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## ISSUES IN LAND REFORMS

*with special reference to States of Andhra Pradesh, Bihar and Jharkhand, Madhya Pradesh and Chhattisgarh, Maharashtra and Orissa*

Dr. P.K. Agrawal

RAJIV GANDHI INSTITUTE FOR  
CONTEMPORARY STUDIES

## Foreword

The Rajiv Gandhi Institute for Contemporary Studies undertakes research in four major areas—international economic relations, law reforms, economic reforms in India and information technology. This research is published in several forms—books, working papers and an “Agenda for Change” series. All working papers published so far have been in the area of international economic relations and economic reforms in India, although an “Agenda for Change” on law reforms was published. This working paper, by Dr. P.K. Agrawal, is the first one under the law reforms head. Although it is the first, it will not be the last, since a considerable amount of research expertise on law reforms is now building up.

Dr. Agrawal has concentrated on the issue of land reform in selected States. Although not stated by the author in this fashion, this is essentially a catalogue of what has worked and what has not and has implications for replicating the successes and avoiding the failures. Land reform is crucial for addressing issues of dispute resolution and clearing up the backlog of cases. Many pending and long-standing cases relate to land-related disputes and part of the problem is the inadequate nature of land records. However, that is a separate issue and will be addressed in a future working paper.

**Bibek Debroy**

## Preface

It is interesting to talk about land reform in an era of globalisation and liberalisation. According to protagonists of farmers, the fort built by liberalisation or globalisation is made on sand. Unless purchasing power is given in the hands of the teeming millions, liberalisation cannot sustain. Land reform provides an area in which no financial investment is required. It certainly requires a government with strong political will which can withstand initial upheavals or shocks before achieving the goal of egalitarian society through stable instrumentality of land reform.

It is a wrong notion perpetuated by the votaries of the vested interests unaware of the ground realities of the rural India, that land reform has since been accomplished and there is nothing left to do. To counter this reactionary propaganda, a formula has been devised to quantify the term land reform. It has been found that even the State of West Bengal, the leader in the field, could only achieve land reform to the extent of sixty eight per cent which is much below the adequate level of achievement in the field of land reform. Other States in India are far lagging behind.

Need for implementation has become even more imminent in view of rising left wing extremism in some States such as Andhra Pradesh, Bihar including Jharkhand, Madhya Pradesh and Chhattisgarh, Maharashtra and parts of Orissa. No state is fully afflicted with the extremists' armed insurrection but parts of the above States are affected though differing in intensity of the agitation or violence from district to district. It is very difficult to comprehend land reforms at the macro level of the country in India because land and land reform fall exclusively within State List of the Seventh Schedule of the Constitution of India. Thus, the State Governments are primarily responsible for working out modalities for land reforms

and their implementation in a campaign mode like 'barga operation' in West Bengal. It is a fact that land reform was one of the main agenda of all the state governments in the country just after the independence as they were given mandate by the people on the basis of their advocacy of land reform during the freedom struggle.

The people of India stood by the pre-independence leaders who had towering personalities and were true statesmen. They did least care about their political future if they had to face adverse situation due to adopting unpleasant public interest measures. Ultimately those measures paid rich dividends to them and they and their descendants are still worshipped by the masses of India who do not have wavering loyalties like the Indian middle class.

It can be safely concluded that land reform is an ever green measure with multilateral dimensions. Land is the identity of a villager. He will not be covered under employment generating schemes unless he has a piece of land. It depends upon the political or administrative elite which of the measures are adopted by them for implementation. For example, lot of surplus government land is still left to be distributed, equal quantum of land is covered by court cases and even more land is left to be handed over to the landless persons physically after the distribution of land to them on paper. Similarly, informal tenancy or share-cropping is still in vogue in rural India though it has been abolished by statutes. The Government of West Bengal only adopted the latter component of land reform by recording more than fourteen lakh of bargadars or share-croppers in the State and the result is transparent. The Left Front Government in West Bengal couldn't be evicted from power since 1977. Similarly, Madhya Pradesh has shown that much can be done in the field of updation of land-records by computerisation of land-records. Similarly, Tamil Nadu has shown to the country that land reforms measures inter alia require support of socio-religious reforms. There is unlimited scope to give financial support to the new beneficiaries of land reforms by giving them financial support during their stage of transition i.e. freeing from bondages of the landowners and becoming self-dependent which is the goal of the land reforms.

The states which are comparatively developed and prosperous, should not neglect the early signs of simmering discontent and should not be over confident of their economic well-being because inequality itself is the biggest cause of violence in the society. The train is still not missed and the ground work can be prepared to undertake extensive land reform measures in all parts of the country specially in those States where Left wing violence has already raised its ugly head. On the theoretical plane, land reform is sometimes opposed by the dogmatic leftists. But for India, this is the best medicine for the time being.

The booklet makes an attempt to highlight potential areas where various land reform measures can still be implemented successfully and can pave way for a peaceful and prosperous rural India which will be the strongest backbone of the country.

New Delhi,  
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**Dr. P.K. Agrawal**

## 1. LAND REFORM DEFINED

Land Reform can be defined as the redistribution of rights and interests in land in favour of the landless and the poor cultivators.

According to Shri S.R. Sankaran, "the term land reform encompasses the entire institutional framework of property relations or relations of production pertaining to land."<sup>1</sup>

Thus, land reform provides a means for redistribution landed property through structural reforms which can bring about revolutionary improvements in the standard of life on the rural poor who have been deprived of their due rights in land due to domineering influence of the landed class in all spheres of rural life including political, administrative, social and religious spheres.

Even if land reforms did not lead to effective redistribution in favour of the landless yet it helped in bringing about a less skewed distribution amongst the land-owners. The reforms had a favourable impact on the conditions of agricultural labour because of loosening of hold of monopoly in the rural economy in general.

In India 7.5 per cent of house holds owned 59 per cent of the nation's land. In Mexico 1 per cent of the population owned 97 per cent of land whereas 96 per cent population only 1 per cent of the land. This skewed distribution of land resulted into social imbalances which surface in the form of social distortions like violence, suicide by farmers or rise in crimes in rural India.

This results into absentee landownership. The zamindari systems of India and Pakistan provide notable examples. As a rule, zamindars and the middlemen neither did any agricultural work nor lived on their farms. In Egypt, almost all the big landowners resided or settled in towns.

Ayub Khan as dictator of Pakistan mismanaged the land reform

1. Yugandhar, B N (ed); Land Reforms in India-Andhra Pradesh-People's Pressure and Administrative Innovation p.17.

in East Pakistan (now Bangladesh) to woo the middle class or big landlords as supporters and to act as instruments of his exploitative regime. According to him, "A Land Revenue Commission set up for East Pakistan in 1958 led to an amendment of the East Bengal State Acquisition and Tenancy Act (of) 1950, by which I was able to raise the ceiling of self cultivated land from 33 acres to about 120 acres or so."<sup>2</sup>

The result is known to everybody. Pakistan was ultimately dismembered.\*

The extent of land redistributed was 43 per cent of agricultural land in China, 37 per cent in Taiwan, 32 per cent in South Korea and 33 per cent in Japan whereas in India, it resulted in redistribution of only 1.25 per cent of the operational area.

In developing countries, the agricultural sector has the maximum weightage. In India it had been 46 per cent in 1960's (now less than 35%) and in Colombia, Pakistan and Philippines it had been 31 per cent, 50 per cent and 35 per cent respectively whereas in developed countries like Japan and America it had been 13 per cent and 4 per cent respectively.

Therefore, a 1970 UN resolution correctly says that this structural reform is an integrated programme with the aim to remove the barriers for economic and social development which follows from defects in agrarian structure.

National integration or communal harmony is the main problem of our country today. Land reform gives it the best and permanent solution.

United Nation's Fourth report says that "the redistribution of land can lead to the spread of national consciousness which is a necessary pre-condition for a popular National Government. The greater awareness among farmers can lead to psychological integration. On the other hand, lack of land reforms, high

2. Ayub Khan, Friends Not Master, p.91.

\* Recently constituted three new States in India i.e. Chhattisgarh from Madhya Pradesh, Jharkhand from Bihar and Uttaranchal from Uttar Pradesh have regions which were also neglected by their parent States from the point of view of land reforms.

mechanization, capital and intensive agriculture can cause agitation."<sup>3</sup>

Land reform measures aim at alleviating the rural poverty in the following manner:

- (a) By distributing land among the landless by taking over excess land from large landholders.
- (b) By providing security of tenure and ownership rights to tenants and sharecroppers and by regulating rent payable by them to the landowner.
- (c) By protecting tribal interests in land against alienation and encroachments of non-tribals.
- (d) By consolidation of landholdings and thereby bringing about rearrangements of land for better productivity.
- (e) By development of public lands for providing better access to the rural poor for fuel wood and fodder.
- (f) By regulating usurious money lending and providing alternative sources of credit.
- (g) By providing access to women to land and other productive assets.
- (h) By protecting homestead rights of the rural poor on lands owned by them and providing them with house sites for construction of residential houses.

In India the landed property is the most important property because India lives in villages. Article 39 (b) & (c) of the Constitution of India in the Chapter of Directive Principles of State Policy directs that the State shall ensure:

- (b) that the ownership and control of the material resources of the community are so distributed as best to subserve the common good;
- (c) that the operation of the economic system does not result in the concentration of wealth and means of production to the common detriment;

It talks of proper distribution of landed property among the Indian citizens. There was obstruction in implementation of this directive earlier because article 31 & 31 (A) was in the Part III of the Constitution of India relating to Fundamental Rights. Now the

3. Dr. Agrawal, P.K. : Land Reforms in India, p.56

'right to property' has been taken away from this Chapter and has been made only a constitutional right. In view of this, the Government can ensure egalitarian society through redistribution of landed properties.

"Economic growth without social justice is inhuman, but social justice without economic growth is impossible. And economic growth is equally impossible unless we combine the humanism of true socialism with the dynamism of private initiative which is loosely called capitalism."<sup>4</sup>

In India since the First Five Year Plan, Land Reforms have remained a major issue of National Agenda for achieving agrarian reforms, for reconstruction of rural economy, ensuring social justice to "actual tillers" as well as landless rural poor and thus for creating sustainable base for overall growth of industrial and tertiary sector of our economy. The Central Government is playing an advisory and coordinating role in the field of land reforms as the subject is under exclusive legislative and administrative jurisdiction of the States as per Entry No.18 of the List II (State List) of the VII Schedule of the Indian Constitution.

The major objectives of Land Reforms consist of re-ordering agrarian relations to achieve an egalitarian social structure, elimination of exploitation in land relations, realizing the age-old goal of "land to actual tiller", enlarging the land base of rural poor, increasing agricultural production and diversification of agricultural economy etc. The major components of the strategy of land reforms are the abolition of Zamindari and intermediary tenures, tenancy reforms, ceiling on ownership of agricultural holdings, distribution of Government wastelands including Bhoodan land, modernization and updating of land records system, special measures for prevention of alienation and restoration of alienated tribal land, improving empowerment of women to ensure greater access to land and abolishing gender bias in land legislations.

The Land Reforms Acts contained in 9th Schedule of the Constitution enjoy protection of the Constitution. The objects of Land Reform Acts included in the 9th Schedule to the Constitution are:

- (i) Abolition of intermediate interests, zamindaris, jagirs, inams;

4. Dr. Arnold Toynbee in 'We, the People' by N.A. Palkhivala, p.73.

- (ii) putting a ceiling on the quantity of agricultural land to be held by a person, prevention of consolidation of holdings in excess of the prescribed ceiling, distribution of surplus land;
- (iii) encouragement of co-operative societies to hold land other than individuals;
- (iv) tenancy reforms for fixity of tenures regulation of rents, conversion of tenants into ownership; and
- (v) preventing the fragmentation of holdings by prescribing a standard area below which no fragmentation will be allowed by transfer, partition or settlement.

In any land reform measure, the primacy goes to the redistribution of lands. It means and includes that the State should take over the lands from the landholders in order to distribute to the needy persons i.e. the persons who actually cultivate the lands. Generally, the landless people constitute the poorest section of the rural areas. This is what layman understands by land reform measure. All other measures support to achieve the right of cultivation for them. Under this category, second largest number of the landless or the land-hungry people are covered by recording them as share-croppers, bataider, bhagidar or bargadar in West Bengal to assure them some sort of permanence in their right of cultivation. This is, therefore, given a second priority under land reform. Though this right does not mean transfer of ownership of land, yet the landowners become unnecessarily panicky. This right is just to provide better security to the tenants like the adhoc or temporary government employes or workers in factories are given some sort of protection to continue in their jobs.

Historically, traditionally and conceptually, therefore, the following are suggested as guidelines for better implementation of land reform measures:

1. The excess land should be taken over from the big landholders. The surplus land should be distributed expeditiously and should be accompanied by timely supply of inputs and investment support. J.R. Yojna/P.M.Rojgar Yojna may be resorted to in order to assist the land reform beneficiaries. In areas not covered by such schemes, direct financing by government will be necessary.

2. The ceiling laws should be amended according to the national guidelines based on the conclusions reached at the Chief Ministers Conferences on Ceilings of Agricultural Holdings and should be included in the 9th Schedule of the Constitution.
3. Loopholes in existing laws should be plugged so as to secure complete tenurial and ownership rights on under-tenants and sharecroppers.
4. Priority should be given to comprehensive programmes for preparation and maintenance of land records even where there is no statute for preparation of such records.
5. Special attention need to be paid to tribal areas. Loopholes in laws applicable to tribals need to be plugged and administrative machinery need to be strengthened. Cadastral survey of tribal areas should be completed where it has not already been done.
6. All tenants including sharecroppers should be identified, their right should be recorded and permanent heritable rights should be conferred on them before consolidation operations are started. In the programme for consolidation of holdings, land of small holders and surplus wastelands available for distribution should be consolidated in compact blocks to facilitate the future public or government investments for irrigation etc. to the underprivileged.
7. Publicity requires to be intensified to familiarize the beneficiaries and even the government servants charged with the implementation of land reforms laws with the provisions of the law.
8. The administrative set-up requires to be strengthened at different levels and should be imbued with a sense of direction and purpose.
9. Adequate Plan Allocation: Adequate financial provision is required for financing of land reforms.
10. Associations or committees of beneficiaries require to be established at village and block levels to fight for the rights of underprivileged and to advise on implementation of all measures of land reforms and provision of supporting facilities to beneficiaries. Landless and sharecroppers and small landholders should be adequately represented on these committees.

The above can form basis to work out factors of land reforms in a generalized way.

1. Distribution of government wasteland and implementation of Bhoodan Act, where such legislations exist.
2. To detect benami lands; to analyse about lands under court's injunction and to gradually reduce the limit of land ceiling to accommodate the less poor.
3. Granting permanent rights of homestead to landless/homeless persons and implementation of homestead tenancy legislation where such law exists.
4. Removal of encroachment on government lands and redistribution of such lands to landless persons.
5. Restoration of land alienated by the tribals in contravention of the law, in tribal areas.
6. The definition of personal cultivation should lay stress on the following ingredients:
  - (a) The person claiming to be in cultivation of the land must bear the entire cost of cultivation;
  - (b) He must cultivate his own land by his own labour or by the labour of any member of his family;
  - (c) He or member of his family should reside for the greater part of the year in the locality where the land is located; and
  - (d) Cultivation should be the main source of his income.
7. No transfer of agricultural lands should be permitted to be made to any non-agriculturist.
8. The tenants (whether occupancy or non-occupancy) dispossessed by force or by fraud or by any other illegal means from their land must be restored to their possession as expeditiously as possible.
9. The field data has shown that there are large number of sharecroppers/tenants at will, who have been working with the same landowner for a number of years and are entitled to be conferred the status of occupancy tenant/owner within their respective states. All such tenants should be conferred with the status of occupancy tenant/owner with retrospective effect. Even those who have been evicted or shifted from earlier plots should be restored to the status of occupancy tenant/ownership right.

The recognized Kisan Sabha/Peasant Organization/Voluntary Organization/Activist Organization should be associated in such effort and their evidence on the tenancy status of an incumbent should be made admissible.

10. If the landowner does not give receipt to the non-occupying tenant, the share-cropper should be allowed to deposit share of the produce of landowner with the nearest authority. The landowner should be made liable to criminal prosecution for refusal to grant receipts. Onus of proof should be shifted to the landowner to establish that the latter is not cultivating the land.
11. The tenants in the cultivable lands of religious institutions, trusts, mutts, etc., should also be conferred with ownership right in respect of those lands. Those institutions may be provided with annuity.
12. Resumption of land by landowners from tenants for self-cultivation should not be allowed except in case of physically-handicapped or serving army personnel.
13. Ejection of tenants for non-payment of rent should be prohibited.
14. The small and marginal farmers who are compelled to lease out to big landowners should be linked with institutional agencies, anti-poverty programmes and rural development schemes (like Jawahar Rojgar Yojna/ P.M. Rojgar Yojna, ITDP\*, etc.) to make their farms viable. If they lack implements, irrigation facility and inputs, such facilities should be extended to them.
15. In case of a dispute between the landowner and the persons claiming to be tenants/sharecroppers, the burden of proof should be on the landowner to prove the negative.
16. Sharecroppers should be legally included as tenants within the tenancy-reform laws.
17. Special drives should be launched to identify informal tenants/sharecroppers in all the States who should be immediately conferred occupancy tenant/ownership status. In this drive, the local Peasant Organizations/Agricultural Labour

\* ITDP stands for Integrated Tribal Development Programme.

Organizations/Voluntary Organizations/Kisan Sabhas and other activist groups should be actively associated.

18. Inadequacies in the administrative organisation should be removed. It should be land reform oriented.
19. The recognized local Peasant Organization/Agricultural Labour Organization/ Voluntary Organization/Activist Organization should be permitted to file claims for the conferment of occupancy right/ownership right to sharecropper/non-occupancy tenant before the appropriate authority.
20. Cooperative farming should be encouraged in villages on the pattern of Egypt. Panchayats may be nodal agencies to organize these. Arrangement for marketing, implements and servicing should be available at Panchayat.
21. General awareness and conscientization camps should be organized in every state having pockets of high tenancy.
22. Implementation of legislation relating to moneylending and abolition of moneylending.
23. Updating and maintenance of land records in a computerized form and implementation of legislation if any, enacted therewith.
24. Political will should be created. For this landless, small and marginal farmers' representatives should be given place in local panchayat bodies and ministries so that they are associated at each decision-making level.
25. Emphasis should be given to social reforms so that the farmers enjoy the benefits of reforms as healthy contributors to society.
26. Panchayats should be organized and should be really independent in their affairs. They should be associated in implementing land reforms measures. They may be given power to dispose of petty land matters and development of farmlands also.
27. The poor peasants may be provided legal aid up to the level of the Supreme Court. The various stages of land litigation should be reduced. Land tribunals may be set up to reduce the pendency at the High Courts as substitutes for speedy disposal of cases. The Lok Adalats should be empowered to dispose of land reforms litigations alongwith prompt disposal of cases by rural courts i.e. Nyaya panchayat/rural Nyayalaya.



## 2. CONSEQUENCES OF NON-IMPLEMENTATION OF LAND REFORMS

The masses had adored the leaders who had implemented land reforms measures like Hare Krishan Konar & Binoy Krishna Chaudhury in West Bengal, Sri Krishna Sinha in Bihar, Ch. Charan Singh in Uttar Pradesh, Sheikh Abdullah in Jammu & Kashmir, Devender Reddy in Andhra Pradesh, Devraj Urs in Karnataka, communists in Kerala. These leaders are still held in high esteem by the masses. The loyalty of the teeming millions is always stable whereas the loyalty of the consumption oriented middle-class is always wavering. Shri Manmohan Singh, the Finance minister in Narsimha Rao government who spearheaded campaign towards economic liberalisation could not win election from the affluent middle class South Delhi Parliamentary Constituency in 1997, during the peak period of liberalisation whereas the masses of Jammu and Kashmir, specially of the Kashmir valley still keep on voting in favour of Shri Farookh Abdullah, son of Sheikh Abdullah who did a great deal in the area of land reform during his Chief ministership in fifties.

The movements launched for implementing land reforms before independence by Swami Sahajanand Saraswati in UP through the Tulsidas's Ramcharitmanas and Bhoodan movement by Acharya Vinohra Bhave after independence are greatly lauded. There are national leaders like Jai Prakash Narain, Sharad Joshi from Maharashtra who have shown that land reforms movement still appeals the masses. If the poor and the deprived farmers are not given their due share, they will have no other alternative except to resort to use of physical forces or unruly behaviour.

"All societies are infected with this problem from the local to the international level from the 1970s".<sup>5</sup>

5. Singh, Birender Pal : Problem of Violence, Themes in Literature, pages 24-26.

"According to the sociologists, the social and moral order could be maintained by the division of labour and increasing specialization and interdependence of these specialized institutions and their functions. The political scientists on the other hand gave primacy to the problem of political order of the larger nation-states which could be sustained only through the authority of the centralized state. The problem of violence is thus taken out of the social space and confined to the domain of state along. An eruption of violence in the society is no longer considered a social malaise-an appropriation of the rights of the weak by the power which ought to be corrected and cured, but becomes a problem of 'law and order' which could be set right only with the use of force. People are instructed not to take to violence under any circumstances whatsoever. If they indulge in such an activity it is not only anti-state but also anti-national, thus endangering the very existence of the nation state."<sup>6</sup>

Marx warned, "But in most of the continental countries, it is force that will have to be the lever of our revolutions and it is force that shall someday have to resort to in order to establish the reign of labour."

Marx himself advised the proletariat to take to arms only when all other means have been exhausted.

Gandhi too remarked that looking at himsa quietly is not non-violence.

"Like truly civilized human beings they had been the advocates of peace, love and tranquillity. But their love towards the oppressed compelled them to seek help of violence as ultima ratio, as the last alternative for the creation of a just and free society."<sup>7</sup>

According to Sumanta Banerjee, "It is the rural millions of India who will provide the critical weight in the balance between progress and reaction. The revolutionaries can intensify the violence of their blows only when linked with offensive movement of masses."<sup>8</sup>

It has been proved beyond doubt that one of the repercussions of non-implementation of land reforms was the growth of 'Naxalite'

6. Ibid : page 35-36.

7. Ibid : page 182

8. Banerjee, Sumanta : India's Simmering Revolution, The Naxalite Uprising—314-315

movement. The surfacing of the naxalite movement in 1966 in West Bengal & its positive ending by the Left Front Government in West Bengal by implementing land reforms measure has proved this case in point very clearly. The studies have shown that one of the reasons of rising terrorist violence in Punjab was due to the widening gap between the rich and the poor farmers in addition to growing unemployment and disenchantment of the urban youth in the system of Government. The youths that would have otherwise worked in their farms, were searching for jobs in urban areas because they thought that their land could be cultivated by landless people in their villages and they were authorized to take the produce without tilling their lands. The compulsion of 'personal cultivation' or 'land to the tiller' under land reform will attract Punjab rural youths to their farms. As a result, further agricultural production will rise in Punjab.

The Naxalite movement was an important movement that covered 80 million landless people including 30 million tribals. It was consciously given a political and a militant character and arose out of a sense of discontentment and disillusionment against the CPI(M)'s inability and other factors to implement the land reform even after forming the United-Front Government in West Bengal in 1967. The Naxalites or the C.P.I.(M-L) introduced a distinct style of peasant warfare, with its distinct ideology and strategy. This movement more than any other, shook the national sense. Its tremors are still heard in Andhra Pradesh, Madhya Pradesh (Bastar district) and in Bihar under different titles.

### **Status of Left Wing Extremism**

There are many Left Wing Extremist groups operating in the country with lot of underground and over ground cadres and supporters.

While aiming to establish a classless society based on egalitarian principles and revolutionary struggles, resorting to violence remains the cornerstone of the tactics of most of the major LWE groups. The CPM-Peoples' War (53%) and Maoist Communist Centre (MCC) (30%) continue spearhead LWE violence, respectively.

The basic thrust of the different outfits is to focus attention on the grievances of the people, inequities suffered by large segments

of the population, release of victims of exploitation from the tentacles of the landlords, etc. and to inculcate 'class' responsibilities among the economically and socially deprived sections. In pursuance of these objectives, the groups have not only mobilised the people but have also ensured that distributive justice is available in a rough and ready manner. The peoples' courts organised by these groups expropriate surplus land from the landlords to be distributed to the landless, dispense criminal justice, settle disputes and punish offenders. Thus, 'Jan Adalats' constitute a cornerstone of their efforts to win over the masses, particularly in the rural areas. Besides, they indulge in extortion from businessmen, contractors, traders, government officers etc. and resort to murders and kidnappings to eliminate interference by agents of the established administration and defiant class enemies.

Various LWE groups have their presence in different parts of the country, notably the heartland states including Andhra Pradesh, Bihar, Madhya Pradesh, Maharashtra, etc. The CPML-PW is well-entrenched in almost all districts of AP, several districts of central and south Bihar, southern districts of MP and Orissa and a few eastern districts of Maharashtra. The most of extremism affected districts have gone to the newly created State of Chhattisgarh. It also has a presence in a few districts of Karnataka, Tamil Nadu and West Bengal.

The movement did not bring any immediate results in West Bengal and was short-lived but had far reaching implications and became a force behind numerous peasant struggles in different areas of West Bengal, Bihar, Andhra Pradesh and Punjab. However, the Left Front Government led by CPI(M) in its three successive terms starting from 1977 salvaged the situation by recording about fourteen lacs more share-croppers known as bargadar under "Barga operation" programme. This was consolidated by proper distribution of surplus lands to the landless and by providing bank credits. For example, up to 1978, in 6 years total 74,000 people got crop-finance whereas in the year 1979 alone 59,000 got crop-finance. Thus, the Communist Government in West Bengal has consolidated its position, which is envied by even Central Government and other state governments.

Sumanta Banerjee questions whether “the various Maoist revolutionary groups, claiming to be committed to the wider and humanitarian concept of a socialist and democratic society, are any better than armed opponents. The daily reports of their killing sprees, whether targeted against ordinary villagers in Andhra Pradesh or their rivals within the movement in Bihar, detract from whatever little achievements they might have won by way of empowering the rural power in few pockets.”<sup>9</sup>

One of the planks of the Jharkhand agitation in the State of Bihar and parts of West Bengal was the demand for restoration of tribal land back to the tribals which was transferred due to poverty or distress. The supporters of the movement under the Jharkhand flag used to forcibly occupy those lands but were soon restored back to the transferee land-owner with the help of court and administration. In West Bengal some land reforms oriented officers restored back number of plots numbering in few thousand by finding out an old and forgotten provision in the Chhota Nagpur Tenancy Act and showed that through legal process, much more can be done. As a result, Jharkhand State couldn't be delineated from the parts of West Bengal proving the efficacy of land reform beyond doubt.

There has been considerable dilution in the ideological purity of the left wing extremist movement and a noticeable criminalisation of its cadres at the grassroots level. As a result, many land-owners organizations have come into existence to militarily oppose them. And some of these violent groups have large support base including that of high castes in Bihar. Several factors have helped to sustain the LWE movement, some of which are on account of administrative lacunae. These include inter alia short-comings and delays in the criminal justice system, absence of rural policing, absence of a satisfactory mechanism for instant justice in the rural areas, policy changes introduced as a result of change in government at the state level and lack of a political direction in some cases. All these factors only assist the naxalite cause and prompt the rural poor to gravitate towards the movement. A much more comprehensive and holistic

9. Banerjee, Sumanta : The Economic & Political Weekly, Sept-Oct., 2000 Vol. XXXV No. 40, page 3575

approach needs to be adopted to tackle the problem of left wing extremism. Lack of land reforms, declining standards in the political/administrative/judicial systems and the perceived failure of the democratic process in some areas to provide an adequate channel for the people to meet their grievances are basic issues without tackling which the left wing extremist philosophy will find increasing acceptance in several parts of the country. Thus, implementation of social legislation including land reforms, restoration of tribal lands, distribution of surplus land, minimum wages and schemes to tackle rural indebtedness need to be taken up on a priority. However, the task of providing an appropriate climate for these agencies to function will simultaneously have to be accomplished by the police.

Sumanta Banerjee further concludes that, “Though the present Indian rulers want to preserve even a semblance of a nation state, instead of coming up with knee-jerk militarist responses, they have to work out fundamental structural adjustment to deal with the issues thrown up by the different movements for autonomy and independence. Similarly, the leaders of the latter also, as well as the Maoist revolutionary outfits fighting the Indian state, if determined to win their respective goals, may have to replace their present terrorist tactics with long-term political strategies that would enable them to unite the people behind them by ensuring democracy within their movements, both in military and political terms.” Otherwise nobody can win against the might of the modern powerful State. Creation of ripples in the society will not serve their mission and the poor masses will be soon disillusioned from them.

### 3. FACTORS CONSTITUTING LAND REFORMS

The following factors can be considered to arrive at a mathematical formula for quantifying land reform. The following linear equation has been suggested.

The term factor analysis "embraces a variety of techniques". Our discussion focuses on the one procedure 'principal component analysis' and the factors derived from the analysis are expressed as linear equations. These linear equations are of the form.

$$T(LR) = R_1L_1 + R_2L_2 + R_3L_3 + R_4L_4 + R_5L_5 + R_6L_6 + R_7L_7 + R_8L_8 + R_9L_9 + R_{10}L_{10} + \dots + R_nL_n$$

T(LR) is the Total/Resultant Land Reform.

R is the weightage or ranking of the factor.

L indicates factor related to land reform on the basis of conclusions arrived at earlier. It may represent one factor or combination of factors. The factors are thus as follows:

L<sub>1</sub> : Existence or implementation of Employment Generating Schemes like Jawahar Rojgar Yogna, N.R.E.P.\* I.T.D.P. or I.R.D.P.\*\* or P.M. Rojgar Yojna.

L<sub>2</sub> : Whether Tenancy or share-croppers are recorded or unrecorded and are given their rights. They should not be ejected.

L<sub>3</sub> : Practice of cooperative farming or assistance by Panchayats by developing local leadership and helping the cultivators locally in all matters.

L<sub>4</sub> : Distribution of Government surplus land after vesting in State and giving possession to the pattadars or assignees of the vested lands after distribution of surplus lands and thereafter.

\* N.R.E.P stands for National Rural Employment Programme.

\*\* I.R.D.P. means Integrated Rural Development Programme.

L<sub>5</sub> : Position of land records, detection of benami lands and whether land has been equitably distributed and passbooks of land-details have been issued.

L<sub>6</sub> : Extent of social and religious reforms.

L<sub>7</sub> : Availability of legal aid to the landless agricultural labourers, pattadars, sharecroppers or poor peasants.

L<sub>8</sub> : Financial assistance or credit for supply of timely inputs and other investment support.

L<sub>9</sub> : Success of consolidation operation.

L<sub>10</sub> : Allotment of house sites and restoration of alienated tribal land or lands transferred due to distress.

The above equation can be thus, represented as

$$T_{i(LR)} = R_i L_i \text{ And } R_i \text{ is the multiplication factor of where } i = 1, 2, 3, 4, \dots, 10, \dots, n$$

The co efficient R<sub>i</sub> may be determined for each factor depending on the relative importance of that factors. R<sub>1</sub>, R<sub>2</sub>, R<sub>3</sub>, R<sub>4</sub>, R<sub>5</sub>, R<sub>6</sub>, R<sub>7</sub>, R<sub>8</sub>, R<sub>9</sub>, R<sub>10</sub> or any other co-efficient or factor taken later on.

The weightage inter se can be determined by developing closed-ended response based on the concept or decision of the research. Here, one cannot avoid subjectivity. To reduce the subjectivity, even detailed discussion can be made to determine the allocation of the weightage. For this purpose, a rating scale may be fixed. Rating scales, by and large, try to secure the intensity of the respondents' feelings on a pre-defined sets of response alternatives. Here, guidance has been taken from Likert Scale which is also called a 'summed ratings' scale. Let us construct the following six statements or decisions relating to issues under investigation, very adequate, adequate, so so, inadequate, very inadequate, nil. Let us assign the numerical values or rank ranging from 0 to 10 different categories as follows:

very adequate	assigned	10 marks
adequate	assigned	8 marks
so so	assigned	4 marks
inadequate	assigned	2 marks
very inadequate	assigned	1 mark
nil	assigned	0 mark

Using this method of scoring, total scoring is calculated depending on the strength of the factor.

Let us, therefore, assign percentage importance to each factor taking clues from discussion in chapter 1 of this book.

T(LR) is taken as 100 per cent. Therefore, each factor will be determined on the basis of 'a'/100 where 'a' represents percentage weightage inter se of each factor.  $L_1$ : 4 per cent is given maximum value for Employment Generating Schemes during lean season of work or otherwise. This can be maximum as  $R_1 L_1 = 10^* .04 = .4$ . Similarly,

$L_2$  : 20 per cent weightage is given to recording of sharecroppers and protection to their rights of cultivation. Therefore,  $L_2$  factor will be 20 per cent in ideal condition but on-rating scale, it will vary from zero to  $10^* .2 = 2$

$L_3$  : Local Assistance, it is given 10 per cent weightage. If the Panchayats are established and are functioning well, there is semblance of cooperative farming or pisciculture and there are organizations of pattadars, agricultural labourers or sharecroppers, the adequate weightage will be given. In case of ideal situation of covering the entire village through cooperative farming, full weightage or very adequate category will be given. However, before the stage of cooperative farming, rural organizations are necessary to safeguard rights of cultivators.

$L_4$  : 40 per cent weightage is earmarked for distribution of government vested lands. This is the main target specially in the Indian context. In fact, aim of Imposition of Ceiling Acts is to take away excess lands from the big landholders and to affect redistribution. It is not sufficient that the lands have gone to government but also should be distributed. Therefore, if the lands are still with the local landlords, it will be of very inadequate category. If the lands are vested to government but possession is not taken over, and benami lands are not unearthed, it will be within inadequate category. If the Acts have been implemented, this will be 50-50 category of case. If the lands are distributed but the possession is not given, it will be classified as adequate category. Only in case of lands properly allotted alongwith possession given over, it will be classified as 'very adequate' category allocating 10 marks.

$L_5$  : Weightage 8 per cent is given to the position of land records and existing position of landownership or landholding. If lands are more or less equitably distributed and there is no cultivation beyond ceiling limit in the village, it will get allocation of rank within 50-50 category. If land records alongwith village maps properly do exist, then it will have a ranking in adequate category and if passbooks detailing individual holdings are distributed, it will be a perfect system in 'very adequate' ranking with full 10 marks.

$L_6$  : Total weightage 3 per cent is given to social and religious reforms. Poor people spend a lot of money on festivals and ceremonies and do not go for work on a number of days to celebrate many unknown local festivals or rituals due to superstition or orthodoxy. They also indulge in indebtedness and drinking. If there is lot of indebtedness, it will be 50-50 or normal category or average category. Social reform like keeping villagers away from gambling or drinking, will earn "adequate classification". If the agriculturists are free from religious dogmas, they will be placed in the highest ranking.

$L_7$  : Weightage 3 per cent is allocated for legal aid to the poor. If legal aid is available only through mutual conciliation without any statutory system, it will fall in very inadequate ranking. If conciliation or disposal of disputes are done through the aegis of Panchayat bodies or Nyaya Panchayats or through official agencies, it will fall within inadequate category. If legal aid facilities are available up to revenue courts, it will be in 50-50 or normal category. If legal aid is available up to District Judge court's level, it will be adequate. And if legal aid system free of cost actually is available up to High Court, Supreme court level, it will be given the highest ranking.

$L_8$  : 5 per cent weightage is given for financial assistance for crops through government or cooperative or Panchayat agencies including subsidies. This also reflects the credit facilities available for cultivation to delink the share-cropper or pattadar from the moneylender. In this category, mostly crop-credit finances are included, i.e., credit available to purchase plough, cattle, manures and seeds etc. However, if soil conservation work has been done or irrigational facilities are available, the village will be placed in very inadequate or inadequate rankings respectively. If credits from banks

are available, it will be of adequate category. If government subsidies are available fully, then the situation will be of very adequate nature.

$L_9$  : Only 1 per cent weightage is given to consolidation operations. Without co-operative farming consolidation has come under criticism due to corrupt practices. Therefore, if the consolidation operations are started, it will be of 50-50 category. If the chaks or plots are finally demarcated, it will be of adequate category. If the plots are dispute free, it will be placed in 'very adequate' ranking.

$L_{10}$  : 6 per cent significance or strength is given equally to allotment of house sites to the rural poor as 3 per cent and 3 per cent for restoration of alienated land due to distress. As tribal population is very scanty, the restoration of tribal land has also been put in the latter category. If the house sites are allotted, it will be adequate ranking. If the house sites are so made that the poor classes are free from fear of the upper classes, and they are properly put in effective possession, the ranking will be very adequate. In ideal case  $R_{10}$  is ten.

In case of ideal situation, all  $R_{10}$  will have 10 ranking points. Accordingly, the estimate may be made whether a village, subdivision, district or state comes within the type of category i.e., very inadequate, adequate, 50-50, inadequate or very inadequate state of affairs of land reforms.

The coefficients in the factor equations are called "factor loadings". They appear in each factor column, corresponding to each variable. The equation may be depicted in a random case as  $R_{(LR)} = 10L_1 + 8L_2 + 0L_3 + 0L_4 + 4L_5 + 0L_6 + 0L_7 + 2L_8 + 1L_9 + 1L_{10}$  where  $L_1$  ... to  $L_{10}$  are fixed already.

The factor loadings depict their relative importance of each variable with respect to a particular factor. In the above equation, we have got positive loading factor indicating that they are variables of importance in determining the extent of land reform in a given sample. Similarly, some factors with negative attribute may be included which pull back land reforms. But as this study is a part of legal study, there is not much scope to go into acute niceties or finer details. It is to concretize the ideas so that real focus may not be lost sight of while viewing the land reforms as an integrated whole.

The above equation, is reduced in number form as follows:

$$T_{(LR)} = 10*0.04 + 8*.2 + 0*.1 + 0*.4 + 2*.08 + 4*.03 + 0*.03 + 0*.03 + 2*.03 + 0*.01 + 2*0 = .4 + 1.6 + .16 + .12 + 0 + 0 + .06 + 0 + 0 = 2.34 \text{ which is in inadequate category.}$$

It means that the important factors to contribute for land reforms are distribution of surplus land, recording of sharecroppers and organizing the rural folk for implementation of land reforms. The three factors will amount to 70 per cent of resultant land reform i.e.  $T_{(LR)}$ .

In the ideal solution, the factors derived will explain 100 per cent of the variance in each of the original variables or factors.

There are two important subjective issues which should be properly resolved before employing factor analysis model.

1. How best the factors should be employed in attempting to reduce the data? How best the criteria should be used in establishing that number?
2. The labelling of the factors is intuitive and subjective.

The following resultant land reform (L.R.) is obtained for the State of Uttar Pradesh.

$$T_{(LR)}^* = .003 \text{ (I)} + .2 \text{ (II)} + .1 \text{ (III)} + 1.6 \text{ (IV)} + .32 \text{ (V)} + .03 \text{ (VI)} + .00 \text{ (VII)} + .1 \text{ (VIII)} + .4 \text{ (IX)} + .48 \text{ (X)} = 3.23 \text{ i.e. about } 32.3\%$$

Applying preceding empirical formula, we find that land reform beyond over 50 per cent category should be good. Beyond 80 per cent, it should be adequate. On the basis of above formula we find extent of land reform in two States of India is as follows: i.e. U.P. and West Bengal, 32 per cent and 67 per cent respectively.

Similarly, the formula can be successfully applied to assess

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- \* I stands for Employment Generating Scheme  
 II stands for Position of Sharecroppers  
 III stands for Cooperative Farming  
 IV stands for Distribution of Surplus Land  
 V stands for Status of Land Records  
 VI stands for Social and Religious reforms  
 VII stands for Availability of Legal Aid  
 VIII stands for financial assistance for crops.  
 IX for consolidation and  
 X for allotment of house sites

total land reforms from macro to the micro level i.e. from national level to state, district, sub-divisional/taluka/tehsil, block or village level and accordingly, corrective steps can be taken to improve the extent of land reform at that level.

In West Bengal we may give following weightage:

L<sub>1</sub> = As landless and poor farmers get only about 15 days work out of 150 days required. The work is allotted more or less equitable except little party colouring which should not be there. Poor is poor irrespective of caste, creed, community, colour or political affiliation.

Therefore, weightage will be just below average, i.e. inadequate = 2.

L<sub>2</sub> = This factor of recording of sharecroppers is very successful. Though as per an estimate there are more sharecroppers and there can be conferment of ownership rights to them like in Maharashtra. Yet this factor gets full marks due to very poor performance of other States in this regard. Therefore R<sub>2</sub> = 10.

L<sub>3</sub> = This factor also gets good marking as Panchayats and Krishak Organizations are very strong so much so there is hardly any scope of injustice to the poor farmers unless contrary takes place. Moreover, as cooperative farming is yet far off and efforts by governmental agencies are nil, this may get adequate marking, i.e. 8.

L<sub>4</sub> = There is equitable distribution of land more or less but all lands could not be distributed yet as about 1.70 lakh acres of land is locked in litigation. Therefore, this factor can only get at the most adequate category, i.e., 8.

L<sub>5</sub> = Position of land records is as backward as any other state. There is no provision of regular updating. However, by induction of lowest level functionaries, i.e., revenue inspectors at the Gram Panchayat levels, the situation is likely to improve. Therefore, it is averaged R = 5.

L<sub>6</sub> = Social and religious factors are little dormant in society but are very much effective in personal lives. Therefore, farmers are occupied with the rites and rituals. L<sub>6</sub> is therefore, very inadequate with 1 rating. Neither Panchayats nor religious reformers do anything to take out the villages from this morass.

L<sub>7</sub> = There is availability of legal aid but not at the level of High

Court and is also inadequate. Therefore, R<sub>7</sub> = 5.

L<sub>8</sub> = Facility of crop credit is satisfactory through Panchayats but due to poor recovery, bankers retard progress. It will be of average category, i.e. R<sub>8</sub> = 5. Allotment of house site is O.K. but construction is inadequate.

L<sub>9</sub> = Neither consolidation taken up nor is likely to be taken up. Therefore R<sub>9</sub> = 0.

L<sub>10</sub> = Restoration of alienation land due to distress is done but restoration of land to tribals shows lethargy as cases before Special Officer, Scheduled castes and Scheduled tribes are not processed expeditiously. The factor gets a weightage as adequate = 8.

Calculating above factors, we find

$$T(LR) = .4 \times 2 \text{ (I)} + 2 \times 10 \text{ (II)} + .1 \times 8 \text{ (III)} + 4 \times 8 \text{ (IV)} + .8 \times 5 \text{ (V)} + .3 \times 1 \text{ (VI)} + .3 \times 5 \text{ (VII)} + .5 \times 5 \text{ (VIII)} + 0 \times 1 \text{ (IX)} + .6 \times 8 \text{ (X)} = .8 + 20 + .8 + 32 + 4 + .3 + 1.5 + 2.5 + 0 + 4.8 = 66.7\% = 67\%$$

Which is over 50 per cent category but is below adequate category (80 per cent).

#### 4. COMPARATIVE PERFORMANCE BY VARIOUS STATES UNDER LAND REFORMS

Successful reform of land tenure in densely populated states, as in Kerala and West Bengal, leads to a slow change of rural social relations and power-structure, but does not overcome other socio-economic problems, like un- and under-employment. "The legalistic approach, observance of all juridical procedures, compensation payments etc. slow down the pace of change and diminish the redistributive effect, thus it also limits the new investment in the farming sector."<sup>10</sup>

The West Bengal is the leader in the field of land reform for following reasons:

- (a) Intermediary tenures have been done away with in agricultural and non-agricultural land.
- (b) About 14 lakh share-croppers known as bargadars have been recorded and their rights of cultivation are heritable.
- (c) The ceiling in West Bengal is 5 hectares for irrigated area and 7 hectares for non-irrigated areas inclusive of both agricultural and non-agricultural land.
- (d) Land in possession of small and marginal farmers is 60 per cent in place of 29 per cent which is the national average.
- (e) Land Tribunals have been proposed.
- (f) Over 2.5 lakh persons have been given homestead instead of land.
- (g) Tenantwise records or rights are being planned and computerization is being introduced.
- (h) The percentage of land owing cultivators has increased to 41.9 in 1981 from 31.2 per cent in 1971.

In Karnataka, occupancy rights are conferred on dwelling

10. Bergmann, Theodor : Agrarian Reforms in India, published by Agricole Publishing Academy, p.192.

houses, constructed by agricultural labourers on lands belonging to others. Land tribunals have 4 non-official members, out of which one shall be from S.C./S.T. community. Lands held by institutions are brought under the ambit of the Act.

Gujarat has done fairly well in the field of land reforms because of its sound administrative base through active Panchayat System. The following steps have been successfully taken;

- (a) Occupancy rights have been converted on the inferior holders or permanent tenant numbering about 12.41 lakhs including tenants.
- (b) Absentee ownership has been effectively eliminated by the provision requiring personal cultivation.
- (c) The records are regularly rewritten after 10 years.
- (d) As recommended by the Government of India, the Ceiling Act was amended to provide a maximum ceiling of 10 to 18 acres of perennially irrigated land and 30 to 54 acres of dry crop land.
- (e) Allottees of surplus land get financial assistance of Rs. 2,500 per hectare which is treated as subsidy under the Centrally Sponsored Scheme.
- (f) Land held by the Scheduled Tribe will not be transferred without the previous permission of the Collector.

The achievements under land reforms measures are encouraging in Tamil Nadu. There are about 4,94,000 registered tenants cultivating lands belonging to individuals and Public Trusts to an extent of about 6,85,500 acres. The Government is also seeking the cooperation of social workers in the rural areas for proper implementation of the land reform laws. Finally, steps to reorient the attitudes of the revenue and police officials in the matter of protection of the rights of the rural poor vis-a-vis the land rich have been effectively taken.

In Maharashtra, by 1970, ownership of leased land was partly or fully transferred to the tenants in about 18.75 lakh tenancy cases, out of a total of about 26 lakh recorded tenancy cases in the State. The ceilings were lowered in 1975, as a consequence of which an area of 1,60,962 ha was declared as surplus. Out of the total area of 2,85,455 ha declared as surplus under these enactments, 2,51,522 ha have already been distributed.



State of Madhya Pradesh is leader in the maintenance of land records. There is a mechanism for continuous updating of records of rights and maps. The individuals have also been provided with their up-to-date land details in the form of passbooks.

In Assam, the ceiling in rural areas has been fixed at 6.68 ha per family while in urban areas the ceiling is 2000 sq. meters per family. Recently, in March 1990, the Government has made penal provisions for violations regarding purchase of tribal lands.

In Andhra Pradesh, voluntary declaration of concealed land by the land-owners will save them from the punitive actions provided in the Act. In Andhra, the tenancies were based on oral contract and those too, were recorded and thus established the tenants rights and legitimacy.

In smaller States, the State-wise specialities were noted as follows:

In Jammu & Kashmir, under Agrarian Reforms Act, 1976, the rights in a holding of land of any person not cultivating it personally, were extinguished and vested in the State.

In Orissa, raiyati rights have been conferred on more than 1.6 lakh temporary lessees. In Tripura, civil court's jurisdiction has been barred.

In Goa, where the tenants are cultivating on comunidade (community) land, they have been so recorded in the land records. In Sikkim, there are effective provisions to ensure that there is no arbitrary termination of cultivation. In Pondicherry, the right of resumption for personal cultivation was withdrawn totally except for the armed forces personnel. In Manipur, the Revenue tribunal is dealing with cases under the Manipur L.R. & Land Reforms Act in place of conventional judicial courts. In Meghalaya, there is community ownership of land and land cannot be acquired even for public purposes without scrutiny by people's representatives and community. In Mizoram, the Government is deeply concerned with the non-productive development of land by the allottees and also allotment and transfer of land to non-agriculturists.

## 5. LAND REFORMS AND PRODUCTIVITY

It is a wrong notion that land reform is anti production. In fact, increase of productivity is the ultimate aim of the land reforms.

The factor of human labour in any agricultural production is about 30 per cent in India and animal labour is another 30 per cent and they are available in abundance with the landless people in the rural India. There is disguised unemployment but actually they have no other avocation to resort to. Some argue that a minimum economic farm<sup>11</sup> size is 7.5 acres like Shri A.M. Khusro. It differs from State to State. For Andhra Pradesh, adequate farm size is about 7.5 acre to 10 acres. Similarly, in West Bengal, it will be the lower area of the farm which will be economically feasible for production. But I do not agree with the calculation. One acre farm will not be an economic disaster. This can be stressed in view of modern labour intensive technologies and scientific farming. A small piece of land at least assures the person in village that his name is recorded, he cannot be forcibly evicted from the village, he will not die of hunger and will not be reduced to a status of a migrant labourer.

The fact of ownership in the village is a great satisfying factor which cannot be measured in terms of any economic parameter. If the farmer has his own land, he will work with double vigour and zeal. His human resource will find expression in full and infinite which will negate all economic matrix and calculation. Thus, the concept of human resource development of management can be easily made applicable in the field of agricultural production by providing land to the tiller whatever quantum it may be. In case of need of a farmland, he can always use this as a kitchen garden. A home-stead land and kitchen garden land can in no way be termed as non-economic because he can do it in addition to leasing-in land

11. Khusro, A.M : The Economics of Land Reform and Farm Size in India

from other landlord and at the same time he can cultivate his own land. This practice is now very popular in rural India.

The ownership of land in a village provides a great social and political lever to a poor man in the village and can save him from starvation in case of dire situation specially in a situation where state cannot afford to give economic holdings to all landless people and the consolidation of land-holding has been proved to be not very useful factor in land reform. To cover him under any antipoverty programme of the government, he should have a piece of land as a prior condition even to prove his financial solvency before a banker. As a corollary, even distribution of land in small fragments will not be a bad proposition because many of the small allottees can join together and can have a bigger chunk of land and can cultivate them jointly in a co-operative farming way to make it economically feasible. Such co-operatives on the pattern of Egypt can be formed in India where a person keeps his ownership but the facilities for cultivation are provided jointly so that the moderate capital investment including scientific implements are not denied to the poor cultivators.

In the opinion of another specialist, the Egyptian co-operative system has basically similar features to the highly successful Israeli co-operative farms. In fact, one can argue that Israeli cooperative farm system is better organized but less applicable to other developing countries than the Egyptian. Israeli cooperatives are socially and economically integrated institutions organized largely on a voluntary basis. They enjoy almost complete independence from the government. But they were created under rather unique conditions. First, Israeli farmers were immigrants who obtained and operated their land in a hostile environment. They had to maintain a high degree of internal cohesion in order to survive. Second, Jewish culture may be said to exhibit a strong strain of communal solidarity, thus favouring group activity. Finally, many Israeli immigrants are ideologically attuned to the socialist way of production. These conditions generally do not exist in the developing countries: hence the applicability of the Israeli cooperative experiences to the countries like in India is much limited. Among the three models of cooperative farming, the Indian system appears to be merely an aspiration that has vaporized; the Mexican system is an institution large in size but

weak in structure; the Egyptian system appears to be the only one that deserves imitation by the countries including India.

Though the role of land reform in removing obstacles to raising agricultural production has been recognized right from the beginning, the greater emphasis was always on its role in levelling down social and economic disparities. In fact, after partial implementation of land reforms in West Bengal, agricultural production has gone up considerably in West Bengal and for the first time the State has become self-sufficient in foodgrains which was earlier chronically deficient State. "According to NABARD (National Apex Bank for Agriculture and Rural Development) survey, the number of people crossing the poverty line was the highest in West Bengal after Punjab."<sup>12</sup>

The Green Revolution will turn into red revolution if it is not accompanied by land reforms like the example of Punjab. The agriculturally richest State was under siege by the terrorism for a number of years from 1984 to 1993 with peak years from 1988-93. The ex-Chief Minister of Orissa, Mr. Biju Patnaik said, "the State should follow West Bengal in implementing land reforms to achieve substantial increase in agricultural production and productivity."<sup>13</sup>

During the last five decades, adequate and sincere efforts were not made. In the conference of Revenue Secretaries of States in October 12, 2000 there was consensus that some efforts or operations should be undertaken on campaign mode with utmost political will and political and administrative backing on the pattern of 'barga operation' undertaken by Government of West Bengal since the inception of Left Front Government of West Bengal since the inception of Left Front Government there in 1977. "The emphasis should now shift to the role of land reform in fostering agricultural growth and augmenting employment opportunities. An improvement in the incomes of the rural poor is a matter of high priority not just for altruistic reasons. Increased incomes mean increased purchasing power. The resulting spurt in the demand for goods of mass consumption will foster industrial growth. And that could pave the

12. Analysis : Sunday 21-27 April, 1991, published from Calcutta

13. Agrawal, P.K : Land Reforms in India, page 206

way for the success of the new economic policy that depends on the market as the engine of economic growth. We need certain minimal measures of land reform to facilitate the growth of the Indian Economy on the capitalist path of development that we have now chosen.”<sup>14</sup>

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14. Appu, P.S. : Land Reforms in India, page 220.

## 6. STATUS OF LAND REFORMS AND SOLUTIONS

Let us first examine the status of land reforms in the States of Andhra Pradesh, Bihar, Madhya Pradesh, newly created State of Jharkhand, Chhattisgarh, parts of Maharashtra and Orissa where the naxalism is appearing in various facets. It is well established principle that agrarian tension has direct relation with lack of implementation of land reforms measures by the State Government. It is very essential to tackle the root problem of these agrarian violence which is decidedly the lack of implementation of land reforms measures.

During Revenue Ministers Conference held on 17th September, 1998 at New Delhi, it was resolved that the States/UTs should gear up the revenue machinery to implement land reforms vigorously.

“Since inception till March 2000 the total quantum of land declared surplus in the entire country is 73.51 lakh acres, out of which about 64.84 lakh acres have been distributed to 54.84 lakh beneficiaries of whom 36 per cent belong to Scheduled Castes and 15 per cent Scheduled Tribes.

The programme for conferment of ownership rights to tenants or otherwise protecting rights of tenants/share-croppers from eviction-at-will is not getting adequate attention from the State Governments. Till date 124.22 lakh tenants have got their rights protected over an area of 156.30 lakh acres.”<sup>15</sup>

As the Land Reform is the State subject, let us undertake the statewise analysis and suggest solution to the problem specifically:

### 6.1 : ANDHRA PRADESH

In State of Andhra Pradesh, there are different provisions of land

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15. Annual Report 1999-2000 : Ministry of Rural Development, Govt. of India,

reforms provisions applicable to different regions. In Andhra area, the old Act of 1950 was repealed and a new Act, A.P. (Andhra Area) Tenancy Act, 1956 was enacted. Similarly tenancy reform in Telangana is guided by the Tenancy and Agricultural Lands (Validation) Act, 1961. The Telengana Act recognizes temporary leasing for six years which can be again renewed for the same period. A family holding in Telengana area varies between 4 to 60 acres.

The Andhra Pradesh Land Reforms Ceiling on Agricultural Holdings Act 1973 prescribes ceiling limit. The ceiling area of the family unit was fixed as equivalent to one standard holding with a maximum of 2 standard holding for a family unit in excess of 5. In 1977 the Act was amended which allowed one additional standard holding for each major son. Nearly 4.45 lakh declarations were filed in the State but only 13.53% declarations were decided as surplus and remaining 86.4% were decided as non-surplus. The area declared as surplus is 5.25 lakh acres of which 93.76% was dry land and only 6.24% was wet land. Out of above, 3.8 lakh acres of land was assigned for agricultural purpose and 0.02 lakh acres were allotted for house sites. Thus, there was ineffectiveness of land ceiling programme in the State. Sometimes, provisions relating to 'personal cultivation' have been misused by the landlords to deprive of the poor lessees or tenants-in-possession.

It is learnt that the State is trying to have a relook to rejuvenate land reforms set up under the pro-active leadership of the Chief Minister, Shri Chandra Babu Naidu. At least, pending cases could be decided and possession to assignees of vested land would be given and updated land records will be handed over to each person.

Until 1966-67 rising in Srikakulam in Andhra Pradesh, the general belief was that rural India has always been mass of the sleeping villagers acquiescing in every form of injustice.

The Telengana Movement was aimed at restructuring agrarian social relations through direct action against the Government. The Government was thus, obliged to embark upon a radical land reform policy to wean the peasants away from militancy. The Telengana region has a high proportion of tenancy due to the prevalence of pervasive absentee landlordism.

The first round of land ceiling in AP in 1961 was abysmal failure. Only about 7400 acre land became available and very little land could actually be distributed to the poor against the estimated target of 30 lakh areas of land.

The second round of land ceilings legislation in 1973 was somewhat better. Against the estimated surplus of 20 lakh acres by 1992, about 8 lakh areas were distributed, although much of this was dry land of inferior quality.

### Problems

In Andhra Pradesh, the informal tenancy persists even in Telangana area where leasing is not permitted. The landless tenants are in a bad shape. The land taken on lease, by them keeps them at below subsistence level. The landowners frequently change their plots. They are mostly sharecroppers. They meet the entire cost of cultivation and receive less than 50% share of produce.

The following anomalies still persist:

- (i) The administrative machinery to identify and detect informal tenancy hardly exists.
- (ii) The provision of conferring the status of occupancy tenants to sharecropper/tenants-at-will is under neglect.
- (iii) The right of continuous resumption without any time limit, provision of surrender, and loose definition of 'Personal Cultivation' continue to be the loopholes in the tenancy provisions of the State.
- (iv) Lack of acquisition of optimum quantum of surplus land (3,64,168 out of 1,38,46,740 hectares).
- (v) Distribution of poor quality of land partly Government based land. The average allotment—1.4 to 1.7 acres, mostly dry land—is insufficient to establish a self-sufficient holding, not to speak of any regular marketable surplus.
- (vi) The domination of big farmers like politicians and merchants.
- (vii) Exemption of cash plantation from ceiling laws.

### Solutions

- (i) The ceiling laws are very generous and they should be brought at par with other States as per the guidelines laid down by the Government of India.

- (ii) Restriction of right of transfer of land in Telengana by the tenants for institutional credit depriving of the cultivators of land.
- (iii) Training of Revenue officers.
- (iv) Formation of new land tribunals.
- (v) Functioning of Taluka level review committee relating to land reforms.
- (vi) Updation of land records in the State.
- (vii) Disposal of returns/cases relating to ceiling surplus land should be disposed of on the basis of operation.
- (viii) Ensuring institutional credit to the assignees of government vested land.
- (ix) The greatest drawback of the Act is that it does not envisage suo-moto taking up of cases. The special officer can at best play the role of an adjudicator when moved and cannot take up cases himself for protection of even registered tenants.
- (x) The definition of 'Personal Cultivation' is vague.
- (xi) The tenancy Act should recognize oral agreements.
- (xii) The burden of proof should rest on the landowner not only in the context of fixation of Fair Rent but also in respect of all other matters like 'Personal Cultivation'.
- (xiii) Tenancy reform can be implemented only through Revenue Department and all disputes relating to such matters should be adjudicated by competent revenue official. The jurisdiction of the judicial official should be restricted.
- (xiv) The right of resumption seriously affects security of tenure. It should be abolished.
- (xv) The rent is still on the high side. It should be fixed at 1/5 of the gross produce.

The glaring ineffectiveness of land ceiling measures is borne out from the fact that only 13.53% declarations were decided as surplus and remaining 86.47% were decided as non-surplus. The area declared as surplus is 5.25 lakh acres of which 93.76% was dry land and only 6.24% was wet land. In several cases assignment has been done on papers. Physical possession has not been handed over to the assignees. Further, the assigned lands have not been demarcated on ground levels in many cases. In spite of irrigation potentialities

created over course of time, the land records continue to show it as dry land.

"The ineffectiveness of land ceiling programme in the State tends to be further corroborated from the following facts. The empirical study in the villages show that 30% of the area allotted was completely uncultivable and 67% of the allotted land was unirrigated. The average extent of land allotted was not economically viable. This suggests that land ceiling programme in Andhra Pradesh was a failure. Besides this, of the total extent of land distributed in the surveyed villages only 6.91% was allotted to Scheduled Castes and 32.79% was allotted to Schedule Tribes. The State ceiling rules prescribe that at least half of the declared surplus should be allotted to Scheduled Castes and Scheduled Tribes. In surveyed villages the allotment of land to these two categories falls short by at least 10.40% of the prescribed requirement. The distribution of land is further tilted against Scheduled Tribes in particular. The uncultivable land, in one of the villages, to the extent of 54.55 hec was allotted to 30 Scheduled tribes which amounted to 1.82 hec per Scheduled tribe beneficiary."<sup>16</sup>

## 6.2 : BIHAR & JHARKHAND

The affairs of State of Bihar have been engaging attention of politicians, administrators, police and land-reform experts for quite some time. Every alternate day one is pained to read the news of some killing or the other without any generally accepted rime and reason. Once it is on a piece of land and second time, it is for the revenge of the earlier killing. The society in Bihar has been so divided on caste lines that it is very difficult to ascertain cogent reason for the mindless killings. The extremists elements or the naxalites under title MCC or other groups are also the most active and are playing very active roles in the happenings in rural Bihar.

Let us examine, how far the land reform situation has contributed to the present poor state of affairs in the State of Bihar. The Bihar Land Reforms Act, 1950 abolished the intermediary rights and interests but did nothing to safeguard the rights of tenants. The

16. Iyer, Prof K. Gopal : Report on the Empirical Study of Land Reforms in India, page 97

Bihar Land Ceiling Act, 1961 was very mild and helped most of the landlords to escape its applications.

The Ceiling Act of 1972 was better than the Act of 1961. It took a family as unit not an individual landholder.

"The Bihar Agricultural Land (Ceiling and Management) Bill enabled the state to appropriate land in excess of the ceiling and redistribute it among the landless. The outcome is revealing: until 1983-84, about 266,000 acres of surplus land was acquired and about 167,000 acres redistributed. Out of the total, 1.26 per cent was cultivated. Percentage of surplus land that was distributed was 63.14 per cent".<sup>17</sup>

The present situation reveals that many landholders have managed to escape the application of the ceiling lawfully or partially through the suppression of information or non-appearance in the proceedings through benami names and by using the present dilatory judicial proceedings. In some cases the land allotted is also of very inferior quality. The Govt. of Bihar did a good job by taking over of land of Bodhgaya Mahant in Gaya district and distributed among thousands of Harijan families. This experiment needs to be repeated in all parts of Bihar.

The Bhoodan Yagna Committee also failed in Bihar as it got only waste lands or disputed lands. Over and above, the land reform system in Bihar lacks administrative and organizational cohesion necessary for carrying on the task of land distribution. This is because of two reasons; first the administrative machinery in Bihar is also inclined in favour of land owners, secondly the political will in Bihar has been lacking all along for undertaking land reforms.

According to H.Dhar, "Till 1969-70, nearly Rs. 384 million were paid to the ex-zamindars in the form of compensation for the land acquired by the government. Besides, the zamindars succeeded in keeping 14 per cent of their estate in the form of khas possession which nobody could touch. The Revenue Department of the Government of Bihar had earlier estimated that the khas possession of the ex-zamindars was to the tune of 1.5 million acres. In addition

17. Pradhan H Prasad : 'Land Reforms in Bihar - A Case Study' mimeo, ANS Institute of Social Studies, Patna, 1986.

there was a hulk of disputed land. Various unscrupulous methods, such as benamdari, collusion with revenue officials and politicians, coupled with their social status and power meant, the ex-zamindars of Bihar succeeded, by and large, in protecting their class interest. The examples are there for everybody to see. The ex-zamindars of Darbhanga, Hatbwa, Dumraon and Ramgarh still own large tracts of land. Even tenure holders under them, like Raghubans Narain Singh Kursela, happen to be big landowners. Maul Babu who once prided himself on being a modest raiyat of Raj Darbhanga now possesses around 18,000 acres of land and an air-strip!"

According to Shri P.S. Appu, "Bihar's dismal performance in the field of land reforms has been largely due to the overbearing sway of large landlords over rural society and their dominant influence over the state's politics and administration. Moreover, the legal system is heavily tilted against the disadvantaged, and there is the lack of organization on the part of the potential beneficiaries."<sup>18</sup>

The Committee headed by Shri Ashok Kumar, Special Secretary (CS), Ministry of Home Affairs looked into the causes of nine killings on 09.01.99 in village Rampur Chouram in Arwal sub-division of Jehanabad district. According to the report, the incident was due to land dispute problem. The Committee says, "it is obvious that there is a sympathy for the extremists among the landless labourers."

While talking to some Police Officers of the State and going through Jansatta reports dt. 2nd Dec. & 3rd Dec., 2000, it transpires that most of the root causes of the law and order problem in rural Bihar is due to land disputes.

#### Problems :

The following broad problems in the field of land reform can be brought out :

- (i) Lack of proper land records
- (ii) Non-recording of the rights of tenants
- (iii) Inefficient implementation of ceiling laws
- (iv) Incomplete distribution of ceiling surplus land
- (v) Continuous encroachment on the land distributed to the landless persons.

18. Appu, P.S. : A Modest Programme for the Nineties, page 51

### **Strategy**

In the present socio-economic and political situation of Bihar, it is not advisable to go for implementation of wholesale land reforms measures because implementation of land reforms measures requires strong political will backed by powerful rural organisations specially the Panchayats. The panchayat elections should therefore, be regularly done in Bihar and they should be given effective powers and should be made vehicles of socio-economic change in rural Bihar. Therefore, the need of hour is to introduce the package of minimum reforms giving priority to the correct and upto-date records of rights which are crucial for the implementation of land reforms.

### **Legal Measures**

Under Section 44 of the present Bihar Land Ceiling Act, it should be obligatory for the State Government to prepare and publish a record of rights. Therefore, instead of the word 'may', the word 'shall' should be substituted in that section. This will provide a legal basis for annual updating of records which should be done on regular basis.

The provision of consultation with landlord for subletting the land should be done away with because it practically amounts to giving the landlord the right to change his tenants.

The implementation of the Maintenance of Land Records Act 1973 should be taken up in the right earnest in blocks affected by ceiling legislation.

The laws relating to land reforms should be codified in one single statute.

The names of encroachers should not be recorded.

### **Administrative Measures**

A separate machinery for implementing land reforms should be set up and selected officers may be put on the job.

There should be regular training of officers in order to equip them with the requisite knowledge of the laws, rules, regulations and various instructions issued by the government from time to time.

Executive instructions should be reiterated so that the Police officers should be bound to follow the orders of the revenue authorities

in these matters and assert their authority in the interests of the allottees of the surplus land and the bataidars or share-croppers.

Construction of the office-cum-residences for lower revenue functionaries in the tolas of the weaker sections of society will instil greater confidence and bring justice to their doorstep.

### **Operational Methodology**

Sustained advance publicity should be given.

'The recording of rights' operation should be conducted in the mission approach and should be launched on the pattern of 'Operational Barga' in West Bengal in a campaign mode so that all government agencies are associated and it becomes a well known operation of the government having the backing of administrative will.

Certified extract of the record should be issued in the form of updated 'Farmer Passbook' or otherwise.

The Anchal Land Reforms Committee can be revived and its meeting should be held in every month. Selected social workers of voluntary organisations, Panchayat Pradhan and President, Block-Panchayats should be made the members of this Committee.

The above mission approach should be accompanied by due verifications, draft publication of the records and giving proper opportunity of hearing to all sides.

The provision of Section 71(a) of the Chhota Nagpur Tenancy Act (CNT Act) should be enforced strictly so that lands belonging to the members of the tribal community may be restored to them.

The number of appeals and revisions should be restricted to just one in order to avoid vexatious litigation.

Field visit by the original court should be made a mandatory provision in all restoration cases. Restoration register alongwith supporting records should be maintained at halka/Anchal/sub-divisional level.

A time limit should be prescribed for all recording operations, say one year.

A 'rakma-milan' with the previous survey should be rigidly adhered to so that the alienation of tribal land is not regularised.

The recording officer should not be allowed to open khatas in respect of such lands in the name of non-tribals which have been

recorded in the name of tribals in the previous survey.

Annual computation sheets (rent-rolls) should be regularly prepared and updated.

Officers who have already done their district tenurc, should be posted as settlement officers in these areas.

There should be special squad at the disposal of the Deputy Commissioner/District Magistrate for giving possession of land to the tribals and the landless.

### **Second Phase**

Following steps are suggested:

- (a) Abolition of absentee land ownership
- (b) Enforcement of minimum standards of personal cultivation.
- (c) Identification and recording of share-croppers/bataidars on the patterns of West Bengal's 'Operation Barga'.
- (d) Effective implementation of ceiling laws including scrutinizing about 84 land owners in the State who own more than 500 acres of land.
- (e) Equitable distribution of surplus land among the landless specially those belonging to the Scheduled Castes and Scheduled Tribes.
- (f) Proper implementation of rural development schemes and supportive facilities such as rural employment schemes, minor irrigation, soil conservation and social forestry schemes.
- (g) The land tribunals should be made to work effectively in Bihar.

### **6.3 : MADHYA PRADESH AND CHHATTISGARH**

State of Madhya Pradesh is setting up new standards in the field of administrative innovations. However, the Left wing extremists' movements in few districts, majority of which are going to the newly created State of Chhattisgarh, is causing grave concern. The Madhya Pradesh Ceiling Act has prescribed that no owner should hold more than 10 standard acres of land after the appointed day. However, these lands after being taken over, have not been distributed in all cases. Secondly, the quality of land allotted is very poor as most of the regions of Chhattisgarh and Bundelkhand suffer from lack of irrigation.

However, the Naxalite elements have penetrated into the tribal belt encasing upon the deprivation of the poor tribals in the hands

of the non-tribals. This is to be studied whether their exploitation is more by their brethren landlords who own large chunks of land and encourage such movements to keep their hegemony. However, it was surprising to note that the State administration couldn't go beyond thinking this problem as law and order problem and therefore, only fire-fighting devices are in vogue. There is need to make the tribal landless people aware of their rights and to popularize cultivation among them by providing government land, equipments, (plough & cattle), fertilizers and seeds etc. This requires to view the land reform strategy in M.P. or Chhattisgarh State as a missionary strategy which will also involve awareness drive and undertaking schemes for social and religious reforms among the tribals on the pattern of State of Tamil Nadu. No land reform drive in tribal area can succeed without dovetailing it with adequate rights to the tribals on forest produce or forest land without disturbing the cause of ecology and after realistic appreciation of ground realities in tribal pockets where the naxalite movement is flourishing.

State of Madhya Pradesh is leader in the maintenance of land records. There is a mechanism for continuous updating of records of rights and maps. Even computerised records of rights are made available to general cultivator. The individuals have also been provided with their up to date land details in the form of passbooks.

### **Suggestions**

1. The tenancy law does not recognize the existence of sharecroppers and tenants-at-will. This should be incorporated in the Tenancy Law, through appropriate amendment.
2. Special 'Operation Batai' drive should be undertaken to identify concealed tenancy and confer occupancy and Bhumiswamy rights on them.
3. Ejectment of tenants continues to pose a serious threat. This should be checked.
4. The provision of 'Voluntary Surrender' is being misused and used as a contrivance for ejectment of tenants. Such provision should, therefore, be deleted.
5. Provision of resumption of land should be abolished.
6. The Fair Rent should be implemented rigorously.



### Regarding Land Ceiling in the States

Until 31<sup>st</sup> March, 1988 under Land Ceiling Act, 2,37,316 cases were disposed of out of a total of 2,40,355 registered cases. The pending cases were only 3,039. The Government declared 1,22,616 hectares of land as surplus out of which 85,926 hec were taken possession of. The process of distribution is rather slow.

The M.P. Government allotted 58,688 hec. of land to 5,25,663 landless agricultural labourers. Presently, 3,563 hectares is available for distribution but 36,690 hectares of surplus land has not been taken possession of. The beneficiaries consists of 20,077 scheduled tribes to whom 14,913 hectares have been distributed and 16,999 persons belonging to other castes who were assigned 17,875 hectares. Other institutions were allotted 1,568 hectares. 27,379 hectares are yet to be distributed. Another 36,690 hectares is still under dispute.

The Madhya Pradesh Government initiated an innovative scheme known as Adhikar Abhiyan which aimed at restoration of land to the dispossessed beneficiaries. The first step taken towards Adhikar Abhiyan was identification of dispossessed Bhumiswami by a survey. The survey team comprised of Patwari, Sarpanch, members of block level 20 point Committee, Local MLA and Janapad Chairman. It was also the task of the survey team to ensure the restoration of land to the dispossessed Bhumiswamis.

The number of STs is over-whelming in the State of Madhya Pradesh and they have very small patches of land. The non-tribes have occupied some of the cultivable lands of tribals.

Majority of the landless (tribals) who were distributed surplus lands, leased out their lands for want of inputs and capital. The land which was allotted to the weaker sections of the society is either of poor quality or quite far from habitation.

The villagers in Bastar District under State of Chhattisgarh are not aware of the intricacies of the laws as such steps taken by them to evade land ceilings are not in evidence. In fact there are instances where the entire land of a combined family was recorded in the name of the eldest son which caused their land to be declared as surplus. No cases were found where handing over of possession was a problem. Due to negligence of Revenue Officer and field staff whenever possession could not be given earlier, the position is rectified

in the 'Adhikar Abhiyan', started by the State Government. The abhiyan was made to give physical possession to patta holders and there are penal provision also for resistance if it is from vested interest.

It is therefore suggested that apart from making 'Adhikar Abhiyan' a reality, more financial inputs be allowed to the patta holders of the Government land through banks or other financial institutions.

### 6.4 : MAHARASHTRA

The Tenancy legislations are different for the three regions of Maharashtra. The Mumbai Region is covered by the Bombay Tenancy and Agriculture Land Act, 1948 and (Amendment) Act 1955; the Marathwada region is guided by the Hyderabad Tenancy and Agriculture Land Act, 1950, the Bombay Tenancy and Agricultural Act, 1958 (Vidarbha Region and Kutch Area) applies to the rest. The provision of each are similar. They provide for fixity of rent, security of tenure and compulsory transfer of land to the tenants which are non-resumable by landlords.

State of Maharashtra gives two extreme situations. Towards Vidarbha region, the share-croppers or the landless persons feel deprived of their rights whereas tenant in Pune, Kolhapur belt is sometimes richer than the landowner himself. Most of them have been working with their landowners for more than 10 years. The tenants after the 'Tillers Day' were entitled to purchase the tenancy within one year. The government run co-operative farm under Maharashtra State Farming Development Cooperation in Pune demonstrates an ideal system where the individual farmer can retain the ownership and can cultivate collectively. The cause of disparities in various regions in Maharashtra requires a close look. The experiment has been done in Maharashtra itself. The problem is to undertake the implementation of successful experiment to all parts of the State without caring for political backlash. Then, only the extremists movement which is raising head here and there, can be tackled effectively and its further spread can be checked engulfing other regions of Maharashtra which happens to be one of the richest and most forward looking States of India.

### Suggestions

1. After the 'Tillers Day' no attempt has been made so far to enrol the new informal tenants. A special drive should be undertaken to identify informal tenants and confer ownership rights on them.
2. The definition of Tenancy should be broadened so as to include cash rent/kind rent and cropshares.
3. No surrender of tenancy should be permitted as these surrenders are generally forged or are managed in an emergency situation to a tenant or share-cropper.
4. In Vidarbha Region, the resumption of land by the landowners for personal cultivation upto three family holdings (i.e. from 21 to 120 acres) should be reduced. The definition of 'personal cultivation' should not include cultivation by hired labour under one's personal supervision at all.
5. Tenants conferred with ownership rights have to be directly integrated with the anti-poverty programmes.

In Maharashtra, by 1970, ownership of leased land was partly or fully transferred to the tenants in about 18.75 lakh tenancy cases, out of a total of about 26 lakhs recorded tenancy cases in the State. The ceilings were lowered in 1975, as a consequence of which an area of 1,60,962 ha\* was declared as surplus. Out of the total area of 2,85,455 ha declared as surplus under these enactments, 2,51,522 ha have already been distributed.

In Maharashtra it is found that the incidence of tenancy is very low which was found on survey by the IAS probationers to the tune of 2.4%. As per the NSS\*\* 26th and 37th Round in 1971-72 it was 6.15% and 1981-82 it was 5.20%. This is very poor as compared with other States. Some efforts should have to be made for recording of tenants. There is a phenomenon of 'reverse tenancy' whereas some small landholders holding land below 2 hectares lease out their land to relatively big holders who made good output of sugarcane by merging leased-in land with their own land. However, State of Maharashtra have done quite a good job by giving finance to the land allottees.

\* ha - Hectare (1 ha=2.42 acres = 11712.8 sq. yards)

\*\* National Sample Survey

### Land Ceiling situation in Maharashtra

The position is as follows:

- (i) Since independence the growth in non agricultural sector has been tremendous and that is why the pressure on Agriculture land from the landless labourer class was not as high as was the case in other states. In the decade 1961-71 Maharashtra's work force in agriculture declined almost 10% whereas in the state like Kerala it grew more than a third. The provision of non agriculture employment for the children of overcrowded villages certainly lessens the pressure for legislative and administrative redressal for rural have-nots. This is exactly the case of Maharashtra.
- (ii) Ceiling limits in Maharashtra are higher as compared to other states. Hence, it was easier for the administrative machinery to implement the land ceiling laws as there was less opposition from the land owning class.
- (iii) Maharashtra has also used its public surpluses to provide jobs for the landless. The Employment Guarantee Scheme has gone a long way in providing employment opportunities to the rural landless class thereby containing the pressure on land as well as minimising the gap between the haves and have-nots in rural areas. Maharashtra has developed probably the most vigorous cooperative systems, dispensing credit for production and capital formation and providing processing and marketing facilities.
- (iv) Though a redistribution of the ceiling surplus land has gone a long way in the expansion of the owner cultivation in the State, the greatest expansion of owner cultivation came by a "politically costless" means unavailable to other crowded States like Kerala and West Bengal. This was the distribution of just over a million acres of cultivable wasteland.

However, it will be wrong to presume that the political leaders in Maharashtra had any intention or the political will to implement the land reform legislation seriously and honestly. It is a well known fact in Maharashtra that the dominant political class comes from the rich peasantry. The rich sugar barons control the political leadership of the State. Even the well known Chief Minister Mr. Vasant Rao

Patil, who is known for his concern for land reforms, had spoken publicly of the economic, political and the administrative arguments for retaining the old ceiling limits in 1971. At the time, even the lower rank of hegemonic Congress Party in Maharashtra came in open revolt against the new ceiling law, to be promulgated and implemented. As a result, the Ceiling Act of 1975 (implemented in 1978) did not change the ceiling limit for the most valuable land (irrigated land) at 18 acres.

### 6.5 : ORISSA

The Orissa Estate Abolition Act, 1951, aimed at abolition of all intermediary interests including mortgages and lessees of such lands. The Orissa Estate Abolition (Amendment) Act, 1972 was further enacted to extinguish outstanding estates.

But the implementation of land reform laws could not be successful due to sway of landowner class in the politics and in bureaucracy. As a result, the toiling masses in Orissa still migrate to many States in India as they do not have requisite quantum of land to hold on in their villages.

After observing the success of land reforms in the neighbouring State of W.B., the efforts were made by government from time to time after the change of leadership to record sharecroppers or to distribute land among the landless persons, but in the final analysis proper impact could not be seen.

Thus, State of Orissa requires through review of land reform laws so that they can be implemented by the enlightened bureaucracy. The panchayat institutions are also weak in Orissa. Unless, the rural landless persons or sharecroppers are organized, no fruitful results can come out. The Panchayat bodies are also to be made truly representatives and should be protected from onslaught of the rural landowners.

It is of interest to note that in the districts of Koraput, Kalahandi, Balangir and Sambhalpur, more quantum of land has been distributed than in coastal districts. The tribals or the rural poor could not take full advantage of the same because it was not followed by financial assistance for their cultivation which is a must at the initial stage of allotment otherwise the beneficiaries will be tempted to lease out

those lands again, due to their distress or inability to tide over the transitional vacuum of credit with them.

In Orissa, raiyati rights have been conferred on more than 1.6 lakh temporary lessees.

In the three tribal districts i.e. Kalahandi, Koraput & Phulbani, the incidence of tenancy seems to be low. The tribal tenants particularly Halas were treated as annual farm servants by landowners. The administrative machinery seems unconcerned about the gross violation of Fair Rent Provision in the statute which provides for 1/4 of the gross produce. The N.S.S. data observes 7.84% of the operated area was under tenancy during 1981-82. Orissa has prohibited future leases but in practice, it appears that informal tenancy persists. The informal tenants need to be conferred status of occupancy tenants and owners subsequently.

### Suggestions

1. 'Share-croppers' should be recognized as 'tenants' in the State tenancy legislation.
2. The Implementation of Fair Rent is tardy and ineffective. It should be vigorous and potent.
3. A special drive should be undertaken to unearth informal tenancy and implementation of Fair Rent.
4. 'Share-croppers' should be recorded first and then they should be conferred ownership status. The landowners should not be allowed to change the plots and the share-croppers now and then.

### Land Ceiling situation in Orissa.

There is a need for a much closer scrutiny of the returns filed by land owners, specially the need to have a good second look at the question whether land owners who ought to have filed returns under the present land ceiling laws have really done so.

Lot of privileged raiyats are evading drag-net of ceiling laws. These are co-operative societies & Lord Jagannath, public trusts and public financial institutions. The poor cultivators, if allowed secured, permanent and heritable tenancy on such lands will offer much more product to Lord Jagannath as they are true devotees of Lord Jagannath.

For a family of five members a ceiling limit of 5 hectares for the best category of land with assured irrigation capable of raising at least two crops a year, 7.5 hec for the next category with assured irrigation for at least one crop a year and 12 hec for all other lands is suggested.

The village record is the most crucial tool for ensuring efficient implementation of either ceiling or tenancy laws. Hence, its proper maintenance is very necessary.

Taking into account the observations on various loopholes in the existing law, it is clear that the best of the bureaucracy supported by flawless law, but unaided by the organisations of rural workers cannot achieve any significant success.

In a large part of Koraput District, the sub-tenants and under-riyats were not recorded under the first settlements operations of 1962-63. In view of this, it is only to be expected that an important area of OLR Act has been inoperative in the District for all practical purposes.

The allottees belong to the landless category and they have got 0.8 hectares of land. The land allotted is of dry category and the productivity is very poor. The development assistance could be dovetailed to make the land more suitable for agriculture. But this has not happened. Moreover most of tribal allottees have been doing podu-cultivation for the lands allotted to them but that alone cannot sustain their livelihood.

"In village Barafunds of District Kalahandi, the lands in some of the cases were not the physical possession of the allottees as they were under forcible occupation by farmers of the higher castes, some of whom were also small farmers. In certain cases after the physical possession was given, the amount of land recorded was less than initially allotted."<sup>19</sup>

However, there was no perceptible change in social and economic status of the allottees of land because of their poverty and extremely bad quality of the land distributed to them.

The financial inputs through banks and other financial institutions can help them to improve their conditions.

19. Iyer, Prof K. Gopal : Report of the Empirical Study of Land Reforms in India, page 128.

## 7. POLITICAL WILL <sup>20</sup>

The political system is a mechanism through which interests and demands are translated into decisions.

Thus, political culture is a wider term and it will encompass political will as well.

There are three main political objects: Community, regime and authority. The political will is supposed to strike a balance among the three through its political system.

The Indian political ideology is an ideological heritage of various political movements as a result of action and interaction between western ideas and institutions and the traditions of the Indian people. Shri Tilak was to bridge the gulf between the present and the past. Gandhiji tried to make a synthesis. He believed in the essential unity and uniformity of all human beings and religions. Rabindranath Tagore believed in universal humanity. Vivekanand believed in a strong nation of self-confident and self-dependent people.

A political culture must establish the generally acceptable rewards and penalties for active political participation. Politics deals with future contingencies which lie beyond the range of ready prediction. It was firstly placed in mystical and complex machineries of government. The ultimate test of leadership in all cases is still in maintaining popular faith in the leader's capacity to deal with all possible contingencies. This is employed as a 'missing link' to fill in anything that cannot be explained in political analysis. It integrates psychology and sociology with political science to produce a richer and fuller understanding of politics.

No tangible progress can be expected in the field of land reform in the absence of the requisite political will.

20. Dr. Agrawal, P.K. : Land Reforms in India, pages 245-252

In the context of Uttar Pradesh the following measures could strengthen the political will.

After independence, the Land Revenue Minister in State of Uttar Pradesh used to be a very senior minister in the State cabinet next to the Chief Minister such as Rafi Ahmad Kidwai in the G.B.Pant Ministry in the fifties. Then, Lal Bahadur Shastri joined him as Revenue Minister. Later on Chowdhury Charan Singh was the Revenue Minister of the State for a long time. The farmers confided in them. They used to command an independent reputation and had lot of practical experience of land, agriculture and villages. After the direct involvement of state in industry and commerce, corporations and statutory bodies have sprung like bees, the charm has gone to such portfolios as these departments carry maximum perquisites with minimum interference and public criticism. Senior bureaucrats line up for such postings. Resultantly, it is very difficult even to find out officers to man prestigious Board of Revenue. In the ministry, the revenue portfolio has few takers. Sometimes, it is allotted to a comparatively junior or unimportant state minister who is less conversant with land matters and least conversant with land reforms. Instances are there where ministers were appointed even without background of rural areas. Land and Land Reform Minister, since the Communist Party (Marxist) came to power in West Bengal in 1977, had been next to Chief Minister and had a lot of say in policy matters of the State as a whole including transfers and postings. He chooses his team of dedicated, honest and knowledgeable officers first and rest are allocated to other departments. In other states the situation is the reverse as also in Uttar Pradesh.

The situation in Bihar is best described by Shri Appu, ex Chief Secretary of Bihar as follows :

"I happened to hold the post of Chief Secretary for about nine months in 1977-78. I told Chief Minister Karpoori Thakur that in my view the non-implementation of land reforms was the root cause of Bihar's all round backwardness and stunted development. The Chief Minister agreed with me that effective steps should be taken to implement land reforms. On my suggestion, A.R. Bandyopadhyay, an officer of outstanding ability familiar with all aspects of land reforms was appointed as Land Reforms Commissioner. Soon after

that I left Bihar and moved to Delhi. Later on I came to know that Bandyopadhyay did not get much support from the Chief Minister and that nothing much could be done in the field of land reforms. It was not that Karpoori Thakur was opposed to land reforms. He did not have the requisite authority, ruthlessness and determination to remove the road blocks put up by vested interests. Probably he feared that he would lose his chair if he earned the wrath of the powerful landlords. In the eighties the Government of Bihar had made a half-hearted attempt to draw up a district-wise list of big landlords who owned more than 500 acres of land. That incomplete list contained 84 names. Not much has been done all these years to take over the surplus land of most of these identified landowners.

These few instances show that none of the political parties that ruled Bihar since independence displayed any will to implement land reforms honestly and efficiently. On the basis of my personal experience of the Central and State Governments, I have no doubt at all that the absence of political will was the prime reason for the poor implementation of land reforms in India."<sup>21</sup>

In West Bengal, Land and Land Reform Minister also happens to be the Panchayat minister so that he can take care of the main instrumentality to execute land reform measures. He also has a lot of say in party matters and can also influence the party cadres to devote to land reforms measure at the lowest levels. The Chairman, Zilla-Parishad is always a senior person in the party hierarchy, educated and experienced man. Gujarat and Maharashtra also have comparable system. The importance that two governments attach to this body will be seen from the fact that the district development officer, who is the ex-officio secretary and acts as the chief executive authority of the district Panchayat, is an officer of the rank of the Collector. The popular estimation of this institution is reflected in the stature who are holding the office of the President of the District Panchayat or Zilla Parishad. If the senior people are office-holders, the post is elevated actually also in the eye of the public. The senior and competent office holders will make their place in all situations. As a result, the framework of machinery to execute land reform

21. Appu, P.S. - Land Reforms in India, pages 195-196.

measures will be strong and stable. The public will also feel truly involved when the Prime Minister and the chief ministers also refer land reforms in their speeches frequently. For example, the Prime Minister addressed the Conference of Revenue Ministers of State on 14.03.92 at New Delhi.

It is a fact that no politician will refuse to implement land reform measures but he should be duly assisted and guided by people-conscious administrators who are motivated by strong administrative will to implement land reforms measures for the poor and the landless persons. Requisite administrative will can be created and sustained if the administration is not interfered with unnecessarily after the mandate is given to it to implement land reforms, of course, subject to regular periodical monitoring and strict accountability of the bureaucracy. Secondly, the job of government officers or officials involved in the drive should be made more lucrative and posh. "The loss of faith in the higher echelon of bureaucracy or political elite weakens the administrative will as a whole which is very much counter-productive. Therefore, following Gandhiji, it can be safely concluded that the men in higher position should maintain high level of personal character and set the required examples. This is the greatest safeguard and means to maintain the administrative will in India and elsewhere."<sup>22</sup>

If the Indian democratic set up is to be truly representative and peaceful, the voice of the rural poor is to be given due weightage by implementing land reforms in a missionary spirit and zeal.

22. Agrawal, P.K. : Motivation and Indian Bureaucracy, page 79

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