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AGARIAN REFORMS

The permanent Settlement of 1793 created a class of superior proprietors who usurped the unwritten but age-old rights of tenants in their lands. By leaving a wide margin between the landlord's rent and the revenue demand of the State, it enabled this class to live and prosper on the surplus by effectively using the power of ejectment.

The best remedy of the problem lay in undoing the blunder and in re-establishing the relations which existed between the revenue farmers and tenants before 1793. But landlords were the govt's own creation and her powerful allies. Understandably, the govt. could not have destroyed them or undermined their position.

The best that could be hoped for was "a compromise here and an adjustment there" so as to maintain the otherwise crumbling structure of their land system. Thus came the tenancy legislation. The settlement of 1793 had left the ryots at the mercy of the Zamindars who 'rack rented, impoverished and oppressed them'.

It was not that the govt. was unaware of the injustice done or the plight of the tenants. As far back as 1819, the Court or Directors of the East India Company observed that **"consequences most injurious to the rights and interests have arisen from describing those with whom Permanent Settlement was concluded as the actual proprietors of the land".**
And yet 40 years elapsed before the govt. came forward to protect the interests of the ryots. The Bengal Rent Act (Act X) of 1859 was the first legislative attempt at defining the rights of tenants and protecting them against frequent enhancement of rent and arbitrary ejectment.

The Law applied to all provinces included in the Bengal Presidency. In the case of the North Western Provinces and Oudh, it was superseded by the Rent Act of 1873 while in the Punjab, certain safeguards were included in the terms of the Settlement itself.

The rent Acts had two main objectives:

(i) To create a class of protected or privileged tenants with occupancy rights in land and

(ii) To restrict the powers of the landlord to raise rents of the protected tenants. All those tenants who held the same lands for 12 years were given the right of occupancy and their rents could not be raised except on certain specified grounds.

The object of all these measures was to regulate agrarian relations with a view to preventing indiscriminate ejectments, controlling rents and ensuring fair compensation for any improvement the tenant might have carried out in the course of his tenancy.

There was an other crop of tenancy legislation in the 1920's. Under the C.P. Tenancy Act (1920), every tenant became an occupancy tenant, irrespective of the length of occupation. The Agra Tenancy Act 1926 granted a statutory life tenancy to everyone formerly classified as tenant-at-will. It restricted the power of arbitrary enhancement of rent by providing that rent could be enhanced only once in 20 years.

In Bengal, the 1928 Act made occupancy holdings transferable but subject to certain conditions. It also gave to the landlord the right of preemption to purchase the holding within 2 months of the sale at 10% over the sale price.

It is worth nothing that the right of pre-emption, which should have been vested with the occupancy ryot, was given to the landlord. Thus, although tenancy legislation was undertaken, the old policy of allowing "every point about which there could be any doubt to settle itself in favour of the landlord and against the tiller" continued.

With a view to redeeming the pledge given by the All India Congress Committee in its Election Manifesto, Congress govts, in some provinces passed or amended tenancy acts to provide relief to the cultivators.

OBJECTIVES OF THE THE TENANCY LEGISLATION

(i) To put a limit on the enhancement of rents ;

(ii) To prevent arbitrary ejectments ;

(iii) To confer occupancy rights on tenants so as to make land hereditable and alienable ;

(iv) To restrict the right of distrait for arrears of rent and exempt attachment of tools, cattle and seed ;

(v) To provide for reduction or suspension of rent whenever there was a reduction or suspension of revenue ;

(vi) To provide for compensation to the tenant for any improvement made by him on land ;

(vii) To prevent the tenant from illegal exactions like Salami, abwabs and Begar.

The govt. was satisfied that not only was the policy underlying tenancy laws correct but their enforcement had immensely benefitted the tenant class.

Her, attitude was summed up in the Land Revenue Resolution of 1902 which stated that it was not **"in the Permanent Settlement that the ryot of Bengal found his salvation ; it has been in the laws which have been passed by the Supreme govt. to checks its license and to moderate its abuses."**

The true position is, however, resualed by the Floud Commission which found that "… a large and increasing proportion of the actual cultivators have no part of the elements of ownership, no protection against excessive rents and no security of tenure." And it was not that the tenant suffered in the Zamindari areas alone. The ryotwari areas fared no better.

The very fact that protective tenancy legislation became at all necessary under the ryotwari tenures is itself a bitter commentary on the system which was supposed to confer proprietorship of land on the peasants. It is equally significant that, despite these protective measures, a class of

landlords grew under the ryotwari tenures while the great bulk of the tillers were unprotected tenants, tenants-at-will, and crop-sharers.

The failure of the tenancy legislation can be traced to several factors. In the words of the Floud Commission, "the vital blunder was to attach occupancy rights not to the land but to a particular class of tenants who might be non- agriculturists or who might cease to cultivate."

Further, the right of free transferability also proved a mixed blessing in so far as it tended to facilitate the transfer of ryots' lands into the hands of mahajans and non-agriculturists.

We may conclude that first object of tenancy legislation was to strengthen the Permanent Settlement, to keep it from falling apart under its own economic imbalance and remotely, to administer justice.

And **"although these legislations were designed to protect the cultivator from rack-renting and ejectment, their real effect, in practice, resulted in safeguarding only the rural middle class and jotedar at the cost of not the landlord but the tiller—."**
Another reform tried before Independence related the Consolidation of divided and fragmented holdings. Although the need was felt as early as 1880 by Sir Charles Cilliot and Sir Edward Buck, serious attempt at consolidation began to be made only after the I World War. The history of legislation for Consolidation passed through two stages.

In the first stage, the legislation was permissive as in the Baroda Act of 1920. In the second stage, an clement of compulsion was introduced. The C.P. Consolidation of Holdings Act 1928, the Punjab Consolidation of Holdings Act 1936, and the U.P. Consolidation of Holdings Act 1939—all contained a certain degree of compulsion.

Under these Acts, consolidation operations could be taken up if a certain percentage of landholders holding a certain amount of land agreed to the proposal. Provinces which achieved some success in this field were Punjab, C.P., U.P., and the State of Baroda.

Land Reforms after Independence:

The peculiarities of Indian agriculture, combined with the declared desire to bring about economic development as well as social justice led the govt., in the post-Independence period, to under-take a comprehensive programme of land reforms. These reforms, be it noted, had a popular base in as much as they were preceded by peasant, disturbances and violent clashes in several parts of the country.

These reforms comprised:

(a) Abolition of intermediaries

(b) Ceiling on land holdings

(c) Tenancy legislation

(d) Cooperative farming

(e) Abolition of forced labour and

(f) Consolidation of holdings.

(a) Abolition of Intermediaries:

One of the first aims of the agrarian reforms was to eliminate the middlemen such as the Zamindars and Jagirdars so as to bring the cultivator into direct relationship with the govt. The work of Zamindari abolition was comparatively easy in the temporarily settled areas such as U.P. and M.P. where adequate records and administrative machinery existed.

In the permanently settled areas of Bihar, Orissa, and West Bengal ans in areas under Jagirdari settlements such as Rajasthan and Saurashtra "land records and revenue administration had to be built from the beginning." Nevertheless, laws abolishing intermediary tenures were given effect to in most of the states.

The general pattern was made up of the following features:

(1) All land including common lands, forests, mines, mineral, rivers, channels, and fisheries were vested in the govt. for purposes of management and development.

(2) Home-farm lands and lands under the 'personal' cultivation, of intermediaries were left with them.

(3) In most states, the tenants in-chief holding land, directly from intermediaries, were brought in direct contact with the State with some exceptions such as in Bombay, Hyderabad and Mysore. In these states, intermediaries were, in some cases, allotted lands held by tenants.

In some States, tenants possessed permanent and transferable rights and it was not necessary to confer further rights upon them. These included Assam, West Bengal, Bihar, Orissa, Bhopal and Vindhya Pradesh.

Therefore, even though their position was slightly weakened, the zamindars still managed to retain their position as the largest land owners in the states. However, along side them, the richer section of the tenants also began to play a greater role in the economic and political life of the village. The condition of the bulk of the peasantry—the actual tillers of the soil —however remained practically unchanged.

(b) Land Ceilings:

According to the Report of the Panel on Land Reforms, the aim of land ceilings was to:

(i) meet widespread desire to possess land;

(ii) reduce glaring inequalities in ownership and use of land;

(iii) reduce inequalities in agricultural income and enlarge the sphere of self employment; and

(iv) give a new status to the land-less.

With a view to achieving these objectives, legislation was passed in all states imposing ceiling on existing land holdings as well as on future acquisition of land.

However, provisions relating to level, transfers, and exemptions differed considerably from state to state. In Assam, Jammu and Kashmir, West Bengal and Manipur, there was one uniform

ceiling limit irrespective of the class of land, ceiling being fixed at 50 acres, 22 ¾ acres and 25 acres respectively.

In all other states, the level of ceiling was fixed to take account of different classes of land. For example, the ceiling ranged all the way from 27-134 acres in Andhra, 20-80 acres in Orissa, 19-132 acres in Gujarat, 18-126 acres in Maharashtra. In others, it was fixed in terms of standard acres, a standard acre being equal to a certain number of ordinary acres a laid down in the Act passed in each state.

Five different patterns were followed:

(1) Compensation was fixed as multiple of land revenue assessment in Assam, Gujarat, Madhya Pradesh and Maharashtra.

(2) In Andhra, Mysore, Madras, West Bengal, Delhi, Manipur and Tripura, it was fixed as a multiple of income.

(3) In the Pepsu area of the Punjab, it was fixed as a multiple of rent.

(4) In Kerala and Orissa, it was related to the market value of land.

(5) In Bihar, specified amounts were provided for different classes of land.

Despite these differences, there was one thing common in all states: every where the compensation paid was higher than what was paid to the zamindars and it came close to the market price of land. The Orissa Bill specifically provided that the surplus land "was to be sold by the owners at market price".

Thus, the recommendations of the First Panel on land Reforms that **"the amount of compensation should in no case be more than 25% of the market values of land"** was not carried out.

The practical effect of the ceiling laws was negligible. Taking the country as a whole, total of 9.6 lakh hectares was declared surplus out of which about 6.4 lakh hectares were taken possession of by the State Governments and only 4.6 lakh hectares were finally distributed.

In Mysore, Kerala and Orissa, the ceiling laws did not release a single acre of surplus land for redistribution. In the whole of Andhra, only 1400 acres were taken over and none distributed. And the performance in Tamil Nadu was only marginally better.

Their ineffective implementation notwithstanding, the ceiling laws had a certain significance. It lay in the fact that a new but irrevocable step had been taken. A new process had begun, set off by the needs of a rural population living in steadily deteriorating social and economic conditions. The old style landed-gentry was replaced by the middle level land-owners.

In this respect, in contrast of Pakistan, there was a certain forward, though un-even, movement in our society. The laws discouraged the richest classes from buying up land. Although a major portion of their capital went into **"the purchase of urban property, in politics money lending and in Conspicous Consumption",** a part at least was used for land improvement and agricultural equipment.

Holdings well-equipped with machinery and employing hired labour increased, again indicating the beginnings of a new agricultural capitalist class. This is, it appears, what the govt. had in mind.

(c) Tenancy Legislation:

A satisfactory system of land tenure had long been recognised as the essential basis of a strong and efficient organisation.

The congress Agrarian Reforms Committee very strongly felt that the welfare of the Indian peasantry and the progress of agriculture in India depend to a large extent on whether the peasantry feels secure about the source of livelihood and whether the tenure system provides incentives and opportunity for local development.

The First Five Year Plan, while according the highest priority to increase in agricultural production, recommended and agrarian policy aimed at reducing disparities in wealth and income, eliminating exploitation providing security for the tenant and worker and opportunity to different sections of the rural population.

With these guidelines provided by the planning Commission, the State Govts. adopted certain measures, viz., regulation of rents, security of tenure and conferment of ownership on tenants.

The maximum area that a landowner could retain for personal cultivation also varied considerably. In some of the largest states, no maximum was fixed. In others such as Bombay, Assam, Hyderabad, the maximum was generally between 12-50 acres; In a few states, the maximum was lower than this ; in J & K, it was about 2—6 acres and in Orissa 7—19 acres.

(d) Cooperative Farming:

Cooperative farming did not receive any attention before the planning period although the congress Agrarain Reforms Committee had recommended cooperative farming for holdings below the 'basic' holding.

It was the Second Plan which envisaged that **"the main task is to lake such essential steps as will provide sound foundations for the development of cooperative farming, so that over a period of 10 years or so, a substantial proportion of agricultural land is cultivated on the cooperative lines."**

The Progress was rather meagre. Up to 1965-66, a total of 7294 cooperative farming societies having a membership of 1.88 lakhs had been formed and these covered an area of 3.93 lakh hectares. However, many of these societies were defunct and some existed only on paper for the sake of obtaining state grants though their land was cultivated in the old way. Quite a few permitted individual cultivation.

In these, there was neither the pooling of resources nor joint operation of land. A number of these were formed with a desire to evade land reforms measures in various states.

Gunnar Myrdal opines that cooperative farming was found by urban landowners as a convenient device for converting share croppers into wage labourers and hence a means whereby absentee-owners could reap gains from agricultural modernisation. This explains why 'absentee landowners were among the supporters of the cooperative farming idea.'

One of the basic requirements of the pilot Programme launched during the Third Plan was that "the bulk of the members should be small cultivators or landless persons or both." This was to ensure that absentee landowners were kept out.

The Gadgil Committee on cooperative farming, however, found that only 1/3 of the societies satisfied this requirement while 2/3 had no qualification to be included in the Pilot Programme. This was bound to happen where cooperatives were introduced without first altering the rural class structure.

(e) Abolition of Forced Labour:

Another significant development since 1947 was the virtual disappearance of forced labour. At the turn of the century, the vast majority of agricultural labourers were un-free men who were either in debt-bondage or some other form of servitude.

However, since independence the force of hired labourers in Indian agriculture, by and large, was made up of free men. This was a change of great significance which was likely to have far-reaching reprecussions in the future.

(f) Consolidation of Holdings:

The consolidation of fragmented holdings was regarded as **"an integral part of the agricultural production programme."** Legislation for compulsory consolidation of holdings was enacted in Bombay in 1947, in the Punjab in 1948, in Pepsu and Saurashtra in 1951 and in U.P. in 1953. Similar provisions were made in other provinces except Kerala and Madras. By 1964-65, a total area of 55 million acres was consolidated.

The progress was especially marked in Gujarat, Maharashtra, Mysore, Punjab, Rajasthan, and U.P. while in West Bengal, Assam, Orissa and J & K, the scheme had not been taken up for implementation. Those who gained the most were the upper strata of the peasantry for whom the elimination of strip—farming facilitated the shift to capitalist farming.

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