

AGRARIAN REFORMS IN BOMBAY

(The Legal and Economic Consequences
of the
Abolition of Land Tenures)

by

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With a foreword

by

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To
Mrs. Indirabai Vilekar
who has mothered me
to effort and progress

FOREWORD

The three main criteria of judging the stability of agriculture are, farm yields as compared to the productive capacity of land, net profits in agriculture in relation to expenditure, and the standard of living of the cultivator and his family. Judged by these criteria, Indian agriculture is considerably backward as compared to that in most of the agricultural countries of the world. One of the fundamental impediments to agricultural improvements in India, however, has been a group of intermediaries between the tiller of land and the State. While Europe has done away with the remnants of feudalism, its counterpart dies hard in various forms in India. Consequently, over a large part of the country, there is no full exploitation of land, the cultivator fails to get a reasonable share in the fruit of his labour, and his net profit, if any, is but meagre; moreover, as he is subjected to various other methods of exploitation and depressing influences, there has been a steady fall in his standard of living.

It is, therefore, a welcome sign that the abolition of the outmoded zamindari tenure system is receiving attention in most of the States in which it exists. While this issue has been on the anvil for a fairly long time in other States, the Bombay Government have taken a quick decision and enacted legislation to liquidate the non-ryotwari tenures such as the Bhagdari, Narwadari, Maleki, Mehwasi, Taluqdari and Khoti in the Bombay State. A significant feature of this legislation is that it attempts to reorientate the tenure system without creating discontent or disturbance among the old tenurial holders.

It is but proper that Dr. Patel, who was appointed by the Bombay Government for the special work connected with this reform should bring out this publication embodying his findings and views on this important subject. It contains very informative material on the historical, administrative, legal and economic aspects of the various tenures in the Bombay State, and discusses the provisions of the new legislation for their abolition, as also the social, administrative and economic consequences of this reform. The book is indeed a valuable contri-

bution to the studies—unfortunately too few—on this topical subject of land tenure and, as such, should prove useful to students of this subject as also to Governments in other States where similar reforms are contemplated or necessary. I do hope that the book will help to awaken among the public a wider and more fruitful interest in this important aspect of land-reform and thus speed up tenure reforms in other States as well.

10-5-50.

MANILAL B. NANAVATI.

P R E F A C E

The abolition of the zamindaris, which was in a stage of controversy for more than two decades, has become a settled fact by the impact of economic and political forces in and around the country. It is believed that action in this respect will stem the spread of communism in India. As a result, the State Governments have, during the last five years (particularly after the Congress assumed office), undertaken legislative measures for the agrarian reforms with a view to abolishing all possible intermediaries between the State and the actual tiller of the land. Legislative attempts have been made to settle the relations between landlord and tenants *vis-a-vis* Government. It is assumed that land, as an agent of production, is a social asset and that Government has every right to regulate its use and management for the greatest good of the greatest number.

The Bombay Government made a modest beginning of the agrarian reform by enacting the Bombay Prevention of Fragmentation and Consolidation of Holdings Act, 1947. It was followed up by the Bombay Tenancy and Agricultural Lands Act, 1948, which has practically settled the landlord-tenant relations. These Acts paved the way for the passing of the Acts to abolish the land tenures like Bhagdari, Narwadari, Maleki, Mehvasi, Talukdari and Khoti, which are the important *land tenures* of the Bombay State. Government proposes to follow up with legislative measures for abolition of *inam tenures* in the very near future. And that will complete the agrarian reforms of Bombay.

In the context of the Zamindari Abolition attempts of other State Governments of India, the measures of the Bombay Government may appear small. But having regard to actual results obtained so far, the achievement of the Bombay Government is really great and magnificent. When other State Governments have not been able to progress much beyond the *Bill Stage* because of the financial and administrative difficulties inherent in the imposing Zamindari Abolition Bills, this Government has actually enacted the Acts to abolish the zamindaris and brought them into force. The characteristic feature of the agrarian reforms of Bombay is that special rights and

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privileges enjoyed by tenurial holders are sought to be liquidated and that no attempt is made to acquire all lands and interests therein like other Governments. Government has always kept an eye on the practicability and the financial implications of the measures. As a result, it has been able to achieve its object without much discontent and disturbance among the tenure-holders. It is no exaggeration to say that it is much due to the energy, drive and vision of the Hon. Minister Shri Morarjibhai Desai that these agrarian reforms have been achieved by the Bombay Government within so short a time, without appointing any Committees and with comparatively little cost to Government.

Now a word about the publication of this book. I studied land tenures of Gujarat for my doctoral thesis on "the Land Revenue Settlements in Gujarat under the British". But that was very elementary. I, however, got an opportunity for a close first-hand study of the land tenures of Bombay, when I was appointed in 1948 on special duty in the Secretariat for work connected with the abolition of the land tenures. Besides the publications of Government and other institutions on the subject, I got a unique opportunity to study the otherwise inaccessible records of the Secretariat. The existing books on land tenures such as Dandekar's Law of Land Tenures, Baden-Powell's Land Systems of British India, Bombay Government's Character of Land Tenures of Bombay Presidency or a chapter on the Land Tenures in the Survey and Settlement Manual, Vol. I have become too old or are sketchy in treatment of the subject. There exists no single book, which deals with, in a compact form, the historical, administrative, legal and economic aspects of the land tenures of Bombay. The Talukdars, Khots, Maleks and other tenure-holders make anxious inquiries about the consequences of the Land Tenure Abolition Acts. This book is an attempt to present the material in a compact form in order to meet with the requirements of tenure-holders, lawyers, politicians, and Government administrative departments concerned. Besides, it may serve as a useful guide to other State Governments in India. If these objects are achieved, I would consider my labours amply rewarded.

As regards the plan of work, it is proposed to treat the problem of the land tenures in the Bombay State not as a haphazard incident but as a matter of historical growth. An

attempt is made to trace the genesis and growth of the tenures from the oldest available records and their developments in different stages to the present day. After the introductory chapter on the general aspects of the land tenures, one separate chapter is devoted to each land tenure. In each chapter, the historical origin of a particular land tenure, the rights and responsibilities of the tenure-holders, the provisions of the new Act abolishing the same, the social, administrative, economic and political consequences of the abolition of the tenures are dwelt upon in as much detail as possible. Care has been taken to sift the data obtained from various sources of Government records, and publications, and private books written either in English or regional languages. In order to make the book authentic as far as possible, every important statement in the book is supported by authority either of Government Resolutions, Acts, other pronouncements or High Court or Privy Council decisions. Where any incident or aspect of a tenure is found obscure or indeterminate, care has been taken to put that aspect in its proper perspective without making any dogmatic assertions thereof.

I am grateful to the Bombay Government for appointing me for the special work connected with abolition of the land tenures, which will be a landmark in the progress of the land revenue administration of Bombay. Besides acknowledging my debt to various authors whose publications I have drawn upon, I take this opportunity to express my deep sense of gratitude to Shri J. R. Dhurandhar, Additional Secretary, Legal Department, for his legal advice and for finding time, in the midst of pressing duties of the Legal Department, to go through the typescript and make useful suggestions. While acknowledging the help received from various sources, I must make it clear that I am alone responsible for the facts and opinions contained in the book.

I am grateful to the Bombay Government for having permitted the publication of this work.

Above all, I must acknowledge my indebtedness to Sir Manilal Nanavati for his encouraging Foreword.

G. D. PATEL.

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"	"	"	8999	" 15th November 1884.
"	"	"	2826	" 7th May 1887.
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