PART - II
CHAPTER - V

Land Reforms

Review of Land Reforms Policy: The main aim of land reforms is to increase agricultural production. While the total area of land in the country is fixed and cannot be increased, its productivity, however, depends greatly on the manner it is held and operated or the kind of agrarian structure it may have, whether an independent peasantry, cooperative or collective farms, huge state or private farms etc.¹ Thus the agrarian organisation in India can possibly have the following four aims: (a) Maximum production of wealth or eradication of poverty, (b) Provision of full employment, (c) Equitable distribution of wealth or avoidance of undue disparities in income and (d) Promotion of the way of life that have been chosen in India, in other words, emergence and strengthening of democratic trends.²


2. Ibid, p.2.
Land Reforms policy took a concrete shape for the first time at the topmost Governmental level in the First Five Year Plan. The components of the policy can be summarised as follows: (a) Increase of agriculture production should receive high priority in the planning processes over the next few years; and (b) Agricultural economy should be diversified and brought to a much higher level of efficiency. A land policy should be evolved which, now and in the coming years, reduces disparities in wealth and income, eliminates exploitation, provides security for tenant and worker and finally promises equality of status and opportunity to different sections of the rural population. The main outline of the policy has to be conceived in terms of different interests in land which are (a) intermediaries, (b) large owners, (c) small and middle owners, (d) tenants at will and (e) landless workers.

Land reform measures found a place of special significance in the Second Five Year Plan, which held that land reforms should provide the social, economic

3. First Five Year Plan (New Delhi, 1951).
and institutional framework for agricultural development. The Second Five Year Plan also emphasised that the increase of agricultural production should represent the highest priority in planning over the next few years and that agricultural economy had to be diversified and brought to much higher levels of efficiency. Therefore the objectives of land reforms, as laid down in the Second Plan were: (a) to remove such impediments on agricultural production as arise from the character of the agrarian structure, and (b) to create conditions for evolving as speedily as may be possible, an agrarian economy with high levels of efficiency and productivity.\(^5\)

The Third Five Year Plan merely reiterated the provisions in respect of land reforms outlined in the first two plans. The ideals of setting up 'Socialist pattern of society' and 'eliminating all elements of exploitation and social injustice within the agrarian system' were generally stated. The Third Plan declared that 'The first condition for securing equality of opportunity and achieving a national minimum is an

\(^5\) Second Five Year Plan, (New Delhi, 1956).
assurance of gainful employment for every one who seeks work'. 6

The Fourth Five Year Plan came out with several practical proposals and relatively positive and concretised recommendations. The plan reviewed existing land reforms and acknowledged that there were many gaps between objectives and legislation and between the laws and their implementation. The plan noted that there had been leasing of land on a considerable scale, often unwritten, even in areas where such tenures existed. 7 The progress made during the Fourth Plan period in conferring ownership to the tenants had been to the tune of 16 per cent only, and tenants and share croppers with insecure tenancy were estimated at 82 per cent of the total number of tenants. By the time the Fifth Five Year Plan proposals were being formulated, the gaps between ideals and objectives and between objectives and legislation and its implementation were absolutely apparent. The Fifth Five Year Plan emphasised that 'Priority be accorded to the removal of the gaps between policy, legislation and implementation'. 8

6. Third Five Year Plan (New Delhi, 1961).
7. Fourth Five Year Plan (New Delhi, 1969).
8. Fifth Five Year Plan (New Delhi, 1974).
A study undertaken by the Government of India into the "Causes and Nature of the Current Agrarian Tensions" suggested the following steps for solving the agrarian problems: (a) preparation of record of tenancies, (b) fixation of cash rents as a multiple of land revenues, (c) abolition of right of resumption by landlords for personal cultivation or permitting it only in exceptional cases, and (d) regulation of surrender by the tenants.9

The greatest profit from any business as a whole involves the greatest profit per unit of the limiting factor. Thus in agriculture if land be the limiting factor, the aim should be to make the largest profit per acre.

The area of land that is available for production today is, for all practical purposes, fixed; there is little possibility of extension of agriculture by reclamation and colonization. Thus it constitutes the limiting factor. On the other hand, because of large and increasing population, the supply of labour is unlimited. That part of capital which mostly provides traction power

today, *vis. draught cattle, is* also, by no means, scarce. In any case, it can be replaced by improved implements or small machinery without much difficulty.

The organisation of agrarian structure has, therefore, of necessity to be such as would lend itself to the maximum exploitation of land, that is, it must ensure maximum yield per acre even when it may not be consistent with the maximum exploitation of labour and capital. In other words, in an economy like that of India, one has to apply to land an increasing number of units of labour capital so that the fullest use of the former may be made and bigger per acre yield realized.

Land being the limiting factor in Indian conditions, the aim must obviously be not the highest possible production per man or per agricultural worker, but the highest possible production per acre and thereby increase the volume of agricultural production in India as a whole and thus eradicate poverty. The Farm Management Studies conducted under the auspices of the Ministry of Agriculture, Government of India, bring out that although, in theory, size of the farm is irrelevant to production per acre, yet, agriculture being a live process, in actual practice, under given conditions, yield per acre
declines as the size of the farm increases.  

The second reason for favouring small farms is the problem of unemployment. National interest, therefore, demands an agrarian economy which, while serving to extract the maximum out of the limiting factor, that is, land, will provide the optimum of employment for the rural folk. Lastly, a system of agriculture based on small enterprises, where the worker himself is the owner of the land under his plough, is likely to foster democracy. This system of peasant proprietorship not only produces more wealth, provides more employment and removes glaring disparities but can also prove to be the most secure base of democracy.

With these policy implications in view, the various land legislations in the tribal areas can now be examined.

Tribals and Land:

Most of the tribal communities in India, like others, not only consider land as their dependable source of

10. Charan Singh, op.cit., p.8 also refer R.L. Cohen 

livelihood but also as the foundation for social prestige. Social status among the tribals is measured in terms of land ownership, particularly possession of hereditary land. Furthermore, land is sometimes linked with the perpetuation of groups of tribal people with their autonomy. Land is useful to them in several ways: (a) as a source of food gathering and hunting, and (b) as a place to live and as a place to work. 

The complexity of the land problem of the tribals stems from: (a) nature of association of the tribal population with their lands; (b) frequent loss of control of the communities over their resources on the introduction of the new land use pattern; (c) self image of the tribal elites and their perception about their actual or potential role in the decision-making process at various levels of the national life; (d) conflict between the traditional and modern elite in the perception of the goal of economic and social development; and (e) absence of political preparation for changing production relations, stalemate in productive resources, production technology, but rapid change in consumption norms.12

In many areas, the association of the tribal communities with the land around them does not belong purely to economic category. Frequently, it belongs to the twilight zone of political and economic categories and can be described as proto-political. This proto-political nature of the relationship of the tribals in some areas raises a number of complex policy issues, e.g.: (a) whether such relationship is conducive to efficient land-use pattern, (b) whether the relationship is in conformity with the objective of social justice, and (c) whether such relationship can be changed by State action without transgressing the constitutional safeguards for the tribal population.\(^\text{13}\) Apart from the proto-political jurisdiction, there are areas where the tribals enjoy special prerogative in utilisation of the land resources. Such special rights have been specifically recognised under the Sixth Schedule of the Constitution. Then, there are areas of historical association and, last of all is the land which belongs to the purely economic category in the sense as the term is understood among the non-tribals.\(^\text{14}\)

\(^{13}\) B.K. Roy Burman, *op.cit.*, p.46.

The policy implications of different types of relations with land are diverse. Where the relationship is of proto-political nature, full participation of the tribal elites is to be ensured at every level in the decision-making process relating to the land system. Where the tribals enjoy special prerogative, complex social engineering is called for so that, in the wake of economic development, the position of the community in the local power and prestige structure is not adversely affected until it is effectively and voluntarily integrated with a power and prestige structure of higher order. Where it is a question of pure historical association, a vigorous programme is to be undertaken for diversification of economic activities. In the case of land belonging to purely economic category, a positive policy, not only of protection, but also of development and integration in the larger politico-economic complex is required.15

The positive policy is to be based on: (a) an understanding of the structure and organisation of customary rights; (b) changes under the impact of contact, technological change, government policy, growth of

15. B.K. Roy Burman, op cit, p.47.
ideology and other measures; and (c) review of the legislative and executive measures with reference to recognition of the customary rights in land and forests, survey and settlement operations and preparation of records of rights, protection against land alienation; concession and facilities for development of land; restoration of alienated land; priority in settlement of land; elimination of exploitation including exactions by middle-men, collecting agents, etc., and other measures. With this background land administration in Chamba District can be examined.

**Land Administration in Chamba District**

From times immemorial down to its merger in Himachal Pradesh in 1948, the entire Chamba District was a State ruled as well as reigned by a Raja. All private rights, originated from his grants in a general or special manner, and were subject to his overlordship and his pleasure. As time passed, the measure of security that private rights enjoyed increased, but the inherent overlordship of the Ruler, was never totally absent. The State was

primarily concerned with the maintenance of law and order, general administration and realisation of the State dues, the farmer was left very much to his own means and devices and he had to shuffle for himself as best as he could in the matters of his prosperity and welfare. As a result, the utilisation of land was far from being satisfactory, and there were hardly any progressive trends in this regard. For generations the same equipments, the same techniques, and practically the same resources had been used by the agriculturist in his profession. The absolute overlordship of the ruler over the land and the resultant insecurity of tenure further added to the unsatisfactory state of things pertaining to land utilisation.  

The Raja being the de facto as well as de jure landlord of the entire State, the whole territory was a single revenue principality. However, for purposes of fiscal administration, this principality was divided as follows:

a) 5 Wasaratsi - Each Wasarat corresponding to a tehsil, in three cases, and a sub-tehsil in two cases, of the present Chamba District. (The Pangi sub-tehsil has since been upgraded to a tehsil).

b) 50 Parganas - The original number in the past is believed to have been a little greater.

c) 149 Circuits - These were the circles of Mukadams and Ugrakhas.

Collection of Land Revenue: The collection of revenue was carried out by the Durbiyals, Mukadams, or Ugrakhas of the different Parganas under the orders of the superior Kardars of each Pargana. To them was assigned the duty of collecting the Bakh or cash revenue only which was to be paid over to the Likhnehara in each Pargana, who in turn credited it into the treasury at Chamba. The Sal or revenue in kind, was differently dealt with in different Wasarats. In Bharour and Pangi no Sal was received as the whole revenue demand was payable in cash. The revenue was collected twice a year, the two instalments being called Bahria and Sairia. The Likhnehara in each pargana was mainly responsible for all this.

and had the assistance of the 'Char' in all the details of his work.19

The Original System of Assessment: In the earlier times, the revenue was assessed according to the amount of seed and the quality of soil, and was realised in cash and kind which was called Bachh collectively. The Sal or grain-revenue was generally taken in the shape of the grain actually produced and also in the shape of service. Cesses were also levied on the other kinds of produce, such as ghee, honey, wool, etc. Later on, the revenue fluctuated considerably from time to time, and for a long period, it was not assessed on any fixed principle. The holding of each man was called a Nanwa, i.e., a name in the rent roll; and each Nanwa or holding meant one "Chakar" or servant to the State, which employed such servants in the following three ways: (1) 'Hazri', (2) 'Kotwali', and (3) 'Begar'.20

Modified System of Assessment: In 1863-64, the services of most of the employees were dispensed with. The Hazris and Chowkidars were then called upon to pay

enhanced Bachh or cash revenue. In addition to paying Sal Bachh, the Kotwall servants and Begar labourers were required to make cash payment, in lieu of the service they used to render.

The posts of Kotwal and Mehta of the Pargana were later abolished and a system of cash salaries to the ordinary Kardars was introduced instead of paying allowances in grain and cash, called Rakam which was formerly leviable on every holdings. The cesses then became an asset of the State and were collected as such with the revenue.\(^{21}\)

**Col. Reid’s Measurements** In 1874, Col. Blair Reid commenced measurements of the cultivated area according to each man’s actual possession, and the area and revenue were regularly entered in the register in the name of each holder, and not in that of the head of the family as was the previous custom. This provided for those times and methods, a valuable additional record. The old system of levying grain as revenue was also partly replaced by one of cash payments. Later, the revenue rates were again modified by fixing four rupees per acre on irrigated land, and two rupees per acre on un-irrigated land. This

separate assessment of each holding greatly facilitated the collection of the revenues, as the larger holdings were sub-divided, and the entries made in the rent-roll in the names of the individual holders, and making everyone directly responsible for the payment of revenue. However the Sal, or revenue in kind, remained the same as before the sub-division.

Assessment in Bharmour: In Bharmour revenue was formerly realised in several ways. A money cess, called Bachh Desrit (Desrit meaning country custom), was imposed on all Gaddis, whether they were settled in the State for many generations or were new immigrants such as those who migrated from Kangra and Jammu. In addition to this, wheat and various other articles, such as wool, yarn and even woollen cloth were also levied on and collected from the cultivators. The Bachh Desrit cess was paid by every person who held land in the Bharmour Mazarat, whether resident or non-resident. Other dues were paid by those who cultivated land in the absence of the owner. If an absentee land-holder continued to pay the Bachh Desrit, he was entitled, despite his absence, to recover his hereditary share of the produce of the land from his tenants on his return, including the crop...
on the ground. When formal revenue rates were fixed in 1891, the Bachh Desrit cess was transferred from the names of those not in possession (Ghalrkabiz) and a cash revenue in proportion to the area was imposed on those in actual possession.22

Assessment in Pangi: The greater portion of Lahaul in Pangi Wazarat which was assigned in Jagir to the Rana Trilok Nath, who realised the revenue and paid a fixed amount as Bachh. A peculiar custom of levying land revenue was in force in Lahaul. This custom was called Phera, and its origin was that the Wazir of Pangi used to visit Lahaul every third year, when grain and cash were handed over to him as his right over and above the land revenue. The ordinary State dues were collected every year by the Kardars, but the extra cesses were only realised every third year on the arrival of the Wazir. This custom existed even when the salaries of the State servants were fixed, but then all the cesses formerly received by the officials came to be considered to belong to the State as of right, and the revenue in

Pangi and Lahaul began to be paid in cash instead of in grain, etc.  

Land Alienation: The main occupation of the tribals in Bharmour and Pangi Sub-divisions is agriculture and allied activities for which they have to depend on land. Land alienation is one of the most complex problems in the tribal belt. The dispossession of the tribals from their land has become quite common. Due to economic backwardness, the tribals often had to mortgage their land or sell their land as a result of which they became landless.

In order to protect the tribals from dispossession and alienation of their land, the Government of Himachal Pradesh has passed various land laws. The land legislation aimed at giving the land to the tillers, protects the rights of the tenant and also protects the rights of the tribals on their land. Broadly, there are three types of legislations regulating the transfer of tribal lands. These place restrictions on: (a) transfer of land

by sale or mortgage from tribals to non-tribals; (b) transfer of land to any person with flexible approach in respect of persons belonging to the same tribe; (c) transfer of land to any person, non-tribal or tribal; (d) sale of land to other non-scheduled tribe, scheduled caste or other backward classes; and (e) reserved area.  

Land Reform Laws: In most of the princely states in Himachal Pradesh the Rulers were recorded as superior owners of the land (Ala Malik) and the actual land owners as the inferior owners (Malik Adna). The first step taken, therefore, by way of tenurial reforms was to abolish the feudatory system of superior ownership. With a view to securing uniformity of tenancy laws in the Pradesh, the Punjab Tenancy Act was made applicable to Himachal Pradesh by the Himachal Pradesh (Application of Laws) Order, 1948. Later, in 1951, the Punjab Tenants Security of Tenure Act, 1950 was extended to Himachal Pradesh. During 1952, the Punjab Tenancy (H.P. Amendment) Act, 1952 and the Himachal Pradesh (Tenants) (Rights and Restoration) Act, 1952 were enacted. Through the former

Act, the maximum limit of rent payable by the tenant to a land owner was fixed at 1/4th of the produce. The Himachal Pradesh Tenants (Rights and Restoration) Act, 1952 provides for restoration of land and the rights of pre-emption to tenants. According to the Act, a tenant ejected after the fifteenth day of August, 1950, shall on making an application (within two years of the commencement of the Act) to the prescribed authority and also satisfying him that the applicant was not at the time of ejecting, a tenant to whom the provision of the Punjab Tenancy Act (as amended in its application to Himachal Pradesh by the Punjab Tenancy (Himachal Pradesh Amendment) Act) could have applied, be restored with the possession of such land on the same terms and grounds on which it was held by him at the time of ejectment. It further provided that if the land had been given to another tenant on or after fifteenth day of August, 1952, he shall be ejected therefrom and given another land in lieu.

25. Refer Punjab Tenancy (Himachal Pradesh Amendment) Act (Simla, 1952).

26. Himachal Pradesh Tenants (Rights and Restoration) Act (Simla, 1952), Section 3 and Punjab Tenancy (Himachal Pradesh Amendment) Act (Simla, 1952), Section 41.
thereof, as prescribed. The Act thus gave the right of pre-emption to tenants.

The said Act further made the operation of pending decrees and notices of ejectment inexecutable save to the extent to which such execution or compliance was not inconsistent with the provisions of the Act. This Act repealed the Punjab Tenants (Security of Tenure) Act, 1950 as applied to Himachal Pradesh.

The Abolition of the Big Landed Estates and Land Reforms Act, 1953 was the first major land reforms legislation. The Act governed the law relating to tenancies in agricultural lands and also contained provisions of land reforms of a far-reaching importance. The security of tenure to the tenants was ensured, resumption of land by landowners was permitted for personal cultivation up to a maximum area of 5 acres, subject to further provision that no tenant would be evicted from more than one-fourth of the area held by him. This right could be exercised within one year from the commencement of the Act. These dates were later extended to March 1, 1956 and September 1, 1956. The aforesaid law was challenged by the landowners in courts which later resulted in survival of the law as 'intra-vires' of the Constitution.
in the year 1958. The right of resumption was somehow missed by the landowners. 27

Through the Himachal Pradesh Abolition of the Big Landed Estates and Land Reforms Act, the rights, title and interests of a landowner holding land in excess of Rs.125 of annual land revenue and which was with the tenants, vested in the State Government. On vestment of land in the State Government, the same was transferable in favour of the cultivating tenants against payment of a nominal compensation.

The following table will show the benefits accrued to the tenants in Khamour and Pangi as a result of this Act.

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### TABLE NO.5.1

Benefits to tenants of Bhatmour and Pangni Sub-divisions under Abolition of Big Landed Estates and Land Reforms Act.

<table>
<thead>
<tr>
<th>S.No.</th>
<th>Area</th>
<th>No. of landowners affected by the Act.</th>
<th>Area vested in State Govt.</th>
<th>No. of tenants who acquired rights of landowner.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Bhatmour</td>
<td>7</td>
<td>3716 Bighas</td>
<td>327</td>
</tr>
<tr>
<td></td>
<td>Sub-division</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2.</td>
<td>Pangni</td>
<td>1</td>
<td>1827 *</td>
<td>135</td>
</tr>
<tr>
<td></td>
<td>Sub-division</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td><strong>TOTAL</strong></td>
<td><strong>8</strong></td>
<td><strong>5543</strong> Bighas</td>
<td><strong>462</strong></td>
</tr>
</tbody>
</table>

Thus, 462 persons in the tribal Sub-division of Chamba District acquired rights of landowners and 5,543 Bighas of land vested in the State Government.

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28. Figure collected from District Land Records Office, Chamba.
The revenue from the land had been a great source of income to the State from time immemorial. The Himachal Pradesh Land Revenue Act, aimed to amend and declare a new land revenue law of the Himachal Pradesh, according to which all lands to whatever purpose applied and wherever situated were liable to payment of land revenue to the State Government excepting such land as has been wholly exempted from that liability by the special contract with the State Government or by the provision of any law for the time being in force and also such land as is included in the site of a village. The land revenue is to be assessed in cash and may be assessed as a fixed annual charge payable in a lump sum or by instalments in the form of prescribed rates per acre or other unit of area applicable to the area recorded as sown, matured or cultivated during any harvest or during any year. The assessment of land revenue is to be based on an estimate of the average money value of the net assets of the estate or group of estates in which the land concerned is situated. The land revenue in case of any assessment circle, however, is not to exceed one fourth

29. Refer Himachal Pradesh Land Revenue Act, 1953 (Simla, 1954), Chapter V.
of the estimated money value of the net assets of such assessment circle, provided that it should not affect any assessment in force at the time of commencement of the Act.

Small and scattered holdings are handicaps for better supervision and production. In order to consolidate the holdings of the landowners and tenants, Himachal Pradesh Consolidation of Holdings Act, 1953 was passed. The aim of this Act was to provide for the consolidation of agricultural holdings in the Pradesh. Table No.5.2(1953-54) indicates the distribution of holdings in Bharmour and Pangi Sub-divisions on the basis of a study which covered 20 per cent of the cultivating households. Most of the holdings are between 1.0 and 2.4 acres. Consolidation operation has not yet been undertaken in these two Sub-divisions.

The State Government has taken measures to protect the legitimate interests of the tribals through various special enactments as also through general laws of the Pradesh. The Himachal Pradesh Transfer of Land (Regulation) Act provides that no person belonging to any Scheduled Tribe shall transfer his interest in his land by way of sale, mortgage, lease, gift or otherwise to any person
not belonging to such tribe except with the previous permission of the Deputy Commissioner of the District. 30
Every transfer of land, in contravention of the aforesaid section shall be void. Further, the said Act provides that no right, title or interest held by a person belonging to a Scheduled Tribe in any land shall be liable to be attached or sold in execution of any decree or order, in favour of any person not belonging to a Scheduled Tribe, of any court except where the amount due under such decree or order is due to the Government or to any co-operative Land Mortgage Bank or Cooperative Society.

Himachal Pradesh Nutor Rules 1968: Nutor land means that land which could be utilized, only with the sanction of the competent authority. This comprised of waste land owned by the Government outside the town, outside the reserved and demarcated protected forests and outside, such other areas as may be notified from time to time by the Government in this behalf for any of the purposes mentioned, is permissible only to the extent by which the total holding of the applicant falls short of 20 bighas.

30. Himachal Pradesh Transfer of Land Regulation Act (Simla, 1968), Section-3.
<table>
<thead>
<tr>
<th>Size of Holding (Acres)</th>
<th>Total</th>
<th>Owned or Held from private persons</th>
<th>Held partly from Govt. persons</th>
<th>Held partly from private persons</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>110</td>
<td>93</td>
<td>3</td>
<td>14</td>
</tr>
<tr>
<td>1.0 - 2.4</td>
<td>288</td>
<td>274</td>
<td>6</td>
<td>75</td>
</tr>
<tr>
<td>2.5 - 4.9</td>
<td>234</td>
<td>161</td>
<td>9</td>
<td>64</td>
</tr>
<tr>
<td>5.0 - 7.4</td>
<td>104</td>
<td>76</td>
<td>2</td>
<td>24</td>
</tr>
<tr>
<td>7.5 - 9.9</td>
<td>28</td>
<td>18</td>
<td>-</td>
<td>10</td>
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<td>10.0 - 12.4</td>
<td>6</td>
<td>5</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>12.5 - 14.9</td>
<td>2</td>
<td>1</td>
<td>-</td>
<td>1</td>
</tr>
<tr>
<td>15.0 - 29.9</td>
<td>5</td>
<td>3</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>30.0 - 49.9</td>
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<td>-</td>
<td>-</td>
<td>-</td>
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<td>50.0 +</td>
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<tr>
<td>Unspecified</td>
<td>3</td>
<td>3</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>840</td>
<td>626</td>
<td>20</td>
<td>193</td>
</tr>
<tr>
<td>Size of Holding (Acres)</td>
<td>Total</td>
<td>Owned or held from Govt.</td>
<td>Held from private persons.</td>
<td>Held partly from Govt. &amp; partly from private persons.</td>
</tr>
<tr>
<td>------------------------</td>
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<td>-------------------------------------------------</td>
</tr>
<tr>
<td></td>
<td>6</td>
<td>2</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td><strong>Panjul Sub-division</strong></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Less than 1</td>
<td>11</td>
<td>6</td>
<td>2</td>
<td>3</td>
</tr>
<tr>
<td>1.0 - 2.4</td>
<td>110</td>
<td>84</td>
<td>10</td>
<td>16</td>
</tr>
<tr>
<td>2.5 - 4.9</td>
<td>104</td>
<td>78</td>
<td>6</td>
<td>20</td>
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<td>5.0 - 7.4</td>
<td>52</td>
<td>39</td>
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<td>7</td>
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<td>7.5 - 9.9</td>
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<td>13</td>
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<td>2</td>
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<td>15.0 -29.9</td>
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<td>-</td>
<td>-</td>
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<td>30.0 -49.9</td>
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<td>-</td>
<td>-</td>
</tr>
<tr>
<td>50 +</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>Unspecified</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td>308</td>
<td>230</td>
<td>29</td>
<td>49</td>
</tr>
</tbody>
</table>
The grant of irtaf to land is to be made against "Hesrana" on the uniform rate of Rs.50 per bigha to a grantee other than the Scheduled Castes and Scheduled Tribes and at the rate of Rs.25 per bigha to Scheduled Castes grantee and at the rate of Rs.5 per bigha to the Scheduled Tribes grantee. This provision also is aimed to benefit the Scheduled Tribe population.

Table No.3.3 indicates the land sanctioned to the inhabitants in Bhamour and Pangi Sub-divisions during the period from October 1, 1970 to June 30, 1976.

**TABLE NO.3.3**

<table>
<thead>
<tr>
<th>S.No. Sub-division</th>
<th>No. of persons to whom land was sanctioned</th>
<th>Area sanctioned</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Bhamour</td>
<td>797</td>
<td>433 Acres</td>
</tr>
<tr>
<td>2. Pangi</td>
<td>305</td>
<td>253 Acres</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1102</strong></td>
<td><strong>686 Acres</strong></td>
</tr>
</tbody>
</table>

31. Figures collected from District Land Records Office, Chamba.
In addition to these legal measures, some more legislations were enacted to protect the weaker sections.

The Ceiling on Land Holding Act aimed to consolidate and amend the land relating to ceilings on land holdings in the Pradesh. Under the Ceiling on Land Holding Act, a ceiling of 10, 15 and 30 acres for land under assured irrigation and capable of growing two crops in a year, land under assured irrigation capable of growing one crop in a year, and other categories respectively, has been fixed in the Pradesh. The ceiling for other categories of land in tribal areas of Kinnaur, Lahaul-Spiti, Bharmour and Pangi, etc., has been fixed at 70 acres. The surplus area so declared is to vest in the State Government against the payment of compensation. On vestment, the surplus areas are to be distributed among the landless agricultural labourers and those persons whose land holdings do not exceed one acre.

Table No. 5.4 indicates the number of persons to whom lands were distributed during the first phase (i.e. to those who were totally landless) and the second phase (to those whose holdings were less than 5 bighas).
### TABLE NO.5.4

Land distributed to landless persons in Bharmour and Pangi Sub-division

<table>
<thead>
<tr>
<th></th>
<th>Bharmour</th>
<th>Pangi</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>No. of persons</strong></td>
<td>Areadistributed</td>
<td><strong>No. of persons</strong></td>
</tr>
<tr>
<td>1st Phase Nil</td>
<td>-</td>
<td>6 30-00 Bighas</td>
</tr>
<tr>
<td>2nd Phase 297</td>
<td>555 Bighas</td>
<td>70 158.10 Bighas</td>
</tr>
<tr>
<td><strong>TOTAL</strong> 297</td>
<td>555 Bighas</td>
<td>76 188.10 Bighas</td>
</tr>
</tbody>
</table>

While making allotment of surplus land, first preference among the landless persons is given to the members of the Scheduled Castes and Scheduled Tribes.

The break-up of the persons, to whom lands were allotted in Bharmour and Pangi Sub-divisions, is as follows:

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32. Figures collected from District Land Records Office, Chamba.
The next important Act was the Himachal Pradesh Tenancy and Land Reforms Act. It aims to unify, amend and consolidate the laws relating to tenancies of agricultural land and to provide for certain measures of land reforms in Himachal Pradesh. From the commencement of the Act, all the occupancy tenants in the old areas and 'Kismi' tenants in the new areas were to become owners of their tenancy land. The small landowners were entitled to reserve land for personal cultivation up to \( \frac{1}{4} \) acres irrigated or 3 acres of unirrigated land. The tenants in

33. Figures collected from District Land Records Office, Chamba.

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Total Cases sanctioned</th>
<th>Bharmour S.T. S.C.</th>
<th>Pangli Total S.T. S.C.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1st Phase</td>
<td>Nil</td>
<td>- -</td>
<td>6 4 2</td>
</tr>
<tr>
<td>2nd Phase</td>
<td>297</td>
<td>199 98</td>
<td>70 50 20</td>
</tr>
</tbody>
</table>
such affected holdings were simultaneously to become owners of the remaining tenancy land. The rest of the non-occupancy tenants (including sub-tenants) were to become owners of their tenancy land from October 1, 1973 on payment of nominal compensation. The conferment of compulsory rights of purchase of land by tenants was necessitated as inspite of the provisions of the Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act for some reasons or the other the tenants did not come forth to apply for ownership. 34 Now the tenants need not be subjected to litigation and undergo the ordeal of trial of their cases in the law courts.

Table No.5.6 indicates the number of occupancy and non-occupancy tenants who were conferred proprietary rights under the provisions of this Act.

34. Refer Himachal Pradesh Tenancy and Land Reforms Act (Simla, 1972), Sections 119 and 121.
TABLE NO. 5.6

Proprietaryship to Occupancy and Non-occupancy tenants

<table>
<thead>
<tr>
<th>Sl.No.</th>
<th>Item</th>
<th>Hammour</th>
<th>Pangi</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Sub-division</td>
<td>Sub-division</td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>Number of occupancy tenants who got proprietary rights</td>
<td>166</td>
<td>8</td>
<td>174</td>
</tr>
<tr>
<td>2.</td>
<td>Number of non-occupancy tenants who got proprietary rights</td>
<td>4610</td>
<td>782</td>
<td>5392</td>
</tr>
<tr>
<td></td>
<td>Total</td>
<td>4776</td>
<td>790</td>
<td>5566</td>
</tr>
</tbody>
</table>

The State Government, passed the Himachal Pradesh Registration of Money-lenders Act, 1976, for the registration of all the money-lenders and procuring of licences by them for doing the money-lending business. Suits and applications by money-lenders have been barred unless they are registered and licenced.

35. Figures collected from District Land Records Office, Chamba.

36. Himachal Pradesh Registration of Money-lenders Act (Simla, 1976), Section 3.
The Himachal Pradesh Registration of Mortgaged Land Act, 1976 provides for the restitution of subsisting mortgages which were affected more than 20 years prior to the date on which an application for the restitution of the possession of the mortgaged land was made. The Himachal Pradesh (Restriction to Contest Alienation or Adoption under Custom) Act, 1976, has imposed restriction on the powers of descendants or collaterates to contest the alienation of immovable property or the appointment of heir on the ground that such alienation or appointment is contrary to custom. Further, in respect of non-ancestral property or any appointment of a heir to such property, no person is allowed to contest such alienation or appointment on the ground that it is contrary to custom.  

The Himachal Pradesh Debt Reduction Act, 1976, provides for accounting and determination of the amount due and relief of interest on decrees. The amount due by the debtor shall not exceed the amount that could have been due if the rate of interest had been in the case of a secured loan, 6 per cent per annum simple interest, and

37. Himachal Pradesh (Restriction to Contest Alienation or Adoption under Custom) Act, (Simla 1976), Section 4 and 5.
in the case of unsecured loan, the rate of interest would be 12 per cent per annum simple interest. The total amount due by the debtor as interest and principal shall not, in any case exceed:

a) in respect of a loan advanced before the commencement of this Act, twice the amount of the principal less any amount already received by the creditor in excess of the amount determined by the court as due by the creditor.

b) in respect of a loan advanced after the commencement of this Act, twice the amount of the principal less any amount already received by the creditor.

The Act provides that the court shall not order future interest on the aggregate sum adjudged in a decree to which this Act applies or any decree amended under this Act, at a rate exceeding 5 per cent per annum, simple interest.

The Himachal Pradesh Relief of Agriculture Indebtedness Act, 1976, provides relief from indebtedness to certain farmers, landless agricultural labourers and rural artisans of the Pradesh. Every debt outstanding on the appointed day, including the amount of interest, if any, payable
by a marginal farmer, a landless agricultural labourer, or a rural artisan has been deemed to be wholly discharged.\textsuperscript{38} All type of bonded labour has been put an end to; any custom or tradition or any agreement whether made before or after the appointed day, to this effect shall be void and of no effect.\textsuperscript{39} Further a moratorium has been placed for a period of one year in respect of the recovery of debts from small farmers.\textsuperscript{40}

The Himachal Pradesh Distressed Persons (Facilities for Loans) Act, 1976, aims to provide for extension of loan facilities to persons affected by distress caused by calamities, such as floods, epidemics, famine, earthquakes, landslides, avalanches, snow, storms, hail storms, fire, severe drought, excessive rains, wind, lightning and electric shock, locusts etc.

Revenue Administration: For the purpose of Revenue Management, Himachal Pradesh is divided into 12 Districts, each in the charge of a Deputy Commissioner who is also Collector of the District. These Districts are grouped into

\textsuperscript{38} Himachal Pradesh Relief of Agriculture Indebtedness Act, (Simla, 1976), Section 3.

\textsuperscript{39} Ibid, Section 4.

\textsuperscript{40} Ibid, Section 5.
one Division under the Divisional Commissioner. The latter exercises control over all the Revenue Officers and Courts in the Division and is himself subject to the general superintendence and control of the Financial Commissioner, who is head of Revenue Administration in the State.

At the headquarters of the District, in addition to the ministerial staff, several officers appointed by the Government, exercise executive and judicial functions under the supervision of the District Collector. One of them is in-charge of work pertaining to revenue and devotes almost whole of his time to business connected with land administration. The District is divided into several sub-divisions. There are thirty-five sub-divisions in Himachal Pradesh. The officer in charge of the Sub-division is the Sub-Divisional Officer. The Sub-division is further divided into a number of Tehsils/Sub-tehsils to each of which a Tehsildar and/or Naib Tehsildar are appointed. There are 43 Tehsils and 10 Sub-tehsils in Himachal Pradesh.41

Estates are grouped into small circles to each of which the Patwari or Village Accountant is appointed. About 5 to 10 Patwar circles form a charge of a Field Kanungo whose duties are to supervise the work of the Patwari.

To aid the Deputy Commissioner and the Commissioner in maintenance of records of rights and revenue registers and to advise the Financial Commissioner and the Government on these matters or measures for the promotion of agricultural efficiency, an officer known as the Director of Land Records, is appointed. He has no administrative functions; his business is to inspect, advise, record and report.

The Director of Land Records brings to the notice of the Deputy Commissioner or Commissioner any failure in properly carrying out the provisions regarding the matters contained in the Land Revenue Act and Rules or that in carrying out administrative instructions issued by the Financial Commissioner. The Director of Land Records is also Inspector-General of Registration.

The Deputy Commissioner, as the head of the revenue administration of his District is known as the Collector. Since the collection of land revenue on many occasions created law and order problem, the power of magistrate
was also given and he became the District Magistrate, as well. This concentration of executive and judicial functions has been a subject of controversy. However, there are some advantages resulting from it as well. At present the functions of the Deputy Commissioner are many and varied. He is in-charge of law and order, in-charge of revenue administration as well as development administration. The Deputy Commissioner is being assisted by number of Sub-divisional officers, Tehsildars and Naib-Tehsildars. He is the captain of the team of officers responsible for running the District administration.

Administrative Hierarchy: Chamba District is divided into four Sub-divisions: (i) Chamba and Churah, (ii) Dalhousie, (iii) Fangi, and (iv) Bhamour. The Fangi Sub-division consists of one tehsil and Bhamour one Sub-tehsil. The Fangi tehsil is further divided into 6 Patwar circles which have

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42. For details refer Thomason's "Directions for Collectors", paragraph 26 as quoted in Punjab Land Administration Manuals (Chandigarh, 1972), p.156.

43. For details refer, Indian Journal of Public Administration Vol. 21, No.3, Special Number, 1965 also see S.K. Sharma, Deputy Commissioner in Punjab (New Delhi, 1971).
been grouped in to one Kanungo circle. The Bharmour Sub-Tehsil is divided into 14 Patwar circles which have been grouped into 2 Kanungo circles. The revenue administration of the Pradesh has been depicted in Chart No.5.7.

In Bharmour Sub-division there are 251 revenue estates or Mohale out of which 112 are inhabited. There are 14 Patwar circles and 2 Kanungo circles in Bharmour, its total population as per 1971 census is 27,067. The land revenue comes to Rs.16,859.47 out of which the total recoverable amount is Rs.16,280.13. The surcharge amounts to Rs.3,869.81 and local rate Rs.5,601.27.

There are 106 revenue estates (or Mohal) in Pangi Sub-division out of which 61 are inhabited. There are 6 Patwar circles and one Kanungo circle. The total population being 9794. The land revenue is Rs.5,397.51 out of which Rs.4,767.72 is recoverable. The surcharge is Rs.1,184.62 and local rate Rs.1,768.40.

The total number of holdings in Bharmour Sub-division is 11,060 and in Pangi Sub-division 3,852 (after re-organisation). The total number of Khataunis in these two sub-divisions are 11,137 and 2,729 respectively.

44. Figures collected from District Land Records Office, Chamba.
CHART NO. 5.7

Organisational Structure of Revenue Department

Revenue, Minister

Financial Commissioner (Secretary, Revenue)

Deputy Secretary

Divisional Commissioner

Director (Land Records)

Under Secretary

Deputy Commissioner (Collector)

Deputy Director

Staff

Section Officer

Sub-divisional Officer

Pehsildar

Naib-Pehsildar

Kanungo

Patwari
According to the 1971 Agricultural Census, the distribution of holdings and their areas under various categories is as follows:

### TABLE NO. 5.8
**Land Tenure System in Bharmour and Pangi Sub-division of Chamba-District**

<table>
<thead>
<tr>
<th>Tehsil</th>
<th>Wholly owned &amp; self operated land holdings</th>
<th>Holdings obtained on rent</th>
<th>Partly owned and partly rented holdings</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No (Hect)</td>
<td>Area (Hect)</td>
<td>No (Hect)</td>
</tr>
<tr>
<td>Bharmour</td>
<td>3548</td>
<td>3233</td>
<td>442</td>
</tr>
<tr>
<td>Pangi</td>
<td>1782</td>
<td>2333</td>
<td>120</td>
</tr>
</tbody>
</table>

It will be seen that majority of the holdings are owned and self operated in the tribal Sub-divisions of Bharmour and Pangi of Chamba District.

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Assessment: As has been mentioned earlier, one of the aims for the agrarian organisation is the maximum production of wealth or eradication of poverty. With that end in view, a system of agriculture is required which will produce or help produce more and more food and raw materials as time passes. In order to provide full employment, there is a need to have an agrarian system, which, compared to all others, must provide the largest employment possibility per acre. The equitable distribution of wealth demands that ceilings have to be imposed on present possessions and future acquisitions of land and if possible a limit will also have to be laid down. The emergence of democratic trends require that every cultivator is made proprietor of the land he owns to eliminate the threat of ejectment.

The problem of land ownership is chronic in the tribal areas. A thorough understanding of the customary rights of the tribal communities in respect of land and pattern of land distribution and organisation of such rights will be necessary for evolving any programme based on land. After undertaking assessment of the changes which are taking place in the socio-economic land tenure system in the tribal areas due to social contact between
tribals and non-tribals, and changes in governmental policy, a review of legislative and executive measures seems imperative. Customary rights of tribals in land may be recognised. It is inevitable that many of the customary rights of the tribals would require changes in the course of time in the larger national interest. However, it must be kept in mind that the tribal interests are not trampled upon.

It might be difficult to ensure a uniform approach in different areas in identifying the problem of tribal rights on land. Therefore, detailed information about specific conditions prevailing in each area will have to be obtained for formulating an appropriate policy. The need for cadastral surveys and preparation of record of rights cannot be over emphasized. Mere administrative or legal approach cannot meet the problem of alienation of land. It should be the endeavour of the Government to restore to the tribals all lands alienated from them.

The Study Group on Relief of Indebtedness, Land Alienation and Restoration in Tribal Development Agency areas suggested several measures for debt relief, land records and land alienation, etc. Debt Relief Courts and Debt Relief Inspectors as in Madhya Pradesh may be set
up here. After implementing debt relief measures, a cooperative form of organisation is best suited to help the tribals for grant of assured credit for production (including development of subsidiary occupation), land development and even for consumption purposes.

The two-fold object of a 'Settlement' is to assess the land revenue and to frame the record of rights. Since survey and settlement operations take time, a quick, on the spot enquiry may be conducted and on the basis of such enquiry the records may be made upto-date within a period of six months or so. The cooperative institutions in these areas should provide medium-term loans (not exceeding five years) to the tribals to enable them to pay off their old debts and free themselves from the debts. The loans to tribals may be provided by the primary cooperative and not through Central Cooperative Bank.

In some States, legal provision exists to debar lawyers from appearing in Revenue Courts considering land restoration cases of the tribals, as appearance of lawyers usually results in prolonging the cases. The applicability of such provisions in the tribal Sub-divisions of Chamba District may be examined. In order to avoid dilatory litigation, it is suggested that
legislation designed for the benefit of the tribals may be enacted to provide them the protective umbrella of the Constitution. Thus, if the Ninth Schedule to the Constitution were to be so enlarged in scope as to include important items of legislation protecting the interests of tribals, such enactments must not be challengeable on the ground of violation of any fundamental right. Further, it would be useful if the jurisdiction of ordinary civil courts is completely excluded in the matter of implementing land laws in the tribal areas.

The Committee on Special Multipurpose Tribal Blocks suggested survey of the tribal areas in order to discover the amount of cultivable land available and the extent to which the tribal people have no established rights in the areas they cultivate. In the Himachal Pradesh Ceiling on Land Holdings Act, the permissible area of a land owner has been fixed as 20 acres for irrigated area growing two crops, 15 acres for irrigated area growing one crop, and 30 acres for others. In case of tribal areas

46. Article 313, Indian Constitution, New Delhi.

47. For details refer "Report of the Study Group on Relief of Indebtedness, Land Alienation and Restoration in Tribal Development Agency Areas" (New Delhi, 1974).
and other backward areas, the permissible area has been fixed at 70 acres. Though the members of Scheduled Tribes have been given preference while distributing land among the landless, no distinction has been made in the area of land to be given to the tribal landless. The permissible area to be retained by a landowner is double in the tribal areas as compared to the non-tribal areas. It is, therefore, suggested that while 5 bighas of land are to be given to the landless in all areas, in tribal areas, it should be increased in the same proportion and may be raised to 12 bighas.

In order to consolidate the scattered holdings, consolidation operations need to be started in the tribal Sub-divisions of Chamba District. A survey has already been conducted regarding availability of cultivable waste land in Pangi Sub-division. Similar survey should be conducted in Bharmour Sub-division as well. A scheme may be drawn up for utilisation of the cultivable waste land in these Sub-divisions.

Since the problems of land relations are different in tribal areas, it is not possible to ensure a uniform approach for all parts of the country to identify the problems of tribal rights on land and forests. In those tribal areas where land relations are determined by traditional customary laws, any radical restructuring of
land relations is not possible. But a thorough understanding of those customary rights of the tribal communities in respect of land and pattern of land distribution and organisation of such rights will be necessary for rationalisation of the traditional land system so that certain development programmes based on land and agriculture might be adopted and carried out without much difficulty. Thus the customary rights of tribals in land should be recognised with some suitable modifications and codified in the statute book.

For that purpose, survey and settlement operations and preparation of records of rights are to be adopted as early as possible. In order to take administrative and legal measures for preparation of records of land ownership, an atmosphere of confidence requires to be created among the tribal people. In addition to survey and settlement operations of land records, effective protection against eviction and land alienation, restoration of alienated land since 1947, priority has to be given to settle tribals on distributed land. They must also be provided with facility for legal advice and action, concessional facilities for development of land, cheap credit and easy market facili-
ties, elimination of exploitation by money-lenders, diversification of agriculture to include crop agriculture, horticulture, poultry, piggery, etc. for widening the scope of employment in order to solve the problem of economic destitution of the tribals in these areas. 48

Land reforms have assumed a special significance in view of emphasis on distributional justice. In a predominantly agricultural State like Himachal Pradesh, the scope of enhancing resources is limited to taxation in agricultural sector. It seems that there is a need for upward revision of land revenue. 49 This will only be possible if cadastral survey (record of rights) and settlement operations are completed.
