Chapter - II

OVER VIEW OF LAND REFORMS IN INDIA
The Land Reform programme was definitely the most radical that India has witnessed, but it still remained a limited programme of reform, which could not completely transform the existing agrarian relations, even though it clearly mitigated some of the more oppressive features. Land Reforms played an important role in unleashing productive forces in cultivation and in improving the balance of class relations in the countryside in favour of the poor and the working classes and peasantry generally. They have contributed to the economic (and therefore social and political) empowerment of Scheduled Castes and Scheduled Tribes. However, they have been less effective in correcting gender inequities or in improving access to health and education facilities at a faster rate. While the Land Reforms have had some very positive social effects, the economic processes that generate inequality in the countryside still remain significant. For a State government interest in transformation of economy and society, some new forms of institutional change will have to be considered and implemented, to carry forward the positive effects and develop them further in ways that impact upon gender relation and human development. In particular, crucial importance of access to institutional credit and provision of adequate and timely extension services must be recognized. ¹
The economic processes in the countryside that generate inequality still remain significant. The Indian agricultural policy in the post independent era displayed two major preoccupations. First, how to grow more food to meet an ever increasing demand of a growing population and, Second, how to ensure farmers more equal access to land resources.

Steps to resolve the first issue culminated in ushering in the Green Revolution of the 1970's but equity consideration of farmers' access to land was mainly sought to be met from time to time through various Land Reform measures. Institutional reforms such as abolition of intermediary rights and tenancy reforms were undertaken by various State Governments during the fifties and sixties. Ceilings on land holdings were imposed mainly in the sixties which were again revised in early seventies. However, the pace and extent of Land Reforms have been uneven across the States due to various socio-political reasons.

While Land Reforms measures of the Government sought to reduce disparity in land holding, the Green Revolution occurred mainly around resource-rich farmers and regions, which in effect widened inter-farm income disparity. Implementation of Land Reforms in some States, coupled with demographic pressure on account of a higher population growth caused a swelling in the number of small and marginal farmers. Meanwhile statistics showed
that the number of and the area operated by the large farmers in 1970-71 to 74.63 million in 1985-86 and the national average of operational holding size went down from 2.30 ha in 1970-71 to 1.69 ha in 1985-86.²

Decrease in the size of holding brings about (i) a reduction in the disparity in the distribution of agricultural land and (ii) a more intensive but judicious use of scarce farm resource, particularly, land. Thus, it fulfills, at least partly, the socio-economic objective of changing the power structure in rural India. It favours the poor farmers who are more numerous to control the democratic political process and also ensuring efficient use of scarce resources. But the vital question pertaining to the small and the marginal farmers revolves round their economic sustainability. Various Government documents explicitly acknowledge the increasing pressure on land and the decreasing size of holdings. This has several serious implications on the questions of surplus generation and capital formation on the farm for a sustainable agricultural growth.

Despite attempts at Land Reforms over successive Plan periods, the basic character of the agrarian economy has not undergone any structural change. The pattern of land distribution is highly skewed, with a high concentration of land in the hands of the few landowners on the one hand and the growing number of marginal and sub-marginal farmers on the other. Fragmentation of
land holdings continues on a large scale and only a few States like Punjab, Haryana, Uttar Pradesh and parts of Maharashtra have been able to successfully undertaken a programme of consolidation of holdings. Agricultural tenancy, which was abolished in most of the States by various enactments in the Post-Independence era, continues unabated though it is largely concealed. In the wake of liberalization, several State Governments have modified their land ceiling laws so as to exempt orchards, fishponds etc., from the purview of land ceilings. There is also a move to make suitable changes in tenancy regulations to attract private corporate investment in agriculture. Hence, it is necessary to reconsider the issue of Land Reforms, particularly from the point of view of the poor, as access to land is still a major source of livelihood in rural India. In fact, it has been argued that the need for poverty alleviation programs has arisen because the Land Reforms have not been implemented in the systematic way. The experience of several countries in East Asia shows that Land Reforms, leading to structural equity in the distribution of land, are an essential prerequisite for economic development through agricultural transformation. In addition, the efficiency of land use and land management, and protection of the land rights of the tribes and women have assumed great significance in the context of the changes that are taking place in rural India.
The continued importance of Land Reforms was recognized in the Eighth Plan, with the abolition of intermediaries, redistribution of ceiling surplus land tenancy reforms providing security of tenure to tenants and share croppers, consolidation of holdings and updating of land records as the main objective of the Land Reform polity. However, only limited success was achieved with respect to these objectives in the Eighth Plan. Given that Land Reforms is a State subject, the Central Government can only draw the attention of the State Governments to the pressing needs for Land Reforms, which are central to any strategy of poverty alleviation.

At the end of the Seventh Plan, out of the 72.2 lakh acres of land declared surplus, only 46.5 lakh acres had been distributed. At the end of the Eighth Plan, out of the total 47.94 lakh acres declared surplus, 52.13 lakh acres had been distributed. In other words, during the Eighth Plan only 6-7 lakh acres were redistributed. Further, 12.4 lakh acres were under disputes pending in courts and 19.59 lakh acres were not available for distribution because they were unfit for cultivation or reserved for public purposes or for other miscellaneous reasons. In fact, only 59,000 acres were available for redistribution, of the Bhoomdan land donated 53 percent was distributed accounting for 24.52 lakh acres. In addition, 142.87 lakh acres of wastelands were distributed among 88.5 lakh beneficiaries.
But, there is still considerable scope for redistributing Government wastelands, common lands, ceiling surplus land and Bhoodan land.

Similarly, in the area of tenancy reforms very little progress has been made, after the initial abolition of 'Zamindari' and the transfer of title to owner-cultivators in the immediate post-Independence period. The successful implementation of tenancy laws has been confined to West Bengal, Karnataka and Kerala. In fact, in the Eighth Plan there was no progress in respect of conferment of rights on tenants and therefore the issue of tenancy reforms is still illusory, but requires tackling.

Consolidation of holding has taken place in very few States. While 15 States had enacted appropriate legislation, Andhra Pradesh, Tamilnadu, Kerala, Pondicherry and the North-Eastern States do not have any laws for consolidation of holdings. Several States like Bihar, Maharashtra and Rajasthan have suspended the programme. In fact, only in Uttar Pradesh 900-1000 villages are being covered annually.

Land is the basic factor of agricultural production. Therefore, who owns land and who cultivates it are as important as how it is cultivated in promoting agricultural production. Agriculture has been a way of life for the vast majority of the rural masses in India. But its economic importance was recognized by the successive
governments only in times of food shortages. This was true under colonial rule as well as after independence.

Land Reforms have been considered as important tools of socio-economic change in India. They constituted as important component of strategy of agrarian reform that was designed to transform and modernize Indian agriculture. Political Parties, Political Leaders, Economists and Administrators have all played their roles in justifying as well as evolving appropriate legislation for implementing Land Reforms in post-independent India. Though Land Reform measures are vehemently advocated by the Marxists, they received both moral the intellectual support even from those espousing capitalist ideology. This was a curious case of convergence of ideologists. Marxists advocated Land Reforms to eliminate remnants of feudalism whose roots were traced to absentee land ownership. But the capitalist ideologists justified Land Reforms on the ground that ownership of land by the cultivator provides an intangible incentive to convert sand into gold which would improve productivity of agriculture. 3

Land Reform usually reflects a public policy of redistribution of land for the benefit of landless labourers, tenants, and small farmers with a view to securing a diffusion of wealth, increase in income and productive capacity. As in other countries, in India too Land Reforms have been carried out under conditions of agricultural
overpopulation and shortage of land, coupled with uneven distribution of ownership. An additional problem in India is that its agriculture is predominantly small peasant based in contrast to the 'manorial' system in Europe or 'latifundia' in Latin America. Besides, Land Reform had to be carried out by what Mydral calls a 'soft State', without the strength of a command Central Governmental structure, as in Russia or China, where extreme measures of collectivization could be ruthlessly enforced. Elsewhere, they occurred in a situation of rapid industrialization and modernization, as in post-war Italy and Japan, where an increasing number of rural migrants were absorbed in the industrial sector. Thus, Land Reforms in India were affected in a liberal democratic framework of stunted industrialization under mounting pressure from the direct action by peasants.\textsuperscript{4}

Land being the backbone of rural economy, more so in India, the reforms brought in it ownership structures are bound to have implications for the wide. It has, however, not attracted the attention of the sociologists to the extent that it rightfully deserves. At best it has been assigned a secondary importance in the order of existing analyses of rural patterns. In the studies of the economists and the social anthropologists, the sociological kernel is understandably missing.\textsuperscript{5} Joshi has painfully noted the prevailing situation in this regard and has stressed that scientific studies of the
agrarian structure in different regions are much more required now than ever in order to assess the changes which have occurred in this structure since independence and the changes which are yet required in the light of present compulsion; the overall impact of the changes which have already occurred must also be carefully examined by social scientists.6

S.K.Ray says even with a dismal not pathetic respectability and popular support, that an adverse criticism of it is viewed almost as a sacrilege. This love and faith on the programme, however, was shaken by the economic crisis that surfaced in 1991. Several Scholars are now acknowledging the futility of its further continuation and urging the government to make changes in land policy. Dandekar, Vyas, Rao and Gulati, Appu who are persons passionately involved with the programme, agree that it needs a more dispassionate re-examination.7

Land Reforms policy in India has got economic, social and political dimensions. The economic dimension involves the ownership of land by a small group which not actually cultivate but exploits the actual tillers of the soil who are the tenants and agricultural labourers, on the other hand, because of inadequacy of the returns and hence absence of surplus with the tenants they cannot undertake improvements on land. The landlords having no
personal interest in the land also do not take interest in investing on land improvement and result is land productivity goes on declining.

As for as the sociological dimension is concerned, traditionally the upper castes owned land and the lower castes were the tenants/agricultural laborers.

Coming to the political dimension, it can be noted that historically the owners of land have been the supporters of the governments in power. This was much more evident during the days of British rule because of the numerical minority position of the former and the later landlords and their economic strong over the tenants. They depended on the government for their protection.

At independence our agrarian structure was afflicted by several weaknesses that inhibited steady agricultural growth. They included the parasitic Zamindari system, insecure tenancies subjected to rack renting, concentration of land in the hands of unenterprising landowners, preponderance of tiny, uneconomic holdings, and the widespread subdivision and fragmentation, of holdings. The land policy adopted since Independence was aimed at curing these maladies. The objectives of the land policy were set forth in the third Five-year plan as follows.

Land Reform programmes which were given a place of special significance both in the First and the Second plans had two specific objectives. The First is to remove such impediments to increase in
agricultural production as arise from the agrarian structure inherited from the past. This should help to create conditions for evolving as speedily as possible an agricultural economy with high levels of efficiency and productivity. The second objective which is closely related to the first is to eliminate all elements of exploitation and social injustice within the agrarian system, to provide security for the tiller of the soil and assure equality of opportunity to all sections of the rural population.8

At the national level, successive Five-Year Plans have emphasized abolition of intermediaries, security of tenure of tenant cultivators, redistribution of land by imposition, of ceiling on agricultural holdings, consolidation of holdings and updating of land records as important tenets of Land Reforms.

Most States have passed legislation abolishing intermediary tenures like Zamindari, Jagirdari, Inams and other tenure, as also the rent receiving interests of landlords, thus, bringing as estimated 20 million cultivators in direct relationship with the State. Occupancy or ownership rights were conferred on the tenants or cultivators of the land in pursuance of the government's policy of 'land to the tiller'. As a result of the abolition of Zamindari 40 percent of the area covered under this system was freed.9

They were freed from the illegal exactions of Zamindars. The erstwhile principal tenants acquired a higher social and political
status leading to a shift in the rural power structure, large areas of
privately owned forests and wastelands vested in the State. Though
the beneficial results were substantial, the reforms led to some
unwelcome consequences. The most important evil effect was that it
led to the large-scale ejectment of poor peasants from the land they
had been cultivating for generations.

What did our efforts spread over half a century to reform
tenancy achieve? It has been estimated that at the time of
Independence, over one half of the operated area was under tenancy.

As a result of tenancy reform, tenants acquired ownership
rights in about four percent of the operated area in the country. The
seven States of Assam, Gujarat, Himachal Pradesh, Karnataka,
Kerala, Maharashtra and West Bengal account for 97 percent of
beneficiaries. The superior tenants who became owners after the
abolition of intermediaries are left out in this computation.
Everywhere the immediate consequence of tenancy reform was the
large scale ejectment of tenants. Tenancy reform has led to a sharp
fall in the area of land under tenancy. From over one half of the
operated area at the time of independence, tenancy, mostly
concealed, has comedown to about 15 percent. The rural poor have
lost access to about 30 percent of the operated area as a result of
tenancy reform.10
The experience of Implementation of these laws has been quite varied. West Bengal, Kerala and Karnataka, have achieved more success than the other States, the West Bengal model of “operation Barga” under which 14.60 lakh share-croppers have been recorded, has provided a replicable model for recording tenants and securing the rights of tenants and share croppers. Karnataka has set up land tribunals to settle tenancy issues.11

The literature on Land Reforms in the country is abundant though Land Reforms indifferent States have not achieved the desired results. “Even with dismal if not pathetic record of performance Land Reforms Programme in India enjoys such a high respectability and popular support, that an adverse criticism of it is viewed almost as a sacrilege. Several scholars now, admit the futility of its continuance. Even the strong advocates of Land Reforms programme also accept that it needs a more objective re-examination. Hence, present study proposes to give a brief sketch of Land Reforms programmes in India, before the Land Reforms Act of 1974 of Karnataka is discussed. Many scholars point out that the socio-economic and political environment in which these programme were introduced, have changed so dramatically that it would be almost impossible to carry out the reforms, says P.S. Appu in Land Reforms in India A survey of policy legislation and implementation, (1995) He writes “Land Reforms have practically disappeared from
the agenda of most political parties. Rise in agricultural productivity rising land values and higher incomes from cultivation have added to their economic strength. Substantial landowners who wield great authority in rural India are bitterly opposed to ceilings on agricultural holdings. They are able to have their way because no serious efforts have been made to organize the landless and the poor and enlist their support in favor of reforms. As for tenancy reform is concerned, there is a certain commonality of interest between all land owners large, medium, small and even marginal, they are all passionately attached to their land and all of them are opposed to conferring benefits on insecure tenants. In the first round of Land Reforms only the intermediaries were adversely affected. They were few in number and were weak politically. They had also made themselves obnoxious by aligning themselves with the colonial power. So it was easy enough to abolish intermediary interest. And it was done without hurting them much. But injuring the interests of the present class of landowners is an entirely different proposition. No political party that wishes to win elections and come to power can afford to do that. At the time independence this class of land owners did not wield much political and economic powers and with a medium of political will the reforms could have been implemented. But now it has become almost impossible to carryout the reforms."12
Mr. Appu made a critical appraisal of policy legislation and implementation of Land Reforms in India, since independence, he observed, "the significant features of all those laws were the slow pace of legislation inadequacies in the contents of the legislation, the time consuming procedures laid down and role of judiciary in frustrating implementation of enacted laws." (210 p) Notwithstanding these serious limitations, he was of the opinion that the implementation of laws for abolition of intermediary interests was far more satisfactory than the implementation of the laws enacted in later years for the reforms of tenancy. That tenancy reform has not put an end to absentee ownership of land nor has it led to the disappearance of tenancies. It has only resulted in tenancies being pushed underground. The agrarian reorganizations in India has failed to make any considerable impact on socioeconomic conditions of the working cultivators. The record is depressing and frustrating of the three programmes considered by the report, the laws for abolition of intermediary interests were implemented fairly well but in the case of tenancy reforms and ceiling on holdings, the policies adopted were ambivalent and there were large gaps between policy and legislation and between legislation and implementation. So, as result of implementation of the tenancy laws, tenants became owners or acquired rights in only about 4 percent of the operated area and the enforcement of ceilings led to redistribution of less than 2 percent of the operated area,
these two measures taken together led to the redistribution of only about 6 percent of operated area (p.217). This is the sordid State of affairs of the Land Reforms, at the national level. It seems there is no necessity of writing any thing more, by way of land legislation in different States and their implementation.
Reference:


5. Joshi, P.C. (1975), Land Reforms in India, Allied publishers, Delhi, p.103.


