proposition would call for the division of land into
tiny plots so that they can be individually cultivated and this would
not be welcomed either by the distributists or by the Marxists.

After the reforms of the late sixties, the agrarian structure
developed to possess the following categories of farmers: (a) rich
farmers who constitute 10% to 15% of the rural population, (b) middle
peasants forming 20% to 25% (a and a belonged to the previous kisan
group), (c) Poor peasants who formed another 25% of the rural population. This group consists of agricultural labourers, wage labourers, etc. This category has 37% of SCs and 10% of STs, the rest being caste Hindus, Muslims, etc. (Omvedt, 1981). A caste-class categorization is also given by Pradhan Prasad (1979) who has categorized the agrarian structure as follows:

1) Top peasantry, including landlords, who deem physical labour even on their own lands below their dignity – upper castes.

2) Middle and poor-middle peasantry, who do manual work on their own farms, but do not labour for others. The middle peasants hire in agricultural labourers, the poor-middle do not – these are essentially ‘middle-caste Hindus’ (i.e., backward castes other than scheduled tribes).

3) Agricultural labourers, ‘a sizable number of whom have small operational holdings’; these are drawn ‘mostly from scheduled castes, scheduled tribes and some middle case Hindus’ (in Thorner, 1982b, p. 1996).

Studies dealing with the relationship between the structure of society and agriculture strengthens the view that ‘caste’ and ‘class’ groups coincide, when the agrarian structure is classified. An instance of caste forming a barrier in matters relating to the agrarian structure has been explained by Saraswathi menon (1979), taking the example of Telangana district. In this district, the agrarian structure has been dominated by the Brahmins who constituted only 6% of the population, but owned more than 25% of the total holdings in late 19th century. This caste group was so powerful that, at one time, they expelled the entire Pallars (native labourers) who demanded higher wages and imported a new sub-caste from the neighbouring village, thus starving the Pallars into submission. Importing of outside labour was possible because of the caste-class coincidence. The Brahmins not only belonged to the superior caste, but also occupied the topmost
section of the agrarian structure. Hence, it was possible for them to displace the lowermost section i.e., the labourers who belonged to the low caste, viz., the Pallars.

4.2.2 Political Factors

When land is the main income earning source, which is predominantly so in an agrarian country, it is natural for it to carry with it the political power. In LDCs agriculture is still a dominant sector and hence any attempt to tinker with it naturally has strong political overtones (Tai, 1974 and Bell, 1974). The balance of political power determines the extent of reform because reform always involves an element of political risk. This is especially so when ceiling legislation is considered; the scale of redistribution depends first and foremost on the political power of the government, rather than on economic considerations. The problem is acute in overpopulated countries where shortage of land limits the extent to which redistribution of land can equalize incomes (Griffin, 1979).

The general view is that because of the influence of political factors, policies of land reform, credit, etc. are heavily biased towards big farmers who exercise considerable political power during the policy formulation as well as implementation process (Griffin, 1979 and Rao, 1975). Contrary to this, Cohen (1978) regard the instances of political factor influencing the agrarian structure as highly exaggerated. The reluctance of development economists to undertake the quantitative study of agrarian reform is usually given to be that “the implementation of agrarian reform is not so much a matter of economic analysis as of political decision” (p.2). This argument is rejected by Cohen on the ground that at the most the political decision may have a slight degree of hold in terms of agrarian reform – otherwise all government actions require political decisions. The main drawback in Cohen’s proposition is that he clubs all state decisions together. It is necessary to make a distinction between different
aspects of state policy. When this is done, important policy matter like land reforms, which affect the major part of the economy in a country which is predominantly agricultural gets highlighted. Any decision to change the agrarian structure will have enormous political implication. Therefore, a study of political factors is important.

4.2.3 Technological Factors

The agrarian structure of any economy is heavily influenced by two factors – the institutional framework within which it operates and the technology prevalent therein. The most important external factor that influences the agrarian structure is ‘technology’. The characteristics of the agrarian structure and the shape of the agrarian legislation are determined to a large extent, by the prevalent technology.

‘Technology’ has had variable impact on different types of farms depending upon the size of the farm, the irrigational facility, type of ownership/tenancy, etc. Because of its variable impact, the reaction among the various divisions of the agrarian structure shows marked difference to the introduction of new technology. Those who opposed land reforms did so primarily on the basis of farm efficiency. In fact, land reforms became “a major issue highlighted by the controversy over the question of farm efficiency” (Dasgupta, 1977, p.180). This happened because of technological interventions. The emphasis on technological reforms increased because of the need to increase agricultural production to balance the desperate food situation. In the sixties, the progress in institutional policy was hardly noticeable. After the successful implementation of zamindari abolition (which even the critics came to regard as fully implemented), interest in land reform seemed to wane. Also when agricultural showed sudden signs of quick growth as in the seventies, land reforms again assumed a serious proposition (Mydral, 1968).
The most profound impact of the new technology is said to have been on ‘the size of the farm’. The relationship between the size of the farm and productivity through technology has been studied extensively since the Farm Management Studies (FMS) threw light on this. The application of this study to land reforms relates mainly to the size of the farm (and therefore determines the level of ceiling) and also the type of tenurial systems (whether owner-operated/tenant operated holdings etc. are preferable). The main contribution of technology to land reforms was a reduction in the level of ceiling, in the later phase of land reform legislation.

It is believed that technological change has contributed to the wiping out of the inverse relationship between farm size and output per acre which was found under the traditional labour intensive technology that was favourable to the small farmers. The weakening of the inverse relationship between farm size and output implies a higher rate of growth of output among large farms when compared to the small farms. A higher rate of growth of output among large farms indicates that income disparities between small and large farms have grown as a result of technological change. Even though small farmers have an advantage over the larger ones in terms of availability and application of family labour, they lag behind the latter in terms of irrigation, fertilizers and other inputs.

In spite of the scale neutrality of the green revolution technology, this neutrality is highly technical in scope. That is to say that in practice the early innovators have been kulaks and to some extent middle peasants. Poor peasants and tenants have, if at all, been late adopters. The result is that the former group would be in a position to buy out the latter (Bell, 1974). The large farmers have been early adopters because they are initially better off and are thus able to have easier access to credit. Their capacity to bear risk is therefore obviously greater than that of small farmers. If the
institutional framework were to change and small farmers are equipped with better access to credit etc. their risk bearing capacity would improve and they too could become adopters. In such an event there is the probability that more labour would get absorbed in agriculture since small farmers employ more labour per hectare than large farmers. There is also evidence to indicate that on the whole small farmers have a lower overdue rate than large farmers. Hence lending institutions do not always run a higher risk by advocating loans to small farmers (Krishna, 1978).

The scale grouping is more important because if productivity increases, then more investment is made and only after capital has accumulated hired labour is employed. When grouped by scale (and not size), the per acre value of output, wage outlays, expenditure on fertilizers, value of modern capital will increase.

In the size grouping, the small-sized farms have the higher average yield, but with the scale grouping it is the larger farms which show the higher yield, the larger holdings spend more on fertilizers and manures per acre than small ones. “The gross value of output per worker rises both by size and scale groups” – it is more in large farms than small farms, “the value of assets, livestock, implements and machinery and all reproducible assets generally per farm worker rises both by increasing size of farm and expanding scale of production. If capital intensity of technique is measured by the value of implements and machinery per rupee of wage expenditure, this declines by increasing farm size; but increases with expanding scale” (p.1620).

Among with the size/scale of the farm, the type of land tenure and distribution of land ownership, the type of water supply, etc., are all important determinants of the pace and direction of technical change in agriculture (Griffin, 1979). The distribution of gains, it is
believed, would depend on the character of technological change, the relative capacities of landowners and tenants to invest in modern inputs as well as their relative bargaining power (Rao, 1975). The effect of technological improvements on a sharecropper, a tenant and a small owner-operator is different and depends mainly on who bears the risk.

It is believed that the character of tenurial relationships undergoes change only when a profitable technology is available. The new technology of the sixties had variable impact on tenancy – in relatively labour scarce Punjab, a profitable technology has led to eviction of tenants, expansion in the size of the owner cultivated holding, growing landlessness and mechanization and increased productivity without serious immediate tensions. In the densely populated West Bengal, with rentiership diffused among many leisure loving small owners, technology where profitable, pushed the owner towards cost sharing arrangement with a small family. This illustrates the manner in which the same technological progress can have quite different effects, depending upon the agrarian structure of the area. In this sense, any evaluation of a new technology must necessarily be made in the light of the agrarian relations present in a particular region or country (Griffin, 1979).

G.Parthasarathy (1979) has observed that in areas where the new technology has been successful, the area under tenancy declined giving place to owner-operated area because of resumption of land for self-cultivation. Tenants were either evicted or were pushed underground so that crop-sharing arrangements could be maintained. In contrast, in some areas, bigger landlords leased out small pieces of land to a large number of small tenants, the difference between the two different categories depending upon the character of the landlord tenant relationship – whether big landlord, small tenant, etc. and also
whether the area had a long tradition of canal irrigation and paddy cultivation.

The general effect of technological change on the rural landless is very likely to be negative. Initially as more land is cultivated due to the thrust of the new technology the demand for labour could rise, but in the long run there will be a demand for mechanization which could be labour displacing. Chaudhri (1974) has argued that the green revolution has brought to surface the contradictions inherent in capitalism, the chief of which is worsening income distribution. The question is not whether technological change is required but whether that in the absence of institutional reforms will have a beneficial effect on the agrarian structure. There are those like Dutwala who argue that institutional reform without technological change would be wholly ineffective in lifting “agriculture above its stagnation threshold” (Dantwala, 1970, p.176).

While realizing the importance of technological change, one can argue that on its own, it cannot achieve the necessary goal; it can at best solve the food problem by bringing higher incomes to the farmers. Parthasarathy believes that technology’s potential is grossly exaggerated because in the Indian context, expansion of gross cropped area has to be achieved mainly through an increase in the cropping intensity since the gross cropped area is not likely to increase at a far higher rate than that was achieved in the past. Also, the technological impact may have adverse effects. While the availability of a profitable technology, which is land-augmenting and labour-using may turn owner-rentier into entrepreneurs and raise the tenants’ income, it may also turn tenants into landless labourers. It may make small owner peasant farms viable. But policy measures which favour big farmers tend to be unfavourable to the interests of the poor (Parthasarathy, 1979).
Explaining the dependence of technological innovation on agrarian reform, Mydral (1968) states: “the success of technological reforms, designed primarily to increase the cultivated acreage and raise agricultural yields through variations in techniques and the input of capital, hinges largely on the extent of prior, or at least simultaneous, institutional changes” (p.1260). The question of using appropriate types of technological change as a factor favourable to land reforms and agrarian reorganization, as P.C. Joshi would agree, cannot be ignored. The institutional economist advocating land reforms is not expected to remain indifferent to technological change (Joshi, 1975).

In addition to the factors discussed above there are a few others which exercise an impressive degree of influence over the agrarian structure. One of the principal factors so far not discussed is usury. The ability of a money lender to exercise indirect control over land is important in countries like India where the formal credit machinery has been unable to replace the traditional moneylender. This factor is highlighted in a recent study (Pani, 1983). Pani has argued that the agrarian structure is influenced not only by land ownership but also by the ability to control usury. This is considered to be important because it distinguishes between the ownership and control of land. For e.g. a landlord could control the land of indebted small farmer, though the latter would still be the owner. Also, a ceiling on landownership may not affect a landlord who controls large tracts of land while owning only little land. Such a distinction (and the recognition of ‘credit’ which plays a vital role) is necessary to identify the type of reform needed because the land relationship itself changes when looked at from this perspective.

Market transactions, i.e., land as a commodity to be sold, which can change the agrarian structure plays a limited role because of the sentimental value attached to land. A peasant does not sell his land
unless he is forced to do so. However, land was either sold or mortgaged to money lenders, in the late sixties, because of technological break-through. This resulted in strengthening the topmost section of the agrarian structure. In contrast, the forewarning effect of the ceiling legislation, led the large farmers to break-up their units which were either sold or converted into benami holdings. Sometimes undercover tenancy arrangements were transacted on surplus land. Sale of land was only a last resort employed by the surplus land owners. This way market transaction act only as a minor factor that effects the agrarian structure.

Demographic pressures have also contributed to the division of land holdings. Partitioning of households create more marginal holdings. ‘A reverse ladder process’ that is ‘a downward trend’ occurs because of demographic pressure, especially when alternative employment opportunities are lacking. Because of this, the small owners become landless labourers etc. (Cohen, 1978). Population explosion is considered by Doreen Warriner (1969) to be the major factor which worsens the condition of agricultural labourers.

Clive Bell (1974) recognizes population growth and technical change as factors affecting agriculture. Since there is an inelastic supply of land and lack of alternative income opportunities especially non-farm jobs, the rapidly growing population’s demand for land exerts pressure and creates ‘land hunger’ – a hunger which, by the very nature of things, cannot be fully satisfied.

4.3 Approaches to Land Reforms

Each approach to land reforms has an ideological basis. Depending on their approach, “the ideological thinkers” can be categorized under two different schools of thought. Those opting for ‘distributive justice’ – the “distributist” and those favouring increased
productivity, among whom Marxists and non-marxists can be identified.

Under the distributist school of thought, we have scholars like Doreen Warriner, Michael Lipton, G.Parthasarathy, Keith Griffin, V.M.Road and others. T.J.Byres, Biplab Dasgupta and Utsa Patnaik belong to the “Marxists” category along with V.M.Dandekar and others who belong to the non-marxists category. They join to form the school of thought which opts for higher productivity.

‘The distributist’ or the ‘liberals’ view land reforms with egalitarian zeal. Therefore, to them, “the aim of agrarian reform... is primarily social: freedom, justice, social equality” (Warriner, 1969, p.28). To Warriner, “the social case for land redistribution in India is not that the rich are so rich; it is that the poor are so poor and so numerous” (p.150). Warriner argues forcefully in favour of the rural poor – “the real argument for reform is still, as it was in the past, the poverty of the poor” (p.217). To eliminate poverty, land reform is the only effective step because poverty is essentially a social phenomenon related to inequality. Therefore, to reduce poverty, inequality should be reduced (Griffin, 1979).

Redistributist measures according to Warriner should benefit small farmers and agricultural labourers. While opting for ‘social justice’ she rejects the importance given to ‘economic efficiency’. But as food shortage is likely to have more adverse effect on landless farm labourers than anybody else, especially when the growth of population is not offset by an increase in industrial employment, Warriner advocates family farms which can be cultivated co-operatively. A comprehensive program - with supervised credit, organized marketing, extension, etc., can also help small farms increase production, but Warriner feels that this cannot be adopted in less developed countries due to lack of such facilities. If such schemes are implemented at all,
the benefit is reaped by the relatively well-to-do farmers because of the socio-political situation prevailing in LDCs.

“Within the existing agrarian structure, without reform, an increase in production is obviously possible, since it has occurred” (Warriner, 1969, p.217), but “it is a mistake to expect really massive increases in productivity that can be sustained for more than a year or two, without a concomitant increase in distributive justice. Only a change in social relation of production can bring about an increase in food production” (Mencher, 1978, p.3). Although Warriner and Mencher are ‘distributists’, there is a difference in their approaches. While Warriner believes that it is possible to achieve an increase in agricultural production without reforms, it is obvious that Mencher entertains reservations about this.

Mencher (1978) strongly believes that “meaningful land reform is indicated as the first essential step towards raising the productive capacity, as well as solving the distribution problems, and leading to a rational use of available resources” (p.288). Mencher, like Warriner, opts for small farms being cultivated co-operatively. Co-operative farming is said to be the answer to the problem. “It is argued that only through co-operatives can there be maximal utilization of resources and distributive justice along with increased productivity” (Mencher, 1978, p.5).

Some scholars, as an alternative to co-operative farming, advocate collective farming. But “however desirable in principle, collectivization of land has never been a possibility in India – politically, ideologically or administratively. It would, of course, require a thorough going political revolution, which India has never had” (Byres, 1974, pp.240-241). But Lipton does not favour collective farming. His fear is that collectivization may mean that agriculture is turned into a reservoir to feed the urban sector. Also he
does not believe that this would lead to more equality in the rural areas. Gunnar Mydral, on the contrary, recognizes that co-operative farming would help in overcoming obstacles to efficiency and increases in productivity and also help in better labour utilization but feels that co-operation does not aim to alter the existing power structure and makes to attempt to alter existing property relations. Therefore it is all too possible that this approach will once again strengthen the rural rich (Mydral, 1968). There is the additional problem that in a context where property relations are left undisturbed, co-operative farming might mean less work and more food consumption by the poor (Byres, 1974).

Among the distributists, there exists a conflict of opinion. While scholars like Parthasarathy and others favour distribution of land to benefit the landless labourers, such a move is opposed by Lipton. To Lipton, redistribution essentially consists of giving surplus land to small farmers. The essence of redistribution is emphasized by Parthasarathy (1979) as “it reduces ownership rewards and transfers them from rich to poor, from rentiers to cultivators, from absentee urbanites to rural residents” (p.334).

Of the two propositions, the first one is difficult to be enacted because distributing land to the landless would meet with the disapproval of not only the rich peasants but also the middle peasants, as they depend on the labour of landless agriculturists. The fact that the landless labourers occupy the lowest position in the caste hierarchy whereas cultivating peasants are almost invariably one rung of the caste ladder above them and sometime belong to the same caste as middle and rich peasants further complicates the matter (Bell, 1974). The kulaks oppose ceiling legislation altogether. But “even if the large, well-organized and vociferous kulak opposition were overcome, the surplus land available for redistribution under any politically conceivable implementation of ceilings could not suffice to
gain the support of overwhelming number of beneficiaries unless it were doled out in tiny parcels and solely to ultra sub-marginal peasants (operating less than one acre), and landless labourers (Dandekar and Rath, 1971)” (Bell, 1974, p.196).

Dandekar and Rath advocate rural work programmes since distributive reform would reduce the marketable surplus. Lipton too favours such programmes for assisting the rural landless, while selecting the small farmers as the beneficiaries of surplus land distribution. He bases himself on the grounds that small farmers select higher labour inputs and therefore use what LDCs are abundant in, namely labour while economising on what they are short of – land, and produce what is most necessary, food. Going a step further Lipton argues that small farmers can and to save. In fact the small farmers’ saving is hard won and does not affect capital formation elsewhere whereas the large farmers’ capital is financed by undervalued “foreign exchange or monetized saving or both which could be put to alternative uses” (p.289).

Small farms also raise output faster than large ones. The impact of distributist land reforms on growth and equalization is considered to be beneficial by Lipton (1974). “Land redistribution may possibly reduce the proportion of income saved and of output marketed, but it will certainly increase the total amount of income and of output available as a source of savings and marketings respectively. Hence the volume of savings and marketing, may rise”. Lipton rejects the view that the large farmers save a bigger share of income than small ones because “land reforms will provide the new class of viable farmers with a whole set of new outlets for embodying savings in productive investment; the incentive to save will rise for the beneficiaries”. Also, “in the traditional village system, the big savers are the money lenders, who are big farmers too” (p.291) and lend money for consumption purposes.
Distributists favour egalitarian measures, but this should be accompanied by supportive measures – “those related to research, extension, credit, input and product marketing” (Vyas, 1979, p.17). But in a dynamic setting, under conditions of overpopulation, the egalitarian zeal is said to rest on shaky grounds (Georgescu-Roegen, 1960).

Commenting on the ideology of distributists, Pani (1983) says that “the primary characteristic of most liberal studies”, “is the lack of emphasis on the relations of production” (p.2). Aspects of the production system, apart from ownership of land, especially institutional credit system are overlooked. Pani also alleges that the liberal approach is a historical (no distinction is made between a feudal or a capitalist farmer), with the result that the reformed system is seen as an end in itself. In ignoring the entire process of historical transformation in which land reform forms only a stage, the liberal school is unable to see land reform in its overall perspective” (Pani, 1983, p.3). Distributists are also accused of being shortsighted. For example: Mencher, a distributist, opts for a strategy which favours radical land reforms which concerns it itself with those farmers who are “subsistent”, as this will lead to greater productivity and also “distributive justice”. This strategy ignores the need for food in urban areas.

The distributists suffer from ‘rural bias’, as they argue in favour of ‘agriculture first’ (Byures, 1974). They see land reform only in terms of the ‘needs of agriculture’ and not in terms of the industrial sector or the entire economy. In other words, they have a truncated vision of land reforms.

Land reform measures are favoured because they bring an increase in agricultural production. A high rate of food production is needed to keep pace with the growth of population and also the
nutritional needs of the population. “A national food policy will need to take account of the needs of the urban industrial population.” “Industrialization of the country crucially is, therefore, dependent on the ability of the agricultural sector to provide surplus food” (Dasgupta, 1977, p.10). Like Dasgupta, Byres (1974) who sees land reforms in terms of “the imperative of industrialization’ identifies, in the Indian situation, as land reforms, removing land from large feudal land owners and vesting it with the rich peasants.

The ideology of land reforms was geared to the interest of rural sector, the implications of proposed land reform programme demonstrated clearly the absence of ‘urban bias’. Byres alleges that land reforms programme in India did not have ‘the imperatives of industrialization’ as its main theme.

Agrarian reform is rightly considered as one of the actions which can help release forces which may initiate or accelerate the process of growth. In overpopulated countries we see the problem of a residual population whom the agricultural sector cannot absorb. Rather they are not absorbed because their marginal productivity is below the subsistence wage. Hence in such a nexus the agrarian problem consists of “holding the population until an increasing part of it is withdrawn to the non-agricultural sector and in the meanwhile in employing it usefully so as to maximize the total output of the agricultural sector” (Dandekar, 1978, p.263).

It is argued that capitalism cannot offer a solution to this problem. For in capitalism, employment is determined by marginal productivity. However this would mean high social costs in terms of unemployment and also means that total output in the agricultural sector is not maximized. One solution offered is that there should be a system of equal peasant holdings (Georgescu-Roegen, 1960). Roegen’s formulation rests n the old feudal principle under which
family labour works to the full limit of zero marginal productivity. This happens because the family is rewarded by the entire product of its labour. No share accrues to the east while landlord. Roegen in fact goes on to suggest that only peasant holdings and cottage industry involving the celebrated double negation of not capitalism, not socialism, will work.

Dandekar, while agreeing with Roegen on the limitations of capitalism, shows convincingly that peasant holdings also cannot solve the basic problem. Conceding that this works up to a point, Dandekar argues that the only viable solution is “to be found in an organization of the agrarian sector in large units of land and population, feudal in theory, modern in technology and oriented to a socialistic purpose” (Dandekar, 1978, p.274). He advocate large production units which are managed collectively.

From the analysis narrated so far, it is obvious that all approaches towards land reforms have one common aspect – they view 'land as a proxy for income'. This is especially true of ‘distributist approach’. “In agrarian systems undergoing or having undergone capitalist transformations, land is the most important source of wealth or capital” (Mencher, 1978, p.7). capital, in such systems, is not simply an instrument of production but also a social relation of production. For this reason, its distribution and ownership pattern becomes important. It should be mentioned here that even though Mencher speaks of social relations of production, she does not follow the marxist perceptive fully, as she is a ‘distributist’.

It is generally believed that redistribution is based on the proposition that the economy is dominantly rural, that there is no technological change and land is viewed as an all important constraint. In such an approach, land is treated as a ‘proxy’ for income. That this should not be the outlook is argued by Rao (1974)
in his paper on ‘Two perspectives on Redistribution of land’. This paper does not give a new approach of land reforms but highlights the policy measure that should be undertaken for overall rural development.

Based on the principle of redistribution of land, Rao derives his ‘alternative perspective’, with the assumption that India’s economic trend is directed towards (a) diversification and (b) technological change. With ‘diversified and land saving’ technology, “the precarious dependence of a predominant part of population on land for livelihood, may be expected to progressively, “the rigid link obtaining in traditional agriculture between person’s extent and quality of access to land in one hand and his income and socio-economic status” is bound to weaker. As inequality in land ownership decreases, an environment will be created “in which the institutions and markets providing access to land in agriculture are likely to function less inequitably than they do in traditional agriculture” (p.A-4). Only in the initial stage of such a policy will there be demand for land. Later on, land will become a scarce resources like capital.

When land is only a scarce resource, it will not be the only income distributing criterion. Then land reform policy will be “a part of the broader package of policies concerned primarily with promoting the structure of farms desired by the policy-maker in the light of the land saving technology in agriculture” (P.A-5).

With this, the whole purpose of redistribution gets a new look – it will no longer be an income distributing method but only a scarce factor in the combination of inputs for the increased productivity of the farms. The new perspective will also “have the effect of pushing redistribution of land closer to arithmetic feasibility, by relieving the pressure on land (diversification) and by augmenting the effective supply of land (land augmenting technology)” (P.A.-5). Land as a
scarce resource will lead to “increased monetization, greater degree of sectoral integration in the economy, growing market orientation of agriculture” (P.A-6) which will inevitably lead to overall economic development.

In this somewhat novel view which stands on shaky grounds (of diversification) V.M.Rao admits, that the whole new strategy will not take place within a legislatively bound period and it will not take place in all areas. Political will and appropriate technology at the right time is also necessary. Also, the policy envisaged by Rao, can be implemented when (a) the supply of inputs, capital etc., are institutionalized, (b) mechanization which would imply substitutions of scarce capital and land for labour in cultivation and (c) a minimum acceptable level of profitability is given to the farmers (in terms of price, crop-insurance, etc.)

Rao has found a supporter of his view in Erich H. Jacoby (1980). According to Jacoby, what Rao had prophesied that land would only become a scarce resource to be used as one of the unit of production, has already come true. This has happened because “contrary to the large colonial enterprises of the past, transnational corporations are interested primarily in the control of activities rather than in the control of property, for example, land. The real basis of their powerful position is the ‘ownership’ of the technical process which is difficult to attack by the normal procedures of expropriation by nationalization. Consequently they cannot be frightened by the menace of agrarian reform and the peasant merely becomes a part of their inventory and is hardly more than a tool in their process of production.”

This will result in a complete change in the relationship between land, labour and capital. “The increasing power of the capital favours the already privileged groups” who have actually become “the
capitalist farmers who apply modern management principles and machinery instead of traditional farming methods and labour relations” (p.300). Thus, “the very ownership of land is fast losing its economic meaning unless it is combined with the capital resources needed for the modernization of agricultural production” (Jacoby, 1980, p.301).

The ideological foundation and implications of land reforms have been analysed by Bell (1974). Perhaps the most important part of Bell’s analysis relates to the different attitudes to agrarian reform presented by different groups in society. Of particular significance is the urban-rural difference on this issue.

Essentially Bell finds that urban capitalists, professionals etc. are keen on plentiful food supplies. Also the national bourgeoisie desires agricultural products for processing and as raw materials. In his own words, “no urban group, with the exception of the relatively small number of urban land owners, should oppose variants of land reforms which would improve the terms on which the marketed surplus is extracted from agriculture” (p.195).

In the rural sector the picture is a little less homogeneous. Those producers who have a net surplus to sell, as Byres points out, want higher output prices and lower input prices (fertilizers, chemicals, pumpsets, insecticides, etc.). All rural households desire lower prices for certain essential industrial commodities. It is because of this built-in difference between the two sections that an alliance of kulak and bourgeois interests is difficult to achieve. It “has been marked more by mutual suspicion than either rational or sentimental attachment” (p.200). Also, in the specific Indian context Bell argues that kulak interests dominate state politics while the bourgeois forces are more powerful at the centre. There is also the complication introduced by kulak-sponsored ‘peasant’ organizations demanding
higher procurement prices, etc., which the bourgeoisie resents. Bell appears to have prophesized Karnataka’s farmer’s agitation of the early eighties.

Clive Bell (1974) has recognized four policy options which are the basic alternatives of land reform.

1) **Leave things as they are:** To do this, “leave legislation on ceilings and tenancy regulation on the statute book, make radical noises (at opportune moments) about revising and implementing it – but do nothing” (p.212). But such an attempt may worsen the existing condition due to an increase in inequality and may result in a decrease in output due to uncertainty. In the long run, the situation demands to be corrected to retain political power.

   This is a prescription which none of the academicians would support directly. “Of course, no one openly said anything against land reforms; prudence suggested ‘less said the better’ (Dantwala, 1970, p.170).

2) **Improve the status quo:** The existing legislation of ceiling and tenancy could be implemented which would reduce inequality and rise output, to some extent. By this, the capitalist farmers could be benefited (assuming that a ceiling of 25-30 standard (irrigated) acres is imposed) and the tenants would turn out to be the major immediate beneficiaries of the reform. Wolf Lade Jinsky (1977) would welcome such a move as it benefits the tenants to a large extent. But Bell thinks that such a situation will not last long because the small peasants would tend to become increasingly precarious as they see other groups above them being benefited. This move would however be preferred by the congress because, in the long run, it offers scope for further manoeuvre.
3) **Undertake a radical distributist reform:** A ‘radical’ ceiling of 12 to 15 acres would strive to bring equity only if importance is given to landless labourers rather than creating ‘viable’ holdings by giving land to those who already possess land. Parthasarathy (1979) would approve of such a move, whereas Lipton (1974) would be skeptical of the results. Redistribution would have adverse effect on marketed surplus. The net marketable surplus would get reduced because of redistribution according to Byres (1974).

“An attempt at redistribution” would “provoke deep political polarization”; (p.214) because of land scarcity, landless households would remain without land. “Nevertheless, this option fits the current rhetoric of the Congress, even though its implementation is another matter” (p.215).

4) **Collectivize:** “Small communes or collectives and co-operatives embracing both production and marketing appear to offer the most promising lines of development, there being an overriding need to maintain a flexible structure in the face of India’s immense diversity in historical experience and her range of climatological/agronomic systems” (p.215). Collectivization would result in equity within agriculture and an increase in productivity, in the long run. But the volume of the marketed surplus would continue to depend on the intersectoral terms of trade.

More importantly, “if the movement for collectivization were to come from the rural masses, the issue of building up a rural power base would be transformed from being a mere effect of the reform into a pre-condition for it to take place at all” (p.216). Alternatively, such a move could also be pushed from above by the government – a non-revolutionary party such as congress could find this favourable. As the consciousness of the rural mass is at present limited, it is left for the government to collectivize. As seen so far, Joan P. Mencher
(1978), V.M.Dandekar (1978) and others would approve of ‘collectively or co-operatively’ cultivating the land.

4.4 Agrarian Legislation

Up to now, a detailed discussion on various definitions of land reforms have been examined along with an analysis of different approaches towards land reforms. A scrutiny of every definition and approach reveals an ideological basis. Every approach towards land reform is based on an ideology, be it rural equality or increasing productivity or both.

A change in the agrarian structure is advocated, by each author, based on his or her individual ideology towards land reforms. The agrarian structure is attempted to be changed with the help of agrarian laws. In this way, the ‘ideologies’ find expression in the form of laws. In short, the agrarian laws represent an ideological approach towards land reform laws.

But the laws suffer from certain loopholes – which could be the result of deliberate inclusion – by certain vested interests. Prolonging ‘the life-cycle’ of the legislation itself is considered to be one of the methods used to make the law less effective. It also helps in producing results other than those intended. Also, during the law making process, a definite goal is generally not conceived by the policy makers. An attempt at reforming the agrarian structure should lead from one step to another, gradually towards the intended goal. This is essential as agrarian reforms is a planning process which should, among other things, aim at ‘advance decision making’. Usually, a concrete or well-defined goal is not kept in mind while formulating the laws because the land reform laws do not adhere to a particular ideology. Generally, the legislations represent one or more ideologies. A single ideology opting for either social-justice or economic efficiency is usually not reflected in any legislation. On the contrary, legislative
measure opting for both equity and efficiency are found to be a common phenomenon.

Against this background, the different agrarian laws that are so far implemented in India are discussed below:

“Agrarian reform could refer to all process of conscious intervention through which the relations in the production system, between classes or sections of the agrarian population, is progressively altered” (Pani, 1983, pp.4-5). The relationship which exists within the agrarian structure has a bearing on the economy of the country as a whole. Agrarian laws are “instances of efforts to change these relationships by law” (Thorner, 1976, p.8).

In India, the agrarian structure was extremely complex because of the existence of several layers of proprietors of soil, with divisions within each category—tenants, sub-tenants, etc. Also, a person could be a tenant, a cropsharer, an owner all at the same time. The agrarian hierarchy presented peculiarities because not only did the class divisions coincided with the caste divisions but also because the agrarian structure represented “a blending of remnants from the pre-British economic order (including, above all, the claim of the state to a share of the produce of the land), together with modern western concepts of private property” (Thorner, 1976, p.15) which gave legally, different rights on property to different people. This created an effect which Thorner calls a ‘built-in-depressor’. The agrarian laws were considered necessary to remove the built-in-depressor to achieve economic development.

The need for reforms arises from one or all of the following conditions, which occurs under widely divergent circumstances:
**Revolution:** Revolution frequently leads to reforms as both possess certain common characteristics since both are “processes of forceful change of the existing political system and its economic and social foundations”. The common ideology in ‘revolution’ and ‘land reforms’ is the promotion of social justice and popular welfare. Both aim at the removal, or at least substantial reduction, of political power of the landed class.

**Rural unrest:** Peasant unrest arises due to the discontentment of the peasants with existing tenure conditions and to a certain extent they signify the incapacity of the government to preserve the rural status quo. Peasant may take direct, forceful actions which may result in land invasions, terrorism, etc. The unrest can become “a persuasive argument for tenurial changes; land reform of a sort is then thought necessary to alleviate rural tensions”.

**Deference to Communism:** Land reforms is perceived as a means to deter rural communism, this is because in many developing countries, the vigorous effort by communists to develop rural power and to enlist peasant support has caused widespread interest in reform. “Wherever communist insurgents have posed at one time or another active challenge to the existing political order, political elites have viewed land reform as a major instrument to combat the insurgents”.

**Ideological Commitment:** Ideology of various persuasions has provided an impetus for the initiation of reform. It is believed that in India, the agrarianism championed by Mahatma Gandhi and the socialism advocated by Jawaharlal Nehru influenced, to a certain extent, the Congress Party’s attitude towards the rural issue.

**International Climate:** The Food and Agricultural Organization and other specialized agencies have generated an international atmosphere that it is virtually unfashionable for a developing country to refrain
from adopting some measure of reform. It is however believed that an international climate was created to act mainly as a deterrent to communism.

**Population Pressure:** In developing countries, the increase of food supply has not kept pace with population growth. To save in foreign exchange earnings, the economic necessity of land return is stressed. Even the technological advances in agriculture would not reduce the need for tenurial reform because to be successful to all groups of the agrarian society, ‘the green revolution needed a greater allocation of public funds, the sanctioning of which needs time. The prospect of a fast moving green revolution instead of diminishing the urgency of the need for the reform, underscored the need for reforms as it had hindered the adoption of new technology.

The above factors are listed under conditions likely to lead to reform by Tai (1974, pp.51-55).

The above factors listed by Tai, it can be said that “ideological commitment” as a factor has played an important role while formulating land reform laws in India. Population pressure and international climate may also have influenced the enactment of land reform laws.

In the entire process of land reforms from initiation to completion the state plays a decisive role. Even when the state agencies undertake reforms, it should be treated as a major surgery, not a palliative” because “if a tenure system is seriously defective, corrective action can be meaningful only when it fundamentally alters the entire system” (p.17). Tinkering with minor problems or advocating only remedial action cannot produce any lasting result. “A public program of land reforms that seeks compulsory, drastic and rapid tenurial changes is one of the substance and meaning. A public
program that aims at moderate and gradual tenurial adjustments is bound to unsatisfactory and ineffectual” (Tai, 1974, p.19).

All through the first twenty years of India’s independence, the reforms remained one of the most controversial issue facing encroachment. There was little dispute about the need for the reform but controversy centered around the question as to how it would be carried out without upsetting the precariousness of force in the country’s power structure” (Dasgupta, p.34)

While formulating the law, the vast size and variety of created difficulties because tenure systems and agricultural was varied from state to state. “However, though there variety there was a generic pattern, recognizable as to India. Hence it was easy to formulate broad principal central validity; to recommend greater security for farm tenants, for instance, or the provision of economic holdings; but impracticable to frame specific measures applicable to all India” (Warriner, 1969, p.138). The main principles which would govern the agrarian policy of the country were listed to be” (a) the agrarian economy should provide an opportunity for the development of the farmer’s personality; (b) there should be no exploitation of one class by another; (c) there should be maximum efficiency of production; (d) the scheme of reforms should be within the realms of practicability” (Report of the Congress Agrarian Reforms Committee, 1951, in Warriner, 1969, p.152).

Most scholars identify three main process of land reforms legislation (a) abolition of intermediaries; (b) security of tenure to tenants and (c) imposition of ceiling limit on large landholdings. While Warriner, Dasgupta and others, recognize all the three stages, others like Lipton and Kotovsky pay attention only to ceiling legislation. The fundamentals of land reforms, as perceived by Ladejinsky (1977) is
that of securing rights to the tenants and not bestowing ownership rights.

Of the three processes that were undertaken in India, the zamindari abolition Act is said to have been implemented most effectively. Because of the political slogans raised against the zamindars during the pre-British time, the congress party had to remove these feudalistic element from the scene. This was the first step towards ‘socialism’, to which the congress was pledged.

The positive effect of zamindari abolition act of 1950 was the skimming of the top layer of absentee landlords. The general impression was that the zamindari abolition had for reaching effects but this is contested by Ladejinsky (1977) because the cultivating farmer continued “to pay to the government, except that the government will get a much larger revenue than it was getting in the past, because in the past, the zamindar would retain a good share of that revenue” (in Walinsky (ed) 1977, p.190).

After the zamindari abolition act was passed, it was realized that “the tenants were not particularly happy about it unless and until the government goes a step further and actually gives them the land and they become the real owners” (Ladejinsky, 1977, p.194). This shows that there was a gradual progress from one step of legislation to another. In fact, Warriner believes that the official statements, especially the planning commission Report conveyed the impression of gradual progress towards defined goals.

The second step – that of securing the rights of tenants was attempted because of the emergence of ‘concealed tenancy’ and eviction of tenants on a large scale, which were the negative result of zamindari abolition act. Unlike ‘abolition of intermediaries’ act, the
Tenancy acts were not common in all the states and where implemented were not effective.

Talking about conferring ownership rights vs. securing rights to the tenants, Warriner (1969) points out that since land and labour productivity is extremely low in India, a change in the ownership cannot possibly result in the accumulation of capital. Therefore, she says that rather than conferring ownership rights on land, redistribution of land would be a better alternative. In less developed countries, the incentive of ownership in reduced due to the lack of scope for extending cultivable area, high investments needed for irrigation etc., along with high rates of population growth, unstable markets for tropical crops and so on. The idea of tenancy legislation itself has been dismissed by Lipton because it does not benefit the lowermost section of the population. ‘Tenancy reform’, according to Michael Lipton, “normally comprises the granting to the tenant one or more of the following rights:

a) Limited rents, typically (assuming no landlord share in inputs) to one-third of the value of gross output, instead of the prevailing levels of 50-75 per cent;
b) Conversion, at the tenants’ discretion, from crop-share to fixed rental;
c) Security against eviction, save for bad farming or non-payment of legal rent;
d) First option to purchase the property, should the owner sell (Lipton, 1974, p.275).

Lipton completely rejects the effectiveness of tenancy reforms when he says, “to oversimplify if you can do a land reform you don’t need tenancy reform: if you can’t, tenancy reform won’t work” (p.277). Joshi (1975) and Pani (1983) believe that tenancy regulation extends protection only to certain specified section belonging to the upper
layer of the tenancy. Narendar Pani has argued that in Karnataka, it is only the dominant class tenants who have benefited from the tenancy legislation.

Lipton (1974) agrees that “theoretically tenancy reforms can achieve some of its objectives if the initial disparities of rural power are small”. “Tenancy reforms can make small tenant farmers more aware of the possibility of legal redress, and their very failure can expose the power structure” (p.276).

Lipton contract, Ladejinsky (1977) argues forcefully in favour of tenancy reforms because the fundamental issue is not so much landownership as security of tenure. Government action which advocates ceiling on land ownership is a goal which is hardly attainable. Ladejinsky believes that the talk of ceiling would only distract attention from the points that truly matter.

But the imposition of ceiling has been supported by most of the scholars who belong to the distributist school of thought. Those who opt for ‘social equality’ have dispensed with the argument that the ceiling limit would displace a large number of agricultural labourers for whom it would not be possible to find an alternative occupation within a reasonable time. Ceiling is also opposed by those who opt for rural stability.

It is believed that “the main reason for putting through ceiling laws was a desire to prevent further development of the class struggle in the Indian countyside” (Kotovsky, 1964, p.104). Criticizing the phrase ‘ceiling legislation’ itself, Warriner (1969) says that the term “implies that the limitation of ownership is an end in itself, not a means of redistributing ownership” (p.170). The concept of ceiling legislation is cast aside by the Thorner’s on the ground that it is effective only in creating ‘paper-partition’ (Thorner, 1962). Though the
principle behind ceiling legislation is approved of by Warriner and Thorner, they are nevertheless skeptical of enforcing ceiling laws – a task which has been found to be very difficult.

The enactment of land reform laws, especially ceiling legislation, is extremely difficult because of two major factors. One is the existence of “soft-democracy” where in the political system “lacks organization, personnel, cadres and politically-disciplined populace to undertake measures-like redistribution of land, enforcement of rents and wages etc. involving comprehensive and continuous direct intervention in the economic activities of millions of individuals and of tens of thousands of communities and in institutions” (p.A-3 and A-4). This weakness is termed as ‘regimentation’ by V.M.Rao (1974).

Another weakness of a soft democracy, termed as “domination by vested interests” makes it easy for a “small but tightly-organized group to pass off what is good for them as rational policies” (Rao, 1974, p.A-4). The failure of ceiling legislation is considered to be the result more of the first weakness than second, considering the success of reform policies which overthrew the powerful zamindars.

The second major factor that acts as an obstacle which implementing ceiling legislation is the ‘non-feasibility’ hypothesis. “The ‘fair’ ceiling on land-ownership cannot be low enough to make redistribution feasible” (Rao, 1974, p.A-3). Also, a fair ceiling level would yield little land as surplus for redistribution.

Commenting on the ways of ‘evasions’, Thorner (1980) has said “that evasion (1001 ways of evasion) of land reform has been notorious, widespread, and systematic; and that loopholes for these 1001 ways of evasion have been deliberately put into the land reforms” (p.245). Even tenancy legislations have not been very effective where resumption of land has been allowed. Resumption of
land is more damaging in the case of small land-owners who have made up viable units of cultivation by leasing an additional acre or two of land (Ladejinsky, 1977). Also, the landowners were given time to make the necessary adjustments. In most of the land reforms act, the ‘time-gap’ between the formulation of the act and its implementation was too pronounced. This is termed ‘the life-cycle of legislation; by Daniel Thorner (1976). This provided time to the wealthy and influential to put up a show of ‘personal cultivation’ and to conduct ‘benami transactions’.

In the seventies, the number of categories under which resumption was allowed was reduced but tenancy legislation, it is believed, could not curb ‘concealed tenancy’. Studies show that concealed tenancy still exists with variations arising out of the acuteness of land hunger, concentration of land, proportion of landless and marginal farmers, cropping pattern, availability of irrigational facilities and so on (Shankar, 1980). “The effect of tenancy legislation was the gradual demise of the tenant and his exit into the rank of landless, more insecure condition of tenancy and the shift of land from the urban middle class to the resident big landowner” (Parthasarathy, 1979, p.342).

Problems arise because of the wide discrepancy between the provisions of the law and their fulfillment in practice, even when there is a genuine intention on the part of the state to implement its policy. There are laws which are backed by no serious intentions and which have been enacted simply to create the impression that something is being done. Even bonafide reforms can fall short of their objectives, because implementation is evaded or even impracticable. Alternatively, the reform may release forces which the government cannot control, in which case expropriation may be carried out by force – which has not happened in India.
Among institutional measures in addition to zamindari abolition, tenancy and ceiling legislation, the co-operative movement and the community development projects are also listed by Biplab Dasgupta (1977). The other related schemes recognized are ‘fragmentation act’ and ‘conferment of ownership right on hutment dwellers’ (Radhakrishnan, 1981). Because of fragmentation of holdings (which have not been properly consolidated), there is said to be no positive increase in agricultural production even when the tenants have been made the owners. The scheme of conferring ownership rights to hutment dwellers has been good in so far that it has given them a socio-economic status; they are better off than other agricultural labourers. But the extent of land involved under this scheme is very small and therefore the scheme has not been very effective (Radhakrishnan, 1981).

Summing up the agrarian laws, Joshi (1975) points out that, “in India, after Independence, attempts to alter directly the pattern of distribution of land holdings assumed the form of four types of experiments. These experiments in land reforms were as follows:

1) Land Reforms ‘from above’ through land legislation on the lines broadly indicated by the central government, enacted by the state legislatures and finally, implemented by agencies of the state governments.

2) Land Reforms through militant peasant action ‘from below’ as in the case mainly of Telengana and Naxalbari movements and also to some extent in the case of the ‘land grab’ movement.

3) Land Reform through legislative enactments ‘from above’ combined with peasant mobilization ‘from below’ as in the case of the ‘controlled land seizure’ in West Bengal under the Untied Front regime and of protection of poor peasants in Kerala under the Congress-supported CPI ministry.
4) Land Reform ‘from below’ through persuasion of landlords and peaceful pressure by peasants as in the case of Bhoodan and Gramdan” (pp.88-89).

4.5 Peasant Mobilization

It could be said without any contradiction that land reform legislation is absolutely necessary to change the agrarian structure. Without a legal framework, no reform measure can be successfully implemented. But as this framework exists within a broader socio-political structure, legislative changes are largely influenced by the latter.

The law is influenced by the character of state power. The law reflects the preference of the society, usually that of the dominant section of the society. It is modified to serve the interests of the dominant sections. Loopholes are deliberately introduced by the vested interests at all stages while formulating the law and also while implementing it. This way, the law is diluted and made ineffective.

The only way in which the law can be made fully effective is to create awareness among the sections whom the law is intended to benefit. Generally, the information regarding the intended effect of the law does not reach the lowest section of the agrarian structure, which is largely illiterate. Experience in certain parts of our country shows that the presence of an awareness among the peasants has greatly contributed to the successful implementation of land reforms law, so much so that the present trend is to stress the need for mobilizing the peasants.

Most writers strongly believe that without mobilizing the peasantry, no land reform law can be successfully implemented. Hence, in what follows, a discussion centering on the mobilization of the peasantry is made.
Land reforms, it is believed, have failed to eliminate or even to reduce substantially some of the basic inequalities in India’s agrarian structure. Failure of effective implementation of land reforms is generally attributed to lack of political will. Land reforms, especially land redistribution, is a political question, as it involves a change in the balance of political power.

Political organizations form an important aspect of the process of agrarian reform. “To ignore the growth of political organizations would be to leave out of consideration an intrinsic part of the entire process of agrarian change” (Pani, 1983, p.6). Political parties play a very important role in formulating and implementing land reform measures. Instances where the government has sided with the peasants are not lacking either. Noteworthy among such programmes being the ‘Operation Barga’ undertaken by the West Bengal Government. ‘Operation Barga’ was not envisaged as a simple administrative measure with a view to recording the names of the bargadars. Khasnabis (1982) quoting a senior government official says “what is novel about the present programme is the massive drive to register the names of the sharecroppers with the collaboration of the groups of beneficiaries and with the active assistance of rural workers’ organizations and rural-government institutions” (p.1468).

When the ruling party is not committed to the ideology of land reforms, or when there is a gap between ideology and rhetoric, “Peasant Organizations” emerge. Walter Hauser believes that “the political action of peasants is fundamentally a reflection of the implicit qualities of the agrarian social structure in which it takes place, that conflict over rights to the land and its product in an agrarian society often generate violence, and that local leaders have emerged and responded to these conditions to mobilize movements and have provided the link to the larger networks of regional and national politics” (in Mencher, 1983, p.259).
Land Reforms, as a top-down bureaucratic process does not always achieve its objective. An organized peasantry is of critical importance for the success of most agrarian reforms (Parthasarathy, 1983). Without peasant organizations, if reforms are implemented from above, then it is doubtful if further reforms would even take place (Pani, 1983).

Absence of peasant organizations in India is attributed to the fact that high caste people consciously manipulate ‘caste’ to separate the labourers from uniting on class lines (Mencher, 1978). As the class-caste structure coincide, “class consciousness among the tenants and labourers is inhibited because of the division along caste lines” (Parthasarathy, 1979, p.355). Easte has been a persistent and portentious form of social organization and consciousness in the evolution of India’s peasant and emerging post-peasant society” (Berreman, 1983, p.247).

In spite of peasant struggle, the rich peasants still remain powerful. The ‘Farmers Agitation of Karnataka’, 1980 and the ‘Rasta Roko’ strike of Maharashtra (1981) show a ‘rich farmer’ domination as the central emphasis of the agitating farmers was higher prices for agricultural produce. The bulk of the kisan activists are said to be from rich and middle peasant category than from agricultural labourers and poor peasants. The Rasta Roko strike was found to be kulak dominated (Omvedt, 1981a).

It is said that there is lack of leadership to carry out peasant movements. “The revolutionary potential for the rural proletariat is still to be organized. It is a situation that leads many left and progressive individuals to feel that agricultural labourers and poor peasants cannot really constitute a revolutionary force, that they are inherently weak, that they are incapable of forming a centre around
which middle peasants and other oppressed section can be united” (Omvedt, 1981b, p.A-157).

**Conclusion**

In the introduction to this chapter it was remarked that the concept of land reforms has to be seen in a wide perspective. What stands out is that no definition or approach, even if it is highly restricted, ignores the need for a perspective. At least on this one point there is near unanimity. Since land reforms are basically an institutional issue no one who studies it can remain indifferent to its wide ranging implications.

Another important point is that land reforms are affected by a large number of factors from the economic, social and political spheres. While for the sake of analytic convenience one may at times wish to restrict land reforms to their relation to one or two factors it is impossible to ignore other factors. At the cost of repetition it may be said that land reforms are a field of study on which all dimensions of social action converge.

This convergence has important implications for the entire development process. Any change in the agrarian structure necessarily means changes in the pattern of ownership of land, landlord-tenant relationships, possibility of reinvestment of surplus open the land, threat of immiserization for the marginal farmers, diversion of resources to or from agriculture etc. Even those who treat land reforms as an exercise aimed at giving a little more land to the small/marginal farmers are not impervious to questions of a larger nature.

It is seen also that most scholars who have worked on land reforms have sought to derive from their studies far reaching political implications. This is specially true of scholars of the Marxist
persuasion. In their case the political inferences are clearly stated and quite often guidelines for future action given. But even non-Marxists have at least concerned themselves with the possible political repercussions of a particular land reform programme. What is interesting to note is that even among Marxist scholars there is considerable divergence of opinion on the political consequences of different types of land reforms.

One of the important points to bear in mind is that technology has a direct bearing on land reforms. The introduction of a new technology sets in motion waves of changes which alter the relative positions of different groups in the agrarian structure. This in turn means a new kind of polarization and shift of alliances in the peasantry. The impact of technology is not confined only to agriculture in the strict sense but pervades the entire agrarian structure. Explicit recognition of this renders the debate between technocratic and institutional approaches to agricultural development less relevant than it ones was.

Specific to the Indian context is the realization that both caste and class should become integral parts of the analysis. The earlier Marxist neglect of caste is as serious an omission as the non-Marxist refusal to incorporate class into their frame of reference.

However, unanimity on looking at land reforms in a multidimensional perspective does not mean anything approaching unanimity as regards the concept itself. We see from the literature at least three fairly clear stands. First, there is the view that land reform should be seen as a comprehensive programme directed at improving rural, more particularly agrarian welfare. The second view looks at land reform in the context of economic development and focuses sharply on the marketable surplus and goes on to point out the connection between land reforms and the industrialization imperative.
The third attempts to see land reforms as a necessity but mainly with a view to securing a little more land for those who are presently marginal and/or small farmers. It also stresses the need for breaking the monopoly of the rural rich and in its extreme form propounds ‘urban bias’. There are of course intervening positions as well between these three stands. For example, there is the view threat any attempt at reform should proceed from the position that land should be invested of its value as the principal asset. There are others we have mainly confined themselves to a consideration of the alternatives available to the state and have delineated the possible consequences of each alternative.

We also find that the legislation on land reforms frequently runs into troubled waters partly on account of deliberate loopholes and partly because there is no logical progression from one level to the next. The final goal is not always clear and problems are not anticipated. In other words, the element of advance decision-making is not present in the required degree.

It is obvious that a land reform programme succeeds best when it is backed by the requisite political will. This suggests not only that the law should be properly formulated but also that the intended beneficiaries should be aware of their rights. Mobilizing the peasantry is a vital concomitant of land reforms.
REFERENCES

1. In any event such a comprehensive review of land reforms in India along with an extensive bibliography may be found in P.C.Joshi (1975): Land Reforms in India – Trends and Perspectives.


3. The term ‘peasantry’ is generally used “to describe a more or less homogeneous and undifferentiated community of families characterized by small holdings which are operated mainly by family labour” (Beteille, 1974, p.24).

4. The literature on the impact of technology on the agrarian structure is voluminous. This is especially so when compared with the literature regarding the social and political aspects. It may also be added that the influence of socio-political factors is discussed at several other places in this thesis.

5. Collective and Co-operative farming resemble each other insofar as the unit of operation is larger than that of the individual holding, but differ in the form of ownership. In collective farming, land is collectively owned or leased in from the state and jointly farmed and the income is divided equally among members, or it is shared in proportion to their input of labour. In co-operative farming, into their input of labour. In co-operative farming, independent farmers pool their land for joint cultivation, while retaining ownership of their holdings and a claim to income from the crops produced on them (Warriner, 1969).

6. The study on mode of production also throws light on the differentiation of the peasantry which has implications for
peasant mobilization, the discussion of which is highlighted at the end of this chapter.

7. The debate on the question of mode of production has been extensively surveyed by Alice Thorner (1982) quoted under ‘References’.

8. This point, relating to the 1961 Land Reforms Act, is elaborately discussed in Chapter IV.

9. The literature available on peasant movements in vast. Dealing with specific peasant movements even for the purpose of finding out which of the movements has had the greatest impact would be a study on its own. Therefore, in this section only a bird’s eye-view is presented.

10. The class structure of the peasant movements, as visualized by various scholars, has been excellently summarized by Pouchepadass (1980) between pp.136-156 in Peasants in History: Essays in honour of Daniel Thorner (see “References”).


64. Thorner, Daniel and Alice (1962): Land and Labour in India, Asia Publishing House, Bombay.


69. Thorner, Alice (1982c): ‘Semi-Feudalism or Capitalism?: Contemporary Debate on Classes and Modes of Production in


4.6 The Mysore Land Reforms Amendment Bill

“The Mysore Land Reforms (Amendment) Bill” which is considered to be an event of historical importance was introduced in the Assembly by the Revenue Minister on August 16, 1972. Commenting on the numerous loopholes of the previous Act, the Revenue Minister said that even though this act was an amendment, it was so progressive that it was as good as introducing a new one.\(^1\) His opinion is shared by some of the civil servants (Rajan, 1982).

The Minister pointed out the loopholes of the previous Act which would be plugged by this amendment. Previously, rent was based on the gross produce which was difficult to calculate and had led to litigation. Out of 1,49,950 cases filed in connection with rent recovery and fixation of fair rent and other miscellaneous applications, 1,21,950 were still pending (Veerendra Patil, 1970)\(^2\). The 1972 bill therefore fixed rent on the basis of land revenue, which would in the opinion of the Revenue Minister, avoid litigation and confusion.

Under S.14 of “the Mysore Land Reforms Act, 1961”, the landlord had the right to apply to the land tribunal within fifteen months from October 2, 1965 for resumption of land, if it was needed for “personal cultivation”. The Revenue Minister pointed out that of the 95,000 cases filed for resumption purposes, 66,000 cases were decided by Munsiff, 27,000 cases were still pending (L.A. Debates, August 16, 1972). One of the important suggestions made was that all the pending cases were to be dismissed. Such a clause was included later, which could be considered as an indication of implementing land reforms for the first time. The 1972 amendment bill strengthened the definition of personal cultivation by applying distance criterion and prohibiting land transfers. Also, those who earned an income of Rs.12,000 or more from other sources were not allowed to take up agriculture. Sale of land was prohibited for six
years; if any land was left uncultivated, the government would confiscate such land.

The new bill also attempted to reduce the ceiling level which was rendered ineffective previously due to the double level of ceiling imposed. Also, the Mysore government was convinced that “from the point of view of social justice, harmonious agrarian relations and maximum agricultural production, the land must go to the tiller who must receive protective care of the state” (Veerendra Bill, 1970).

The 1972 bill was claimed to represent the “socialistic” attitude of the ruling party which aimed at benefiting 96.74 per cent of farmers. It was not envisaged with the intention of helping the three per cent landless labourers. But the Revenue Minister promised to help the landless labourers in some way.

When the bill was introduced, importance was given to the ceiling provision and not to conferring ownership rights to the tenants. Even though the bill declared all land to vest with the government, it did not emphasize conferring occupancy rights on the tenants. The concentration of the members during discussion of the provisions was on ceiling and not on tenancy. The 1974 Act is generally acclaimed as the most progressive piece of legislation considering that it bestowed “ownership rights” on the tenants. But, at the draft stage, the ruling party concentrated on prescribing ten acres ceiling to be called “progressive” and the opposition alleged that this provision was made use of by the ruling party to gain popularity. In other words, this was regarded as a “populist” gimmick.

The Bill sought to introduce certain changes mainly in terms of ceiling, conferment of occupancy rights, personal cultivation, etc. Many of the provisions remained as they were in the parent act as the
bill was brought in as an amendment to the 1961 Act. The major changes incorporated are discussed below:

SECTION A
THE FOUNDATIONS OF THE BILL

I. General Features of the Bill

Rent

Section 8 denoted rent to be ten times the land revenue payable. The tenant was asked to pay the rent to the government from the date the Act would come into force. “Land revenue” was defined to mean “all sums and payments received or claimable by or on behalf of the State Government from any person on account of land held by or vested in him as fixed at a settlement of land revenue current in the area in which the land is situated”. (S.21-A).

Conferment of Ownership on Tenants

In order to make the tenants the owners of land, all land was to vest with the government. The tenant was to be granted “the occupancy right” on payment of the occupancy price on installment basis. The occupancy price was to be fifteen times the rent to be paid in twenty installments in the form of bonds, if the income was more than Rs.10,000. Here, the word “compensation” was to be substituted by the word “amount”.

This provision has been, and still is considered to be a very progressive one. But in reality, the Tillers Day provision introduced in “the Bombay Tenancy Agricultural Lands (Amendment) Act, 1955”, was better as it deemed all tenants to have purchased the leased-in land from the landlords. The law explicitly declared all tenants to be the owners whereas while conferring occupancy rights, the actual “ownership” vests with the state. Another section of the 1972 bill in
favour of tenants – S.36 – specified that “if a landlord intends to sell his site, it should be sold to the tenants, along with a dwelling house, if there was one”.

**Personal Cultivation**

In order to abolish the landlord-tenant relationship completely, the ten mile restriction that was previously proposed in the Jatti Committee Report but deleted in the 1961 act was brought back. Clause (1) of Section 2 was therefore modified as “provided that the person exercising such personal supervision resides in the village in which land is situated or within 16kms from the territorial limits of the village.” The distance criterion was included to make “self cultivation” more meaningful. But, as during the debates on the JC Report and the 1958 draft bill, the members participating in the debates on the 1972 bill also rejected this provision. The MLAs opposed this provision strongly and it was therefore deleted later.

**Ceiling on Land Holdings**

It is this provision that was given a lot of importance while discussing the bill on the floor of the house. The bill substituted S.40 of the previous act with S.63(2) to fix the ceiling area of a person who had no family or is not a member of the family to be ten units.\(^4\) This meant a single person could hold land up to a ceiling area. The definition of a “family” was made more precise. “Family”, in relation to a person meant “the person, the wife or husband, as the case may be, of such person and his or her minor children” (Clause 12). We later see that this definition did not find approval with the members and was therefore suitably modified by the Joint Select Committee (JSC).

“The Ceiling area for every family consisting of more than five members shall be ten units together with an additional two units for every member of the family in excess of five, so however the total extent of land for such family shall not exceed twenty units” (S.63-3).
Further, the bill defined a person as “a natural person or a family consisting of natural persons, but shall not include a joint Hindu family and an Aliyasanthanam family, an institution capable of holding property, a company, association or other body of individuals whether incorporated or not”. Although this definition excluded associations, companies etc. from holding land, it was not specified in the bill whether these bodies could hold land at all. Only when the clause-by-clause amendments were made, a clarification regarding this aspect was attempted by the ruling party.

In calculating the extent of land held by an individual or a member of the family, the share of the members of the family or an individual person in the land held by an undivided Hindu family or an Aliyasantanam family was to be taken into account. Also, the share of a company or association and the share held in co-operatives was taken into account. Shridhana land was deemed to be held by the family.

While calculating ceiling, the situation that existed on November 18, 1961 was taken into consideration. If the landlord had sold his land to the tenant or had divided it among brothers, it would be taken into consideration.

The bill reduced the ceiling level considerably so that more land would be available for distribution. Judging by the importance given to the ceiling provision in the initial stage of “the life-cycle” on the 1974 legislation, it is apparent that the policy makers of that time were inclined to think that “progressiveness” could be achieved by reducing the level of ceiling than by conferring occupancy rights to the tenants.
Compensation

The amount (of compensation) payable was based on the net annual income: (1) for the first sum of Rs.5,000 or any portion thereof of the net annual income from the land, fifteen times such sum or portion; (2) for the next sum of Rs.5,000 – twelve times such sum or portion; (3) for the balance of the net annual income, ten times the balance. The total amount was subjected to a maximum of Rs.2 lakhs.

Exemption

The list of “exempted crops” was considerably reduced when compared with the 1961 Act. Plantation crops were exempted from ceiling. Also, if a person held plantation land, the ceiling areas in respect of other lands held by him was determined by taking into account the agricultural land. This means that “the interspersed lands” that were previously exempted no longer enjoyed exemption. Sugar factories were allowed to hold land up to hundred units for the purpose of research or seed farm or both.

The exemption given to co-operatives continued. But a person who was a member of a co-operative could not hold land in excess of ceiling – this included his share as a member too.

Disposal of Surplus Land

For the first time, only SCs and STs were singled out as beneficiaries of fifty per cent of the surplus land. Though under the 1961 act land was said to be distributed to SCs and STs (as claimed by Kadidal Manjappa), it was not specified on the statue as it is done in the 1974 act. The rest of the surplus land was to be distributed to displaced tenants and then to the others.
Implementation Machinery

The Tahsildars were given more power as they replaced according to the members, the “inefficient” Munsiffs. The extent of surplus land, etc. was to be notified by the Tahsildar. The members of the legislative assembly were not in favour of granting so much power to the Tahsildar but the JSC remained indifferent to this.

II. The (Amendment) Bill in the Legislature

The 1974 Act which has been heralded as a progressive piece of legislation was introduced in the Assembly on August 16, 1972, within five months after Devaraj Urs took charge as the Chief Minister. The question of whether a reform was needed at this stage does not arise at all as all the states considered themselves bound by the centre’s guidelines. The land reform measure introduced during the seventies was the outcome of the Chief Minister’s conference held at New Delhi on September 26, 1970. A committee called “the Central Land Reforms Committee” was constituted, the recommendations of which were considered at the Chief Ministers’ conference before the guidelines were laid down. The emphasis at the conference was on ceilings.

When the bill was introduced in the Assembly, it evoked a lot of reactions from the party members as a cabinet reshuffle was expected because of this bill. Also, at this time, there was a general dissatisfaction regarding the functioning of the Urs Government. By introducing the land reforms measure, reservation policy and other socio-economic measures, the entire image of Urs changed so much that scholars have praised him as “a pragmatic progressive” (Manor, 1980).

But, at the time when the bill was just introduced there was a lot of speculation on whether there was a dissident group taking shape in the state Congress Legislature party. Yeshpal Kapoor, MP,
who was considered to be “a bridge between the Mysore Congress and the Prime Minister” (Deccan Herald, August 17, 1972) visited the state to do an on-the-spot study of the manner of functioning of the party and the government. The MP told the pressmen that the MLA’s felt that the performance of the Minister was not as satisfactory as was expected of it (Deccan Herald, August 18, 1972). The MLAs had also met the former Railway Minister K.Hanumanthaiya to say that they were unhappy with the performance of the Ministry. Their main allegation was that there was no co-ordination and the administration was unsatisfactory (Deccan Herald, August 20, 1972).

Former Chief Minister and MPCC (O) President Veerendra Patil claimed that people by and large were disillusioned with the performance of the Urs ministry (Deccan Herald, August 27, 1972). Patil said that the twenty year long uncertainty over land reforms should go by bringing in some legislation and implementing it with dedication and purpose. As one associated with the government over a number of years, he said he would also share the responsibility for the delay. But there was a limit to the patience and endurance of the people (Deccan Herald, August 28, 1972). Veerendra Patil stressed the need to bring in land reforms.

The Prime Minister was said to be very keen that the Congress Governments in the states should hasten the implementation of programmes like granting house sites, rural water supply and land ceiling. Although in the Assembly some of the members said that they had heard rumours of a cabinet re-shuffle in the state, Yeshpal Kapoor denied this. He also denied that there was a sizeable number of MPs who had been dissatisfied with Urs’s leadership (Deccan Herald, August 17, 1972). Though none of the members complained regarding the pattern in which the land reforms bill had been drawn up and introduced in the assembly, some legislators were busy collecting signatures for a memorandum to be submitted to the Chief
Minister, demanding that the bill should incorporate the recommendations of the party working committee (Deccan Herald, August 18, 1972). It is believed that signatures of about ninety members were collected to force the government to drop the measure. The ruling party was divided on the issue of the ceiling limit prescribed. This was brought to light by Vatal Nagaraj on the second day of the discussion on the bill.

The Chief Minister Devaraj Urs speaking to pressmen deplored the tendency of the party legislators to launch signature campaigns to enlist support for their points of view on land reforms. One section favoured fixing the ceiling on landholdings at ten acres while some others wanted the party to adhere to the AICC’s directive of fixing a maximum landholding at eighteen acres. Criticising the move as being unconducive to the healthy functioning of the party, Urs said that there was a delay in fixing the land ceiling as there was no continuity in the ministry (Deccan Herald, August 21, 1972). Against the background of that time, an attempt at land reforms made by Urs ministry was considered to be late. This is the opinion gathered from debates and newspapers of the time.

It was alleged that the government was indifferent to the bill and as a mark of protest, the opposition members walked out of the assembly on August 18, 1972. The opposition party members H.D.Devegowda, C.M.Arumugam, Vatal Nagaraj and others resented the absence of ministers during the discussion. The presence of only some ruling party members and the empty treasury benches were said to be indicative of the indifference of the congress towards the land reforms bill that was just introduced in the assembly. Such an allegation was new to this act as during the discussion of 1961 Land Reform Act, there were not even whispers to this effect.
At the time when the Jatti Committee Report and the 1961 Act were discussed, the Praja Socialist Party was the only leading opposition party. During the late sixties and early seventies, this place came to be occupied by Congress-o; the Socialist party (SP) occupying the second place. Conflict between the opposition parties, though not striking, was apparent. Instead of opposing certain non-progressive views of the ruling party, the opposition members criticized each other for e.g. T.M.Manjunath (Cong. O) alleged that Kagodu Thimappa (S.P) had expressed progressive measures not with the genuine desire to help the farmers but as a gimmick to gain popularity so that he could establish a party of his own.

To begin with, Urs had to face two sets of reaction – one was from the High Command and Senior Politicians, who criticized the tardiness with which an attempt at formulating the land reform measure was made; the other reaction was from his party men who were against the basic principle of the bill i.e., decreasing the ceiling limit. Added to this, the opposition members criticized the indifference shown by the ruling party in implementing land reforms.

The 1974 Act is generally claimed to be a very progressive revolutionary measure. Devaraj Urs, the man behind it, claimed that this act proved that revolutionary changes could be introduced within a democratic framework. As many scholars and policy makers are of the opinion that Urs’s intention in bringing policy measures like land reforms was to be called ‘Progressive” it is only right to probe whether his colleagues in the Assembly shared this opinion.

When the act was introduced in the assembly in the form of a bill, very few members considered it to be “progressive” in nature. Some of the ruling party members (P.M.Bangi, P.C.Shettar) considered the bill to be revolutionary in nature. The bill was applauded to be a minor step in the direction of revolutionary reforms by opposition
member Kagodu Thimappa. Majority of the members however did not consider the bill to be progressive in nature. They alleged that the entire bill was conceived with political motive – H.D.Devegowda (Cong.O), S.Rangarappa (Ind.), B.V.Kakilaya (C.P.I). The tendency of the ruling party to gain the confidence of the people by adopting an outward appearance of helping the poor was resented by the opposition.

To make the bill look “Progressive”, the congress threw in measures like ‘income’ and ‘distance’ restriction, but only these measures could not sustain a revolutionary change. Without making the tiller the owner of his land, the bill looked as if it did not have a basic principle and therefore could never be called progressive (Vishwanatha Reddy, Ind.).

The Revenue Minister had claimed this bill to be a fresh attempt at introducing land reforms. But the opposition members did not even think that this was an amendment over the 1961 act as hardly any remarkable change was introduced in the 1972 bill. All that was done in the form of an amendment was to re-introduce the sixteen kilometers distance criterion (which was prescribed for the first time by the Jatti Committee) and barring non-agriculturists from entering agriculture.

The 1974 Act was in a way the first attempt at introducing land reforms in Karnataka. But this was not because it was progressive but because the parent act had failed miserably. A well-known civil servant aptly described 1974 act to be a case of “too little being done too late”.

The members of the Legislative Assembly believed that the 1961 Act failed because of the half-hearted attempt made at implementing it. The double level ceiling prescribed in the parent act never worked –
it only helped in making the act lifeless. The only way by which it was sought to be rectified in the seventies was by amending the ceiling provision. As the 1972 bill aimed only at reducing the level of ceiling, it could not be called a bill of historical importance (H.D.Devegowda, leader of the opposition).

The 1972 bill restricted sale of land. This was resented by the members as it created a disability for all time to come. Many people had made their children leave village so that they were not deprived of their lands (S.Y.Patil, Cong.o).

Of the two propositions, tenancy and ceiling, the concentration in the bill and during the discussion that followed its introduction was on ceiling. This is surprising considering that Karnataka is praised for having adopted such a land reform measure that, at one stroke, it did away with the land-lord-tenant relationship. The ruling party chose to give importance to a decrease in the level of ceiling. But the proposed land ceiling was considered to be an election slogan aimed at collecting votes, “the Government now proposed a land ceiling of ten acres – to win the next election, the ceiling would be five acres – like this, it would go on”, alleged Veerana Gowda, MPCC member and former minister (Deccan Herald, August 26, 1972).

The general opinion of the opposition party members was that ten acre ceiling was conceived with only political motive. As the centre’s guidelines allowed land up to eighteen acres as ceiling, the members saw no reason why the lower limit of ten acres should be adopted. Even while abiding by the party decision, the congress members expressed their displeasure at the government for adopting ten acres limit as the ceiling. Ceiling provision was mainly opposed on the grounds that it would decrease production and deprive the farmer of a reasonable standard of living. Very few members felt that reduction of ceiling limit would not retard agricultural production.
Some of the members found fault with the provision which lawfully permitted major sons to possess land up to a ceiling limit. To remedy this, they suggested conferring inheritance of property right only to the first son; otherwise fragmentation would increase. Ten acre level was opposed because when partitioned among children, fragmentation which results in decreasing production would be inevitable (H.D.Devegowda). The ceiling proposition of the bill was found to be against “prevention of fragmentation act”. The bill proposed to distribute only one acre of land to each beneficiary of surplus land as this was against “fragmentation act”, some of the members proposed repeal of the fragmentation act. Even if one shared the government’s optimism of getting four lakh acres of surplus land for redistribution, it was not sufficient to solve even the fringe of the problem of land hunger in rural areas as the number of landless agriculturists were several times more (Veerendra Patil as reported in Deccan Herald, August 17, 1972).

By imposing ten acre ceiling and by placing a ten mile restriction for personal cultivation of land, Urs was alleged to be experimenting “one man one profession” hypothesis (H.D.Devegowda). but this hypothesis could not be tested unless it was applied to urban areas also.

A plea to fix a ceiling on urban income along with agriculture to meet the ends of social justice was made during the debate on the land reforms amendment bill. Majority of the members said that imposing a ceiling on rural income without doing so for urban income would be a fraud on the accepted norms of socialism. The talk on ceiling for all sectors continued during these debates also. It may be remembered here that the government’s attempt at imposing ceiling only on agricultural sector was resented by the members who had participated in the discussion on the Jatti Committee Report and the 1961 Act.
While discussing the interconnected issues of ceiling, it was essential to see that “productivity” would not be victimized. Land Reforms had to be rationalized on the basis of productivity as green revolution had failed miserably (S.M. Krishna, Minister for Industries, Deccan Herald, December 24, 1972). During the debates on the bill, the members implicitly and explicitly referred to the failure of green revolution. Negligible number of members were of the opinion that small farms could be cultivated intensively. A few of them were still optimistic that scientists were perfecting a new agricultural technology which would result in a much higher level of productivity per acre. Majority of the members adhered to the view that only large farms, by applying mechanization, could increase production. Such a view was expressed by members who were convinced that small farm cultivation would not be profitable at all.

At the risk of generalizing, it can be said that green revolution did not help in making “the rich richer” in rural areas (at least in Karnataka), as there was a constant reference to wealth being hoarded in urban areas when compared to the rural areas. That such wealth could have been concentrated in the hands of a few who occupy the topmost layer of the agrarian sector did not occur to the members. This seems to be a clear indication of the failure of green revolution.

Those who wish to criticize the 1974 act generally pick on the fact that nothing much was done to help the lowermost section i.e., the agricultural labour class of the agrarian structure. Such an allegation is not entirely false; the Revenue Minister made it clear while introducing the 1972 bill in the Assembly, that the bill was not intended to help the three per cent agricultural labour class. During the debates on the bill, some members insisted that agricultural labourers should be helped out. Those members who were in favour of “agricultural labour class” wanted the ruling party to protect the labourers against eviction from their dwelling houses. Others wished
to distribute waste land, along with surplus land to the labourers so that they could be the owners of a viable unit of land.

There was a direct reference to the caste factor. The opposition leader believed that this reform would affect only two to three castes namely – Vokkaligas, Lingayats and Brahmins who together constituted about thirty-five to forty per cent of the population.

The socialist party members stressed that land reforms programme was not Congress party’s property. The credit for starting land reform programme, Konadaru Lingappa said, should go to the socialist party which was responsible for the famous “Kagodu Satyagraha” – the starting point of a struggle for the rights of tenants and agricultural labourers. S.Bangarappa then an Independent candidate, was of the opinion that the congress party was never serious about implementing land reforms. The ruling party leader Devaraj Urs was sure of his support and he was not disappointed as even those congress members who found fault with many of the provisions of the bill finally conceded that they wholeheartedly subscribed to all the principles that the congress working committee had laid down (K.Puttaswamy). The ruling party members agreed to the proposals put forth, more out of party discipline. Their agreement was not based on any deep-rooted conviction.

When the bill was being discussed in the assembly, on December 4, 1972, the communist party, the socialist party and the Mysore Pradesh Farmers and Farm Workers Sangha brought three separate processions to Vidhana Soudha to press their demands on the issue of land reforms. The demonstration was said to have been organized to press for more radical provisions to be included in the land reforms bill. The Karnataka CPI and the Karnataka Raita Sangha approved of the ten acre ceiling on land proposed but were critical of the way in which a “family” was defined. In the procession
besides the volunteers from the city, others from Mysore, Tumkur, Kolar, Mangalore and other places and farmers from the drought prone areas participated.

Explaining the CPI party stand vis-à-vis land reform measure, M.S.Krishnan, MLA and party Secretary told members of the press prior to the demonstration that while the bill was better than the existing legislation, it was not radical enough. Steps had to be taken to up-date the records to give complete protection to tenants to provide adequate machinery for the distribution of surplus land among the landless and to decrease compensation.

M.S.Krishnan alleged that reactionary elements including those in the ruling party itself had mobilized themselves against this measure. Pressure was being exerted on the government to water down the provisions. He was critical of the Chief Minister who seemed to have gone back on his earlier promise to introduce radical land reform measure in the state (Deccan Herald, December 2, 1972).

The Chief Minister who addressed the communist party procession told them that he did not like to comment on the issue since the assembly was then discussing the land reforms bill. He said that there were three views on the bill – that it needed changes, that it should be accepted as it was and that is called for a more radical revision. According to Urs’, the Congress party’s intention was quite clear that the land should belong to the tiller (Deccan Herald, December 5, 1972).

As M.S.Krishnan pointed out, some of the ruling party members were responsible for organizing the rally. Although the draft bill had spelt out a ceiling of ten acres, there was a lot of uncertainty – whether this was going to remain the same or was going to be changed – as the bill was still in the embryonic stage. During the debates the
opposition members pointed out that there were factions among the ruling party MLAs. While some sided the peasants, others supported the landlords and it was the latter group that was responsible for organizing the rally (C.M.Arumugam). It was believed that those who were responsible for the rally were landlord agents. The tenants were incapable of organizing such a rally due to financial constraints (Kagodu Thimappa).

The rally was considered to be a result of interference by one or two interest groups. But the farmers’ procession was not significant as it was not done on a large scale. Apart from the farmers’ rally, there was no other significant outward reaction to the bill.

The viewpoints of the members on the draft bill are analysed under different provisions like leases, rent, personal cultivation, conferment of ownership on tenants, ceiling on land holdings, etc.

**Lease**

When compared to the debates of the sixties, the members who participated during the discussion of the 1972 bill showed reluctance to let any category of owners to lease out land. Even though the bill had not specifically banned leasing out of land by the disabled category the members expressed their reluctance to allow any category of land owners to lease out land. Very few members stressed the need to allow the small holders to lease out land (H.D.Devegowda, K.Puttaswamy). Only one member (K.M.Raudrappa, Cong.) favoured allowing the disabled category to resume land, even at the cost of tenants’ welfare.

**Rent**

This provision did not evoke much discussion. A leading member of the socialist party Konaduru Lingappa wanted rent to be decreased to five times the land revenue. K.Puttaswamy wanted the
provision set out in the 1961 Act to be revived whereas B.V.Kakilaya still insisted on following the rent regulation prescribed in the Bombay Act.

**Personal Cultivation**

Majority of the members vehemently opposed “the distance criterion” used to define “personal cultivation”. Irrespective of party affiliation, the members demanded that the government delete “the sixteen kilometers distance criterion” prescribed. This provision was considered to be obscure and redundant on the following grounds: (1) In modern days, because of availability of good transport facilities placing a limit on the distance between the farm and the residence of the farmer is ridiculous; (2) Non-availability of school and college facilities near the land necessitates the removal of this criterion.

Both (1) and (2) are no doubt sensible points. (3) Availability of good irrigational facility does not demand continuous supervision. Moreover, such a provision would only result in a spurt of farm houses; and (4) Experience had shown that persons who lived twenty-five to thirty miles away from land cultivated it more effectively than those who resided on the farm. It is however impossible to take definite position on this in the absence of concrete data. Prescribing distance criterion would only help persons who evade law and not those who abide by it.

Only one member (K.R.Sreenivasalu Naidu, Cong.) approved of this provision. The opposition leader, H.D.Devegowda, alleged that the ten mile restriction was imposed so that the government could be called “progressive”. The ruling party however deleted this “progressive element” from the bill during the Joint Select Committee meetings.
Conferment of Ownership on Tenants

The time had come when the tenants could be made the owners in the state of Karnataka. But to begin with the congress party headed by Urs tried to confer ownership rights on the tenants with hesitation.

The members of the Legislative Assembly detected an element of reluctance on the part of the ruling party to make the tillers the owners of land (V.N.Patil, C.P.I). The Chief Minister, in a speech at Hubli, had said that under any circumstances, the government would make sure that the tiller would be made the owner. But no such provision was included in the law (Kagodu Thimappa). At the initial stage when the bill was introduced the ruling party did not make all tenants the owners of their land even though that was the “election slogan” used to win the favour of the tenants. The provision of conferring ownership rights had to be made more specific to indicate “the political will” of the government (P.M.Bangi, Cong.). Installment payment of premium, spread over a period of twenty years, before acquiring ownership rights would only create an element of uncertainty which would turn the landlords more hostile and less cordial towards the tenants. Therefore, the members suggested immediate conferment of ownership rights without waiting for the payment of premium.

A provision similar to the one found in the Bombay Act which deemed the tenants to be the owners had to be introduced to make this provision effective. The 1972 bill only said that all land vests with the government, whereby the tenants could be “entitled to be registered as owners” which was not the same as a deemed owner. This view is in complete contrast with what M.P.Patil, former Revenue Minister, had expressed when ordinances were passed, prior to the appointment of Jatti Committee. At that time, M.P.Patil who hailed from Bombay area, perhaps under the pressure exerted by the
Bombay landlords had said that the ordinances were passed not to stop the tiller from becoming the owner as alleged by some of the MLAs, but to bring uniformity in terms of agrarian legislation. To further defend his statement, he had said that the provision of Bombay Act which deemed the tenants to be the owners was not effective at all.

The general consensus of the members was that it was absolutely necessary to remove landlordism. Emphasizing the conferment of ownership right was considered to be more important than distributing surplus land. (P.C.Shettar, Cong.) It is surprising that an Act which is hailed to be progressive for the tenancy provision did not concentrate on this issue at the initial stage. Slowly amending this provision might have been a strategy adopted to test the reactions of the Assembly members. Once the ruling party realized that the members opted for a positive move in favour of the tenants, more importance was placed on abolishing landlordism.

**Ceiling on Land Holdings**

Two views contrary to each other were expressed while defining "family": one was that the definition of family had to be more specific; the other was an allegation that joint families were not considered at all. The latter view superseded the former as majority of the members found the definition of family to be against the principle of Hindu Law, as joint families with grand children etc. were not taken into consideration. Another important allegation was that a family with minor children was allowed to have less land when compared to a family with equal number of major sons.

While including children, the bill said “his or her minor children” which would mean husband, his children, wife and her children and also their children (K.Puttaswamy). The bill also considered only natural persons and deleted companies, associations,
etc. This created confusion as nothing specific was said regarding the lands held by these institutions. Provisions were made in favour of such bodies only in the final stages.

Opinion was divided equally into two halves among the members – some wanted ceiling to be decreased to five acres so that more land would be available for distribution whereas others considered ten acre ceiling to be insufficient and wanted this to be increased to twenty or twenty-five areas. Ten acre ceiling was approved by very few members.

**Land Classification**

The unscientific way in which land was classified was criticized by the members. As imposition of ceiling depended on land classification, the members requested the JSC to look into this provision more carefully. The members wanted the government to consider the assuredness of irrigation, rainfall, major and minor irrigation works, etc.

Some of the districts were found to be classified wrongly – Bagalkot and Badami were placed under fifth category instead of third. This way, more land could be held by the land owners. The main allegation against this bill was that it included coconut land under Seventh class\(^{10}\) – the income from coconut land would not be equal to other land which were placed under the same category. This was the main loophole introduced under this category, but instead of requesting a deletion of this, some of the members pleaded for the inclusion of areca land with coconut land.

Another provision which evoked a lot of criticism was the income criterion denoted. The bill specified that those who earned Rs.12,000 or more income from other sources than agriculture were not allowed to hold land. Majority of members were against this.
Exemption

The entire provision dealing with “exemptions” which was drafted to please the vested interest was advised to be deleted (V.N. Patil), the fact that the ruling party had restricted the number of exemptions compared to what was given in the central guidelines was appreciated by some members (K. Puttaswamy), but the same members asked for exemption of orchards, stud farms and goshalas. While some wanted exemption to be given to co-operatives others wanted forest land to be exempted. T.R. Shamanna (Ind.) and Addy Saldana (Cong.) wanted religious and charitable institutions to be exempted from ceiling as they were service oriented. Bringing these institutions under ceiling would hamper both economic growth and social welfare.

Disposal of Surplus Land

The members requested the ruling party to distribute two to six units of land, as distributing one acre of land would not serve any purpose. It was doubtful if the land obtained as surplus would be distributed to those who deserved it as the implementation machinery constructed for the purpose was considered to be weak.

Compensation

A request to the effect that lumpsum payment of market value as compensation should be paid to the small holders was made by T.R. Shamanna, K.M. Rudrappa (Cong.). Shreenaly Chandrashekar (Cong.), Vishwanatha Reddy (Ind.) and Konaduru Lingappa. Such a consideration was to be given as small holders were not better off economically than the tenants.

Co-operative Farms

Unlike the debates on the 1961 Act, there was a total reluctance to emphasize co-operative farming in the seventies. Experience had
shown that family members in order to evade ceiling had made use of the co-operatives. Therefore, the members wanted no exemption to be given to co-operatives. Others wanted new co-operatives to be started on experimental basis. What is noteworthy here is that despite its failure, the members felt that co-operatives still offered its failure, the members felt that co-operatives still offered an effective way of increasing productivity by bringing small farms together. But some scholars consider that the all India success of HYV and the argument that the small farms were better than larger ones, led the co-operative farms to lose their ground (Patnaik, 1972).

**Implementation Machinery**

The members were very much against giving importance to the Tahsildars as they were found to be corrupt. It was also believed that the Tahsildars could not work with the “speed” that is essential for effective implementation of land reforms and they were bound to develop prejudices under pressure exerted from local people.

**Post-Reform Measures**

Majority of the members conceded that unless industrialization progressed rapidly, there would be no overall development at all. This is in contrast with the opinion expressed during the debates on the Jatti Committee Report (late fifties) where land reform was expected to solve all problems by majority of the MLAs.

As a part of post-reform measure, creation of a fund called “the agricultural rehabilitation fund”, which could supply loans to small holders and agricultural labourers was considered necessary (B.Subbaiah Shetty, Cong.).

The general consensus was that land reform by itself could not achieve “socialism” (K.r.Sreenivasalu Naidu). With the dawn of the
seventies, land reforms ceased to be regarded as a panacea for all economic problems.

After a six day debate, the state assembly referred the bill to JSC comprising twenty members including five from the council. When the bill was put to vote by the Deputy Speaker, Maharashtra Ekikaran Samithi (MES) members B.B.Sayanak, P.A.Pawashe and N.B.Sardesai walked out of the house in “protest” as no MES member was included in any committee.

It was reported in the newspapers “the effect of the decision to refer the bill to a JSC would be that it will not be passed during the current sitting of the legislature. Urs is understood to have said that “the committee would be asked to hold continuous sessions and give its report in a month. A session of the legislation might be convened in late January, specially to consider the bill” (Deccan Herald, December 8, 1972).

SECTION-B
LEGISLATIVE EVOLUTION OF THE BILL

I. Report of the Joint Select Committee

The Mysore Land Reforms Bill, 1972, was referred to a Joint Select Committee on December 12, 1972. Totally there were twenty members on the committee – Kagodu Thimappa (S.P), B.Subbaiah Shetty (Cong.), K.B.Shiviah (Cong.), S.Y.Patil (Cong.o), B.V.Kakkilaya (C.P.I.), A.M.Suryanarayana Gowda (Cong.) and others. Under the Chairmanship of N.Hutchmasthi Gowda, Minister for Revenue, the Committee held forty three sittings from January 8, 1973. The Committee heard oral evidence given by twenty-eight parties and attended a seminar held in December 1972 at the Institute of Development studies, Mysore University. The Committee had received forty-three memoranda from Organizations/Associations/ Individuals.
Memoranda were submitted by M.R. Patil (ex-MLA), the Mysore State Planters’ Association, Secretary of Coffee Board, Bar Association, the Mysore State Co-operative Sugar Factories Federation, etc. Farmer and Landowners of Yelburga taluk, Citizens of Dharwar district, Mysore State Planters Institutions and others also gave representations before the committee. Only one memorandum was given by the representatives of peasants and labourers of Shimoga. It should be noted here that only one representation was made by the lower most section of the agrarian structure when both the 1958 and the 1972 bills were referred to the Joint Select Committee. This indicates a lack of awareness on the part of tenants and agricultural labourers regarding land reform legislation. The Assembly Members’ caution to the ruling party regarding the revolution that was bound to take place, in the absence of legislative measure safeguarding the interest of the lower strata of agrarian society, seems to have been exaggerated optimism.

The JSC had received many memoranda from religious institutions – (1) The Mysore State Veerashiva Mathadipeeta Sangha, Bangalore, (ii) Sirasangri Charitable Trust Fund, Belgaum, (iii) The Bruhan Mutt, Chitradurga, (iv) The Mysore State All Religious Steering Committee, Sri Krishna Mutt, Udupi and (v) from certain Christian religious Institutions of Mysore State.

Apart from this, Association like Farmers’ Federation of India, Shimoga, President and others of Geni Raitha Sangha, Sugar, The Mysore Pradesha Farmers and Farm Workers’ Sangha, Bangalore, Karnataka Rajya Raitha Sangha, AMalleswaram, Navalgund Taluk Farmers’ Association, the Mysore State Pensioners’ Association, Bangalore, Farmers and Landowners of Yelburga taluk, gave memoranda to the JSC. The Mysore Pradesh Farmers’ and Farm Workers’ Sangha, Bangalore, which had held a conference on December 3 and 4, 1972, was of the opinion that the ceiling should be
at least eighteen acres of land and not less than that. This itself was considered to be a sacrifice on the part of the farming community. Apart from this, the Sangha criticized the distance and income criterion adopted in the draft bill. The sangha noted with concern the state government “deviating from the guidelines set by the Congress High Command in regard to land reforms”. It also said that the guidelines set by the High Command provided exemption of lands belonging to religious and charitable institutions which were helping the cause of education and social upliftment. The government was said to have ignored the need to protect the interest of dairy farming, drought prone areas and hilly tracts. In short, the Sangha was happy with the provisions prescribed in the 1961 act and wanted no change whatsoever.

On May 4, 1973, the report of the JSC was submitted at the Assembly. Speaking to pressmen, the Revenue Minister described the report as being much more progressive than the legislation adopted by other states. He estimated that after land reforms came into effect, there would be four lakh acres of surplus land at the disposal of five-man tribunals for distribution among the landless (Deccan Herald, May 4, 1973).

The Report of the JSC was termed as “the most progressive measure enacted” in the state. M.S.Krishnan and Konaduru Lingappa complimented the government on taking a decisive step for fulfilling the aspirations of the exploited class. They were happy that the modified bill represented the government’s desire to make the tiller the owner of land. It was reported in the papers that “the Mysore Land Reforms (Amendment) Bill, as modified by the JSC< a synthesis of the long drawn debate on the socialistic concept of making the tiller the owner of land, was wholeheartedly welcomed by several members in the State Assembly” (Deccan Herald, May 11, 1973).
The JSC made certain remarkable changes, strengthening the bill. The draft bill had concentrated its attention on ceiling whereas the amended bill was completely “pro-tenant” in nature. Majority of the provisions were drafted in favour of the tenants. Different kinds of leases except those created by soldiers and seamen were barred. A definite move to abolish landlord-tenant relationship by granting occupancy rights to the tenants was made. Also, the land tribunals the constitution of which is still subjected to criticism with non-official members was conceived by the JSC.

The major amendments introduced by the JSC are dealt were:

As the exemption given to the disabled category was being misused, the JSC deleted this provision and banned leases completely. The committee specifically laid down that all leases were to be prohibited except those created by a soldier and a seaman. Also, resumption of land was restricted and was allowed only in the case of land leased out by a soldier and a seaman. In respect of land resumed from a tenant, transfers were barred for fifteen years instead of six years which was previously proposed. If the landlord who had resumed land did not make use of it within one year, then the land would vest with the state government.

Many other provisions in favour of the tenants were included. A tenant was required to surrender land (if he wished to) only to the state government. This was definitely a positive move in favour of the tenants when compared to the previous act where not only surrender of land to the landlord was allowed out also resumption of land was permitted on various grounds. Also, land leased contrary to the act were to be taken over by the government which would be treated as surplus land.
Personal Cultivation

Any member of the land owners family could cultivate land personally by exercising supervision. The distance criterion that was previously thought of was deleted considering the enormous opposition offered by both the ruling and the opposition party members during the debates on the draft bill.

Conferment of Ownership on Tenants

The much promised “land to the tiller” slogan was sought to be implemented in practice by conferring occupancy rights on tenants. The JSC specifically said that all tenanted land (except those leased by a soldier and a seaman) should vest in the stage government and the tenants were to be entitled for registration as occupants, subject to the ceiling provisions and payment of a premium. The tenant was to be conferred occupancy rights despite default in payment of rent only in cases where there was drought or failure of crops. The tenants were given ownership rights after paying fifteen times the rent as premium over a period of twenty years.\(^\text{13}\)

Ceiling on Land Holdings

The JSC modified the definition of family. Instead of the words “minor children”, the words “minor sons and unmarried daughters” were substituted. With this, the definition was made more specific. Also, the definition of the term “joint family” was omitted although the members had wished to include dependants, grand children and others.

The ceiling limit prescribed in the draft bill was retained. The JSC did not increase the level of ceiling even though there was a demand for it. The only change the JSC made was to decrease the extent of land belonging to sugar factories; the factories were
previously allowed to hold land up to hundred acres. This was reduced to fifty acres.

For the purpose of determination of the ceiling area, every person holding ten acres of irrigated land or twenty acres of rain fed wet land or forty acres of dry land was required to file a declaration giving particulars. The Tahsildar was asked to ensure that suitable land was surrendered and was bestowed with power to reject the unsuitable ones.

Previously, for land classification purposes, ten acres of irrigated land was to be equated with twenty acres of rain fed wet land or forty acres of dry land. A simplified method was given by the JSC as the legislators had specifically asked the government to look into irrigational facilities etc. Therefore, the JSC classified land as follows:

**A class lands:** Facilities for irrigation – government canals, tanks and lift irrigation projects constructed and maintained by government – to grow two crops of paddy or one crop of sugarcane.

**B class lands:** Government irrigation as above that can help in producing only one crop of paddy in a year.

**C class lands:** (i) other government sources of irrigation than A and B. (ii) Lands on which paddy crop can be raised with the help of rain water. (iii) Lands irrigated by lifting water from a river or government canal or government tank with pumping installing etc. crops other than paddy or sugarcane could be grown.

**D class lands:** Dry land, land revenue of not less than one rupee per acre.

**E Class lands:** Dry land, land revenue less than one rupee per acre.
Garden crops are classified among different classes depending upon the irrigation facilities.

**Equivalent between classes in classified as:**

One acre of land classified ‘A’ having soil classification value about 8 annas = 1.2 acres of land classes ‘A’ having soil classification value below 8 annas = 1.5 acres of land classed ‘B’ having soil classification value above 8 annas = 1.8 acres of land classed ‘B’ having soil classification value below 8 annas = 2.5 acres of land classified ‘C’ having soil classification above 8 annas = 2.8 acres of land classed ‘C’ having classification below 8 annas = 5.0 acres of unirrigated dry land classes ‘D’ = 5.4 acres of unirrigated dry land classed ‘E’.

Once the land was classified, the extent of ceiling changed from ten to twelve acres; fifteen to eighteen acres and twenty to twenty-five acres respectively. Dry land was divided into two groups fifty to fifty-four acres (‘E’ class), for drought areas (97 out of 175 taluks) the ceiling had been twenty per cent over fifty to fifty-four acres.

Another important point that was cleared by the JSC was that the income limit of Rs.12,000 disqualifying a person from holding agricultural land should apply only for future acquisitions and that for purposes of calculating the income, instead of gross income, the income on which assessment is based for income-tax was to be considered. It is said that this provision has never worked as it is a difficult proposition to be implemented and has therefore become redundant.

**Exemption**

The list of exemptions was considerably reduced when compared to the 1961 act. A definite sign of “progressiveness” becomes apparent when the “exempted” category is analysed. The
JSC was of the opinion that a person holding plantation land in excess of ten units should not be entitled to hold any other agricultural land. Although plantations were exempted, a ceiling on hundred and four acres was laid down for the future acquisition of plantation land.

No exemptions were given for regimental farms. Co-operative societies other than those societies registered under the Mysore Land Reforms Act were to be debarred from holding the lands. This was one way of preventing large holders from aspiring to be members of the co-operative society. The importance given to co-operatives during the sixties was substantially reduced.

**Implementation Machinery**

The JSC designed the much talked about land tribunals, adding on the popular element of non-officials. The JSC entrusted the work relating to the registration of tenants as owners to the tribunals consisting of an Assistant Commissioner as the Chairman and four other members one of whom would be a member of the state legislature and another belonging to the SC/ST category. No representation to SC/ST were to be given where the member of the Legislature belonged to that class.

The decision of the tribunal was to be final and legal practitioners were not allowed to appear before the tribunals. The JSC favoured the Tahsildars to be given more power, much to the displeasure of the members. For successful implementation of the Act, several functions that were entrusted to the court were to be entrusted to the Tahsildar. For this, necessary amendments were made and relevant portions indicating the duties performed by the Tahsildar, the court and the tribunal were included.
The report of the Joint Select Committee was not unanimously accepted as seven members submitted minutes of dissent. (1) B.Channabylre Gowda, MLC and H Mare Gowda, MLA; (2) S.R.Bommai, M.C.Basappa and S.Y.Patil; (3) B.V.Kakkilaya and (4) Kagodtu Thimappa, expressed their disagreement on certain provisions of the Report. B.Channabylre Gowda (Ind.) and H.Maregowda (Ind.) expressed their resentment over the fact that the JSC had excluded widows, minors, unmarried women and physically or mentally handicapped persons from leasing out land. They wanted the remaining applications of resumption cases to be disposed in a just and equitable way. Entrusting judicial work to politicians was considered to be against the interest of justice. The tribunals were to be constituted with Assistant Commissioners only. They wanted lawyers to represent cases in tribunals as well as legal aid to be given to the tenants. The members felt that barring religious, charitable and educational trusts from holding land would be going against the constitutional provision. A minimum of twenty-five acres of land was to be allowed as ceiling for ‘A’ class land.

Notes of dissent on similar lines were expressed by S.R.Bommai, M.C.Basappa and S.Y.Patil. These three members wanted the ceiling to be fifteen acres for ‘A’ class land and also an appeal against the decision of the tribunal was to be allowed, S.Y.Patil submitted a separate dissenting note as he was particular that the educational and charitable institutions should be exempted from the provisions of the act since these institutions used the entire income drawn from the land for educational and other welfare oriented purposes.

B.V.Kakkilaya who approved of the major provisions of the JSC recommendations was particular that the government should make provisions to prevent the eviction of agricultural labourers and village artisans from their homesteads and confer ownership on their dwelling houses.
Kagodu Thimappa who took active part in the debates made a few suggestions. He was particular that the holder of the land should reside within a reasonable distance from the holding. The landlords were to be entitled to payment of amount (compensation) only if the income from land was the main source of income. This way, a restriction could be placed on the payment of amount and where the tenant was a “small holder”, occupancy rights could be conferred on him without paying the premium to the government. Also, surplus land was to be granted free of cost to landless SCs and STs and other agricultural labourers.

Ceiling could range from five units (for a family of less than three) with additional two units added for each member in excess of five (a family of five could have ten units of land), the outer limit being forty acres. Kagodu Thimappa insisted that at least two units of land had to be surrendered to the government when unmarried daughters get married. He was against exempting plantations and was critical of the unreasonable and unscientific weightage given to drought areas while computing ceiling.

II. The Joint Select Committee Report in the Legislature


To begin with, the members alleged that the JSC had not restricted its amendments as it had deviated considerably from the parent measure (1961 Act) and also the previous opinion of the house. T.R.Shamanna contended that the amendments proposed by the committee should be within the scope of the bill. In all aspects –
removal of exemption given to the disabled category, including charitable and other institutions under ceiling, etc. – the JSC had taken a different stand altogether. C.M.Arumugam considered the report of the JSC controversial in nature. Opposing this contention, the Chief Minister described it as “wholly irrelevant as well as far-fetched” (Deccan Herald, May 11, 1973). Devaraj Urs said that there was no rule which laid down conditions and procedures for the working of the JSC.18

The bill proposed by the JSC was not considered to be great move which could result in bringing about radical change (B.B.Sayanak). This reform was not considered to be progressive when compared to the previous one (T.M.Manjunath, Cong.o). Other Congress-o members (K.H.Hanumegowda, P.B.Patil) opposed the bill because it was not based on the same guidelines as the 1961 act. All the provisions of the 1961 act allowing resumption of land for personal cultivation, exemptions to trusts and sugar factories were to be re-incorporated according to them. This indicates that all those who opposed the bill did not have anything more progressive to suggest.

Socialist party member Konandur Lingappa conceded that the present bill aimed at bringing about peaceful socialistic revolution. Konandur Lingappa warned that “if the vested interests again succeeded in their designs to sabotage the measure, there will be a Telengana type of bloodshed and revolution” (Deccan Herald, May 11, 1973). A similar opinion was expressed by S.Bangarappa and Kagodu Thimappa. It was believed that if this bill, with its socialistic element was not introduced, then there would have been a peasant revolution (Shreenaly Chandrashekar), L.G.Havanur believes that if land was not distributed to SCs/STs by imposing ceiling, then there would have been a revoltion19. But this is an exaggerated statement.
The opposition leader H.D.Devegowda once again alleged that radical changes were incorporated in the bill just to earn the name of being progressive. As seen before, such an allegation was frequently made by the opposition members when the draft bill was debated in the assembly. But the bill could not be called “socialistic” in approach considering the special consideration given to three or four categories of land plantations, drought prone area, coconut land etc. Although giving special consideration to drought areas is not and can never be called anti-socialistic by nature, the way in which the areas were classified left much to be desired. It was alleged that the classification proposed was biased towards big/well-to-do farmers. However, the secretary of the Legislature Congress party Gundu Rao, praised the law as it fulfilled the desires of the poor. Apart from a few comments, the ex-Chief Minister (1980-83) did not have anything much to say regarding land reforms.

The Revenue Minister while introducing the report spoke with two main perspectives (a) abolition of tenancy relationship and (b) distribution of surplus land. The JSC however stressed the former aspect more than the latter, unlike the 1972 bill which had placed an enormous importance on discussing ceiling rather than abolition of landlord-tenant relationship.

The bill proposed by the JSC was considered to be good by MLAs as it conferred ownership rights on the tenants. The members who favoured this said that the tenant should not be made to wait for twenty years to get the ownership rights. It was sensibly suggested that the matter concerning the installment of premium payment had to be looked into so that acquiring occupancy rights could become easy (M.S.Krishnan). The JSC was congratulated even by the opposition party members as it abolished tenancy completely. A participant of Kagodu Satyagraha-Konanduru Lingappa was pleased
with the “lease” and “conferment of ownership rights” provisions included by the JSC.

Abolition of tenancy and inclusion of educational and religious institutions within the ceiling provisions of the bill were considered to be the only provisions which were progressive in the entire bill. The rest of the provisions were considered to be soft (Konandur Lingappa). It is relevant to note here that the 1972 (Amendment) Bill was quite progressive, especially when compared to the spiritless 1961 act. Yet, the opposition and some of the ruling party members were critical of its approach and found the legislation to be inadequate. The Jatti Committee Report, which was envisaged as only a compromise between the different sections of the agrarian structure was considered to be revolutionary in character by majority of the members. The 1973 bill (as amended by the JSC) was in contrast to the JC’s recommendation as it was much more progressive but in the changed circumstances what was proposed was considered to be inadequate.

The amended bill provided exemption to only a few types of land. The members asked for lesser number of exemptions, what was given was heavily criticized. This was in complete contrast with that occurred during the debates on the 1961 act where the ruling party provided a big list of exemption, the length of which was found to be inadequate by the members.

During the entire process of legislation beginning with the debates on the Jatti Committee, the members of the legislative assembly resented the “urban bias” shown by the different ruling parties which was indicated by imposing ceiling only on the agricultural sector. This line of thought continued even while the 1974 act was under consideration. The members were convinced that complete “socialism” could not be achieved unless a ceiling was placed
on the urban sector. The leader of the opposition criticized that the imposition of urban ceiling was used only as an election slogan which was not fulfilled. 

The income restriction that was previously described was made applicable only to the future acquisition of land holding by the JSC. This was accepted by the members without any hesitation. Only one member (Shreenaly Chandrashekar) was against the JSC’s proposition as it would hurt government officials who would want to acquire land after retirement from service. While speaking of ceiling, the members expressed their displeasure regarding the special treatment given to drought prone areas. The bill had laid down that in the drought affected areas, a person could hold more than twenty per cent of the ceiling land (of last category). Ninety-six taluks in Karnataka came under this. Members of both the opposition and the ruling party were critical of the very way in which the taluks were selected. They insisted that only chronically drought prone areas had to be specified under this category. As drought is a temporary phenomenon, it was unnecessary to give these areas special consideration. Only financial aid to drought-hit areas was considered to be sufficient.

During the later half of 1972, the state had faced severe drought conditions. The centre had given an emergency grant of Rs.26 crores for the intensive summer crop programme and for other minor irrigation works in drought areas by August 1972. Union Minister of State for Agriculture, A.P.Shinde, after discussing the drought situation with the representatives of the state government had announced an ad hoc assistance of Rs.4 crores for energizing 11,000 irrigation pumpsets, etc. (Deccan Herald, August 20, 1972).

C.M.Arumugam (RPI), a member of the Legislative Assembly, was assigned the task of surveying drought areas. To do this, he had
made a seven day tour of the drought hit areas of Gulbarga, Bidar, Bijapur and Belgaum districts where he visited seventy five to eighty villages. Around 15,000 people from all walks of life were interviewed (Deccan Herald, December 16, 1972). The 130 pages report was submitted on December 17, 1972 which said that the scarcity conditions in the four districts of Gulbarga, Bidar, Bijapur and Belgaum were acute. C.M. Arumugam suggested relief of Rs.50 crores to undertake measures to reduce the suffering as even people who owned more than sixty acres of land were working as casual labourers (Deccan Herald, December 20, 1972).

Whether the suggestion given by the above mentioned study was incorporated or not is not known. But it is true that certain important changes in terms of ceiling was incorporated by the ruling party at the time of submitting the JSC report. This could have been the result of a request made by the delegation of farmers who had met the Chief Minister on August 19, 1972 (when the draft bill was being discussed). The farmers contention was that the equation of dry lands with the perennially irrigated lands with two assured crops, as stipulated in the Mysore Land Reforms (Amendment) Bill, would cause injustice to the holders of dry land. The delegation in a memorandum opposed the inclusion of tank fed lands in the purview of irrigated lands particularly in Bijapur district. It also said that the differentiation of lands on the basis of the rainfall in the scarcity-stricken district of Bijapur was not proper. The delegation was led by Kumar Gowda Patil, Former MLA (Deccan Herald, August 20, 1972).

Unlike the debates on the 1961 Act, hardly any member demanded the ruling party to recognize the different categories within the landlord class. The members were more inclined towards helping the tenants and small farmers. A remarkable change in the members’ attitude towards the agricultural labourers becomes apparent when the debates pertaining to the 1974 act are analysed. The members
showed a keenness to protect the interest of agricultural labourers. One of the measures suggested was the formation of co-operatives with agricultural labourers as its members. Co-operatives for other types of farms were not advised any longer. But co-operatives which are always suggested for lower class/caste people are always made use of by the upper class/caste people to effectively evade law. As co-operatives do not usually work, some of the members suggested additional provisions to be incorporated in the law in favour of agricultural works. Specific provisions which protected the agricultural labourers from being thrown out were recommended to be added (Damodar Moolky, Cong.) other members suggested providing minimum wages to agricultural labourers (P.P.Hagare, Cong.). But this is unworkable as it is generally kept outside the purview of Land Reforms Act.

The agricultural labourers who generally belong to the SC/ST caste were made the beneficiaries of surplus land distribution. With this an important change was introduced in the “caste” proposition of the agrarian structure. Previously, only Deshpandes, Desais, Patils and other high caste people were owning land. With this reform, this was going to be changed (B.J.Banakar, Cong.). Although this is a very optimistic view, it could be taken to mean that the lower caste people who never owned any land all these years could at least possess some, even though a meager extent of land. C.M.Arumugam complimented the government on bringing forward such a radical reform to abolish landlordism on which he said that the “entire monopoly of caste system stood” (Deccan Herald, May 12, 1972). The provisions given by the JSC, as discussed and viewed by the members are given below:

**Leases**

There was an overall plea to let “the disabled category” lease out land. Kagodu Thimappa was against giving exemption to only soldiers and seamen. He feared that if the other groups were not included,
there would be an increase in the number of beggars. Some of the members were in favour of allowing “widows” to lease out land, while others were keen on letting at least the small holders to lease out land. However, the number of members who opted for the elimination of landlord tenant relationship superseded the number which opted for its continuance.

**Rent**

A gradual progress in this aspect was visible because unlike in the case of the previous act, the members did not ask for a raise in the rate of rent. Instead, the members wanted a decrease in the rate of rent. M.S.Krishnan wanted rent to be five times the land revenue, which was half of what the JSC had prescribed. This could have been because only a few categories were considered to be eligible to receive rent.

**Personal Cultivation**

Very few members considered it necessary to retain the distance criterion which was previously prescribed. Because of the pressure that was exerted by the members, the ruling party deleted the distance criterion while defining personal cultivation. It was alleged that such an omission was not based on any ideology/principle (T.R.Shamanna).

**Conferment of Ownership on Tenants**

The members seemed to have accepted this provision without much comment. A.V.Muniswamy (Cong.) rightly pointed out that conferring ownership right after twenty years could not be considered as a provision which could act as an incentive to the tenants. To rectify this, the date on which the tenant could acquire ownership rights was suggested to be declared (B.B.Sayanak).
Ceiling on Land Holdings

The definition of “family” for purpose of computing ceiling, as defined in the 1961 act, was considered to be more progressive than what was spelt out by the JSC. By following the 1961 definitions, more land would have been left as surplus (M.S.Krishnan). Although the JSC tried to make the definition of “family” a little more precise, the overall effect was spoilt by allowing extra units to be held by the major sons (Konandur Lingappa). As this provision has remained unchanged, the administrators of land reform law have branded the ceiling provision of the 1974 act as a fiasco.\textsuperscript{23} The entire issue of ceiling has been considered as a political stunt: first, the number of holdings which would come up to the prescribed extent were not many. Secondly, those lands which were declared as surplus were not good quality land.

The members were sure that four lakh acres of land would not be available as surplus because of the way in which “family” was defined. Contrarily, K.H.Hanume Gowda (Cong.o) expressed the fear that the measure might lead to fragmentation of land into uneconomic holdings and the resultant loss of agricultural production (Deccan Herald, May 12, 1972). H.B.Kenche Gowda of the ruling party did not see why his party had to deviate from the guidelines given by the Central Land Reforms Committee which prescribed ceiling to be above ten and below eighteen acres.

N.K.Ganapaiah, Secretary-General, Farmers’ Federation of India, Bangalore, who had addressed the Chairman of the JSC previously was of the opinion that “even in places like Hariana and Punjab, the ceiling level is high, Mysore which has usually VII class land should have eighteen acres ceiling”. This was necessary because “small farms do not yield marketable surplus and food production should increase because of growing population” (in “Your view”, Deccan Herald, May 17, 1973). This is a clear indication of the fact
that the success of HYV was probably exaggerated. At any rate, it was not effective in Karnataka. Only one person opted for a further decrease in ceiling to eight acres considering the scarcity of land and the number of landless persons (P.A.Pawashe).

**Compensation**

Varied opinions were expressed regarding the amount of compensation that was to be paid when land above the ceiling level was confiscated. C.M.Arumugam stood his ground when he advised the ruling party to take away all land without giving compensation. The other members did not approve of this. The members insisted on paying at least half the sum in lumpsum and this had to be based on present land price (Sheernaly Chandrashekar). Full amount of compensation was to be paid to religious and other institutions if the land held by them was taken into consideration while calculating ceiling (T.R.Shamanna).

The small holders (who are quite large in number) were to be compensated in lumpsum; otherwise their condition was bound to worsen and be equalized with that of a landless labourer. (H.D.Devegowda, Konanduru Lingappa). A process of immiserisation was bound to take place, if this was not followed. Such an ideology was expressed throughout the three decades starting from 1950 debates by those members who participated in the debates on the Jatti Committee Report, on the 1961 act and also the 1974 act. This attitude was the result of the predominance of the small farmers in the agrarian structure in Karnataka even before the fifties. It was reported in the Karnataka even before the fifties. It was reported in the papers that while discussing the question of compensation, the Revenue Minister accused H.M.Channabasappa (Cong.) of “instigating” party members to raise controversies which could delay the adoption of the bill (Deccan Herald, May 24, 1973). Interparty frictions thus become apparent. H.M.Channabasappa who was quite
vocal in his arguments while discussing the JC report remained silent during the debates on the 1974 act. It is believed that this was because he aspired for higher office in politics and did not want to take any risk.

**Exemptions**

Another progressive measure that the JSC brought in was to reduce the number of “exemptions”. As there was a lot of exploitation going on in the name of institutions which were said to be “religious” and “educational” in nature, bringing the land held by them under ceiling was appreciated by Konandur Lingappa. P.P.Hegare and V.N.Patil were against exempting caste based educational and religious institutions as they controlled their own caste people through land.

Most of the members were not prepared to believe that these institutions were exploitative in nature. On the contrary, they were firmly convinced that these institutions were service oriented. While some members felt that the burden of looking after the education of the people would fall completely on the government others who were satisfied with the educational facility provided by the government saw no reason why these institutions should be exempted. During the debates on the 1961 act, the former view flourished rather than the latter.

Some of the members who favoured exemption given to religious institutions were against exempting plantation land. This is in complete contrast with what occurred during the debates on the 1961 act. At that time, the members made sure that the plantation area was exempted first before demanding inclusion of any other category under this list.
C.M. Arumugam who was against exempting religious institutions alleged that “plantations” were exempted as the government was influenced by the planters. By and large, the opinion of members appeared to be that the ceiling for future acquisitions of plantation land should be brought down from hundred acres provided to fifty-four acres the same as the ceiling for the last class of dry land. Exempting plantation land was considered to be an anti-socialistic attitude by the opposition party members. G. Puttaswamy and R. Gundu Rao, both from congress party and from plantation area the former from Mudigere and the latter from Somvarpet favoured the exemption given to plantation land and did not ask for more exemptions, an approach which was completely different from what was exhibited during the entire life-cycle of the 1961 legislation. Previously, a noted P.S.P. member J.B. Mallaradhya among others had showed definite inclination towards encouraging capitalistic mode of production when he fought for exemption of plantation land plus other land. The pressure exerted by the opposition and ruling party members was so much that the government finally brought in provisions which not only exempted plantations plus a ceiling extent of agricultural land but also interspersed land.

When the Congress Legislature party met on May 22, 1973 to consider the JSC Report on the Mysore Land Reforms Bill, certain important decisions were taken. The party decided that the plantations in the state would be totally exempt from ceiling restrictions, whether they were existing ones or those that were acquired in future. However, a planter, like any other land holder was subjected to ceiling in the case of agricultural land – whether interspersed or otherwise. The Revenue Minister when questioned by the pressmen regarding the departure the party had adopted in comparison with the JSC report said that there would be no mean in gin imposing a ceiling on future acquisition when there was no restriction on existing plantations. Further the AICC which had
suggested exempting plantations had not said anything about future acquisitions (Deccan Herald, May 22, 1973). The reason why this was not thought of before was not explained.

Some of the members wanted exemption to be given to sugarcane growing land, tamarind and mango growing land, coconut and arecanut land. When compared to the debates of the previous act, this list is small. As a final solution H.D.Devegowda, opposition leader, wanted all lands to be nationalized a proposition which is not at all workable in the present socio political set-up.

**Implementation Machinery**

As the proposition of land tribunals with non-officials as its members and such other changes were introduced for the first time by the JSC, in the debates that followed, various views regarding the administrative machinery were expressed by the members. In fact, one could say that this aspect attracted the maximum attention of the members.

Some of the members favoured the inclusion of non-officials in tribunals as they would help in the speedy disposal of cases (M.S.Krishnan). It was believed that the presence of non-officials would help in checking the corruption of the officials. To help the illiterate farmers, non-officials were made the tribunal members as lawyers could help only those who are not ignorant (Kagodu Thimappa)\(^24\). H.D.Devegowda wanted judicial officers as tribunals as non-officials were considered to be political and corrupt in nature. The same view was expressed by K.M.Naganna (Janatha Paksha), but he was in favour of replacing MLAs and not non-officials, with judicial members.

The presence of MLAs in the tribunals was fond to politicize the issue as they would be inclined/obliged to help those who had helped
them during the elections (K.M.Naganna). Instead, S.S.P. or Communist party representatives were to be made a part of the tribunals (M.S.Krishnan). The opposition leader advised the ruling party to constitute tribunals with Munsiff Magistrates consisting of Assistant Commissioners and a legislator or R.S.S. or S.P. workers. He wanted three or four political parties to be allowed. But this would have resulted in creating more confusion and less speed, a point that was overlooked by the member.

The tribunals because of the appointment of officials would be a congress party tribunal as only the congress party members or their henchmen would get justice but not others (B.B.Sayanak). The tribunals that were to be constituted were considered to be truly political in nature, especially because the Assistant Commissioners would be under the government and would abide by the ruling party’s decision (T.M.Manjunath, T.R.Shamanna). It was suggested that lawyers could replace the corrupt Assistant Commissioners.

Majority of the members were against giving too much power to the Tahsildars as they were (a) found to be corrupt and (b) were already suffering from heavy work load.

To help the illiterate farmers, majority of the members wanted legal practitioners to be allowed to represent cases in front of the tribunals. The list of members who suggested this includes, as in the case of debates on the 1961 act, a cross-section of agriculturists and advocates and a few others.

Allowing appeal to a higher court was considered to be an effective way of checking the power bestowed on the tribunal. As such, many members considered an appeal to a higher court or to the Revenue Authority necessary. An appeal was all the more necessary considering the poor condition of the farmer who cannot afford to go
on a writ petition to the high court. But the farmer could go on a writ even after an appeal was based and this would only prolong the decision making process, as such this was not favoured by a few MLAs.

A positive point in favour of the tribunals was that its decision could be scrutinized as the proceedings were not kept a secret. This is not allowed if the decision is made by a judicial authority (Kagodu Thimappa). But then there is no scope for correction even if criticisms are allowed on tribunal decision since only writs are allowed. Therefore an appeal was considered to be a must by the leader of the opposition H.D.Devegowda.

Even to this day, whether an appeal on the tribunal decision is necessary or not has remained a subject of controversy.

Apart from the main discussion, some of the members suggested inclusion of a “Land Commission” to gauge the extent of land available as surplus. Legal assistance to the tenants was considered to be a must. Urs’s government later created a “Legal Aid Cell” at the state level to help the tenants who have filed writ petitions at the High Court.

V.N.Patil suggested that the provisions of the civil procedure code should be made applicable to the working of land tribunals. Also, instead of summary enquiry, regular enquiry had to be made. He suggested that the tribunal members should carry out “spot inspections” to create “fool-proof machinery.”

Some of the members feared that the tribunals were given so much work of importance that if they did not work properly, the very purpose of the act i.e., eliminating tenancy would be lost (P.A.Pawashe). Such a prediction seems to have come true, as some of
the scholars/present day politicians allege that the non-functioning of tribunals have resulted in reducing the effectiveness of the 1974 land reforms law.

Post-Reform Measure

Many members emphasized the need for introducing appropriate “post-reform” measures. Land redistribution would not be effective in alleviating poverty unless inputs like fertilizers etc. were supplied to the beneficiaries (K.F.Patil and H.B.Kenche Gowda of Cong.). As “distributive measure” was going to displace labour, K.M.Doreswamy Naidu (Ind.) wanted the government to create employment opportunities by starting village industries at the taluk level.

It is relevant to note here that in respect of supplying post-reform measures, the concentration of the members was on the beneficiaries of land ceiling provision and not on the new owners of land. This would indicate the presumption of the members that “the ex-tenants category” were not in need of such measures.

Retrospective Effect

The importance of bringing this law with retrospective effect was stressed by a few members. Konandur Lingappa, Damodar Mullaki and K.M.Naganna specified October 2, 1965 as the date from which the law could come into effect. P.P.Hagare and B.B.Sayanak wanted it to be earlier than that (beginning of the sixties).

SECTION – C
THE BILL IN DETAIL

The clause-by-clause amendments on “the Mysore Land Reforms Bill (1972)”, as reported by the Joint Select Committee was taken into consideration on May 28, 1973. The clause-by-clause
debate was adjourned for a while, since the copies of the government sponsored amendments were not ready. This led the opposition members to wonder if the government was serious about implementing land reforms.

The main allegation against the congress party was that it brought in amendments which were completely against the decision of the JSC. M.S.Krishnan was of the view that all the recommendations of the JSC were amended to such an extent that it amounted to insulting the committee. The opposition members wished that the JSC’s recommendations had been upheld by the ruling party instead of diluting it completely.

The members criticized that the amendments were given piece-meal and this caused delay (H.D.Devegowda, Konandur Lingappa). The fact that the amendments were not brought in under the right clauses was resented. The rules regarding amendments specify that “an amendment should be within the relevant scope of the bill and relevant to the subject matter of the clause to which it relates” (Kagodu Thimappa, LA Debates, May 29, 1973). This was overlooked by the congress leaders when the institutions which were allowed to hold land were included under the provision of “personal cultivation” than under “ceiling”, where it rightly belonged (Kagodu Thimappa).

Also, certain explanations were added (regarding plantation, etc.) which helped in diluting the measure. As pointed out by V.N.Ptail, “the declared policy and the accepted principles of this house are being negative by the additional amendment that was inserted in the form of an explanation” (LA Debates, May 29, 1973). The number of amendments that were introduced were so many that the very purpose of having had a JSC and debates on its recommendation was lost. It would have been simpler to bring in a new act itself (C.M.Armugum, T.R.Shamanna).
The house accepted as many as eighty-three official amendments moved by the Revenue Minister. While these amendments did not touch most of the provisions, it made certain major changes in the JSC report. Urs strongly refuted the charge that the bill had been rendered ineffective by the amendments (Deccan Herald, June 1, 1973). Both the Chief Minister and the Revenue Minister asserted that there was no convention that the recommendation of the committee should not be reversed.

The major comment of the members revolved around the “pressure groups” that were created. The government was blamed for being influenced by the pressure created by religious heads. It is believed that when the bill was passing through the last stages of becoming an act, heads of different institutions had travelled to the capital city to influence the ruling party to exempt land held by them. There was even talk of exempting the entire extent of land held by them. H.D. Devegowda said that this was reported even in the newspapers – “Prajavani”, May 30, 1973. The Legislature Congress party had reached such a conclusion (Deccan Herald, May 30, 1973), but this was changed later in view of the opposition offered within the party and in the assembly. The Legislative Assembly members threatened to block the passage of the bill if the lands held by the institutions were completely exempted. C.M. Arumugam, Konandur Lingappa, H.D. Devegowda, B.V. Kakkilaya, Kagodu Thimappa were all against giving exemptions to various kinds of institutions.

When the bill was finally moved, the opposition members staged a walk out as a protest against the change introduced by the government. But, the leader of the opposition H.D. Devegowda refrained from doing so. Most of the measure adopted by the government received the support of the opposition leader he was the only representative of his party cong-o. present in the house when the bill was moved. The non-functioning stage of the opposition leader
was commented by some of the members. Defending his position, the leader said that the members had criticized that he was favouring the ruling party. But the said that the principle behind his silence was not favourism towards congress but was based on his conviction that the land reform measure envisaged was going to help the landless. Because of this, he gave his full support to this act.

When the clause-by-clause amendment were read out, the opposition members felt that the question of reforms was becoming a myth. With each amendment, the bill had lost its essence. Kagodu Thimappa said that the final version of the bill was like a skeleton form of the intended land reforms. In comparison with the JSC recommendations, the act was made considerably lukewarm as will be evident in the analysis that follows.

**Leases**

The leader of the opposition H.D.Devegowda tried to re-introduce the power of leasing out land to be given to a small holder, a minor, widow, an unmarried woman and mentally or a physically handicapped person. T.R.Shamanna supported this amendment. The Revenue Minister however negative this because he felt that “leasing out” of land could not be allowed as the emphasis in the bill was placed on “personal cultivation” and complete elimination of “landlord-tenant relationship”.

T.R.Shamanna tried to include the category of “ex-service men” along with soldier and seaman. But the Revenue Minister did not want to allow any other category of persons to lease out land. Therefore, this amendment was not approved.

**Rent**

The Revenue Minister moved an amendment (which is now S.8) to specify rent for different classes of land and also to say that the
rent that is paid annually is calculated to be ten times the aggregate of the land revenue and water rate, if any. M.S.Krishnan and Kagodu Thimappa were against including water rate as this would increase the rent rate. They were keen on decreasing the rate of rent to five times the land revenue and deleting the addition of water rate.

The Revenue Minister did not think that much importance should be given to this as only soldiers and seaman were eligible to receive rent. As the extent of land under tenancy would be negligible, this provision was not discussed further. Nevertheless, the rent rate was increased with this amendment.

**Personal Cultivation**

The Revenue Minister N.Hutchmasthi Gowda brought in an amendment to widen the definition of agriculture to include horticulture, dairy and poultry farming, grazing, breeding of livestock and the raising of crops, grass or garden produce. This was generally accepted by the members. To this, an explanation to the effect that “in the case of any educational religious or charitable institution or society capable of holding property, the land shall be deemed to be cultivated personally, if such land is cultivated by hired labour or by servants under the personal supervision of an employee or agent of such institution or society” was added. This was included so that the educational and other institutions which were prevented from having any land could hold land up to the extent of a ceiling. With this, these institutions were allowed to hold land up to a ceiling extent. It is learnt that at the party meeting itself, a decision to this effect was reached. The Chief Minister himself had suggested such an amendment so that the genuine institutions, which were doing social services, could hold land up to a ceiling extent (Deccan Herald, May 29, 1973). However, the pressure brought by the institutions must have played an important role.
The opposition party members were critical of this amendment. The ruling party diverged considerably from the JSC recommendation and this was disappeared by the members. It was believed that even before the JSC was appointed, a decision was reached that the religious and educational institutions should be exempted from ceiling. Although this was deleted by the JSC, the government tried to change the decision by introducing this amendment because of the pressure exerted (Kagodu Thimappa, T.M.Manjunath).

A relevant point was made by V.N.Patil, who pointed out that the government, on the one hand, removed the exemption given to the disabled category to prevent misuse and, at the same time, it newly introduced exemption to the institutions without preventing the misuse that was bound to arise.

If educational and religious institutions were allowed to hold land, landlord-tenant relationship would continue in one form or another. With this, “socialism” would not be achieved because the institutions were caste-biased. Also, the very purpose of passing the bill, i.e., tenancy abolition would be lost (Kagodu Thimappa, V.N.Patil). It was reported in the paper that “the government had yielded to pressure of certain elements and this was a ‘compromise formula’ accepted by the government because it’s very position was shaky” (Deccan Herald, May 30, 1973 quoting Kagodu Thimappa). It is obvious that both the acts 1961 and 1974 had to reach a compromise where the religious and other institutions were concerned.

Some of the members (S.Y.Patil, T.M.Manjunath) who believed that these institutions were service oriented supported the amendment proposed by the Revenue Minister. Because of this and the majority enjoyed by the ruling party, the amendment was adopted, which was followed by a walk out staged by Kagodu Thimappa, Konandur Lingappa, B.V.Kakkilaya, C.M.Arumugam, V.N.Patil and
Byregowda a Combination of Socialists, Communists and Republican party members.

**Resumption for Personal Cultivation**

T.R. Shamanna wanted to allow land resumption to those land owners who would cultivate it personally or if the land was needed for personal cultivation. Resumption of land with a specific limit was considered to be necessary by this member. With this amendment, T.R. Shamanna tried to bring a non-progressive provision that existed in the 1961 act. But, the Revenue Minister said that the JSC had already rejected such a proposal because the purpose of the bill was to make the tiller the owner of the land.

**Ceiling on Land Holdings**

On May 30, 1973, in the teeth of stiff opposition from a section of people, the Legislature Congress party decided to exempt institutions from the provisions of the land reforms act for the present. The exemption applied only in case of lands personally cultivated, lands leased to tenants would vest with the government, as in the case of other land holders.

The decision was not unanimous; some of the members who were dissatisfied with the party decision had approached the Chief Minister to have the freedom to vote against this provision in the assembly, on grounds of “conscience”.

About twenty congress members signed a memorandum the contents of which are not known while one section claimed that it sought freedom to vote, others said that they asked only for a reconsideration of the issue. Urs returned the memorandum. He also said that there would be no trouble about his party’s support for the bill. The members who opposed this move felt that this was contrary to the JSC’s suggestion. It was argued that the amendment went
against the principles the party had accepted. If this amendment was accepted, the opponents felt that 90,000 acres of land which would have been available for distribution among the landless would be lost.

Meanwhile, some members of the National Students Union, the Socialist Youth Front and the Youth Congress had in a statement threatened to start a relay hunger strike before the Revenue Minister’s residence (on May 30) to protest against the amendment moved by him in the assembly (Deccan Herald, May 30, 1973).

The Revenue Minister therefore introduced an important change by moving the following amendment (S.63): “No educational religious or charitable institutions of society or trust of a public nature, capable of holding property for a charitable, religious or educational purpose shall hold land except where the income of the land is appropriated solely for the institution or the society or the trust concerned. Where the land is so held by such institution, society or trust, the ceiling area shall be twenty units”. As a form of explanation it was said that whether the income was solely appropriated for the running of the institutions would be decided by the prescribed authority whose order on this matter would be final. If land was not used for the purpose of maintenance and running of these institutions, it would be treated as surplus land and if these institutions held plantation land, the ceiling with respect to agricultural land was to be taken into account.

The main loophole in this was that the “prescribed authority” was not specified. With this, the effectiveness of the law was considerably reduced. (B.V.Kakkilaya, M.S.Krishnan). The main allegation of the members was that the Revenue Minister had previously fixed ten units as the ceiling area for the religious and educational institutions which was suddenly changed by including charitable institutions and by increasing the area to twenty units. The opposition members criticized the ruling party’s inability to ward
off pressure created by the above mentioned institutions. Also, they saw no reason why the institutions were allowed more units of land than what was permissible to be held by a person or a family.

The Revenue Minister defending his move said that the government had taken away the rights of these institutions to lease out land. Only those institutions which possessed “a trust of public nature” were allowed to hold land. And as most of the religious institutions combined educational activities, there was no way of separating the two.

When this amendment was finally moved, some of the members staged a walk-out.

Under ceiling provisions, T.R. Shamanna wanted the following clauses to be added Clause 48(b): “While calculating the maximum ceiling of a person, consideration has to be given to the land held by him in other states also”. This was rejected as it was found to be impracticable as it involves laws of other states.

The Revenue Minister moved another amendment which was accepted by the members without any argument. It was said that for purpose of ceiling legislation, all classes of land need not be declared but only surplus land had to be denoted.

**Classification of Land**

The Revenue Minister changed the schedule of classification of land and it took the shape in which it is present now in the act, with minor amendments added over the years.

**PART –A**

**A Class:** Lands having facilities for assured irrigation from such government canals and government tanks as are notified by
government to be capable of supplying water for growing two crops of paddy in a year.

**B Class:** (i) Lands having facilities for assured irrigation from such government canals and government tanks as are notified by government to be capable of supplying water for growing only one crop of paddy in a year; (ii) Lands irrigated by such lift irrigation projects constructed and maintained by government (as are notified by government) to be capable of supplying water for growing two crops of paddy (or one crop of sugarcane) in a year.

**C Class:** (i) Land irrigated from any Government sources of irrigation, including lift irrigation projects constructed and maintained by Government other than those coming under A class and B class. (ii) Lands on which paddy or areca crop is grown with the help of rain water. (iii) Lands irrigated by lifting water from a river or Government Canal and Government tank where the pumping installation or other device for lifting water is provided and maintained by the land owner.

**D Class:** (i) Lands classified as dry but not having any irrigation facilities from a Government source. (ii) For Part-B, following part should be substituted.

**PART-B**

1 acre of A class having soil classification value about 8 annas =
1.3 acres of B class having soil classification value below 8 annas =
1.5 acres of B class having soil classification value above 8 annas =
2.0 acres of B class having soil classification value below 8 annas =
2.5 acres of C class having soil classification value above 8 annas =
3.0 acres of C class having soil classification value below 8 annas =
5.4 acres of D class land.
The new classification of land diverged considerably from what was prescribed in the original bill so much so that more land was exempted from ceiling. In Malnad and South Kanara hardly any land would be left for distribution (B.V. Kakkilaya, Konandur Lingappa). The way in which the soil classification was done was considered to be unscientific (Kagodu Thimappa).

With this amendment, sugarcane land was classified with paddy growing land so that less land under sugarcane cultivation would come under ceiling. Perhaps this was a compromise measure adopted since sugarcane land was not exempted from ceiling, nor was a prescribed limit denoted, as it was in 1961 act.

On May 30, 1973, the Legislature Congress party took a major decision by transferring irrigated sugarcane land from A category to B category for the purpose of classification. The party achieved this by agreeing to delete the words “one crop sugarcane land” from the definition of A class land made by the JSC. This in effect meant that the ceiling would be higher than ten acres for sugarcane land (Deccan Herald, May 31, 1973). The Revenue Minister bluntly said that the objective of this classification was not to increase production or to get more income from the land; it was only to classify land on the basis of available irrigation facilities.

**Exemptions**

Amending S.104, the Revenue Minister added an explanation “in this section ‘Plantation’ means land used by a person principally for the cultivation of plantation crop and includes – (i) any land used by such person for any purpose ancillary to the cultivation of such crop or for preparation of the same for the market; and (ii) agricultural land interspersed within the boundaries of the area cultivated with such crop by such person not exceeding such extent as may be
determined by the prescribed authority as necessary for the protection and efficient management of such cultivation”.

This amendment was brought in to remove the restrictions placed on plantation. If there was land between two valleys (of plantation land) it was considered necessary to exempt that land as it was needed for plantation purposes. The Revenue Minister promised to appoint an authority to find out the ratio between this land and the plantation area.

This provision watered down the effectiveness of the law considerably. First of all, there was no precise definition of “interspersed land” and secondly, there was no way of knowing whether the land denoted as interspersed land was really used for ancillary purpose like drying coffee seeds, etc. Also, the planters could slowly convert this land into plantation growing land because of the exemption given. More importantly, the authorities could prescribe any extent of land under this category. The members pleaded with the government to specify the extent of land which would come under this category (Kagodu Thimappa, B.V.Kakkilaya).

The Revenue Minister said that this amendment was necessary as the whole concept of “plantation” was to be kept outside the purview of land reforms law, as desired by the Central Government. The issue concerning this was going to be decided at the Chief Ministers’ meeting scheduled to be held again.

The Legislature Congress party which met on May 30, 1973, made a positive move by agreeing to do away with the classification of ninety-seven as chronically drought prone for the purposes of twenty per cent bonus in regard to the ceiling, since this was considered irrational. The Chief Minister was expected to evolve a new criterion
for identifying drought prone area for the purpose of bonus (Deccan Herald, May 31, 1973).

**Payment of Premium**

B.V.Kakkilaya moved an important amendment which ran as follows: “Notwithstanding anything in the foregoing sub-sections of this section, the amount paid by or recovered from the tenant by way of rent after the second day of October 1965, shall be deemed to be payment made towards the premium payable by the tenant for getting himself registered as occupant” (S.47). This was essential as “the Mysore Land Reforms Act, 1961” had not checked excessive rent payment. But this amendment was negative with no valid reason being offered by the Revenue Minister. B.V.Kakkilaya’s suggestion was not accepted as it was too radical. The general tendency in all agrarian reforms is not to make provisions which will help the tenant/small holder/labourers, etc. The Legislation is often made retrospective in relation to provisions which potentially help landlords.

There was another amendment by V.N.Patil, who tried to fix different premium amounts as six times the land revenue for permanent tenants, fifty times the land revenue for protected tenants, seventy times the land revenue for other tenants. Though Kagodu Thimappa and some other members supported this as a similar guideline was laid down in the Inams Abolition Act, this amendment was negatived.

T.R.Shamanna pleaded with the government to pay a small holder the full amount of compensation in lumpsum to stop the process of pauperisation/immerisation that was bound to occur. As an answer to this, the Revenue Minister said that the intention of the act was to protect the much harassed tenants and not the small holders. Moreover, the state did not have the necessary finance for this. Therefore, this amendment was not moved. The fact that in
some cases at least tenant could be in a better position than a small holder did not seem to have suggested itself to the minister.

**Disposal of Surplus Land**

T.R. Shamanna was of the opinion that at least two units of land (and not one unit) should be given to the beneficiaries of the act. Giving them just one unit would not meet their needs and may compel them to sell away their land. This way they would continue to be landless labourers. But since there was shortage of land, T.R. Shamanna’s amendment was not accepted by the Revenue Minister.

N. Hutchamasthi Gowda, the spokesman of the government, included an explanation under “displaced tenant” to include a person who has been deprived of agricultural land of which he was a tenant, on account of (i) the acquisition of such land under the land acquisition act, or (ii) resumption of such land by a solider or a seaman for personal cultivation. This was adopted.

**Miscellaneous**

One of the other amendment adopted was that “if a soldier or a seaman wants to give up land i.e., if he does not claim land for personal cultivation, then he can do so only in favour of the State Government”.

The Revenue Minister moved the following amendment which was adopted: “an amount equal to twenty times the net annual income is to be paid to the owner of D class land, a small holder, a minor, a widow, an unmarried woman, a person who is subject to physical or mental disability or a solider or seaman whose lands vest in the State Government”.
N.B. Sirdesai wanted the following amendment to be added (S.79-B (iii): “Provided that the already established registered agricultural firms holding land in the capacity of owner, tenants, mortgages in possession or partners in cultivation may be allowed to get themselves registered as Co-operative Farming Societies as contemplated under S.89 of the bill and all the members of such Joint Firms shall be deemed to be the members of the Co-operative Farming Society”. This was considered essential as in many other parts of Mysore state there were such farms or associations, the breakdown of which would be disastrous. The Revenue Minister rejected this outright as it would only create loopholes.

Under S.14 of 1961 Act, thousands of landlords had filed petitions for resumption. Their petitions were dismissed by the lower courts, but they had gone on appeal to the district courts and had thought of approaching the High Court and the Supreme Court. As poor tenants did not stand a chance, it was considered to be in the fitness of things to delete S.14 so that thousands of tenants could breathe a sigh of relief (Deccan Herald, August 23, 1972). To help the tenants, an amendment was envisaged which was moved by the Revenue Minister. Clause 84: “all applications, statements and proceedings (including execution proceedings and proceedings in appeal) under the principal act relating to resumption of land pending before any court immediately before the date of commencement of this act shall not have any effect and shall abate”.

Provided that applications or proceedings in respect of leases permitted by S.5 of the principal act as amended by this act shall not abate but shall stand transferred to the Tahsildar or the concerned Appellate Authority and shall be disposed of by the Tahsildar or the Appellate Authority as they had been instituted or commenced before him or it.
The Revenue Minister said that the purpose of this amendment was to transfer all the pending case (pending in different courts) and also all the transactions to the Tahsildars. When this amendment was added on to the bill, Vatal Nagaraj took great offence and started commenting his speech was unrecorded and he was removed from the house.

**Implementation Machinery**

To begin with, the word “Court” was substituted by the word “Tahsildar” without any opposition from the members. Even though majority of the members were reluctant to bestow power on the Tahsildars, this amendment was not negative.

T.R.Shamanna wanted S.48(1) to be amended to specify that “one of the members of the tribunal shall be a person having legal knowledge and another shall be the Chairman of the Taluk Development Board or the local municipality”. Another amendment proposed by T.R.Shamanna was for the inclusion of an appeal “that there shall be an appeal on the orders of the tribunal to a competent court” (S.48-6) and “legal assistance shall be provided to the person who is in need of it in an enquiry before the tribunal” (S.48-9). A person with legal knowledge had to be made a member of the tribunal instead of the Assistant Commissioner as the latter are appointed by the Government and the non-officials are chosen by the Assistant Commissioner. The whole issue thus becomes political and pro-ruling party. The other members of the tribunals should be the locally elected representatives like Taluk Board Chairman or Municipal representatives who would possess a general knowledge of their surroundings. Apart from this, to make the law meaningful and effective, the presence of lawyers and provisions to provide “legal assistance” were both considered to be essential.
Opposing T.R. Shamanna's amendments, the Revenue Minister said that there was no legal question involved at the tribunal level because all that the tribunal had to do was to primarily decide who is the tenant and solve disputes, between the tenant and the landlord, if any. Since the tribunal was authorized to make most of the decisions, there was no need to have an appeal on its decisions. The Revenue Minister was sure that justice would be achieved as no less a person than an I.A.S. officer was going to be made the Chairman of the tribunal.

On May 31, 1973, the Mysore Land Reforms Amendment Bill was passed unanimously in the Assembly after a walk-out by the CPI, SP and RPI members of the house protesting that the bill had been diluted and had lost its force by a series of official amendments. Immediately after the voting, about half-a-dozen opposition members waved black flags and shouted slogans. V.N. Patil, B.V. Kakkilaya, M.S. Krishnan (all CPI), C.M. Arumugam (RPI), Kagodu Thimappa and Konandur Lingappa (both SP) and C. Byregowda (Ind.) walked out before the bill was put to vote (Deccan Herald, June 1, 1973).

The bill received the assent of the President and became an act on March 1, 1974. With this, the long-cherished goal of making the tiller the owner of the land was achieved in the state as the act is said to have summarily put an end to the tenant-landlord relationship. Addressing pressmen on the occasion, the Revenue Minister N. Hutchmasthigowda said that the efforts for economic upliftment of farmers had taken a new direction. He was happy that his Government had succeeded in giving a progressive content to the land reform measure initiated in 1958. He said about 4.5 lakh tenant families holding an extent of 21 lakh acres of land were liberated from this day from the "clutches" of landlords. He expected the application of ceiling to yield about 4.5 lakh acres of surplus land for distribution among the landless agriculturists. The Revenue Minister was sure
that the act would be fully implemented within three years\textsuperscript{31}. As a sort of post-reform measure, nationalised banks were approached to make advances to tenants to pay the occupancy price in lumpsum (Deccan Herald, March 2, 1974).

**Conclusions**

On the concluding day of the Assembly debates on the 1974 act, Devaraj Urs proudly remarked “I can tell the whole of India that Karnataka Act has been ‘realistic’ as well as ‘progressive’ compared to Kerala, Bihar, Andhra, Maharashtra or other states, Mysore has had a very progressive law (especially considering the ten acre limit)” (L.A.Debates, May 31, 1973). Comparing Karnataka’s Act with that of Kerala’s (which was already implemented from January 1, 1970), he said that the Karnataka Land Reforms (Amendment) Act, 1974, was better as in Kerala the power of determining the extent of land needed by “institutions” was left to the Land Boards and was not fixed. Also, in Karnataka, there was no bias in the exemption given to religious institutions as lands held by temple mosque and church is given equal importance\textsuperscript{32}.

It is a well-known fact that Devaraj Urs gained considerable fame by introducing among other measures, the 1974 land reforms act. Urs is given credit for envisaging what some people refer to as the best agrarian legislation in the entire country. Although this is controversial, the fact remains that Urs has also been criticized for conceiving the 1974 act with the sole objective of meeting political ends\textsuperscript{33}. This is hardly surprising considering the political implications of land reforms.

People generally tend to think that Urs chose to reform the agrarian structure as in terms of gaining popularity the impact that a programme like land reform has on the masses is tremendous and also because measures aimed at changing the agrarian sector
encounter fewer obstacles when compared to alterations aimed at the urban sector. Even those who credit Urs as having had a genuine intention of helping the poor, attribute a “political motive” to the way in which he introduced land reform measures. Contrarily, some people imply that the credit for lowering the ceiling level and abolishing tenancy should go to the civil servants. This is based on their conviction that Urs did not possess any revolutionary ideas regarding land reforms. It is believed that the bureaucrats who favoured a progressive legislation were able to persuade Urs to accept it a move rendered easy due to the existence of a good rapport between the politicians and the civil servants. This claim however sounds exaggerated considering the limitations on the power of the bureaucracy.

The view that the bureaucracy deserves the entire credit for formulating the 1974 act implies that Urs’ contribution was limited to providing the “political will” that is necessary for implementing any progressive/non-progressive measure. It also highlights another allegation which is not explicitly stated – that Urs was not vociferous regarding land reforms when he was a member of the Legislative Assembly, in the late fifties. In the seventies this changed considering that he had to oblige the electorate. But referring to the debates on the Jatti Committee Report, one can say that his views, though restrained were nevertheless articulated. In fact, at that time, he was one of the few members who seem to have had a definite clear-cut picture of land reforms. Also, throughout the legislative process of the 1974 act, we find Urs being involved in the debates – commenting on certain issues, clarifying certain doubts, etc. He expressed his keenness to know the comments of the opposition leader (who unfortunately had nothing much to contribute) and was open to suggestion.
Urs, listing achievements in his two-hour reply to the discussion on the motion of thanks to the Governor, referred to the great efforts made by his government to secure the President's assent for the Land Reform (Amendment) Act fighting against the moves of certain forces who camped in Delhi to sabotage it (Deccan Herald, March 6, 1974). This indicates that Urs did not become indifferent to the whole issue of land reforms, once the bill was passed in the Assembly. Instead, he made efforts to obtain the President’s assent without much delay.

There is tendency to consider the 1974 act to be a fresh attempt at introducing land reforms. Considering the limited impact the lukewarm 1961 act had on the agrarian structure, this statement does not seem to be an exaggeration. But on paper in reality the 1974 act is an amendment over the previous effort at land reforms. The 1961 act helped in creating a foundation the future of which laid down the guidelines for improvement but for it, a reform of this nature could not have been envisaged at all.

It is believed that Urs' government was against any kind of exemption. The number of exemptions previously given was considerably reduced, the policy makers had presumably seen the way in which this provision was misused. The 1974 act and the debates that followed placed a lot of importance on the provisions related to the implementation machinery, since the Munsiffs created under the 1961 act were ineffective. To reduce delay, which was the hallmark of the 1961 act appeals on the decision of the tribunal were also removed. The importance given to co-operatives also subsided even though the general consensus that co-operative farming is the best solution to achieve productivity given the land constraints and pressure of population on land remained unaltered.

The 1974 act was not the result of a farmers’ agitation although some people tend to believe that the non-implementation of the act
would have triggered off a revolution by the tenants. But this is doubtful as the state has had very little reputation for peasant uprisings. The introduction of this act was however greeted by a farmers rally, a demonstration by the farmers, which lasted only for a day. As explained earlier, opinion is divided on the nature of this rally. Its impact on the law making process was negligible.

The question whether a reform was needed in the seventies does not arise at all as the states were bound by the central guidelines. This seems to have been the most important contributing factor which led to a revision of agrarian reforms. It is the divergence from the national guidelines that attracted attention to the 1974 act. What is relevant in the present context is that Karnataka chose to put a complete stop to landlord tenant relationship on its own accord, without any initiative from the centre which had primarily dealt with the provision of ceiling.

Although the 1974 act has gained popularity considering that it has eliminated the tenant-landlord relationship, during the debates the emphasis was placed on the ceiling aspect. The amendment bill gave importance to a decrease in the ceiling level and not to tenancy perhaps because the members believed that tenancy regulation specified in the 1961 act had been fairly effective when compared to the dual level of ceiling prescribed. The JSC was more specific as it laid down that the tenants were entitled to be registered as occupants. One way of interpreting this is to credit Urs for assessing the general reaction of the members before introducing the necessary modifications. It is likely that Urs wanted to gauge the mood of his partymen before bringing in the abolition of tenancy. He was also helped by a section of his partymen who put this demand forward.

During the debates the MLAs did not consider eliminating landlord-tenant relationship to be extraordinary whereas reducing the
ceiling level was viewed to be a way by which the label of being “progressive/revolutionary” could be achieved. But, the purpose of ceiling was defeated by the definition of family which allows major sons to hold land up to a ceiling extent. The ten acre ceiling limit is not approved of by all considering that it is not based on any scientific finding\textsuperscript{41}. As in other parts of India, ceiling in Karnataka has been “the result of an arbitrary political decision” (George 1979, p.89).

It is believed, and rightly so, that Urs was able to introduce reformistic measures as the society was ready to accept this kind of measure. This becomes apparent when legislative debates are analysed. That the tillers were going to be made the owners of tenanted land was a thing that was anticipated since 1956 and was therefore not opposed. The provision of conferring occupancy rights on tenants was not opposed at all, perhaps because of the fear of being branded as “non-progressive” or “conservative”. Imposing lower ceiling limit could however be opposed on grounds of a decrease in “productivity”.

The 1974 act is now being criticized on the grounds that it is oriented against the interest of small farmers, widows, unmarried women, mentally and physically handicapped persons. On humanitarian grounds, it is argued that the “disabled category” should have been allowed to lease-out land\textsuperscript{41}. But, the provision in favour of the disabled category was removed to avoid misuse and also because sentiments cannot play a role in law making process\textsuperscript{42}. The outlook of the legislators had considerably changed in the seventies; they opted for the elimination of tenancy unlike in the sixties where priority was given to improving the tenants’ condition within the framework of landlord-tenant relationship.

What is common to both the acts is the “pressure” exerted by religious and other institutions. Both the Revenue Ministers – Kadidal
Manjappa and N.Hutchmasthi Gowda - who piloted the 1961 and 1974 acts respectively concede that a compromise had to be reached where land held by these institutions were involved. The religious institutions are able to create “pressure groups” since they are numerically strong and politically vocal.

The urban bias shown by the policy makers was resented during the life-cycle of both the acts. Another factor which is common to the debates of both the acts is that the opposition party members expressed less progressive views than the ruling party MLAs. Also, an element of opposition, especially to the ceiling provision arose from within the ruling party which manifested itself in the form of “groupism” and “signature campaigns”. But, ultimately that congress party members, bound by the party discipline (if not out of conviction) had to abide by the policies proposed by the government. To this was added the fact that congress always enjoyed an overwhelming majority till the beginning of this decade.

But unfortunately, the congress party lacked a definite stand on matters relating to agrarian reform. A good example of the wavering of the congress is reflected by the way in which the “distance criterion” used to define “personal cultivation” was introduced and deleted from the time the Jatti Committee Report was submitted till the 1974 act was passed. The deletion and/inclusion was not based on any ideology.

It is relevant to note that although both the Revenue Minister Kadidal Manjappa and N.Hutchmasthi Gowda considered it necessary to fix an “economic holding”, nothing concrete was done to find out what scientifically constitutes such a holding. The consolidation act attempted in the sixties was not of much help in this direction. The concept of economic holding, it is believed, can be put into practice.
only if industrial development occurs at a rapid speed, the other alternative being “intensive cultivation” of agricultural land.46

But, distributing economic holdings to agricultural labourers, even if possible would be met with strong opposition from the landowners as they would be deprived of cheap labour supply. As a move to win public favour, Urs chose to grant un-economic holdings to SC/STs a move which is said to have effectively stopped them from protesting.47 By receiving bits and pieces of land, the SCs/STs who never had a house or a piece of land are said to have become contented.48

In the seventies, the members showed an inclination to protect the interests of “the agricultural labour” category. The SC/ST groups were chosen as the beneficiaries of land distribution considering that they were tapped as the potential “vote banks” by Indira Gandhi. This is considered to be a “populist ideology”, the benefits of which is limited.49

Summing up, it can be said that the 1974 act is only an attempt at change and not the ideal land reform programme. The effect of the act on the agrarian structure is reduced due to the lack of follow up measures. The act failed to bring in a complete revolution partly because it benefits only a small section of the agricultural sector and partly because the reform was envisaged with political gains in mind. There is no doubt that Urs gained considerable fame because of land reforms. The then existing socio-political set-up helped him to envisage a reform of this nature.
REFERENCES

1) The same opinion was expressed when N.Hutchmasthi Gowda was interviewed on 15/2/198 at Bangalore.

2) Veerendra Patil was the Chief Minister of Karnataka from 1969 up to 1971. He continued to head the Ministry even after the Congress split in 1969 as leader of the congress opposition party.

3) The 25th Amendment of the Constitution changed the word “Compensation” to “amount”.

4) A unit – one acre of I class land or its equivalent.

5) Urs became the Chief Minister on March 23, 1972.

6) K.Balasubramanyam on 15/2/1984 at Bangalore.

7) Veerana Gowda was the President of “the Mysore Pradesh Farmers and Farm Workers Sangha” which submitted a memorandum to the JSC. The Sangha’s opinion is described later.


9) Konaduru Lingappa, like Kagodu Thimappa (who were both Socialist party members) later joined Cong.I.

10) In Schedule I, Seventh class land is defined as “land anywhere in the state on which coconut trees and fruit bearing trees other than areca are raised without irrigation”.

11) The Joint Select Committee constituted during 1961 had received only one memorandum from the Tenants’ Association and none from the agricultural labourers as indicated in Chapter IV, Section-B.

12) Discussion is restricted to the points made by this association as only this was available at the Legislature Library, Bangalore.

13) The 1974 Act however confers ownership rights on tenants as soon as the first installment of premium is received.

14) N.Hutchmasthi Gowda denied that such a change was incorporated. He was of the opinion that such extent of ceiling
imposed is ten acres (Interview with N.Hutchmasthi Gowda on 15/2/1984 at Bangalore), paper Deccan Herald.

15) This was the opinion expressed by L.G.Havanur when interviewed on 17/2/1984 and G.H.Adirajaiah on 18/2/1984 at Bangalore, Paper cutting Deccan Herald.

16) Such a provision was recently introduced by the Janata government (Deccan Herald, October 17, 1984).

17) The ceiling provision of the 1974 act as of today does not insist on this. Only if land classification changes because of the improvement in irrigational facility (through government source), the land exceeding the ceiling limit is taken as surplus (S.65(a)). A decrease in the number of members of a family does not call for a rethinking of the already prescribed ceiling.

18) Allegations against the working and recommendations of the JSC are not unique to this act. When the report of the JSC on 1958 Land Reforms Bill was discussed, the members of the Assembly had come down heavily on the very way in which the committee had functioned. This has been pointed out in chapter IV.

19) Interview with L.G.Havanur on 17/2/1984 at Bangalore, Deccan Herald.

20) Some of the respondents, who do not wish their identity to be disclosed strongly believe that URs conceived 1974 Land Reforms act with a desire to be called “progressive” rather than with a genuine intention of helping the tenants and others.

21) Viewed from this angle, Adirajaiah’s (Adviser to Land Reforms) assertion that Gundu Rao was very much in favour of land reforms remains doubtful (Interview with G.H.Adirajaiah on 18/2/1984 at Bangalore). During his Chief Ministership, the only move made by him in this sphere was to pass government order requesting the tribunals to speed up the disposal of tenancy cases a move which is believed to have done more harm than good (For details see Chapter VI, pp.372-376).
22) N.Hutchmasthi Gowda, when interviewed on 15/2/1984 claimed that he took pains to introduce urban land ceiling also. But, this was not effectively implemented at that time because of the central government’s indifference. He did not rule out of the possibility that the agriculturists are penalized because of their ignorance.

23) Interview with G.H.Adirajaiah on 18/2/1984 at Bangalore, paper Deccan Herald.

24) It is believed that the presence of non-officials has helped the tenants a lot. (Interview with Kagodu Thimappa on 30/3/1984 at Bangalore).

25) The Karnataka Land Reforms Act, 1974, specifies that the decision of the tribunal is final. The only way in which the working of the tribunal can be checked is by changing the tribunal members (S.48-3).

26) Kadidal Manjappa in Deccan Herald, January 5, 1984 and interview on 11/2/1984 at Bangalore.

27) Details will be given in the next chapter.

28) The 1974 act has stressed the need to conduct “spot enquiries” by the tribunals before conferring occupancy rights on the tenants. That the reliance should be on this than on land records was the opinion expressed by N.Hutchmasthi Gowda, when interviewed on 15/2/1984. Only by relying on spot enquiries, the genuine tenants could be given occupancy certificates as land records are usually manipulated by the landlords.

29) At its face value, this statement is not false as even during the making of 1961 law this had occurred (for details, see chapter IV).

30) In principle, this brought the educational, religious, charitable institutions into the same position as under the 1961 act except that the ceiling was reduced now.
31) If tribunal decisions are anything to go by, even after a decade, the work of the tribunals has not been completed considering the number of writs pending before the High Court.

32) A view endorsed by L.G.Havanur (Interview on 17/2/1984 at Bangalore).

33) The reasons behind such an allegation and the politics involved in the formulation of 1974 act are explained in Chapter VIII.

34) Interview with K.Balasubramanyam on 15/2/1984 at Bangalore.

35) As in F.N.2.


37) An opinion to this effect was expressed by Kagodu Thimappa when interviewed on 30/3/1984 at Bangalore.

38) A reference to this effect has already been made in Chapter III.

39) Interview with K.Balasubramanyam on 15/2/1984 at Bangalore.

40) This is explained in Chapter VIII.

41) Interview with Kagodu Thimappa on 30/3/1984 at Bangalore.

42) The policy makers B.D.Jatti and Kadidal Manjappa who were responsible for formulating the 1961 act expressed this opinion when interviewed on 12/2/1984 and 11/2/1984 at Bangalore.

43) Interview with K.Balasubramanyam on 15/2/1984 at Bangalore.

44) Interview with Kadidal Manjappa on 11/2/1984 and N.Hutchmasthi Gowda on 15/2/1984 at Bangalore.

45) Interview with L.G.Havanur on 17/2/1984 at Bangalore.

46) Interview with K.Balasubramanyam on 15/2/1984 at Bangalore.

47) It is relevant to note here that Urs participating in the debates on the Jatti Committee Report had stressed the need to fix a “floor limit” while distributing land. (Details are given in Chapter III, Section D).
48) Provisional data (1981 Census) regarding the extent of land held by SCs/STs is available. But this does not indicate the extent of land obtained by them as recipients of land distribution programme.

References

Deccan Herald, August, 1972
Deccan Herald, December, 1972
Deccan Herald, May, 1973
Deccan Herald, June, 1973
Deccan Herald, March, 1974

- Memorandum submitted to the Joint Select Committee of Mysore Legislature on the Mysore Land Reforms (Amendment) Bill by The Mysore Pradesh Farmers’ and ‘Farm Workers’ Sangha, Bangalore, 1972.