

Importance and Impact of Land Reforms in India

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Abstract – The term “Land reforms” is often used in discussing the various changes made in the cultivator’s relation to a land in a land tenure system. The term has been derived from the Latin word “teneo”, the word tenure means “to hold”. Land tenure is therefore used to refer to the conditions under which land is held. It therefore describes the arrangements by which farmers or others hold or control land and the condition of its use and occupancy. Land constitutes the concurrent list of the Constitution of India. It is within the State power to legislate for land reforms. Each State in the Country has its own agenda of land reforms. For Countries with a large agricultural base the key to development is improvement of agriculture. Land is the major resource base in Agricultural Sector. It is essential that land relations are properly and the short-comings of the agrarian structure like highly skewed distribution of land.

Keywords: Constitution of India, Land Reforms, Social hierarchy, Social Justice, Gandhian Approach, Radical Nationalist Approach, Marxist Approach, Computerization of Land Records (CLR), Strengthening of Revenue Administration and Updating of Land Records (SRA and ULR), Global Positioning System (GPS), Rehabilitation and Reformative Plans etc.

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INTRODUCTION

In backward and largely rural societies the pattern of landholding happens to be a major correlate of the political power structure, social hierarchy and economic relations. Possession of land ownership further determines the manner in which land and labor are combined for production purposes and has direct implication on the quantum and distribution of the produce. This, in turn, affects the relative and absolute well-being of the population dependent on agriculture and others dependent on the Agricultural Sector for food.

Insecurity of tenure, high incidence of landlessness, high rents and rural indebtedness are attended to. Thus the importance of land reforms becomes central to the agrarian structure. Supply of agricultural land being inflexible, the title to land and its distribution has become a key issue of rural society and polity. The social objectives of land reform are as important as its economic and political objectives. Land reform is visualized as an instrument of social Justice as it seeks to do away with exploitative relationships characterized by sharp class division between rich landowning classes and impoverished peasants with no security of tenure. It is a step against the concentration of land holdings in the hands of a few absentee/non-cultivating owners, through imposition of ceilings on size of holdings which can be owned by a family. Land reforms alter the power structure, both economic and political, since land has always been a source of wealth,

income, status and power. It empowers the actual tillers of the soil, and organizes and enables them to seek development benefits from the State. Land Reforms are also a means of increasing agricultural production through land development since the peasant develops a long term interest for investing in the land he owns. He also has an incentive to acquire new farm technologies and innovations. As a result of land reform the small farmer is benefited specially with the massive inputs provided by the State to the farmer.

DIFFERENT APPROACHES TO LAND REFORMS

P.C. Joshi has suggested three approaches to land reforms. These are:

First: The Gandhian Approach

The Gandhian view does not bring out directly the contradictions of the Indian rural society in regard to its land relations. However, Vinoba Bhave started a movement which is known as Gramdan. This movement approached the landlords to part away with their surplus land as a donation to give to those who were landless peasants. In the initial stage the movement cooled down.

Second: The Radical Nationalist Approach

The radical nationalist did not work satisfactorily. It turned out to be a formal approach generally adopted by the state governments.

Third: The Marxist Approach

It takes into consideration the peasant movements and other non-legal lines and action. Taking into consideration of these three approaches, it is clear Hint in order to reduce the sharp class differences, land reforms have to be implemented.

MAIN OBJECTIVES OF LAND REFORMS

Land reforms in India have been under taken with many objectives and the main objectives are given as below:

1. To bring about Institutional changes in the Agrarian structure.
2. To abolish the Intermediaries.
3. To ensure social justice by distributing the surplus lands undertaken from the intermediaries.
4. To prevent the exploitation of the tenants by the landlords.
5. To ensure rational or scientific use of the limited agricultural lands through ceiling on land holdings, consolidation of land holdings and creation of economic land holdings.

CAUSES OF FAILURE OF LAND REFORMS IN INDIA

There are so many causes for the poor performance of land reforms programs in India.

1. Lack of political will.
2. Unorganized, Inarticulate and passive nature of agricultural workers.
3. Apathetic attitude of the bureaucracy.
4. Absence of up-to-date land records.
5. Legal hurdles in the way of implementation of land reforms.
6. Transfer of lands to family members.
7. Lack of uniformity in Land Reform Laws.
8. Limits for retention of land for personal cultivation.

9. Role of the corrupt, Inefficient, ineffective administrative machinery.
10. Lack of social consciousness among the tenants.
11. Emergence of new agricultural technology.

Present Scenario/Recent Developments in the Land Reform:

In the Eighth Five Year Plan, the Central Government had 1 II marked 1,087 crore rupees for the effective implementation of the land reforms. Two Centrally sponsored Schemes are administered by land reforms Division in the Department of Land Resources.

1. Computerization of Land Records (CLR).
2. Strengthening of Revenue Administration and Updating of Land Records (SRA and ULR).

The CLR was started in 1988-89 with 100% Financial Assistance on a Pilot Project basis in Eight Districts: Rangareddy (AP), Sonitpur (Assam), Singhbhum (Jharkhand), Gandhinagar (Gujarat), Morena (MP), Wardha (Maharashtra), Mayurbhanj (Orissa) and

Durgapur (Rajasthan). To remove the problems inherent in the Manual Systems of maintenance and of updating of land records. During Eighth Five year Plan, the scheme was approved as a separate centrally sponsored scheme on computerization of land records. The total expenditure under the scheme during this plan was Rs. 59.42 Crore. During Ninth Five Year Plan, Ministry of Rural development released a sum of Rs. 169.13 crore by covering 259 more districts under the scheme. In 2007, the scheme is being implemented in 582 districts of the country leaving those districts where there are no proper land records. Strengthening of Revenue Administration and Updating of Land Records (SRA and ULR) was started in 1987. Initially, the scheme All, approved for the states of Bihar and Orissa in 1987-88 and extended to other states and union territories during 1989-90. This scheme was financed by the center and the state on 50: 50 sharing basis. Union territories are provided full central assistance. Under this scheme, financial assistance is given for purchase of modern survey equipment's like Global Positioning System (GPS), work stations, Theodolites, Aerial Survey, office equipment's like laminating machines, binding machines etc. and also construction/ repair/renovation of Training Institutes and equipment's for training. Since the inception of scheme, financial assistance of Rs.324.89 crore has been provided to state

governments and union territories up to 31st March 2006 towards central share under the scheme.

India sets up Land Reforms Panels:

India is setting up a panel to resolve disputes over distribution and acquisition of land after protests by farmers who fear losing their land. Land has been the issue at the center of a stand-off between farmers and government agencies trying to acquire farms for industrial development. The panel announced to create policies, guide the states and monitor the progress of land distribution and quick disposal of compensation disputes.

According to the current report, 40% of Indians are now landless and 23% of them are in abject poverty. The new panel, whose recommendations will be non-binding, will include government officials and independent experts on land reforms.

On October 29th 2007—The Government has decided to set up a National Land Reform Council to be headed by the Prime Minister. The council will supervise the implementation of a new land reforms policy. It will update and computerize all land records in the next five years. "There will be a committee for land reforms and will work within the given time frame. One committee is for land resources and the second one will be headed by the prime minister".

The rural development minister himself will head another panel called the committee on State Agrarian Relations and Unfinished Land Reforms. In this recent development, not only it has been decided in theory, but also there is a hope for the time frame to facilitate this. In one month the committee will be appointed. In three months the policy will be formulated. Let us be hopeful for the best.

Land Acquisition Amendment Bill-2007:

1. Land can be acquired for public purpose. It also includes strategic purposes vital to the state and public infra-structure, such as electricity, water supply. However, if land remains unutilized for five years, it will revert to government.
2. Rate of compensation not to be less than floor price fixed by the state or average of higher prices paid in 50% of land sale cases.
3. Persons with tenancy rights recognized entity for proportionate share in compensation.

Rehabilitation and Resettlement Policy-2007:

1. National Rehabilitation Commission, Ombudsman for grievance redressal and

Rehabilitation and Resettlement Committee for each project.

2. Consultation with gram Sabhas compulsory.
3. Social Impact Assessment for displacement of 400/200 families in plain/hill areas.
4. Tribal development plan for displacement of 200 plus tribal families.
5. If possible, land for land compensation and housing benefits for those who lose house.
6. Option for affected families to take 20%—50% compensation with government approval.
7. Preference in project jobs and one job per Nuclear Family support for skill development.
8. Rs. 500/- monthly pension for destitute, widows, unmarried girls.

Land Reforms

After the British left, India had to undo a lot of damage they had done to our economy and society. One such system of the British Raj that independent India had to correct was the zamindari system. To promote equity the government introduced land reforms.

Land Reforms

During the British times, the tillers of the lands were not its owners. So a farmer did not have actual ownership of the land. The ownership was with the intermediaries, i.e. the Zamindars, Jagidars etc. The farmer would farm the land and pay rent to these Zamindars.

This did not motivate the Zamindars to invest in the farm or invest in the agricultural practices. They were only focused on collecting their rent. And as you can imagine the farm and the farmer both suffered. But after independence, the government realized that the agricultural output was not sufficient for the whole country. One way to boost the produce was to make the tillers of the land its owner. And so efforts were made to abolish the intermediaries and this was known as the land reforms.

OBJECTIVES OF THE LAND REFORMS

The government of a newly independent India had a few objectives in mind to implement these land reforms. Let us take a look at the few important ones

- The main objective was to bring systematic and complete changes to the agrarian structure of the country.
- Its other main aim was to abolish the intermediaries of the semi-feudal landlordism system of India, i.e. get rid of the zamindars
- Bring about equity in the economy and society and ensure social justice for past atrocities towards farmers
- The land reforms would also prevent any exploitation of the tenant farmers by the hands of the landlords
- And finally to motivate these farmers and implement practices to increase agricultural output.

STEPS IMPLEMENTED UNDER THE LAND REFORMS

Immediately after independence, many states in India passed the *Zamindari Abolition Act*. In the states of Uttar Pradesh, Andhra Pradesh, Bihar etc. the surplus land of the landlords were seized by the states. Although the Supreme Court found the act unconstitutional, the legislature amended the article and corrected their actions.

By the abolition of intermediaries of all types, nearly 2 crore tenants became owners of their own lands. The tenure laws were updated and the land reforms were finally showing some positive results. The other important step taken was the *imposition of the land ceiling*. This law fixes the total amount of land an individual or family can hold. Not only does the law implement the fixation of the ceiling, it also allows the government to take over the surplus land. Such land was then distributed among landless farmers or small farmers. The imposition of such a ceiling was to deter the concentration of land in the hands of a few. The reforms also promoted *consolidation of holdings*. If a farmer had a few plots of land in the village, under this scheme these lands would be consolidated into one big piece of land. This can be done by the purchase or exchange of land. Actually, one problem of agriculture in India is that the land parcels are too small for commercial. To solve the problems of land sub-division and lack of financing the government is also farming. This method can solve the problem of land fragmentation began promoting *co-operative farming*. Here farmers can pool their lands and resources and gain the advantages of economies of scale and capital investment. But co-operative farming in India has only seen limited success.

IMPORTANCE OF LAND REFORMS

The main incentive of these land reforms is to act as an incentive for the farmers and the cultivators of the land. If the government can assure their protection (from exploitation) and provide them financial help, these farmers are willing to do the hard work. Once he is actually granted ownership he can raise credit and cultivate his land to the full potential.

Another major advantage of such land reforms is that they can increase the agricultural output of the country. This is done without any major influx of capital by the state. India was anyways struggling with food self-sufficiency. These land reforms were a cost-free method to increase grain and agricultural output from farms. And once the farmer is self-sufficient he will sell the market surplus and help the economy.

These land reforms also helped in establishing a relationship between the farmers and the government. During the British rule these farmers were heavily exploited and hence they became disenfranchised. These reforms opened a dialogue between the government and the farmers. They both cooperated to boost the agricultural sector of our economy.

And land reforms fulfilled one of the major goals of the Five Year Plan – Equity. It provided social justice to the crore of farmers across the country. It made sure the farmers benefitted from their own labor and promoted equality of wealth. At the time of independence India inherited a semi-feudal agrarian structure from the colonial administration. Ownership and control of land was concentrated on the hands of a few wealthy landlords and Zamindars. After Independence, India has undertaken various measures to undo the baneful structure and empower the farmers. Some measures to further improve agricultural development were:

- Abolition of intermediaries: Zamindari system was abolished. “Land to tillers” programme which recognized the tillers rights over land encouraged further investment in agriculture.
- Tenancy reforms: They confirmed the occupancy rights of tenants and regulated rent that could be levied. This too encouraged the farmers to take proactive steps to improve farm produce.
- Reorganization of land holdings: Land ceiling acts were enacted to regulate the amount of land an individual could hold. It met with limited success since only 2 % of the land was reorganized by it.

- Encouragement of Bhoodhan and Sarvodaya moment: They appealed to the people's consciousness to donate land for the welfare of people.
- Consolidation of land holding: It was introduced to improve efficiency. It was successful in Punjab, Haryana but failed in Southern and eastern states.
- Collective joint farming: It aimed to pool the individual land holdings under village communities to reap the benefits of economies of scale. It was unsuccessful since people didn't want to alienate their land.
- National Land Records Modernization Program launched in 2008 aimed at updating and digitalizing land records. It has brought clarity to the title of land holders and infused transparency.

Factors responsible for the success of land reforms:

- Political mobilization during freedom struggle was also based on agrarian issues. This political awareness and education facilitated the acceptance of land reforms to advance the development of agriculture.
- Political will of government. The government enacted laws and constitutional amendments to overcome several hurdles. Across political spectrum there was an acknowledgment and enthusiasm to facilitate these reforms.
- Kissan Sabhas and Farmers Associations also helped farmers organize themselves and raise their demands.
- The spirit of freedom struggle and attainment of Independence inculcated the feeling to usher in a new era in India, where prosperity, growth and wealth were to be shared equally.
- Judicial backing and progressive interpretations of constitutional provisions aided in land reforms. Without abolishing Rights to property as fundamental right and providing for the exception of land reform legislations through IX schedule it would have been an uphill task to recognize land holdings.

Land reforms were not only instruments of redistribution but of social transformation. They empowered the farmer and incentivized them to adopt advanced agricultural techniques. From a 'ship to mouth' existence, India has become one of the

leading global producer (as well as exporter) of agricultural commodities.

If China has continued to be stable in spite of its size, defying the biological dictum that corpulence is a sign of decay, China watchers ascribe it to their land reforms. In India everyone was talking about land reforms but this vital area has taken a back seat with nothing being done. Land reforms have been half-heartedly attempted at various times and this has proved to be a case of the remedy being worse than the disease. Commenting on the process of land reforms, Prof. M.L. Dantwala observes; "By and large land reforms in India enacted so far and those contemplated in the near future, are in the right direction; and yet due to lack of implementation the actual results are far from satisfactory". Joshi observes: "There is no doubt that during the past twenty five years land reforms in India have not assumed the form of gigantic revolutionary upheaval as in China, or that of a dramatic change brought about from above as in Japan. But from this to jump to the conclusion that the land reforms programme has been a hoax or a total fiasco is to substitute assertion for a detailed empirical examination. India has also witnessed important changes in the agrarian structure, which have gone unnoticed because of the absence of a down-to-earth approach in assessing these changes. Evaluating the Indian land reforms, a recent comment from G.S. Balla is apt. He observes: "The Indian Government was committed to land reforms and consequently laws were passed by all the State Governments during the Fifties with the avowed aim of abolishing landlordism, distributing land through imposition of ceilings, protection of tenants and consolidation of land-holdings. One of the significant achievements of these acts was the abolition of absentee landlordism in several parts of India. However, land reforms were half-hearted with regard to the imposition of ceilings and security of tenure. Consequently, the skewers in land distribution were not reduced in any significant manner. Further, a very large number of tenants were actually evicted in the name of self-cultivation. In spite of it, land reforms brought about a significant change in land relations in so far as self-cultivation, rather than absentee landlordism, became a predominant mode of production. The Government of India is aware that agricultural development in India could be achieved only with the reform of India's rural institutional structure. It was said that the extent of the utilization of agricultural resources would be determined by the institutional framework under which the various inputs were put to use. M. Dandekar observed: "Among the actions intended to release the force which may initiate or accelerate the process of economic growth, agrarian reform usually receives high priority". The First Five-Year Plan stated: "This (land reform) is a fundamental issue of national importance. The former Prime Minister, Indira Gandhi, emphasized: "Land Reforms is the most crucial test which our political system must pass in

order to survive." Land reforms therefore became one of the vital aspects of the agricultural development policy especially after the concept of the Five-Year Plan came to stay.

The important objectives of land reform measures in India were: (1) to enhance the productivity of land by improving the economic conditions of farmers and tenants so that they may have the interest to invest in and improve agriculture, (2) to ensure distributive justice and to create an egalitarian society by eliminating all forms of exploitation, (3) to create a system of peasant proprietorship with the motto of land to the tiller and (4) to transfer the incomes of the few to many so that the demand for consumer goods would be created. Second Five-Year Plan emphasized the objectives of the land reforms thus:

- i. To remove the impediments in the way of agricultural production as may arise from the character of agrarian structure and to evolve an agrarian economy conducive of high levels of efficiency and productivity;
- ii. To establish an egalitarian society and to eliminate social inequality;

Again in the Third Plan, the Planning Commission summed up the objectives of land reforms thus "The first is to remove such impediments to increase in agricultural production as may 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 a high level of efficiency. 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 status and opportunity to all the sections of the rural population". Thus the land reforms in India aimed at the redistribution of ownership holdings and reorganizing operational holdings from the view point of optimum utilization of land. It has also aimed at providing security of tenure, fixation of rents and conferment of ownership. After Independence, attempts had been made to alter the pattern of distribution of land holdings on the basis of four types of experiments, namely;

- i. Land reforms "from above" through legislation on the lines broadly indicated by the Central Government, enacted by the State legislators, and finally implemented by the agencies of the State Government.
- ii. Land reforms "from above" as in the case of Telengana and the Naxalite movement also to some extent in the case of the "Land Grab" movement.
- iii. Land reforms through legislative enactments "from above" combined with peasant

mobilization "from below" as in the case of controlled land seizure in West Bengal and protection of poor peasants in Kerala.

- iv. Land reforms "from below" through permission of landlords and peaceful processions by peasants as in the case of Bhoodan and Gramdan.

The land reform legislation was passed by all the State Governments during the Fifties touching upon these measures;

1. Abolition of intermediaries.
2. Tenancy reforms to regulate fair rent and provide security to tenure.
3. Ceilings on holdings and distribution of surplus land among the landlords.
4. Consolidation of holdings and prevention of their further fragmentation and
5. Development of cooperative farming.

The Zamindars acted as the intermediaries. Until Independence, a large part of agricultural land was held by the intermediaries under the zamindari, mahalwari and ryotwari systems. Consequently, the tenants were burdened with high rents, unproductive cultivation and other forms of exploitation. By 1972, laws had been passed in all the States to abolish intermediaries. All of them had two principles in common: 1) abolition of intermediaries between the state and the cultivator and 2) the payment of compensation to the owners. But there was no clear mention about just and equitable compensation. Therefore, the Zamindari Abolition Act was challenged in the High Courts and the Supreme Court. But the Government accomplished the task of abolishing intermediary tenures bringing nearly 20 million cultivators into direct contact with the state. Nearly 57.7 lakh hectares were distributed to landless agriculturists after the successful completion of the Zamindari Abolition Act. The abolition also had a favourable economic impact on the country. By conferring the ownership of land to the tiller, the Government provided an incentive to improve cultivation. This paved the way for increase in efficiency and yield. This was an important step towards the establishment of socialism and the Government revenue increased. It also ushered in cooperative farming.

The efficacy of the legislation was, however, considerably reduced for the following reasons;

1. The act did not benefit sub-tenants and share croppers, as they did not have

occupancy rights on the land they cultivated.

2. Intermediaries were abolished, but the rent receiving class continued to exist.
3. Many landlords managed to retain considerable land areas under the various provisions of the laws. Benami holdings became the order of the day in many States.
4. The problems of transferring ownership rights from the actual cultivators of the land, the tenants, the sub-tenants, share croppers, therefore, remained far from resolved.

Result, land reforms remain incomplete and unfinished. The tenancy reform measures were of three kinds and they were (1) regulation of rent, (2) security of tenure and (3) conferring ownership to tenants.

After independence, the payment of rent by the tenants of all classes and the rate of rent were regulated by legislation. The first Five-Year Plan laid down that rent should not exceed one-fifth to one-fourth of the total produce. The law along these lines has been enacted in all the States. The maximum rate of rent should not exceed that suggested by the Planning Commission in all parts of the States. Maximum rents differed from one State to another - Rajasthan, Maharashtra and Gujarat fixed one-sixth of the produce as maximum rent. In Kerala, it ranges between one-fourth and one-third and in the Punjab one-third. In Tamil Nadu, the rent varies from one-third to 40 per cent of the produce. In Andhra Pradesh it is one-fourth for irrigated land. The rent could be paid in cash instead of kind. With a view to ensuring security of tenure, various State Governments have passed laws which have three essential aims 1) Ejectment does not take place except with the provisions of law, 2) the land may be taken over by the owners for personal cultivation only, and 3) in the event of resumption the tenant is assured of the prescribed minimum areas.

The measures adopted in different States fall in four categories; First, all the tenants cultivating a portion of land have been given full security of tenure without the land owners having any right to resume land for personal cultivation. This is in operation in Uttar Pradesh and Delhi. Secondly, land owners are permitted to resume a limited area for personal cultivation, but they should provide a minimum area to the tenants. This is in vogue in Assam, Maharashtra, Gujarat, Punjab and Rajasthan. Thirdly, the landowner can resume only a limited extent of land and the tenant is not being entitled to any part of it. This is operating in West Bengal, Jammu and Kashmir. In Tamil Nadu, Karnataka, Kerala, Andhra Pradesh and Orissa, measures in the form of an order for staying ejectments have been adopted to give temporary protection to the tenants. Fourthly, legislative measures have also indicated

the circumstances under which only ejectments are permitted. These grounds are (a) non-payment of rent (b) performance of an act which is destructive or permanently injurious to land (c) subletting the land (d) using the land for purpose other than agriculture and (d) reclamation of land for personal cultivation by the landlords. The ultimate aim of land reforms in India is to confer the rights of ownership to tenants to the larger possible extent. Towards this end, the Government has taken three measures: (1) declaring tenants as owners and requiring them to pay compensation to owners in suitable installments (2) acquisition of the right of ownership by the State on payment of compensation and transfer of ownership to tenants and (3) the states' acquisition of the landlords' rights bring the tenants into direct relationship with the States. As a result of all these measures, 92 per cent of the holdings are wholly owned and self-operated in the country today. In spite of the progress made in this regard, the tenancy reforms are still plagued by deficiencies some of which are: (1) the tenancy reforms have excluded the share croppers who form the bulk of the tenant cultivators, (2) ejection of tenants still takes place on several ground (3) the right of resumption given in the legislation has led to land grabbing by the unscrupulous (4) fair rents are not uniform and not implemented in various States because of the acute land hunger existing in the country (5) ownership rights could not be conferred on a large body of tenants because of the high rates of compensation to be paid by the tenants. The proof of continuous possession for 12 consecutive years to get occupancy rights also led to tardy implementation of tenancy reforms. One of the controversial measures of land reforms in India is the ceiling on land holding. By 1961-62, ceiling legislation had been passed in all the States. The levels vary from State to State, and are different for food and cash crops. In Uttar Pradesh and West Bengal, for example, the ceiling on existing holding is 40 acres and 25 acres and on future acquisitions 121/1 acres and 25 acres respectively. In Punjab, it ranges from 27 acres to 100 acres, in Rajasthan 22 acres to 236 acres and in Madhya Pradesh 25 acres to 75 acres. The unit of application of ceiling also differs from State to State. In Andhra Pradesh, Assam, Bihar, Punjab, Haryana, Uttar Pradesh, West Bengal, Madhya Pradesh and Maharashtra, it is on the basis of a 'land holder', whereas in the other States it is on the basis of a 'family'.

In order to bring about uniformity, a new policy was evolved in 1971. The main features were:

- a. Lowering of ceiling to 28 acres of wet land and 54 acres of Non-irrigated land
- b. A change over to family rather than the individual as the unit for determining land holdings lowered ceiling for a family of five.

- c. Fewer exemptions from ceilings
- d. Retrospective application of the law for declaring Benamitransactions null and void; and
- e. No scope to move the court on ground of infringement of fundamental rights Besides, national guidelines were issued in 1972, which specified the land ceiling limit as;
 - i. The best land 10 acres
 - ii. For second class land 18-27 acres; and
 - iii. For the rest, 27-54 acres with a slightly higher limit in the hill and desert areas

According to the figures available till the beginning of the Seventh Plan, the area declared surplus is 72 lakh acres; the area taken over by the Government is 56 lakh acres; and the area actually distributed is only 44 lakh acres. Thus, 28 lakh acres of land declared surplus have not been distributed so far. Of this, 16 lakh reserved for specific public purposes.

The process involved in the distribution of surplus land was complicated and time consuming thanks to the intervention of the court. Many land owners surrendered but only inferior and uncultivable land. The allottees, in many cases, could not make proper use of the land as they did not have the money to improve the soil. Several States have passed the Consolidation of Holdings Act. Statistics reveal that 518 lakhs of hectares had been consolidated in the country at the beginning of the Seventh Five Year Plan, which constitute about 33% of the cultivatable land. The food and the agricultural organization (FAO), after studying the position in Punjab and Uttar Pradesh regarding the operation of the consolidation of holding act, remarked, "A significant reduction in the cost of cultivation, increased cropping intensity and a more remunerative cropping pattern were developed in these two States." The Planning Commission in the first three Five Year Plans, chalked out detailed plans for the development of cooperative farming. Only two per cent of the agriculturists have formed cooperative societies farming only 0.2 per cent of the total cultivable area. Cooperative farming has certain difficulties to surmount. The big and marginal farmers are skeptical and the small peasants are not easily convinced that the movement would help them. Assessed from the point of view of two broad objectives namely, social justice and economic efficiency, land reforms, one might say, has been partially successful. Since the adoption of land reforms, the pattern of ownership in the country is changed but one wonders whether it will ensure social justice in the country. Indian agriculture is in a stage of transition, from a predominantly semi-feudal

oriented agriculture characterized by large-scale leasing and subsistence farming to commercialized agriculture or marker oriented farming. Another noteworthy feature is the emergence of modern farmers who are substantial landholders and cultivate their land through hired laborers using new techniques. One of the major negative features of agrarian transition in India is the continued concentration of land in the hands of the upper strata of the rural society. This has not undergone any change in the past five decades, despite the reforms. In fact, leasing in by the affluent farmer is common place. An outstanding development of Indian Agriculture was the rapid growth of landless agricultural laborers. They constitute about 10 per cent of the agricultural population and make up about 25 per cent of the labor force. It may be inferred that the steps taken by the Government have not made any significant impact on the agrarian structure to reduce, let alone eliminate the inequality in the distribution of land or income or to afford to lend the poor the access to the land. It is also true that the land reforms did not seriously jeopardize the interest of the landholders. The structural impediments to production and equitable distribution of rural resources are very much in existence. Social, political and economic power still rests with the elite group who were elite prior to 1947 also. On the question of increasing productivity; it is difficult to assess the exact contribution of land reforms because productivity has been more related to the technical revolution ushered in the Indian agricultural sector. As Dhingra says, "It is difficult to say either (a) that land reforms did not contribute at all to an increase agricultural production or b) that institutional arrangements alone should be credited with an increase in agricultural production. It is for the future research workers to determine what has been the relative share of institutional and technological factors in agricultural development. There are many factors responsible for the tardy progress but important among them are the lack of adequate direction and determination, lack of political will, absence of pressure from below, inadequate policy instrument, legal hurdles, absence of correct-up-dated land records and the lack of financial support. In order to achieve success, the Asian Development Bank has recommended a strategy on these lines; political commitment at the top, administrative preparedness including the improvement of the technical design of enactments, the provision of financial resources and the streamlining of the organizational machinery of implementation, creation of necessary supporting service for the beneficiaries and finally the organization of beneficiaries themselves. In this background, the following suggestions may be considered for improvement; breaking up the landlord-tenant nexus, effective implementation of ceiling legislation and distribution of surplus land and simplifying legal procedures and administrative

machinery and lastly the potential beneficiaries should be made aware of the programs. It is time we thought seriously of land reforms when especially a "humble farmer" is on top. If in the new century we still talk of reforms without effective implementation we will surely miss the bus.

Pandit Jawaharlal Nehru, the first Prime Minister of India, since his early days of involvement in the Indian Nationalist Movement had recognized the two social classes in the prevalent system of agrarian relations in rural India during the British rule. These classes that determined the agrarian relations in rural India were the landlords and the peasants. Nehru was quite critical of the relations between these two classes. Thus, he wanted to transform the village social and economic structure by using modern technology and changing agrarian relations. The landlords and landlordism, in his scheme of things, would have no place in independent India. The kisans (peasants), on the other hand, were the real 'masses of India'. The colonial rulers were not the only enemies that the kisans had. The local landlords were as much a problem. Their difficulties were related to rent, ejectment and possession of lands. He emphasized that 'Swaraj' would be of little avail if it did not solve the problems of the kisans. Thus, under his leadership as the first prime minister of independent India, land reforms were introduced in India. Also, the land reforms also get priority in the constitution which begins with the Preamble that is based on the four cornerstones of justice, liberty, equality and fraternity, and further strengthened by certain specific provisions, particularly the directive principles of state policy, which set out that the state shall, in particular, direct its policies such that:

1. The citizens, men and women equally, have the right to an adequate means of livelihood;
2. The ownership and control of the resources of the community are so distributed as to sub serve the common good;
3. The operation of the economic system does not result in the concentration of wealth and other means of production to the common detriment. Land reforms measures were among the most significant efforts of the state to achieve these goals. The Government of India directed its states to abolish intermediary tenures, regulate rent and tenancy rights, confer ownership rights on tenants, impose ceilings on holdings, distribute the surplus land among the rural poor, and facilitate consolidation of landholdings. A large number of legislations were passed by the State 3 governments over a short period of time. The actual implementation of these legislations and their impact on the agrarian structure is, however, an entirely different story. Most of these legislations had loopholes that allowed the landlords to tamper with the land

records, evicting their tenants, and using other means to escape the legislations.
Learning Outcomes

4. Insights about the need for land reforms in India economically and socially.
5. Details of the four features of land reforms in India.
6. The actual implementation of land reforms in India.
7. The causes for the failure in implementation of land reforms and side-effects. Topic Name: Land Reforms in India Sub-Topic: Abolition of intermediaries, Tenancy regulation, Land Ceiling, Consolidation of disparate land holdings, Reasons for failure of land reforms Abolition of Intermediaries (rent collectors under the pre-Independence land revenue system) Intermediaries like Zamindars, Talukdars, Jagirdars and Inams had dominated the agricultural sector in India by the time the country attained independence. Quite naturally top priority was accorded to the abolition of intermediary tenures. Congress had long ago been committed to the idea of the removal of intermediaries between the peasant and State. Soon after independence, measures for the abolition of the Zamindari system were adopted in different states. The first Act to abolish intermediaries was passed in Madras in 1948. Since then, state after state passed legislation abolishing Zamindari Rights. By 1955, the progress for the abolition of intermediaries had been completed in almost all the states. The abolition of intermediaries has both advantages and disadvantages.

ADVANTAGES OF ABOLITION OF INTERMEDIARIES

- (a) As a result of the abolition of intermediaries, about 2 crore tenants are estimated to have come into direct contact with the State making them owners of land.
- (b) The abolition of intermediaries has led to the end of a parasite class. More lands have been brought to government possession for distribution to landless farmers.
- (c) A considerable area of cultivable waste land and private forests belonging to the intermediaries has been vested in the State. Disadvantages (a) Abolition of intermediaries resulted in a heavy burden on the state exchequer .The ex-

intermediaries were given a compensation amounting to Rs. 670 crore in cash and in bonds.

- (b) It has led to large-scale eviction. Large-scale eviction, in turn, has given rise to several problems – social, economic, administrative and legal.
- (c) Instead of the abolition of the official landlords, absentee land-lords as a class emerged. Hence the claim of the official documents pertaining to the abolition of intermediaries has no logical foundation. The truth is that it has changed only its garb. Tenancy Regulation (to improve the contractual terms including security of tenure) Rural India witnesses three types of tenants: (a) permanent or occupancy tenants, (b) temporary or non-occupancy tenants, and (c) sub-tenants. The permanent tenants have the permanent ownership right over the land. The rent for permanent tenants is fixed. The right to cultivate land goes from generation to generation so long as they pay rent. Hence land is inheritable. Because of such security of holding, the occupancy tenants make improvement on their land. They are almost the owners of land, as they can mortgage or sell their land. There is hardly any difference between the peasant-proprietors or the owners of land and occupancy tenants. The only difference is that while the owners pay the rent to the government, the occupancy tenant pays it to the landlord. Temporary or 5 non-occupancy tenants have no right to cultivate the land permanently. They can be evicted from land on minor pretexts. In their case, rent is too high. It may be increased arbitrarily. They do not make any improvement on the land for the fear of eviction. Sub-tenants are the tenants who cultivate the land of the big land owners. They cultivate land only on lease basis. The leases are rather oral. These can be changed at will. They pay rent either in cash or in share of the product. In any case the rent is exorbitant. There is no security of tenure. Their position is not only weak and insecure but also pitiable. According to the National Sample Survey (8th round) 20 per cent of land is under the tenancy-at-will and sub-tenancy. It is not at all possible to put an end to the tenancy system. But it can be mended so as to be acceptable from the social as well as economic point of view. The tenancy reforms in various states have three important features, though the provisions are not similar in all cases. These are: (i) security of tenure for the tenants, (ii) fixation of fair rent and (iii) grant of ownership rights to certain types of tenants. Security of tenure creates interest among the

cultivators for improving their land. Further, it helps in attaining two basic objectives of land reforms namely increase in productivity and promotion of social justice. To protect tenants from ejection and to grant them permanent rights on lands, laws have been enacted in most of the states. They have three essential features:

1. Tenants cannot be evicted without any reason. They can be evicted only in accordance with the laws.
2. Land can be resumed by the landlord only on the ground of personal cultivation. But the land-lord can resume the land only up to a maximum limit.
3. The landlord should leave some area to the tenant for his own cultivation. The tenant in no case should be made landless.

However, tenancy legislations in India are not uniform throughout the country. Each state has its own legislation. Regulation of Rent In Pre-Independent India rents were high for obvious reasons. A number of factors such as defective land tenure systems, pressure of population on land, absence of nonfarm employment opportunities and the apathetic and lukewarm attitude of the government towards the tenants' interest were responsible for the continuous rise in rents. Fifty per cent of the total produce was paid as rent. In some areas the rent was as high as 70 per cent. In addition to such high rent, the tenant had to provide certain free services to landlords. So at the beginning of the First Plan, the Central Government insisted on the regulation of high rent by State Governments. It was laid down that the rent to be paid to the landlord should not be more than 20 to 25 per cent. Accordingly, different State Governments passed tenancy legislations to regulate rent. The main objective of such Acts was to make the rent fair and reasonable. However, the maximum rent differs from state to state. For example, while in Orissa and Bihar the rent is fixed at 1/4th of the gross produce, in Punjab it is one third and in Rajasthan it is one-sixth of the gross produce. The rates also vary within the state because of the difference in the fertility of land. Right of ownership So far as right of ownership is concerned, tenants have been declared as the owners of the land, they cultivate. They have to pay compensation to the owners. The amount of compensation should not exceed the level of fair rent. In some states provisions have been made allowing the tenant to purchase the leased land on payment of a price to the landlord. If any dispute arises between the tenant and the landlord over the payment of price, this may be referred to a land tribunal. The tribunal will decide the price to be paid by the tenant to the landlord. As a result of these

measures about 40 lakh tenants have already acquired ownership rights over 37 lakh hectares of land. They have become better-off economically and socially. However, in several states, in the matter of tenancy reform, legislation falls short of the accepted policy. What is even worse, the implementation of the enacted laws has been half-hearted, halting and unsatisfactory. Thus, the legal protection granted to tenants has often been ineffective. Ceiling on Landholdings (to redistribute surplus land to the landless) the third important step of land reforms relates to the imposition of ceiling on land holdings. Ceiling on land holdings implies the fixing of the maximum amount of land that an individual or family can possess. Land ceiling has two aspects: one, the fixation of ceiling limit and two, the acquisition of surplus land and its distribution among the small farmers and landless workers. The imposition of ceiling on agricultural holding is pre-eminently a redistributive measure. Prof. Gadgo rightly observes, "Among all resources, the supply of land is the most limited and the claimants for its possession are extremely numerous. It is, therefore, obviously unjust to allow the exploitation of any large surface of land by a single individual unless other overwhelming reasons make this highly desirable". The almost compelling case of land ceiling arises from the absolute and permanent shortage of land in relation to the population dependent on it, the limited prospect of transfer of population to non-agricultural occupations or and the need to step up production along with increase in employment. Economic Rationality of Land Ceiling According to some economists' small farms is more efficient than large farms. Prof. C. H. Hanumatha held the view that small farms provide more employment opportunities. They require less capital compared to the large farms. He further added that small farms can be made into large farms through cooperative effort so as to have scale economies. Social Rationality of Land Ceiling In a poor country like India the supply of land is limited and number of claimants is large. Hence it is socially unjust to allow small number of people to hold large part of land. Such condition is against the justice, equality and prosperity of the majority of the people. It is socially justifiable to impose ceilings on land and distribute it to the actual users of land, making the tenants as the owners. In this way, ceilings on land holdings can go a long way in raising income and bringing prosperity to the toiling masses in the country. Ceiling legislations in India have been enacted and implemented in all states in two phases. The first phase continued up to 1972. The second phase started from 1972. The important provisions of ceiling legislations constitute (a) unit of application; (b) upper limit for land holdings; (c) exemption and (d) availability of surplus land and its distribution. Unit of application: In the first phase, that is, prior to 1972, the basis of ceiling fixation was an individual as a unit instead of a family. Since 1972, a family has been accepted as the unit of application of ceilings. The family is defined as a unit consisting of husband, wife and children. Upper limit for land holding: In the first

phase there were wide variations in the ceilings on land holdings. Different states fixed different upper limits for land holdings. For example, in Andhra Pradesh, the limit of ceiling varied from 27 to 216 acres. In Rajasthan it varied from 22 to 366 acres. Under the new revised policy, the upper limit of ceiling has been lowered. For example, for lands which have assured supply of water and where at least two crops are raised, the upper limit has been fixed at 10 to 18 acres depending on the productivity of the land. In areas where there is irrigation provision only for one crop, the ceiling has been fixed at 27 acres. However, for the remaining types of land, the ceiling limit is fixed at 54 acres. Exemptions: Certain types of land were exempted from ceiling laws. Among the types of land exempted were orchards, grazing lands, sugar-cane fields of sugar factories, cooperative farms, etc. Surplus land and its distribution: The progress in respect of surplus land and its distribution has been quite unsatisfactory. The sixth plan target was that the entire surplus land was to be taken possession of and distributed by 1982-83. But this is far from being achieved still. A number of factors such as illegal transfer of land, judicial interventions, loopholes in ceiling laws, non-availability of land records, inefficient administration, political pressure etc. account for the failure of the land ceiling. Attempts to Consolidate Disparate Landholdings Consolidation of Holdings means bringing together the various small plots of land of a farmer scattered all over the village as one compact block, either through purchase or exchange of land with others. The average size of holdings in India is very small. The size of the holdings is decreasing but number of holdings is increasing over time. This is due to the inheritance laws. The inevitable consequence of inheritance laws is that farms are being subdivided and fragmented with every passing generation. Further there is a decline of joint family system which was prevailing in earlier period. Nuclear family system is now leading to subdivision and fragmentation of holdings. Subdivision and fragmentation of holdings results in several disadvantages such as wastage of land, difficulties in land management, difficulty in the adoption of new technology, disputes over boundaries, disguised unemployment, low productivity etc. Following are some advantages of consolidation of landholdings: (a) It prevents the endless subdivision and fragmentation of land holdings. (b) It saves the time and labor of a farmer. (c) It effect improvement on land in the form of bounding, fencing, etc. (d) It promotes large-scale cultivation. (e) It brings down the cost of cultivation and reduces litigation among farmers. Attempts have been made in India for consolidation of holdings long before independence in some areas. It formed an integral part of our land reforms policy since the inception of the Planning in 1951. However, as yet 15 of the 25 states in the country have passed laws in respect of consolidation of holdings. There are various obstacles to the speedy implementation of the consolidation programme. These are poor

response from cultivators, wide variation in the quality of land, complicated process of land consolidation, lack of enforcing machinery, lack of political will, etc. Causes of Failure of Land Reforms

Undue advance publicity and delay in enacting land laws: Much publicity has been given in advance by the leaders of the ruling party to the proposed land reforms after independence. Again, the time taken for a bill to become an Act in many states has been unusually long. This has enabled the landowners to make necessary adjustments so as to be able to evade various provisions of land reform legislation. Loose definition of the term “personal cultivation”: One could resume land for personal cultivation under the definition even while sitting at a distance of 200 miles. The Zamindars have been permitted to possess substantial areas of land for cultivation. Again, the laws have provided for many exemptions in the form of land awarded for gallantry, land under orchards, tea estates, well-run farms, etc. Optional nature of the laws: Most of the laws granting ownership rights to tenants are not mandatory. They are rather optional. The tenants have to move the government for grant of ownership rights. They will not get them automatically. On many occasions, tenants hesitate to approach the law courts for this purpose merely out of fear of the landlords. *Mala fide* transfer of land: To escape the laws relating to land ceilings, the Zamindars have indulged in large scale transfer of land to their family members or kinsmen. Such *Mala fide* transactions do not make any change in the operational aspect of agriculture. Lack of social consciousness among the tenants: Prof. Khusro in his study entitled “Economic and Social Effects of Jagirdari Abolition” has emphasized the importance of social consciousness of the tenants as a factor responsible for the successful implementation of land reforms. The small cultivators and the landless were not only unorganized but in most cases, ignorant of legal and constitutional process. State side with the big farmers: The state governments which control the land operations have moved favorably towards the big farmers. The interests of the small farmers have been vitally affected. Lack of strong political will: The program of land reforms necessitates adequate political desire, zeal and support. But unfortunately the political leaders only wear a mask of progressive socialistic outlook. The lack of political will is amply demonstrated by the large gaps between policy and legislation and between law and its implementation. Bureaucratic Corruptions: Land reforms provide a golden opportunity to the Patwari and other functionaries of the Revenue Department to make money. Again in many cases the highly placed officials are themselves landlords. Moreover, the lands which are acquired to be distributed among landless farmers are grabbed by the politicians and bureaucrats at cheap rate. Surplus land is fallow and uncultivable land: The holders of surplus land manipulate the land data in such a way that the land in excess in their possession is usually barren and uncultivable. Such a surplus land does not yield any benefit to the landless peasants. Absence of records:

Absence of records regarding ownership and possession of land and about its actual cultivators stands in the way of properly identifying the beneficiaries of land reforms.

CONCLUSION

Land reforms laws are not uniform throughout India. They are different in different states. This also accounts for the slow progress of land reforms measures. Emergence of new Agriculture Technology and the new seed-cum-fertilizer technology, for its successful adoption, needs ample resources and dynamic entrepreneurship. Only large farmers can fulfill these conditions. The introduction and implementation of land reforms in India had the twin-fold objective of increasing agricultural productivity on the hand and changing exploitative agrarian relations in rural India. In order to meet these objectives, four features were developed under land reforms, namely – abolition of intermediaries, tenancy regulation, land ceiling and consolidation of disparate landholdings. Land reforms were the key to address questions of land related to rent, ejection and possession, so that the rural masses of India (the kisans/peasantry) could be economically and socially empowered. Consequently it was expected that it will generate agricultural surplus in the hands of the peasantry. This in turn would create a solid foundation for industrialization in India by generating internal demand for industrial goods by the rural masses. However, due to variety of social, economic and political reasons, land reforms could not be implemented properly in India which has led to continued economic and social inequality in the country. Thus, we might conclude this discussion with the following observation of Prof. M.L. Dantwala, “By and large, land reforms in India enacted so far are in the right direction, and yet due to lack of implementation the actual results are far from satisfactory”.

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