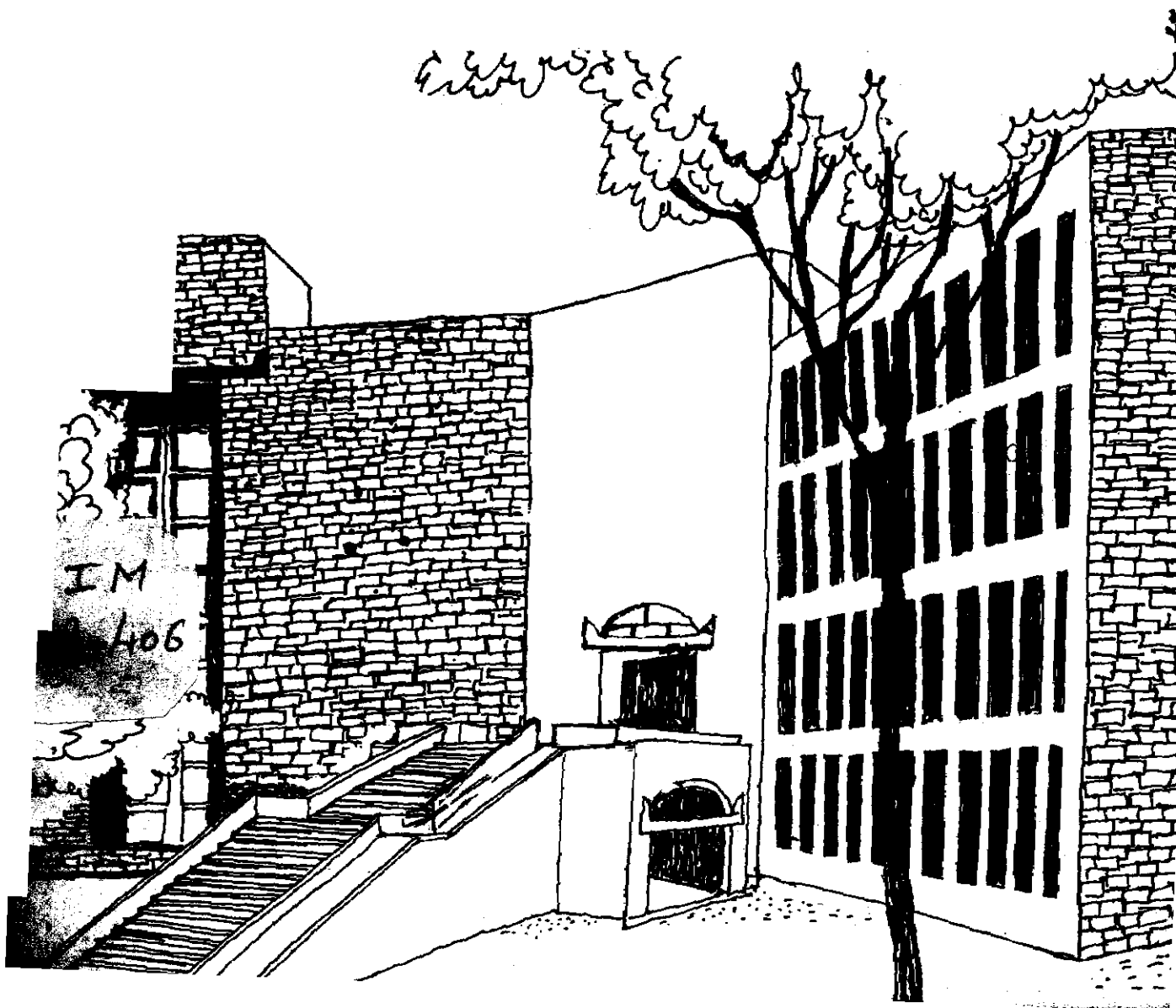




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# Working Paper



LAND REFORMS LEGISLATIONS: PROBLEMS AND  
PROSPECTS (A Micro Study)

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LAND REFORMS LEGISLATIONS: PROBLEMS AND PROSPECTS (A Micro Study)

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In our approach to rural development land reform legislations have not received due attention. Though a variety of legislations with the objectives of abolition of intermediaries, security of tenants and equitable distribution of land were enacted in 1950's and early sixties; the implementation of the same till this date is far from satisfactory. It reflects a dismal picture. On the one hand, the land tended to concentrate in a few hands, simultaneously on the other side the incidence of landlessness increased over the period. In a country where economy is characterised by the scarcity of land and abundance of labour; and concentration of productive assets with a few, unless some fundamental changes are brought about in the agrarian structure itself, the country would ever remain away from the objectives of the - "land to the tiller", elimination of rural poverty and rural development. Since the entire Indian economy revolves around the land, land reforms should be the corner stone of the rural development strategy. To what extent land reforms legislations have contributed to agricultural growth with social justice; what changes have occurred in the agrarian relations; how best these legislations could be executed are but a few questions attempted in this note, based on empirical evidences at micro-level.

Deogarh, Poverty and Land Hunger:

Deogarh tehsil in Udaipur district of Rajasthan is an erstwhile princely state. The tehsil had about 10,000 households with a population of some 54,000 (1971 census) residing in 132 villages and a town - Deogarh. Of these total households approximately 11.8 per cent (1679) belonged to

marginal and 42.0 per cent (6514) small farmer category. Landless households were in sizeable number. The land utilisation pattern in Deogarh indicates that only some 17.0 per cent of the total geographical area is under cultivation, fallow land accounts for another 18.0 per cent, but over 40.0 per cent is barren and uncultivable waste. Land utilisation in the sample villages; though not very different from that of tehsil as a whole showed some variations at four levels - i) the percentage of land under agriculture was little more; ii) the percentage of area under forests and hills was disproportionately high; iii) area not available for cultivation was only 49.6 per cent as against 60.0 per cent in the tehsil; iv) the fallow land formed only 14.3 per cent of the total geographical area. The average land holding size per household in the sample villages was 2.0 acres only.

Table 1 : Land Use pattern in percentage in the Sample Villages and Deogarh Tehsil

Land Use	(In Acres)	
	Sample Villages (18726)	Deogarh Tehsil (59932)
1. Total geographical area	100.0	100.0
2. Area under forests and hills	15.4	3.0
3. Area not available for cultivation		
a) Land put to non-agricultural use	2.0	3.6
b) Barren and uncultivable land	36.6	41.4
c) Permanent pasture and grass land	11.0	15.0
4. Fallow land	14.3	18.0
5. Agricultural land	20.7	19.0
a) Irrigated	11.5	11.1
b) Un-irrigated	9.2	7.9

Source: IIMA Survey and Tehsil Office, Deogarh

Land distribution in Deogarh tehsil as elsewhere in the country is very skewed. Land-ownership is concentrated in a few large landlords. As could be observed from the table given below that 42.0 per cent of the households of the lower strata in the sample villages owned only 14.0 per cent of the total owned land in these villages whereas the upper 27.0 per cent of the households, owned some 61.0 per cent of the total owned land in these villages. Again within this group too, the land was concentrated in a few hands. Some 10.0 per cent of the large landowners (10.00 acres and above) owned, some 30.0 per cent of the land owned in these sample villages.

Table 2: Land Owned in the Sample Village in Deogarh According to Land-holdings size.

Groups	No. of Hhs	P.C. to the total Hhs	Land Owned (Acres)	P.C. to the total land owned	Cumulative P.C. to the total Hhs	Land Owned (Acres)
Landless	62	4.5	-	-	4.5	-
0.01-2.50 (Marginal)	518	37.3	936.60	13.9	41.8	13.9
2.51-5.00 (Small)	429	30.8	1688.50	25.1	72.6	39.0
5.01-10.0 (Medium)	243	17.5	2103.80	31.3	90.1	70.3
10.01-and above (Large)	138	9.9	1999.70	29.7	100.0	100.0
Total	1390	100.0	6728.60	100.0	100.0	100.0

Source: IIMA Survey

Land ownership pattern by caste groups was on similar lines. Upper castes households owned larger proportion of the owned land in the sample villages and conversely the households belonging to scheduled castes and scheduled tribes, owned smaller proportion of the total owned land (Table 3).

Table 3 : Land Owned in the Sample Village in Deogarh  
According to Caste Groups

Groups	No. of HHs	P.C. to the total HHs	Land Owned (Acres)	P.C. to the total Owned	Cumulative P.C. to the total HHs	Land Owned (Acres)
Upper Caste Hindus	461	33.2	3143.10	46.7	33.2	46.7
Lower Caste Hindus	570	41.8	2453.50	36.5	74.2	83.2
Scheduled Castes	250	18.0	847.60	12.6	92.2	95.8
Scheduled Tribes	83	5.9	233.60	3.5	98.1	99.3
Muslim	26	1.9	50.80	0.7	100.0	100.0
<b>Total</b>	<b>1390</b>	<b>100.0</b>	<b>6728.60</b>	<b>100.0</b>	<b>100.0</b>	

Source: IIMA Survey

The high degree of concentration of land ownership is reflected in the lack of investment on farming, employing directly or indirectly 75.8 per cent of the total workers in the sample villages (Table 4). The indepth study of 140 sample households in these villages revealed that per acre expenditure on modern inputs was limited to Rs 22 only which hardly exceeded 15 per cent of the total farm expenditure. Likewise, the value of the modern farm assets per households was Rs 3700 which accounted for about 50 per cent of the value of all farm assets. All households except possessing over 10 acres of land, had incurred less than the average per acre expenditure. One of the significant findings of the study was that the average value of engines/ pumpsets and tractors essentially needed to raise the resource productivity, cropping intensity and for reclamation of waste land was low for all households except for those owning more than 10 acres of land. The low investment in farming has adversely affected the net return per acre. It was quite low. From every acre of land cultivated, net return was limited to only Rs. 225. Consequently, 84.0 per cent of the sample population was living below the poverty line. The large proportion of this population belonged to landless, marginal and small farmers. However, the incidence of poverty was found decreasing with the increase in the size of householdings.

Table 4: Distribution of Workers in the Sample Villages  
in Deogarh tehsil according to Occupations

Activities	Total No. of workers	P.C. to the total No. of workers
1. <u>Agriculture</u>	<u>2283</u>	<u>75.8</u>
i) Owner cultivator	1138	37.8
ii) Tenant/share cropper	674	22.4
iii) Agricultural Labour	471	15.6
2. <u>Industry</u>	<u>374</u>	<u>12.4</u>
i) Small scale	11	0.4
ii) Cottage including leather/ pottery/weaving	363	12.0
3. <u>Non-Agricultural</u>	<u>163</u>	<u>5.4</u>
4. <u>Others</u>	<u>199</u>	<u>6.4</u>
i) Services (Govt.)	118	3.9
ii) Priests & Jajmari	13	0.4
iii) Barber	29	1.0
iv) Tailoring	32	1.1
Total	3012	100.0

Source: IIMA Survey



The social relationship and the life of people in Deogarh have been deeply influenced by the social, political and agrarian structure of the Jagirdari system that prevailed till 1950's. This is equally true of economic structure. The exchange relationships are by and large feudal or semi-feudal in character. However, there appears some change in these relationships due to the abolition of Jagirdari system and the post independence development efforts.

#### LAND REFORM LEGISLATIONS IN RAJASTHAN

The process of land reform legislations in Rajasthan began with the appointment of Venkatachar Committee in 1949, which inquired into the Jagirdari system in the State. The Committee recommended for its abolition because the system had outlived its utility in the changed circumstances. Accordingly Rajasthan Government in November 1951 notified, Rajasthan Land Reforms and Resumption of Jagir Bill, for general information. The Bill was passed on February 18, 1952 by the State Legislative Assembly. However, Act could not be put to effect for about two years due to agitation of Jagirdars, who secured stay orders from Rajasthan High Court. It was only after the intervention of Prime Minister Nehru and further only after substantial overhauling that the Rajasthan Land Reforms and Resumption of Jagir (Amendment) Act came into force in June, 1954. Since then several amendments have been made in the Act with a view to give effect in its operation. The resumption provision of the Act were made applicable to all jagirs including maufi without any distinction with effect from December 15, 1957.

Since the Venkatachar Committee did not touch the Zamindari and Biswedari system prevailing in a few areas of the State, particularly in Alwar and Bharatpur States, the Government of Rajasthan appointed another committee to enquire into these systems and suggest suitable measures for their speedy liquidation. The Committee recommended for the abolition of these intermediaries. Accordingly, "Rajasthan Zamindari and Biswedari Abolition Bill" was introduced in the assembly in April 1958 which was passed in December 1958. It was brought into force from November 1, 1959.

But the most important of all the land reform legislations was the Rajasthan Tenancy Act 1955, which incorporated salient features of all the earlier Acts in operation for the security and rights of tenants e.g. the Rajasthan (Protection of Tenants) Ordinance 1949; the Rajasthan Produce Rents Regulating Act 1951 and the Rajasthan Agricultural Rents Control Act 1952 (subsequently replaced by the Rajasthan Agricultural Rent Control Act 1954). The Rajasthan Tenancy Act (1955) was brought into force from October 15, 1955. This Act was not merely a unified tenancy Act but more than that since it provided certain measures of land reforms. It was one of the most progressive Act in the country.

The scope of Rajasthan Tenancy Act 1955 was further widened with addition of a separate chapter to provide restrictions on holding land in excess of ceiling area by an amendment in 1960. However, the provisions of land ceiling were in abeyance till December 1963. The ceiling law was brought into force with effect from December 15, 1963 when the Rajasthan Tenancy (fixation of ceiling on land) Government Rules 1963 was enacted by the State Legislature. As per provisions of the Act, persons holding 150 ordinary acres

and above were asked to file declaration within six months from the date to be announced by the Government. But the ceiling law had to pass through several hurdles. The Act was challenged by the aggrieved persons in the Rajasthan High Court and also writ petitions were filed in the Supreme Court.

The State Government thus enacted several legislations pertaining to land to achieve the objectives of land reforms and had confrontations with the so-called jagirdars, zamindars and big landlords. At occasions the validity of these laws was questioned in the courts of law. The legal anomalies were rectified by amendments subsequently and the Acts were put to operation. What follows next is a short account of the implementation of these laws and the changes that were brought about in the agrarian sector at a tehsil level in Udaipur district (former princely state of Mewar) in Rajasthan.

### Implementation of Land Reforms Legislations

#### 1) Land Distribution:

The official statistics on the implementation of land reforms legislations in Deogarh being limited we have heavily relied on our own data collected from the sample villages and households. However, reference has also been made of the official data at appropriate places.

The land allotment activity to the landless received priority is evident from the figures relating to the sample villages. It could be observed from the table given below that of the total (295) allottees, some 66 per cent were the landless households. The marginal and small farmers too

got land in allotment, and their respective percentages were 19.3 and 10.8 in the total allottees. In terms of area the maximum (67.9 per cent) of the total (754.40 acres) went to landless households. The marginal and small farmers were allotted 20.7 and 8.7 per cent of the total allotted area, respectively. The average area allotted per household was almost the same for landless households and the marginal farmers. In the former case it was 2.62 acres and for the later 2.73 acres per household as against average land (2.55 acres) allotted per household. A few medium and large farmers also benefitted, together they got some 21 acres of land.

Table 5: Allotment of Land in the Sample Villages in Deogarh under Land Reforms Legislation by Landholding size

Groups	Total No. of allottees	P.C. to the total No. of allottees	Area allotted to allottees (acres)	P.C. to the total area allotted to the allottees	Average area per HH (acres)
Landless	195	66.10	512.20	67.9	2.62
0.01-2.50 (Marginal)	57	19.32	155.80	20.7	2.73
2.51-5.00 (Small)	32	10.84	65.80	8.7	2.04
5.01-10.0 (Medium)	8	2.71	14.30	1.9	1.78
10.0 and above (Large)	3	1.01	6.60	0.8	2.20
<b>Total</b>	<b>295</b>	<b>100.0</b>	<b>754.40</b>	<b>100.0</b>	<b>2.55</b>

Source: IIMA Survey

In the sample villages castewise allotment of land revealed that - 1) the lower caste Hindus were in the largest percentage and they shared 35.0 per cent of the total allotted land, 2) scheduled castes households which formed 24.4 per cent of the total allottees got 31.5 per cent of the total land, 3) the upper caste Hindus and the scheduled tribes were allotted almost equal area, 4) the average area per household was highest for the households belonging to scheduled castes (3.30 acres), 5) except lower caste Hindus and scheduled tribes, the average area allotted per household was higher than the average area of the total households (Table 6).

Table 6 : Allotment of Land in the Sample Villages in Deogarh under Land Reforms Legislation by Caste groups

Groups	Total No. of allottees	P.C. to the total No. of allottees	Area allotted to the allottees (Acres)	P.C. to the total allotted to the allottees	Average per HH (Acres)
Upper Caste Hindus	43	14.6	115.30	15.28	2.68
Lower Caste Hindus	127	43.1	264.50	35.06	2.08
Scheduled Caste	72	24.4	238.30	31.58	3.30
Scheduled Tribes	47	15.9	118.50	15.70	2.52
Muslim	6	2.0	17.80	2.35	2.96
<b>Total</b>	<b>295</b>	<b>100.0</b>	<b>754.40</b>	<b>100.00</b>	<b>2.55</b>

Source: IIMA Survey

This much was the achievements in land allotment during past 10 years in the sample villages. But 1975 and 1976 were the two important years in this respect. The state government made special efforts towards land distribution in these years by way of organising social campaigns. The official statistics reveal that during these two years a total of 4317 acres of land was allotted to 1875 persons in the entire tehsil, of whom 1452 persons got the possession of land too. Each allottee thus got on an average some 1.5 acres land. Apart from the general land allotment, 1557 households belonging to scheduled castes, scheduled tribes and ex-soldiers were allotted another 3007 acres of land in tehsil.

Allotted land according to our sample households was of inferior quality and full of gravels and stone. For putting it to agricultural use, on an average an investment of around Rs 1000 to 1500 per acre was required. But no special attempts were made to provide formal credit to these recipients. Due to this constraint, by and large, the allotted land remained unutilised. In a few instances, however, the allottees knocked the doors of the village money-lenders and obtained credit at exorbitant rate of interest. Land reforms legislation thus on the one hand made available land to the poor, at the same time forced him to remain in debt.

## 2) Land Ceilings:

The official statistics with regard to fixation of land ceiling in Deogarh tehsil revealed that upto March 1977, 84 cases were filed with the revenue authorities. It involved an area of 3271 acres. Against this only 116 acres of land was actually acquired from 36 assesseees. This evidently shows

that the progress in this direction was very slow. There could be various reasons for this poor performance. But perhaps the most important of all is the built in loopholes in the Rajasthan Tenancy Rules (Fixation of Land Ceiling) itself which offered, scope to big landlords, jagirdars and zamindars for manipulation, a) to evade ceiling by mala fide transfers (e.g. division of property between sons, transfer in wives' name, calling landless relatives etc.), b) for the purpose of determining ceiling area in terms of standard acres etc.\* Among other reasons is the lack of political will on the part of the so-called policy makers who have their vested interest in the land. This indirectly affected the implementing officers at the lower level, because, in general these are the people who draw their power from these political bosses. The basic problem thus remains in this context is the identification of the persons possessing land in excess of ceiling area and or enjoying usufruct of such land by some arrangements in collusion with the bureaucracy at lower level. The involvement of the village democratic institutions such as Gram Panchayat and agricultural workers who are likely to have the first-hand knowledge of the situation may help in identifying such persons.

\*\* Abstract from Rajasthan Tenancy (Fixation of Ceilings on Land) Government Rules 1963.

The ceiling area for a family of five or less than five members has been fixed at 30 standard acres of land where the members of a family exceed five, the ceiling area will be increased for each additional member at the rate of five standard acres subject to overall ceiling of 60 standard acres of land. For this purpose, a standard acre has been defined as the area of land which with reference to its productive capacity, situation, soil classification and other prescribed particulars is likely to yield ten maunds of wheat yearly and in case\*for the purpose of calculating a standard acre be determined so as to be equivalent in terms of money value to ten maunds of wheat provided that in determining a ceiling area in terms of standard acres, the money value of the produce of well irrigated (chahi) land shall be taken as being equivalent to the money value of the produce of an equal area of unirrigated (barani) land.

\*of land not capable of producing wheat the other likely produce will

### 3) Tenancy Reforms

Despite, the Rajasthan Tenancy Act in force since October 1955, the tenancy relationship in the agrarian sector continues in Deogarh. The sample households data revealed that during the reference year, both leased in and leased out tenancy forms were in existence. However, the number of households leased in land was quite large. Some 46 per cent of the total sample households leased in some land during the year. Against this there were only 19 per cent households who leased out their land to other cultivating households. The data further suggested that though the number of households in each category differed widely, the percentage of land leased in and leased out, to the total owned land was almost equal. One of the most salient features of tenancy relations among the sample household was that over the years the number of households leasing in the land has increased. Conversely, the number of households leasing out land declined. Again, the percentage of leased in land to the total owned land was highest in the medium farmers category. On the other side surprisingly marginal farmers leased out large proportion of their owned land to the other households. (Table 7). What made marginal farmers to lease out larger proportion of their land and why the medium farmers leased in more land is difficult to explain in absence of other supporting data. However, in the former case it can be the low productivity of the land and non-viability of the cultivation or uneconomic holdings.



Table 7: Extent of Lease in and Lease out Land over years in the Sample Households by Landholdings size†

Landholding size (in acres)	No. of Land HHS. Owned	LEASE IN LAND			LEASED OUT LAND									
		Reference year No. of HHS Land	5 years ago		Reference year No. of HHS Land	5 years ago		Reference year No. of HHS Land	10 years ago					
			No. of HHS	No. of HHS		(%)	No. of HHS		No. of HHS	(%)	No. of HHS	No. of HHS	(%)	
Absentee landlords	5	49.72	-	-	-	5	19.42	4	17.71	3	13.14	(26.4)		
Landless	3	-	-	-	-	-	-	-	-	-	-	-		
0.01 - 2.50 (Marginal)	50	131.40	16	15.83 (12.0)	13	13.69 (10.4)	13	14.26 (10.8)	12	29.83 (22.7)	12	29.56 (30.1)		
2.51-5.00 (Small)	58	297.80	27	45.41 (15.2)	26	45.13 (15.1)	26	39.42 (13.2)	6	43.36 (14.6)	6	68.8 (23.0)		
5.01-10.00 (Medium)	18	127.00	10	30.41 (23.9)	9	25.13 (19.8)	9	24.56 (19.3)	-	-	-	-		
10.01 and above (Large)	6	186.30	3	24.00 (12.9)	3	15.43 (8.3)	3	10.29 (5.5)	3	47.99 (25.8)	2	34.28 (18.4)		
Total	140	792.22	56	115.65 (14.6)	51	99.38 (12.5)	46	88.53 (11.2)	26	120.65 (15.2)	24	125.18 (15.8)	23	155.4 (19.6)

Figures in parenthesis are percentages with respect to land owned.

Source: IIMA Survey

The Rajasthan Tenancy Reform Act, 1955, failed to achieve the objectives of equitable distribution with social justice is further proved from the fact that the average owned holdings of the households almost remained same over the years. It was 5.66 acres in the reference year as against 5.67 acres some 10 years ago.

The distribution of leased in land among the sample households suggested that the marginal farmer which constituted the second largest group (37.9 per cent) in the sample got the smallest share (14.0 per cent) in the total leased in land. Contrary to it the large farmers who were in the smallest number (4.6 per cent) in the sample grabbed about 21.2 per cent of the total leased in land. So was the case with the formal credit, most of it went to the comparatively better off farming households (Table 8).

Table 8 : Distribution of Leased in Land, Leased out Land, Formal and Informal Credit among Sample Farmers

Landholding size (in acres)	P.C. to total farmer	Leased in Land		Leased out Land		Formal Credit		Informal Credit	
		P.C. to total no. of leases	P.C. to total leased in land	P.C. to total no. of leases	P.C. to total leased out land	P.C. to total borrow-ers.	P.C. to total amount	P.C. to total amount	P.C. to total borrow-ers
Upto 2.50	37.9	28.5	13.7	19.2	16.1	20.0	30.6	41.7	31.6
2.51-5.00	43.9	48.2	39.3	46.2	24.7	44.2	37.1	42.9	40.8
5.01-10.00	13.6	17.9	26.3	23.1	17.4	24.0	33.5	11.8	18.8
10.0 and above	4.6	5.4	20.7	11.5	29.8	12.0	25.7	3.6	8.8

Source: IIMA Survey

However, some change, change towards better, in the terms and conditions in the agrarian relations were noticed. By and large the practice of sharing cost as well as production was common. In fact in the past ten years the number of households following this system has increased. But what is needed is the shift towards fixed rent tenancy which was not with the sample households. The cases of - landlords ejecting and evacuating tenants from year to year and sometimes from crop to crop; landlords entering into the tenancy relationships without any formal agreement; landlords obtaining almost one-half of the produce from the tenants; landlords obliging tactics by way of providing skeleton facilities to tenants, e.g. plough, bullocks sometimes consumption loan and thus making him virtually subjugate his rights etc. were very frequently mentioned by the sample households. It clearly indicated that inspite of tenancy legislations in force in Deogarh, the process of exploitation continues to this date.

#### The Problems:

The foregoing discussion clearly reveals that though several land reforms legislations were enacted in Rajasthan State with good intention, the achievements are far from satisfactory. Why is it so? Is it because -

- i) the legislations are not comprehensive and there are loopholes which in the process legitimise the interests of the landlords rather than the tenants; and/or
- ii) there are operational hurdles <sup>as</sup> and/such provisions of the Acts could not be effectively implemented; and/or
- iii) the appropriate administrative apparatus is lacking.

If the answer to the slow progress of the land reform legislation lies in one or more than one of the above cited factors. Then

- 1) What modifications are suggested in the land reforms legislations so as to -
  - a) detect the cases of malafide transfer of land for the purpose of evading ceiling;
  - b) restrict the sub-letting of the land and provide the security to tenants;
  - c) provide fair share of the agricultural produce to the tenants;
- 2) What should be the procedure to distribute the ceiling surplus vested land? What should be the criteria to identify the genuine land hungry people?
- 3) Should there be a separate administrative set up for the implementation of the land reforms legislations? What should be the organisational set up of the proposed agency? In what way such agency would help in achieving the objectives of land reform legislations?
- 4) Should the rural democratic institutions be involved in the implementations of the legislations? What role such institutions can play in this respect?
- 5) The principle being "land to the tiller" would it be desirable to mobilise these rural peasants? In what way these people could be brought together?
- 6) How best the other complimentary measures e.g. credit, input, marketing, etc. could be organised so that the benefits reach to the genuine persons?