Chapter - III

LAND REFORMS IN KARNATAKA
“Karnataka is one State where all aspects of Land Reforms like tenancy rights, consolidation and computerization are going on at the same time, whereas in other States just of one of these issues is being pursued.”

Karnataka has a prominent position as one of the few States that took the Land Reforms policy seriously, not only by enacting appropriate law, but also by implementing it with great vigour and élan.

Karnataka State came into existence in 1956 as the result of the redrawing of the boundaries of the States in India on the basis of language. The whole of the erstwhile kingdom of Mysore and of the State of Coorg, the Kannada speaking parts of former Bombay and Madras provinces and of the Princely State of Hyderabad were merged to form the new State of Mysore (which was later renamed as Karnataka). It consisted then of 19 districts.

After the reorganization of the State in 1956, there was a need for a uniform Land Reform legislation which would codify and consolidate the laws and rules prevailing in the different regions of the State. In May, 1957 the State Government appointed a
Committee under the Chairmanship of Shri B.D. Jatti, called the Mysore Tenancy and Agricultural Land Laws. The Jatti Committee, as it came to be widely known, presented its Report in September, 1957. The Report became the basis of the bill, which the Karnataka legislature passed in 1961 after it was examined by a Joint select Committee of both the Houses. It received the assent of the President of India and became the law on 5 March, 1962, although its operation was delayed till 2 October 1965. The Committee had the onerous task of integrating diverse legal and administrative structures relating to land, each with its own peculiar characteristics prevailing in the different parts of the State. In Bombay and Hyderabad areas tenants were strongly supported and their tenures made secure and the rents reasonable. The area belonging to the old Madras Province did not even possess a method for recording tenancy relationships. In the Princely State of Mysore, there existed legislation similar to that in Bombay and Hyderabad but its implementation was tardy due to imperfect land records. The Coorg area had, until just a few years earlier, no legislation what-so-ever on tenancy matters. Utilizing the opportunity to start from the scratch the Jatti Committee dealt with all the elements of the comprehensive Land Reforms Programme. In its Report, the Committee set forth a system of controlling and regulating leases, including control of resumptions and the controlled transfer of ownership from owner to tenant. Besides, it provided a framework
and set all guidelines for imposing a ceiling on land holdings and for distribution of surplus land.2

THE IMPLEMENTATION OF THE 1961 ACT:

The new Land Reforms Act (hereafter, 1961 Act), which came into force in 1965, for the first time banned leases, although the ban was made inapplicable to certain types of landowners. Exemption was given to those serving in the defence forces and in the merchant navy, legal minors (i.e., persons less than 18 years old) unmarried women, widows, persons suffering from physical or mental disability and small holders defined according to extent of land held. In those cases where prevalent leases came under prohibition, one way of extinguishing the tenancy would have been to complete the landlord to sell the ownership rights to the tenant. In the earlier tenancy law in Karnataka, a tenant wishing to purchase ownership rights could do so by negotiations with the landlord, although the selling price was regulated and some safeguards were introduced against the landlords' high handedness, because there was the possibility that the landlord would exploit with his superior position to bias the terms of sale in his own favour. The Jatti Committee considered the pros and cons of compelling landlords to sell their rights to the tenant under the supervision of the Government. It concluded that howsoever well regulated or supervised, direct sales would not guard the tenant's interest fully. It recommended that the transfer of
ownership should be achieved by first vesting the land in the Government and then returning it to the tenant. In this process all dealings with the landlord as to the takeover of rights, would be with the State, and likewise as for as the tenant was concerned, all dealing as to the conferment of ownership rights on the land cultivated by him would be with the State. These two actions would be separate and distinct. This significant recommendations was incorporated in the 1961 Act, and gave to it one of its radical features.\(^3\)

Though the Land Reforms Act, 1961 had received assent of the President of the Republic of India on 5\(^{th}\) March, 1962, its implementation actually started on 2\(^{nd}\) October, 1965.\(^4\) The Government of Karnataka made a move to amend the Karnataka Land Reforms Act, 1961 in the early 1070s. A comprehensive Bill was drafted and referred to a Joint Select Committee (JSS) in 1971. The Committee held a workshop at Mysore and subsequently a seminar in Mysore University with a view to eliciting inputs. Taking into consideration the recommendations of the Committee, the Government of Karnataka passed the Land Reforms (Amendment) Act in 1973, and this received the assent of the President in March, 1974.
In 1972 the All India Congress Committee set up a high-power Committee to examine the results of the studies carried out by the Central Government. The group included some of the Central Ministers, some of the Chief Ministers and some of the AICC members. A Conference of the Chief Ministers convened in July, 1972 discussed the Report of the Committee and arrived at decisions which formed the basis of the Central Governments guidelines to the State Governments for amending their Land Reform legislation. The Land Reforms Act 1961 was accordingly taken up for revision. Although the guidelines concentrated on the lowering of the land ceiling and on the list of exemptions, the State Government went beyond their scope to include in the Amendment Act, many radical measures. It was placed before the Legislature and passed in due course in 1973. It received presidential assent and became law in March, 1974. Although it was an amendment to the 1961 Act, and contained all the important elements of the Act, the amendments were so basic and their effects so important and pervasive that the 1974 Act constituted virtually a new law.

The main purpose of this Act was to provide security to tenants against eviction and to prevent landowners from taking over plots which their tenants had cultivated long. The Act was also designed to abolish tenancy, ban on further leases and to impose ceiling on
landholding so that surplus land could be redistributed among poor cultivators and needy landless agricultural labourers. The act also had banned the acquisition of land by anyone except cultivators and agricultural labourers unless a buyer planned to take-up self-cultivation.\(^6\)

The implementation of the 1961 Act as a measure of agrarian transformation however had left much to be desired. There was a conspicuous delay of eight years in implementing the Act (in 1965) which was originally framed by the Jatti Committee in 1957. This delay facilitated malafide transfers of land under different names. Further, the Act had almost failed to create a lasting impact on transforming the agrarian structure due to the gross misuse of concessions given to widows, minors etc., to hold ownership over the leased-out land, and a similar misuse of the provisions granting landlords the right of resumption of land for 'personal cultivation' a phrase which was very loosely defined in the Act. The exemptions from ceilings were granted to co-operatives, sugar mills, joint farming societies and the like, and these loopholes were fully exploited by the big landowners to escape the application of ceiling legislation. Consequently, the dominant classes with vested interests in the rural areas got abundant opportunity to use their muscle power for evicting tenants and to manipulate land records whereby the leased out lands were converted overnight into lands under 'personal cultivation.'\(^7\)
The tenants on the contrary, had to claim their rights vis-à-vis their landlords by filling applications before the land tribunals whose procedures were cumbersome and could easily be circumvented. In the period following 1968, the tribunal officials were invariably overburdened with work and were intimidated by local politicians who represented vested interests of the dominant class of landowners.

This shows the lack of political will on the part of political parties who made common cause with the landed interests. Thus, the 1961 Act had the laudable objectives of transforming the agrarian structure but its provisions were rendered ineffective by the built in loopholes which thwarted that change.

The next leap forward came only in 1974 when the so called radically amended legislation, the 1974 act finally abolished all leasing of lands for cultivation (except in cases of soldiers and widows); it abrogated all the existing leases, abolished the provision for resumption of leased out land for personal cultivation and imposed a reduced ceiling on the size of landholdings as prescribed by the central guidelines of 1972. However, still the plantation lands had been exempted because of their importance to the State's economy. Further, the Act declared that every piece of land which was subject to lease on March 1, 1974, stood vested in the Government. The tenants were asked to file their declarations before
the land tribunals formed under the 1974 amended law. It is said that the 1974 act displayed an intense concern for the interests of the tenants. It gave special powers to the Tribunals to issue interim orders, a temporary injunction addressed to the parties or appoint a receiver to administer the land and that these orders were revocable and alterable under the tribunal is own power. The Act, however, provided for compensation to be paid to the landlords by tenants. For this purpose, it incorporated the fixation of rent on leased lands to calculate the amount of compensation payable to landlords.

Because the renewed Land Reforms attempted to plug the loopholes in the 1961 Act, the 1974 Act became the most publicized and progressive measure. It promised to acquire and redistribute surplus lands and thereby created hopes of drastic changes in agrarian scenario of Karnataka.

The 1974 Act provided the following facilities to the tenants.

i) Repeated extensions of the last date to file declarations for claiming ownership right, which was finally extended upto June 30, 1979.

ii) Exemption of stamp duty on all formal applications and affidavits filed by the tenants.

iii) Free legal assistance to poor tenants wherever necessary for establishing their claim for ownership.
iv) Consideration of declarations by the tribunals even if details such as clear survey numbers and extent of the tenanted land were not furnished by the tenants.

v) The land tribunals were empowered to issue interim order to prevent any forcible displacement of tenants, and if necessary, to appoint a receiver to administer the land since the tenant was vulnerable to even a temporary interruption of his farm operations.

vi) The compensation to the landowner, fixed at minimum rate, was payable in the installments to be deposited in the Land Development Bank. Thus, the tenants were released from the direct subordination relationship to his erstwhile landlord. Subsequently even the remittance of compensation amount had been waived in the cases of tenants below the poverty line, (i.e. those below Rs.2000 income per annum).

vii) After obtaining the ownership rights, however, the tenants were forbidden from selling the plot for at least fifteen years.8

Where the tenant has made an application to the Tahsildar under sub-section (6) of section 15 or where it comes to the notice of the Tahsildar that a soldier or seaman has not issued a notice under subsection (1) of the said section, the Tahsildar shall issue a notice to the said soldier or seaman requiring him to intimate within the
period specified in the notice whether he has issued a notice under the said sub-section and if so produce the evidence in support of the same.

Manner of converting rent in kind into its cash equivalent where the rent was payable in kind, the Tahsildar, shall determine for purposes of that provision to sub-section (1) of section 8 its cash value after ascertaining from the Chief Marketing Officer for Karnataka, the market price of the agricultural produce due as rent that was prevalent in the district in which the land is situated in the year for which the rent is due.

**Manner of registering surrendered land:**

Where a tenant has surrendered land and has admitted the same before the Tahsildar, the fact of such surrender shall be entered in a register specially maintained for the purpose in the office of the Tahsildar. Full details of the land, such as the name of the tenant, the name of the soldier or the seaman, the extent and survey numbers of the land surrendered, the village in which it is situate as also the reasons for the surrender shall be entered in the register.

**Lease of Land Surrendered:**

Land surrendered by a tenant may be leased only to persons who are entitled to the grant of surplus land under section 77. The Tahsildar shall publish a notice in the Chavadi of the village in
which the land is situated and also in his office and in the office of
the village panchayat, calling for applications within period specified
in the notice, from such persons within the lease of land. Full
particulars of the land proposed to be leased shall be specified in
the notice.

The Tahsildar shall select persons from the applicants in the
order of preference indicated in section 77 and lease the land to
them for a period not exceeding one year at a time on such terms
and conditions as he may, subject to any general or special order of
the State Government, specify. The extent of land that may be leased
shall not exceed one unit in each case. A lease deed containing the
terms and conditions of the lease shall be executed by the lessee
before possession of the land is given.

For the purpose of effective implementation the 1974 act,
provided for the constitution of Land Tribunals. Those who had
taken the land on lease had to make applications to obtain the
ownership of the land. The application had to be filed before the
Land Tribunal. On each application the Tribunal had to take two
decisions. First, a decision whether the land was tenanted within the
meaning of the law and for that reason vested in the Government.
Second, a decision whether the applicant was eligible to be given
occupancy rights.
The Land Reforms tribunals consisted of four non-official with the Assistant Commissioner as the chairman. It was stipulated that one of the members should belong to the Scheduled Caste and Scheduled Tribes. The cases were decided by the majority vote and there would be no quorum without the Chairman. Lawyers were barred from appearing before the tribunal, and its orders were to be final. The aggrieved party could however appeal to the High Court.9

A tribunal was constituted for every taluk in the State, and where the work load was heavy two or more Tribunals were constituted. Thus, applications from tenants were dealt with by an authority conveniently located at the taluk level with power to pass final orders. This highly decentralized deployment of final authority was a very special feature of the Karnataka law and the creation of this new type of tribunal was by far the most significant administrative device incorporated in it.

The tribunal was formally a quasi judicial body empowered to conduct a summary enquiry as defined in the Karnataka Land Revenue Act. It took up the hearing of each application after individual notice had been duly served on the landlord and other interested persons. In addition to the individual notice a public notice had also to be issued and widely published in the village, which notified the tenants application to the landlord and all interested persons including any rival claimant, and called upon
them to appear before the Tribunal with evidence in support of their respective claims.

Legal hurdles have come in a big way in the implementation of Land Reforms in many States. It is, therefore, imperative that the civil courts should not be involved in the implementation of Land Reforms. In revenue matters, there is a precedent for the revenue authorities being placed outside the jurisdiction of civil courts.10

Since the present study is confined to the impact on tenants and the land management by the new owners, only provisions pertaining to the tenants, have been considered here.

Following the Appu's observation, the Land Reforms have lost their importance in the wake of New Economic Policy (NEP) in 1991. The literature on Land Reforms then onwards has been scanty. However, some notable works are reviewed below.

**Damble C.B. (1993):** This is a micro level study of the impact of Land Reform legislation on agrarian structure and relations in Dakshina Kannada district in Karnataka State. The study aimed at investigating the impact on new owners of land. It also considered the impact of implementation of Land Reform law in subsistence and commercial agricultural settings in Dakshina Kannada District. The study concludes that the radicalism of Karnataka Government was more in letter then inspirit the subsistence setting no perceptible changes have resulted from act, however in commercial setting
substantial changes are noticeable, still there is no change in their economic position.

**Joshi G.V.[1987]**: Agrarian Structure and Tenancy Reform – A case study of Uttara Kannada. This thesis discusses the implementation of Land Reforms, Uttar Kannada is one district where a higher percentage of tenants was conferred ownership rights, the success of Land Reforms in Uttara Kannada district according to Sri. Joshi is due to awareness on the part of the tenants and organized struggle against landlords in securing rights of ownership. These peasant organizations help the government great deal in implementing the Land Reform legislation. The thesis emphasises the role of peasant organizations.

**Ramesh M.K. (1995)**: He laments the relaxation of ceilings laws which would effect adversely the small tenants.

**Thimmaiah G. (2001)**: Having discussed the implementations of Land Reforms in the State, during the last quarter of a century, he identifies new developments in the field and their implications in view of changed conditions like Globalization and Privatization. He suggested changes in tenancy laws. He is in favour of tenancy system to some extent to face squarely, the new challenges.

**Deshpande S.V., Vijay, K.N. Torgal (2003)**: Based on published data from government agencies the authors conclude that the new owners with less then 2.5 acres of land are not favorably effected,
with the legislation. On the whole, they suggest that at the micro level tenants are made better off with the conferment of rights of ownership.

**Abdul Aziz and Sudhir Krishna (1997):** This is the fourth in a major series that examines the status of Land Reforms in India. Land Reforms in India, volume 4 critically reviews the implementation of Land Reform legislation in the State of Karnataka. It presents the most recent data available in order to provide a holistic understanding of both the historical evolution and the current grassroots situation of Land Reforms in the State. Written by scholars, activists, and administrators, the chapters in this book examine a wide range of issues, including the central questions concerning the direction Karnataka should now take with regard to Land Reforms. The options considered include implementing the traditional concepts of Land Reforms but with renewed vigour, maintaining the status quo and letting the existing laws continue in their own pace of implementation, or liberalizing Land Reform laws in line with the country’s new economic policies. The contributors agree that whichever policy option is adopted, political will and public awareness are the two most important factors in determining the success of future efforts at Land Reforms in the context of the rapidly changing socioeconomic scenario. The marked absence of jargon and irrelevant theoretical concepts imbues this volume with
tremendous practical significance. It is essential reading not only for administrators, policymakers, and activists, but also for scholars in the areas of agrarian studies, political economy, development studies, peasant studies and policy studies.

Most of these studies are biased in favor of tenants and they have basic assumption that landlords are exploitative. They have not considered, the owes of disposed landlords. Social justice requires that the benefits to one group should be properly balanced against loss to other group. Though some concessions are offered to land owning class the over all impression is that the landlords are hit hard and their fundamental rights infringed upon. The present study has the merit of examining critically the point of view of landlords regarding the implementation of Land Reforms legislation. Perhaps no study available on record has attempted to project the viewpoint of landowners.
References:


10) *Fifth Year Plan* 1974-79 Vol. II Govt. of India; Planning Commission, p. 44.