



Land Reforms In India: An Overview

Dr.V.Mallikarjuna Reddy*

Dr. I.Narendra Kumar@

* Academic Consultant, Department of History, Sri Venkateswara University, TIRUPATI, Andhra Pradesh.

@ Academic Consultant, Department of Econometrics, Sri Venkateswara University, TIRUPATI, Andhra Pradesh.

ABSTRACT

The land policy in India has been a major topic of Government discussions since the time prior to independence from British rule. At the time of independence, India faced a major challenge of setting right the agrarian structure as promised during the Independence struggle. The first task placed before the first Indian Parliament was to address land policy. The land reform alludes to an increase in agro-monetary establishments. It includes measures and methods identifying with the redistribution of land, guideline of a contract, renewing the States of tenure, etc. The land reforms target repositioning ownership thinking from the viewpoint of social equity and revamping operational property from the view purpose of perfect use of land. It comprises a transfer of ownership rights as well as the use of property away from large landowners and toward cultivators with little or no landholdings.

Keywords: Land reforms, Landlords, Tenant, Reforms, Policies, Intermediaries

Land reform usually means the redistribution of property from the rich to the poor. Besides, it also involves the regulation of ownership, methods, leasing, selling, and heritage of the land. In a country like India where the agricultural sector play a crucial role in the development of the country land reforms becomes one of the most vital element in the overall development process. India with vast deficiency and unequal division of land combined that with a large mass of the rural population below the poverty line there are compelling financial and administrative need for land reform. Not surprisingly, it got the top preference on the policy plan at the time of Independence. After independence, India established a notable body for the land reform bills. In 1949, Constitution left the selection and implementation of land and ownership reforms to the state governments. Multiple land reforms were started after independence in India. The political leaders notably Nehru constantly dreamt of a socialist model of the society. Finishing the feudal forces is one of the major hurdles before the newly constituted Indian Government in the Post-Independent era.

Before independence, India was under the oppressive rule of the Britishers and they urged the mediators to get more taxes. However, this was not the inception as India lived under the feudal grips for ages. The Emperors who dictated India distributed the lands into Jagirs and give over them to the Jagirdhars. These Jagirdhars moreover created agents or mediators called Zamindars to keep their supervision on jagirs and obtain revenues from the farmers who cultivate in those farms. After the British landed they continued the mediators under the Permanent Settlement Act and distributed the lands to Zamindars completely to

obtain the revenues. After freedom institutional reforms were required to change the model of feudal society to socialist. The symbol of agricultural India remained the wealthy although in minority but as the proprietor of the land for some purpose or other stayed by with the rich Zamindars class, they grew more and more strong year after year and expanding in wealth. However, the poor in majority peasants, who farmed the land, remained under the deep oceans of poverty and remained landless. When India embraced socialistic principles after independence, justice in all spheres – social, commercial and political was envisioned. Land reforms are necessary steps towards social and economic justice as land is a major asset required for the wholesome development of an individual and the country at large. According to the Indian constitution, land reform appears under the list of state subjects, and therefore the capacity for bringing up arrangements for effecting land reforms lies with unusual states.

Land is the prime natural and most material, imperishable possession from which people derive their economic independence, social status and a modest and permanent means of livelihood. But in addition to that, land also assures them of identity and dignity and creates condition and opportunities for realizing social equality. Assured possession and equitable distribution of land is a lasting source for peace and prosperity and will pave way for economic and social justice in India. The Constitution of India provided under Article 39 that (1) the ownership and control of the material resources of the country should be so distributed as best to serve the common good; and (2) the operation of the economic system should not result in a concentration of wealth or a means of production to the common detriment. The Constitution of India also made land a State subject. So only State Legislatures have the power to enact and implement land reform-laws. However, the Central Government played a significant advisory and financial role in land policy based on its Constitutional role in social and economic planning.

LAND REFORMS POLICY

Land reform policy was spelt out in the First Five Year Plan (1951-56) that made concrete proposals to reform the then existing land reforms system and resulted in 1955 the first Panel on Land Reforms. The abolition of intermediary tenures and the protection given to the tenants were intended to give the tiller of the soil his rightful place in the agrarian system is onward in the 2nd Five Year Plan (1956-61) held that. Similarly in the 3rd Five Year Plan (1961-66) elimination of all forms of exploitation and social injustice was done. It declared that the first condition for securing equality of opportunity and achieving a national minimum is an assurance of gainful employment for everyone who seeks work. The Forth Five Year Plan (1969-74) made a searching analysis of the problem of land reforms. The Plan also emphasized the necessity of re-examining the ceiling legislation. In the Fifth Five Year Plan (1974-79) many gaps between legislation and its implementation were realized. For removal of legal impediments in the way of implementation of land reforms, the Plan emphasized the necessity of constituting Land Reforms Tribunals instead of Civil Courts so that justice could be made speedy and brought closer to the poor people. In the Sixth Five Year Plan (1980-85) very lucidly brought forth the main elements of land reforms policy. They are: abolition intermediary tenures; tenancy reforms comprising regulation of rent, security of tenures and conferment of ownership rights on tenants; ceiling on land holding and distribution of surplus land; consolidation of holdings and; compilation and updating of land records. In the Seventh Five Year Plan (1985-1990) the emphasis has been given on scientific survey of unsurveyed land, register the name of tenant and sharecropper in land records, strengthen the revenue system at the lowest level, and provide training facility to revenue officials to improve their efficiency. In Eighth Five Year Plan (1992-97), it was shown that there were tenancy laws in all the States except Nagaland, Meghalaya and Mizoram. The continued importance of land reforms was recognized in the Eighth Plan, with the abolition of intermediaries, redistribution of ceiling surplus land, tenancy reforms providing security of tenure to tenants and share-croppers, consolidation of holdings and updating of land records as the main objectives of the land reform policy. Hence, the Ninth Five year Plan (1997-2002) had laid strong emphasis on agrarian restructuring to make agriculture more efficient leading to increased 'output and employment'. In fact, it has been argued that the need for poverty alleviation programs has arisen because the land reforms have not been implemented in a systematic way. The Government of India have

issued Guidelines based on the recommendations of the Chief Ministers' Conference held in 1972 for distribution of ceiling surplus land to the rural poor including SCs/STs. The State Governments/UT Administration is also distributing Government wastelands and bhoodan lands to the rural poor. The Tenth Five Year Plan (2002-2007) formally adopted in December 2003, indicates of a changing policy direction at the national level and does not reiterate the basic tenancy reform policies that had appeared in the previous nine Plans. This was sharp contrast to the policy environment soon after independence when land reforms were meant to provide ownership rights to small and marginal farmers on equity consideration. The Eleventh Five Year Plan (2007-2012) recommended that tenancy should be legalized in a limited manner. The Eleventh Plan also recognized that agricultural productivity was increasingly getting dependent on the ability of women to function effectively as farmers and strongly, and had also recommended to ensure effective and independent land rights for women. The Plan also ensured the rights of poor, landless, and tribal women over forest land, commons and other resources. In the Eleventh Plan, a Commission on Land Reforms has been set up which will specifically look into issues of continued possession and effective uses of land distributed earlier to SCs under various programs/legislative interventions; and Availability of land for distribution to SCs/STs/landless families. In all these, care will be taken to ensure preferential/joint ownership by women. In 2011-12, Civil Society Organizations in India have been pressing for a national land reforms policy and a land use plan as expected from the National Land Reforms Council. The NLRC's decision on the policy and plan would be based on the report of the Government constituted Committee on State Agrarian Relations. Considering the greater urgency to expedite the decision on the land reforms policy and land use plan and to hasten the completion of the "unfinished task of land reforms", which has extended over several decades, Jansatyagraha, a people's march has been organized in October 2012 to press for expediting the process. The Twelfth Five Year Plan (2012-2017) Working Group on Disadvantaged Farmers, including Women has proposed several mechanisms for easing the land constraint faced by landless and land poor, there should be a comprehensive assessment of all land available with the Government, including ceiling surplus land, uncultivated wasteland, and so on. Unofficial estimates by organizations such as Ekta Parishad suggest much more land is available for distribution than reflected in official estimates. All such available land should be so distributed to group of D&W farmers rather than to individual families, the land so distributed could either be registered in the group's name, or it could be given to them under a very long-term lease agreement. An Approach to the Twelfth Five Year Plan raises the following issues without providing rational, just, fair and humane answers to them: (1) Which land should be used for which purpose? (2) How should land be acquired for new purposes (industrialization/urbanization/infrastructure development)? (3) What form and quantum of compensation and rehabilitation should be provided to those whose lands are acquired? Therefore, there is a pressing need for a national land reform policy and land use plan as well as enhancement of the access of the rural poor to land available from sources, such as ceiling surplus, Government estates and wasteland, industries, religious & educational institutions, forest. Ultimately, National Land Reform Policy 2013 has been drafted in July 2013. This Policy focuses on those aspects of land reforms which if implemented in true letter and spirit will have the potential to tilt the balance in favour of the landless and poor. These are the mechanisms of preparing a land use plan for every village getting aggregated at higher levels which will guide the best utilization of each and every parcel of land, putting in place policies and systems for ensuring effective distribution of land to landless poor, protecting them from losing their lands, restoration of alienated lands, effective safeguard for lands of the schedule castes and schedule tribes, ensuring homestead rights, tenancy rights, land rights for the women and effective usage of common property resources. To sum up, land reform policy during the six decades of independence has undergone a radical change but the core issue continued to revolve around a just distribution of land resources and has acquired a new content and direction. The question is not merely that of meeting out social justice to the rural poor. The question is essentially an economic one having a bearing on our national life as a whole. Unless the agrarian society is re-generated and converted into a dynamic and rapidly growing system, both the base and super-

structure of the national economy will remain weak and unstable. In this paper, we will discuss the land reforms in pre- independence and post-independence policy of land reforms in India.

PRE-INDEPENDENCE ERA

The land ownership method has a long history of its own. There is evidence to it even in the Arthashastra of Kautilya. As stated in Arthashastra, the emperor was the single owner of the land. According to other manuscripts, the farmer of the land was reasonably regarded as the original owner of the land. The king could only increase or decrease the land tax. The ancient practice of land tax remained even during the Mughal period with some adjustments here and there. In the 16th century, Emperor Sher Shah Suri started the land settlement services for the evaluation and collection of land revenue. During the Akbar era, there was some advancement in the system. The British rulers acquired a well-laid-out land system from the Mughals. The British officers modified and reconstructed the prevailing land tenures in such a way as to secure the maximum revenue for the government in the form of land tax. These changes resulted in the rise of three types of land ownership systems in India.

The Zamindari System

The Zamindari system was founded by Lord Cornwallis in 1793 to enhance the revenue of the East India Company. Under this new system, the landlords were acknowledged as the full owners of the land. In return for this recognition, the responsibility of collecting rent from the peasants was given to them. The Zamindars became the mediators between the cultivators and the State. But with time, the Zamindari settlements made these mediators the proprietors of land whereby creating an unchanging interest in the land. There were two types of Zamindari settlements are Permanent Zamindari Settlement and temporary Zamindari, Settlement. The permanent Zamindari Settlement is fixed the land revenue permanently. This policy prevailed in Orissa, Bihar, Bengal, Banaras and some parts of Assam and madras. Temporary Zamindari, Settlement as far as the temporary zamindari settlement was involved, land revenue was valued for a term ranging between 20 and 40 years in many different states. This practice was in trend in states like Uttar Pradesh, Punjab, Madhya Pradesh and Rajasthan. As the time of the evaluation was rather long, the temporary settlement was not temporary in the real sense. The Zamindars were termed as the most intellectual element of the rural population by the British government. However, these expectations were not met. The Zamindari system as it operated in India suffered from many defects. They are as follows:

(I) Obstacle in Agricultural Development:- The Zamindari system served as a challenging obstacle in bringing about economic change in rural India. The Zamindars displayed no interest in the development of either land or farming. The only interest they had was the collection of the revenues from the farmers.

(II) Absentee-landlordism:- The Zamindari system was proposed to promote progressive agriculture, however, it deteriorated into absentee landlordism. Absentee landlordism means the conferment of power of sharing the product of the land on a less without even engaging personally in the productive process. The very origin of the absentee landlords resulted in the decay of agriculture.

(III) Exploitation:- The concept of the zamindari system was solely based on the idea of exploitation as the zamindars were given the power to take any amount of rent. Nearly, one-fourth of the amount was taken away by the intermediaries in the form of rent. Further, the occupants had to work in the houses of Zamindars on events like wedding, sacred festivals without any monetary return.

(IV) Psychological insecurity:- The actual farmer of the land was not the true owner of the land under the Zamindari system. As a result, he was always afraid of being evicted from his home.

Mahalwari System

Mahalwari system was introduced during British rule. It was first introduced in the state of Agra and later in Punjab. The Muslim tradition contributed to the development of the Mahalwari system. In the mahalwari tenure, a piece of land was collectively owned by a village community. The ruralites were combined and separately liable for the payment of land revenue. The lands owned by the village communities were both cultivated by the members of the communities themselves or were rented out to others for a suitable price. The village headman was trusted with the obligation of collecting the land revenue and storing it in the treasury. In return; they got 5 per cent as commission. The biggest shortcoming of the Mahalwari system was that the appearance of certain intermediaries committed to the presence of absentee landowners.

Ryotwari System

Sir Thomas Munro in the year 1792 introduced the Ryotwari system. The first Ryotwari agreement was made in the state of Madras in 1972. This system was based on the Hindu tradition. Under this policy, the duty of paying land revenue to the administration was of the individual ryot himself. There was no mediator between him and the state. The farmer had full privileges on land concerning the sale, removal, and sub-let or rent as long as he cleared land revenue to the State.

POST-INDEPENDENCE ERA

India attained independence in the year 1947, since then the central government along with the help of various state governments has tried to mediate the land reforms in many states with the objective of maximum use of land and securing the well-being of the farmers. A notable and successful example of land reforms is of West Bengal and Kerala. The 1949 Constitution omitted the enactment and implementation of land to state governments. This resulted in a lot of modifications in the implementation of these reforms across States and over time. Independent India's biggest accomplishment story concerning land policy is possibly the abolition of the Zamindari system. The land-reform system of India had two specific goals are to remove such barriers to growing agricultural production as arising from the agrarian composition obtained from the past; and to eradicate all the factors of exploitation and social inequality within the agrarian system, to provide protection for the farmers and ensure equality of status and possibilities to all the sections of the rural population. Just after the independence, the elimination of intermediaries who were in action under pre-independence in the British system has largely been successful. The additional objectives have produced mixed results and differ across states over time. Land reforms appear under the State List so its success varies from state to state. The most complete and prosperous reforms took place in the communist hotbeds of Kerala and West Bengal. States like Andhra Pradesh, Madhya Pradesh and Bihar saw inter-community disputes as a consequence of land reforms

Zamindari Abolition Acts

Initially, the Zamindari Abolition Act was established by UP, Tamil Nadu, Bihar, Madhya Pradesh, etc. Surplus lands were seized from zamindars. As in the Golaknath case, the Supreme Court held that the designated provisions of the Zamindari Abolition act contradicted Article 31 of the Indian Constitution; the legislature took actions to repeal Article 31. When these laws were passed in several states, they were questioned in the courts as being upon the right to property cherished in the Indian Constitution. So, various amendments were passed in the Parliament to authorize the cancellation of landlordism. As a result of this, around 30 lakhs inhabitants and share-croppers gained ownership rights over a total of 62 lakhs acres of property all over the nation.

Land Ceilings Act

Land ceiling relates to fixing a lid on the extent of landholding that a family or a person can enjoy. Any excess land is divided among landless people like inhabitants, tenants, or farmers. The purpose of land roofing, according to the Report of the Panel on Land Reforms, was to: To meet across the board desire to acquire land; Lessen evident imbalances in proprietorship and utilization of land; Lessen imbalance in rural revenue and expand the independent work; Give the landless a new status.

Tenancy legislation

This centered around three areas which are rent management, tenure protection and presenting ownership to tenants. For a long time, an appropriate land residency arrangement was seen to be the foundation of a strong and beneficial partnership. The Congress Agrarian Reforms Committee emphatically felt that the government assistance of the Indian working class and the advancement of horticulture in India depend to an enormous degree on whether the lower class feels secure about the source of their livelihood, and whether the residence system provides motivating factors and opportunities for nearby events.

OUTCOME OF LAND REFORMS IN INDIA

Abolition of Agents like Landlords

The existence of dominant class like Zamindars and Jagirdhars discontinued. This decreased the exploitation of farmers who now became the proprietors of the land they cultivated. This move was rejected by the Zamindars who employed various means to avoid the law. They enrolled their land under their relative's names. They also rearranged residents throughout different plots of land so that they wouldn't get incumbency rights.

Land Ceiling

With a lid over the area of landholding, an individual/ families could hold a portion land as possible according to the allowance. Moreover, only the landlord abolition without the land ceiling, the land reforms would not be this successful. Further land ceiling assured that the wealthy farmers did not become the new type of Zamindars.

Land possession-

In India land is not only considered as a source of income but also as a status symbol in society. Previously there was no strict provision regarding maintaining the record of landholdings but after the land, it was made compulsory. It is also necessary to document all tenancy agreements.

Increased productivity

More land came under farming and since farmers themselves became the real owners, fertility increased and the profits. Land reforms were mainly prosperous in West Bengal and Kerala because of the state will of the left-wing governments to execute them efficiently. There was a sort of disturbance in these places in terms of the landholding models and ownership, and also the status of workers.

CONCLUSION

India, being a predominantly agricultural society, has a strong linkage between land and social status of an individual. The fact that close to 70% of the population is dependent on land, either as farmers or farm labours, means that it is imperative to address the issue of land in such manner that it provides livelihood, dignity and food security to the millions of Indians. Landless is a strong indicator of rural poverty in the country. So, it is important to remember that the chief aim of land reform is equity rather than productivity. Land is not commodity, and cannot be treated as such in a welfare State like India. The basic objective of the land reform program in India is to secure social and economic justice to the mass of peasant producers and to create sanctions for the development of a healthy and dynamic agrarian society.

The land reforms in India had reflected that past a precisely indicated limit, all other areas with the landowners would be taken up by the state and distributed amongst the small owners to help them satisfy their financial needs. The ceiling on landholdings is, with these courses, a successful measure for redistribution of land and achieving the objective of social equity. Land reforms target repositioning ownership thinking from the viewpoint of social equity and revamping operational property from the view purpose of perfect use of land. Due to Zamindari Abolition, approximately 30 lakhs tenants, sharecroppers and farmers gained possession rights over a certain developed region of approximately 25 lakhs hectares all over the nation. The entire idea of land reforms directs on the dissolution of negotiators and getting the real cultivator in close contact with the state. The extent of land changes, therefore, includes abolition of intermediaries, tenancy reforms, i.e., guideline of lease, protection of residency for occupants and accordance to the proprietorship on them ceiling on land holdings and improving the arrangement of record-keeping, increasing productivity. Land reforms have a purpose other than agriculture purpose. The redistribution of land becomes a need often for developing and manufacturing purposes too. This requires a proper land policy, which provides due importance to nature, improvement and inclusion. More profound basic reforms will guarantee that the application of land redistribution becomes meaningful, allowing small farmers to turn their lands into productive assets. When all citizen of the country enjoys the advantages of ownership of land, it can lead to social and economic upliftment.

