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A COMPARATIVE STUDY OF LAND REFORMS  
IN JAPAN, TAIWAN AND INDIA (WITH  
SPECIFIC REFERENCE TO MAHARASHTRA)

BY

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SPECIFIC REFERENCE TO MAHARASHTRA)

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## CHAPTER I

### INTRODUCTION

"Land-to-the Tiller" is no doubt an attractive ideal. When this ideal is successfully realised in a democratic and peaceful way, it has indeed added significance. Japan and Taiwan are credited as having carried out sweeping land reform programmes without resorting to undemocratic and violent means. It is also said that India can learn from the experiences of these countries to make its land reform programmes more effective and successful. In this connection, certain questions arise: What were the circumstances under which land reforms were carried out in Japan and Taiwan? What were the chief land reform measures undertaken in these countries? How were they implemented and what were the accomplishments? How does the Indian experiment in the field of land reforms compare with the Japanese and the Taiwanese experiments? An attempt to examine these questions is made in the present essay.

The object of the study is to briefly summarise the land reform measures undertaken in Japan and Taiwan in the post World War II period and then compare these with the most advanced stage of land reform implemented in any part of India. During the post-war years Indian thinking and legislation on land reforms went through different stages. The prevailing legislative provisions and the implementation of

the laws are at different stages in different states of the Indian Union. We shall take up, for our comparison, only one of the states in which the reform measures reached the most advanced stage quite early and have also been systematically implemented over the years. This may help to highlight the similarities and differences in the approach to land reforms in India with that in Japan and Taiwan.

Chapter II deals with Japan and Chapter III with Taiwan. Chapter IV goes over the Indian measures as seen in the case of the State of Maharashtra and also draws the similarities and contrasts with the other two countries.



## CHAPTER II

### LAND REFORMS IN JAPAN

During the period following the World War II, land reform programmes were launched in several of the Asian countries. Japan, which set off the whole chain of events leading to major reform programmes throughout South-East and East Asia, is credited as having undertaken one of the most effective post-war land reform programmes.<sup>1</sup>

#### Background of Land Reform in Japan

Land reforms were envisaged and executed in Japan against a background characterised by the stability of farm population, gradually improving land-man ratio, and the rising productivity of land.

In the 1870's and 1880's when Japan began growing into modern state, the farm population constituted about 80 per cent of the total population. As commerce and industry made rapid progress this ratio decreased; however, the absolute number of people engaged in agriculture remained almost the same, i.e., at around <sup>13.5</sup>~~17.5~~ million for 70 years upto the outbreak of the Pacific War (December 1941). During the War, the

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1 Antonio Ledesma, Land Reform in East and South-East Asia: A Comparative Approach, University of Wisconsin-Madison, 1976, p.4.

**Table 2.1: Cultivated Land, Total Population, Employed Population and Farm Population in Japan (1880-1940)**

(Population in thousand persons; area in hectares)

Year	Total cultivated land	Total population	Gainfully employed population	Population in agriculture & forestry	Population in agriculture	Land-man ratio
1880	44,32,647	36,649	19,542	15,654	N.A.	0.28
1890	49,88,138	39,902	22,583	16,742	N.A.	0.29
1900	50,44,844	43,847	24,768	16,841	N.A.	0.30
1910	56,05,746	49,184	26,085	15,965	N.A.	0.35
1920	60,33,777	55,391	27,263	14,287	13,777	0.42
1930	58,66,891	63,872	29,619	14,131	13,742	0.41
1940	60,27,060	71,400	32,478	13,842	13,363	0.43

**Note:** Since the data on agricultural population are not available for the entire period, the land-man ratio is calculated by dividing the total cultivated area by the population engaged in agriculture and forestry.

**Source:** Hundred Years Statistics of the Japanese Economy, Statistics Department of the Bank of Japan, Tokyo, 1966, pp.12, 56-57.

farm population reduced to 12 million, i.e., 40 per cent of total employed population.<sup>2</sup> Table 2.1 provides the necessary details.

During this long period when the farm population was stable, the agricultural production continuously increased. This is shown in Table 2.2.

Table 2.2: Index of Agricultural Production and Yield Rate of Paddy per 10 Ares in Japan

Year	Index of agricultural production	Yield of paddy per 10 Ares	
		Kilogram	Index
1895-99	100.0	214	100.0
1900-04	110.8	240	112.2
1905-09	119.9	250	116.8
1910-14	132.6	262	122.5
1915-19	151.7	286	133.8
1920-24	150.7	287	134.0
1925-29	163.7	289	135.0
1930-34	173.5	293	137.0
1935-39	185.3	314	146.8

Source: Ministry of Agriculture and Forestry Survey, Tokyo, 1966 (Quoted in James R. Brown and Sein Lin, Land Reform in Developing Economies, 1968, p.242).

<sup>2</sup> Agriculture in Japan, Japan F.A.O. Association, Tokyo, 1958, p.5.

The rise in agricultural production during the period 1895 and 1940 could be attributed to technological development which was independent of the scale of farm, that is to say, to the improvements in seeds, increasing use of chemical fertilisers and increase in the supply of water through irrigation.

#### Need for a Land Reform Programme

Even though farm population was stable and the productivity of land was rising, the need for a land reform programme in Japan arose because there was concentration of land ownership which had resulted in widespread tenancy and the attendant evils.

As Table 2.3 indicates, there was considerable inequality in the ownership of land. Land-owners holding less than 0.5 cho each represented 49.6 per cent of the total number of land-owners but possessed only 15.5 per cent of the total agricultural land. On the contrary, those holding more than 5 chos each represented only 3.2 per cent of the total number of land-owners and they owned 30 per cent of the total agricultural land.

In the light of such extreme inequality in the distribution of owned land, it is not surprising that tenancy was widespread in Japan in the pre-reform period. Table 2.4 indicates the dimension of the tenancy problem.

**Table 2.3: Distribution of Land Ownership by Size of Farm in Japan, 1935**

Size of holding (cho)	Land owners		Land area (1000 cho)	
	Number (1000)	Percentage of total number	Owned (1000 cho)	Percentage of total land area
Less than 0.5	2,555	49.6	923	15.5
0.5 - 1	1,304	25.3	991	16.6
1 - 3	906	17.6	1,423	23.8
3 - 5	221	4.3	842	14.1
5 - 10	111	2.2	765	12.8
10 - 50	45	0.9	744	12.5
Over 50	3	0.1	280	4.7

**Note:** 1 cho = 2,451 Acres. (It is approximately equal to 1 hectare)

**Source:** Statistical Data of Land Problems, Ministry of Agriculture and Forestry, 1935 (Quoted in Masaru Kajita, Land Reform in Japan, 1959, p.10).

The data show that almost half (46 per cent) of the total cultivated land in the country was tenant cultivated. And, at least 63.5 per cent of all cultivators, possibly more were partly or wholly tenant-farmers.

Under such circumstances, it is not surprising to find that tenancy was the characteristic of most small and medium farmers. Table 2.5 gives the details of the proportion of

**Table 2.4: Tenure Status of Farmers in Japan as on 1st August, 1947**

Item	(Area in hectares)	
	No. or area	Percentage of the total
Total cultivated area	49,70,293	100.0
Total tenanted area	23,01,245	46.3
Total no. of farm households	59,09,227	100.0
<b>(a) <u>Owner-Farmers</u></b>		
1) No. of households	21,53,611	36.5
2) Area operated	18,86,997	38.0
<b>(b) <u>Owner-Tenants</u></b>		
1) No. of households	11,83,408	20.0
2) Area operated	11,42,663	23.0
<b>(c) <u>Tenant-Owners</u></b>		
1) No. of households	9,96,986	16.9
2) Area operated	9,06,989	18.2
<b>(d) <u>Tenants</u></b>		
1) No. of households	15,73,836	26.6
2) Area operated	10,33,644	20.8
<b>(e) <u>Others</u></b>		
1) No. of households	1,386	-
2) Area operated	-	-

**Note:** (1) Owner-Farmers: Owning more than 90 per cent of the land they cultivated. (2) Owner-Tenants: Owning 50-90 per cent of the land they cultivated. They were also called part-owners. (3) Tenant-Farmers: Owning more than 10 per cent and less than 50 per cent of the land they cultivated. They were also called part-tenants. (4) Tenants: Owning less than 10 per cent of the land they cultivated. (5) Others: Including only landless farmers such as bee-keepers and poultry raisers.

**Source:** Ministry of Agriculture and Forestry, 1956 (Quoted in A.J.Grad, Land and Peasant in Japan, 1952, p.254).

**Table 2.5:** Distribution of Land Holdings and Cultivated Area by Size of Farm in Japan, 1941 (Excluding Hokkaido)

*operated?*

Size of holdings (cho)	Number of farm households	Percentage of total numbers	Percentage of total farm land	Percentage of total cultivated land in the size class leased in	Percentage of total tenanted land in the size class
Less than 0.5	17,51,836	33.60	11	49	11.6
0.5 - 1	16,10,296	30.96	25	49	26.3
1 - 2	14,45,528	27.79	42	46	42.1
2 - 3	3,12,738	6.00	15	44	14.6
3 - 5	75,810	1.46	6	39	4.7
5 - 10	6,603	0.13	1	32	0.6
Over 10	307	0.06	0	23	0.1
<b>Total</b>	<b>52,03,118</b>	<b>100.0</b>	<b>100</b>	<b>46</b>	<b>100.0</b>

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Source: Statistical Data of Land Problems, Ministry of Agriculture and Forestry, 1952, (Quoted in Masaru Kajita, Land Reform in Japan, pp.8-9).

tenanted land in different size classes of cultivated land holdings.

Tenancy appears to have resulted in considerably small land area cultivated in relatively large farms. While land-owners with more than 5 chos owned 30 per cent of all farm land (Ref. <sup>2.3</sup>~~2.4~~), cultivators with more than 5 chos cultivated a little over 1 per cent of all farm land.\* Even these large cultivators had leased in more than one-fourth of their total cultivated land. Not only the overwhelming bulk of cultivators (more than 98 per cent), but also the overwhelming bulk of farm land (93 per cent) was with small and medium farmers, cultivating 3 chos or less per farm. Tenancy was quite extensive among the medium and small farmers. Cultivators with less than 2 chos of cultivated land constituted more than 90 per cent of all cultivators, and practically half the land cultivated by them was leased in. They also cultivated more than 80 per cent of all leased land.

#### Who Leased out Land and Why?

Both the small as well as the large land-owners had ✓ leased out their land. According to the explanation given by Dore, the number of owners of leased land was 1 million

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\* Though the data in Table <sup>2.3</sup>~~2.4~~ relates to year 1935 and in Table 2.5 to 1941 and the latter excludes Hokkaido, we would consider the percentage distributions as roughly comparable.



in 1941. Of them, only 2.5 lakh persons had owned more than 3 chos of land. They were considered as the large land-owners while the remaining 7.5 lakh persons who had leased out land, were the small land-owners.<sup>3</sup>

The small land-owners, though more in number, had a share of only 5.4 per cent of the total leased out land in 1941, excluding Hokkaido. The main reason accounting for the tendency on the part of the small land-owners to lease out land was that as Japanese industrialisation progressed, more and more people having tiny plots of land took outside jobs. This was done without breaking away from their land ownership. Many of them had tenants on their land with a view to supplement their income through rent, and to fall back upon land after unemployment or retirement.<sup>4</sup>

The large land-owners, though less in number, had a greater share in the total leased out land, i.e., 94.6 per cent of the leased land in 1941, excluding Hokkaido. Since farm rents were high enough to provide them with a source of significant income, the large land-owners were tempted to lease out their land.<sup>5</sup>

#### Incidence of Tenancy More in Paddy Land

Available information suggests that the incidence of

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3. R.P.Dore, Land Reform in Japan, Oxford University Press, London, 1959, p.26.

4. Masaru Kajita, Land Reform in Japan, Agricultural Development Series, Tokyo, 1959, p.11.

5. Ibid.

tenancy was more in paddy fields than in upland fields. As Masaru Kajita writes, "According to a survey made in 1941, the percentage of tenant land in paddy fields was 53 and that in upland fields was 38".<sup>6</sup>

The productivity of the paddy field was much higher than that of upland since long range investments had been made on paddy fields in the form of irrigation and drainage. The rising price of rice provided added attraction. Therefore, there was the growing practice of purchasing paddy fields for the purpose of making profits. This led to relatively larger owned landholdings not cultivated by owners themselves, but lands leased out to tenants.<sup>7</sup>

#### Drawbacks of Tenancy System

The land tenancy system in Japan had many defects which were: (a) verbal contracts, (b) indefinite period of lease and consequently, insecurity of tenure, and (c) high farm rents. Rents collected on rice lands, between 1908 and 1943, averaged between 45 per cent and 57 per cent of the value of the gross yield of the rented area. Between 1916 and 1943, on upland fields they averaged between 23 per cent and 40 per cent of the gross yield of the rented area.<sup>8</sup> Further, these

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6 Ibid., p.8.

7 Shigeto Kawano, "Economic Significance of the Land Reform in Japan," Developing Economies, Vol.III, June 1965, p.40.

8 Sidney Klein, The Pattern of Land Tenure Reform in East Asia After World War II, Bookman Monograph Series, New York, 1958, p.20.

rents were based not on the actual yield during the year, but on the normal or expected yield of the land. In case the yield in a particular year was lower than the average due to natural disasters, which were not very infrequent, the actual rents required to be paid were, in fact, usually considerably above these percentages.

The payment of rent was made in several different forms, such as fixed rent in kind, rent in kind payable in cash, fixed rent in cash and crop-sharing. This is shown in Table 2.6. As Table 2.6 indicates, in the case of paddy fields fixed rent in kind and rent in kind payable in cash were predominant. The landlords always found it profitable to fix rent in kind for paddy fields. This gave rise to certain grave consequences:

1) Even the owner-farmers were little interested in expanding management or investing capital in agriculture. If 5 chos of land were leased out, the income from the rent enabled the owner of the land to maintain a living standard as high as that of owner-farmers who actually farmed their land.<sup>9</sup>

2) After each harvest and paying rent and meeting other business obligations (payments for expensive fertilisers, seeds and agricultural implements etc.) 20 to 40 per cent of tenants did not have enough rice left for their families to last until the next harvest.<sup>10</sup>

9 Masaru Kajita, op.cit., p.12.

10 Sidney Klein, op.cit., p.21.

**Table 2.6: Distribution of Tenanted Land by Forms of Rent in Japan, 1941**

	(Area in hectares)						
	Total	Paddy field	Upland	Mulberry farm	Orchard	Tea plantation	Others
Total acreage of tenanted land	26,20,585	16,65,254	7,95,995	1,21,477	26,375	8,543	2,941
Fixed rent in kind(percentage of total)	65.58	86.43	29.71	29.29	24.27	21.27	50.23
Rent in kind payable in cash (percentage of total)	13.03	12.39	12.11	25.91	19.90	17.11	23.49
Rent in cash (percentage of total)	20.48	0.56	56.98	44.80	51.50	59.87	25.87
Crop sharing and other forms of rent(percentage of total)	0.81	0.62	1.20	-	4.44	1.75	0.41
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0

**Source:** Ministry of Agriculture and Forestry, 1952 (Quoted in Shigeto Kawano, "Economic Significance of the Land Reform in Japan," Developing Economies, Vol.III, June 1965, P.141)

3) The practice of fixing rent payments in kind placed the marketing of 85 per cent of the commercially marketed rice in the hands of landlords.<sup>11</sup> The needy and poor tenants had to purchase rice from them at very high price.

4) Under such circumstances, many tenants were steeped in debts. Not infrequently, the landlords themselves were the moneylenders charging 15 to 25 per cent interest from their borrowers.<sup>12</sup> To put it in brief, the tenants were virtually exploited by the landlords.

#### Classification of Landlords

For the purpose of the post-war land reform legislation, the landlords were classified into two types: (i) absentee landlords, and (ii) village or resident landlords. 'Absentee landlords' meant all land-owners not resident in the same village in which their lands were located; therefore, they included, the sub-category of farming landlords whose holding of leased out land extended into neighbouring villages. The sons of the farming families who had left their native village for jobs elsewhere but retained their family land after the death of their parents, fertiliser merchants, rice merchants and pawn-brokers and moneylenders who had acquired lands as a result of commercial or financial transactions, school

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11 William M. Gilmartin and W.I. Ladejinsky, "The Promise of Agrarian Reform in Japan," Foreign Affairs, Vol. XXVI, January 1948, p. 317.

12 A.J. Grad, "Land Reform in Japan," Pacific Affairs, Vol. XXI, June 1948, p. 117.

teachers transferred from their native village (and, incidentally, many of the officials and professors of agricultural economics who drafted the post-war land reform Bill!) constituted the class of absentee landlords.<sup>13</sup>

Village or resident landlords who did not cultivate their lands, were also heterogeneous. One major sub-category comprised the land-owners whose income from rents enabled them to "wear white socks", and the land-owners who were engaged in politics or moneylending business. There were others with very small holdings, like the village officials school teachers and doctors, etc., who were resident in the village.<sup>14</sup>

Dore states that in mid-1947 about 18 per cent of the total tenanted land was owned by absentee landlords, another 24 per cent by the non-cultivating resident landlords, and the remaining 58 per cent by men who were also farmers themselves.<sup>15</sup>

Until the end of the nineteenth century, the landlords, by and large, were playing a progressive role, trying to diffuse modern farming techniques. But thereafter, national policies administered by the Ministry of Agriculture and Forestry took over.<sup>16</sup> By 1920, most farmers were literate

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13 R.P.Dore, 1959, op.cit., pp.24-25.

14 Ibid., p.25.

15 Ibid., p.22.

16 Masaru Kajita, op.cit., p.14.

and more capable of informing themselves individually about new agricultural methods. Consequently, the landlords ceased to play the role of the driving force in rural Japan. They also ceased to invest their profits in agriculture, and became a class of parasites on agriculture. Thus, all the advantages of landlordism disappeared and the drawbacks of tenancy system loomed large.<sup>17</sup>

#### Decline of Landlordism

In the 1920's forces started building up against the landlords. Tenant associations came to be established all over the country. A nationwide farm organisation called the National Farmers Federation came into existence in 1922. There was a sudden outburst of tenancy disputes in the 1920's. They reached an impressive figure of 6824 in 1935. In the 20's excessively high rents were the cause of disputes; in the 30's over 50 per cent of the disputes were caused by attempts on the part of landlords to evict tenants from their lands.<sup>18</sup> The tenant associations tried to come to the rescue of the tenant whenever there was any dispute between him and the landlord concerned.

The situation impressed the Japanese government with the need for taking up some legislative measures. In this

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17 R.P.Dore, "Land Reform and Japan's Economic Development," Developing Economies, Vol.III, December 1965, p.495.

18 Sidney Klein, op.cit., p.22.

connection, mention may be made of the Farm Tenancy Arbitration Law (1924), the Owner Farmer Establishment and Maintenance Regulations (1926), and the Agricultural Land Adjustment Law (1938). But these laws did not meet the requirements of the day nor were they seriously implemented.

The tenant movement began to subside after the Japanese militarism took over the leadership of political matters in 1937. But the memory of tenant movement, tenancy disputes and the consequent need for remedial action was quite green in the minds of the Japanese administrators even after the World War II. It was one of the factors accounting for the radical character of the post-war reforms.<sup>19</sup>

Another cause that contributed to the decline of landlords was the economic depression (1929-33). As the Japanese landlords were the sellers of rice, the price fall affected them seriously.<sup>20</sup>

Further, several of the war-time measures introduced a process of change in the tenant-owner relations which both facilitated and was completed by the land reform after the war. As early as 1937, the military government in Japan enacted the Food Control Law providing that the government

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19 Wolf Ladejinsky, "Agrarian Reform in Asia," Foreign Affairs, Vol. XXXVI, April 1964, p.457.

20 Yasuo Kondo, The Land Reform in Japan, The National Research Institute of Agriculture, Ministry of Agriculture and Forestry, Tokyo, ~~1952~~, 1952, p.18.



alone was responsible for the purchase and resale of all staple foods.<sup>21</sup> Under the Price Control Ordinance (September, 1939) the tenants and owner-cultivators got considerably higher price for rice they delivered to the government than did the landlords.<sup>22</sup> Under the Rice Control Regulation promulgated in 1940, the tenants were required to surrender all their surplus rice, including the rent payable to the landlords, directly to the government.<sup>23</sup> Instead of getting rent in the form of grain directly from the tenants, the landlords got money from the government as per the provisions of the Price Control Ordinance. The Farm Rent Control Ordinance (December 1939) provided for the freezing of the farm rents at the levels of September, 1939. The Emergency Farm Land Price Control Ordinance (1941) fixed the official land price at the level of September, 1939 and prohibited the purchase or sale of farm lands at the prices higher than the official land price.<sup>24</sup> The Emergency Farm Land and Other Matters Control Ordinance (1944) placed the transfer of land under the control of the prefectural

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21 Takekazu Ogura, Agrarian Problems and Agricultural Policy in Japan, The Institute of Asian Economic Affairs, Tokyo, 1967, p.17.

22 A.J.Grad, Land and Peasant in Japan, International Secretariat, Institute of Pacific Relations, New York, 1952, p.33.

23 Takekazu Ogura, Agricultural Development in Modern Japan, Japan F.A.O. Association, Tokyo, 1963, p.143.

24. Ibid., p.140.

governor.<sup>25</sup> In effect, it meant that the landlords could not evict the tenants from their lands.

Thus, these war-time measures strengthened the economic and legal position of the tenant vis-a-vis the landlord in Japan. As A.J.Grad puts it, "In reality, tenants became tenants not of the landlords, but of the national government... In this way, the soil was prepared for the land reform."<sup>26</sup>

#### Legal Framework of the Reforms and its Implications

After the World War II, two important legislations were enacted: (i) the Agricultural Land Adjustment Law (November 25, 1946), and (ii) the Owner-Farmer Establishment Special Measures Law (December 28, 1946). These two important land reform legislations were based on the land reform plan recommended by the SCAP experts. Incidentally, they came to be called the second Land Reform plan in Japan.\*

The Agricultural Land Adjustment Law set up the administrative machinery for the land reform programme while the Owner-Farmer Establishment Special Measures Law delineated the objectives and policies toward and under which the administrative machinery was to work.<sup>27</sup>

25 Ibid., p.139.

26 A.J.Grad, 1952, op.cit., pp.39-40.

\* The first Land Reform Plan autonomously prepared by the Government of Japan was rejected by the Supreme Commander of Allied Powers (SCAP).

27 Sidney Klein, op.cit., p.23.

The Agricultural Land Adjustment Law (ALAL) contained two significant features:

1) It designated the National Minister for Agriculture and Forestry, the prefectural governors and the the central, prefectural and local land commissions as responsible for carrying out the land reform programme.<sup>28</sup>

The local (city, town or village) commissions were to be composed of 10 members elected for two year terms by secret ballot: 5 representatives of tenants (those owning less than a third of the land they cultivated), 3 representatives of landlords (those cultivating less than a third of the land they owned), and 2 representatives of owner-farmers. These members were to be elected by persons voting in their respective categories. As Klein<sup>29</sup> writes, "Although subject to recall, they might not resign except for cause."\* In addition to the 10 elected representatives, the prefectural governor might appoint 3 additional members with the unanimous consent of all elected commissioners.

The prefectural commission was to consist of 20 members elected by local commissioners voting in their respective categories with respect to land ownership and was to be

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28 Ibid.

29 Ibid.

\* No information about the cause for which the members could resign is given in any of the sources available to us.

composed of 10 tenants, 6 landlords and 4 owner-farmers. The prefectural governor was to be the Chairman of the prefectural commission. On the average, each prefectural commission had 6 clerks while each local commission had 3 clerks.

The central land commission, an advisory body to the Ministry of Agriculture and Forestry, was to comprise 8 tenants, 8 landlords, 1 representative of Nippon Farmer's Union, 1 representative of National Farmers Union and 4 university professors. The members of the central commission were appointed by the Ministry of Agriculture and Forestry.<sup>30</sup>

The local commissions were required to prepare plans governing the purchase and sale of land, and decide all questions connected with the reform, though appeal to the prefectural commission, and in some cases to the courts, was permitted. Thus, the village land commission was the dynamic element.<sup>31</sup>

2) Ownership, lease, and other rights in agricultural land could not be created or transferred except with the permission of the prefectural governor or the local land commission. Tenants might not terminate, refuse or rescind leases to agricultural land, even in the cases of bad faith, without giving one half to one full year's notice. No sale of land was to be effected where the price exceeded 40 times

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<sup>30</sup> Laurence I. Hewes Jr., Japan - Land and Men, The Iowa State College Press, Iowa, U.S.A., 1955, p.84.

<sup>31</sup> Ibid., p.79.

the official rental valuation for paddy fields or 48 times the official rental valuation for upland fields. In exceptional cases, the prefectural governor after consulting the prefectural land commission, might establish special rental valuations, but in no case could the ratio of rent to the total value of the crop, as determined by the prefectural land commission, exceed 25 per cent for paddy fields nor 15 per cent for upland fields. Payment of rent in kind was forbidden; all rental contracts were to be in writing, and all contracts, records, ledgers, receipts, etc., pertaining to agricultural and other lands were subject to government inspection.<sup>32</sup>

The Owner Farmer Establishment  
Special Measures Law

The Owner-Farmers Establishment Special Measures Law (OFESML) contained the following features:

1) Land in this context meant arable land; and excluded grazing land and forest land. The maximum area of tenanted land that a resident land-owner would be permitted to own was fixed at 1 cho in the mainland which was equal to the average size of holding in the mainland and 4 chos in Hokkaido where large farms prevailed. The computation of holding area was to be made with the household as a unit, not an individual person.<sup>33</sup>

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32 Sidney Klein, op.cit., p.24.

33 Masaru Kajita, op.cit., p.29.

2) On the average, 3 chos were to be the maximum holding owned by any one family in the mainland and 12 chos in Hokkaido.<sup>34</sup> The holdings the division of which was likely to cause fall in production and also those which were efficiently cultivated by family labour were not to be subject to the ceiling.<sup>35</sup>

"These retention rates were to be the national average; the central commission was empowered to set average rates for each prefecture in such fashion as to result in this national average."<sup>36</sup>

3) All tenanted lands of absentee land-owners and those portions of lands owned by resident landlords exceeding 1 cho would be purchased by the government.<sup>37</sup> All cultivated lands more than 3 chos in the mainland and 12 chos in Hokkaido were also subject to government purchase.

4) As to the legal procedure for government purchase, the local land commission would draft a plan and submit it to the prefectural commission for its approval. According to this plan the prefectural governor would deliver a writ of purchase to a landowner and the government would acquire ownership of land as of the date of the purchase.<sup>38</sup>

34 Ibid.

35 Dore, 1959, op.cit., p.179.

36 Sidney Klein, op.cit., p.24.

37 Masaru Kajita, op.cit., p.40.

38 Ibid., pp.29-30.

5) The local commissions were authorised to draft plans, if deemed essential, according to the facts of November 23, 1945. This was the date the first reports of the government's original land reform proposal, i.e., the first Land Reform plan, appeared in the press. The OFESML laid down that all subsequent transfers of ownership or cultivating rights could be declared null and void by the local commissions on the application of the prospective beneficiaries. A later amendment (December, 1947) compelled land commissions to investigate all such transfers suo-Motu, i.e., even without specific application, and to draw up their purchase plans on the basis of the facts as of November 23, 1945.<sup>39</sup>

6) Persons eligible to acquire land: The law contained a provision which enabled the tenants to purchase the same lands which they were cultivating before or which they had rented. Tenants on the land as of November, 23, 1945 had priority in the order of eligible persons. "Such persons as could be expected to devote their energies to farming as owner farmers" came next.<sup>40</sup> This provision meant that land should not pass into the hands of inefficient persons.<sup>41</sup>

The surplus land acquired by the government by imposing the ceiling was to be sold to labourers employed by the owner

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39 R.P.Dore, op.cit., p.138.

40 Yasuo Kondo, op.cit., p.23.

41 R.P.Dore, 1959, op.cit., p.147.

of the large holding so divided, or to farm families having a small holding relative to the size of their labour force.<sup>42</sup>

7) "No maximum limit was placed on the amount of land a tenant might purchase, though it was assumed\* that the maximum limit of 12 chos in Hokkaido and 3 chos in the rest of Japan which could be applied to existing owner-farmers would equally apply to newly created farmers."<sup>43</sup>

8) When the local commission considered a proposal by a person who had become an owner-cultivator after purchasing the land from the government and deemed the purchase of agricultural establishments, buildings, pastures and the like was necessary, the government was authorised to purchase these things and resell them to the cultivator concerned.<sup>44</sup> This provision was of great help to tenants for they could get additional properties necessary to complete farm units.

9) The price to be paid to each seller for the land was to be 40 times the registered (1938) rental value\*\* for paddy field and 48 times the registered (1938) rental value for

42 Ibid., p.179.

\* One may as well presume that this condition was clearly stated in the law.

43 Ibid., p.140.

44 Masaru Kajita, op.cit., p.32.

\*\* The registered value was a price registered at tax office. Practically every piece of cultivated land had its registered rental value.



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upland.<sup>45</sup> The seller received in addition a subsidy which average<sup>d</sup> 220 yen per tan\* of paddy field and 130 yen per tan of upland.<sup>46</sup> But this subsidy was to be paid only for the first 30 tan of land purchased from an individual landlord. The compensation to the landlord would be paid in "farm land bonds" (special government bonds) with interest at the rate of 3.65 per cent per year, unredeemable for two years; and principal and interest to be refunded in annual instalments within 22 years.<sup>47</sup> As the minimum face value of this government bond was 1000 yen, land priced at less than 1000 yen was to be paid for in cash.

10) The buyer of land was to pay the same price to the government as the government had to pay the seller. But the subsidy to the seller was to be paid by the government itself.<sup>48</sup> The price of lands purchased by tenants would be repaid in annual instalments with interest at 3.2 per cent per year over a period of 24 years.<sup>49</sup> If the total amount of an annual instalment (including taxes and other public charges)

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45 Sidney Klein, op.cit., p.25.

\* 10 tan = 1 cho = 2.451 acres.

46 Yasuo Kondo, op.cit., p.23.

47 Masaru Kajita, op.cit., p.30.

48 A.J.Grad, 1952, op.cit., p.54.

49 Masaru Kajita, op.cit., p.30.

would exceed one-third of the value of agricultural production, a measure of reduction or exemption would be adopted.

Should a purchaser decide to stop farming the land he had purchased, the government had the right to repurchase it at the original sales price. At the time of sale all other rights to the land were to be extinguished and the holders of such rights were to be compensated for such loss. The amount of compensation was to be determined by the local commission. Those dissatisfied might seek redress in the court of law.<sup>50</sup>

A significant feature of the Second Land Reform plan was its time schedule. The purchase and resale of land by the government was to be completed by December 31, 1948.<sup>51</sup>

#### Provision for Future

To make provision for future, two important legislations were enacted: (1) the Agricultural Commission Law (March 31, 1951), and (2) the Agricultural Land Law (July 7, 1952).

Early in 1951, the central land commission was abolished and its duties were assumed by the Ministry of Agriculture and Forestry.<sup>52</sup> Under the Agricultural Commission Law the prefectural and local land commissions were converted into Agricultural Commissions. Besides taking over the functions of the former land commissions, they were entrusted with the

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50 Sidney Klein, op.cit., p.25.

51 Ibid., p.40.

52 Ibid., p.47.

responsibility of drafting agricultural promotion plans. Each village agricultural commission was to consist of 15 members, elected without regard to their tenure status. "The members of the local commissions in turn were to elect 15 of their number as a prefectural commission."<sup>53\*</sup>

The Agricultural Land Law, also called Basic Law, retained most of the significant features of the OFESML. The essential provisions of this law can be stated as follows:

1) When a land-owner moves away from the village in which his land is located, i.e., he becomes an absentee land-owner, or when the land leased out by a resident landlord exceeds 1 cho, the local agricultural commission will issue a public notification of that fact. Thereupon, the absentee land-owner has to sell his entire land while the resident land-owner has to sell his excess land, i.e., exceeding 1 cho, to the cultivator concerned within one month of the notification.<sup>54</sup>

2) "Unless the land-owner notifies the tenant that the tenancy is to be dissolved (with the permission of the Governor) within the space of six months to a year prior to the expiration of the present period of the contract, the

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53 Ibid.

\* Information about subsequent amendments to the Agricultural Commission Law, if any, is not given in any of the sources available to us.

54 Masaru Kajita, op.cit., p.37.

said tenancy contract will be renewed under the same conditions as hitherto governing it."<sup>55</sup> The Governor's permission to taking back of lands applies only to the following cases:

(a) "Where the tenant did not act in good faith."<sup>56</sup>

(b) "Where it is objectively deemed as proper for the landowner himself to cultivate agricultural lands concerned."<sup>57</sup> In that case, however, the living of the lessee after the land is taken back, and the cultivating ability of the landowner must be taken into account.

3) Purchase and sale of agricultural land without the permission of the Governor is invalid. A person is not permitted to purchase land if he cannot cultivate it personally.<sup>58</sup>

4) "When a person buys agricultural lands, the total of newly purchased land and tenant lands he leases should ~~not~~ not exceed 3 hectares as a rule.... However, in case of efficient management the possession of lands over 3 hectares is permitted."<sup>59\*</sup>

#### Administration of the Legislation and the Accomplishments

To administer the land reform legislation, in the beginning at least, was by no means an easy task. In the first

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55 Ibid., p.38.

56 Ibid.

57 Ibid., p.39.

58 Ibid., p.39.

59 Ibid.

\* Information on subsequent amendments to the basic law, if any, is not given in any of the sources available to us.

instance, the members of the local commissions were to be elected in a democratic way. Since the Japanese farmers were not yet democratically oriented, the National Government was sceptical about the results of the forthcoming elections. By January 8, 1947, the elections had been held, and of the 10,777 local commissions that had been established, in nearly half the cases the number of persons who offered themselves as candidates was exactly equal to the number of commissioners to be elected.<sup>60</sup> Investigations brought out that in five-ninths of these cases the election of the commissioners had not been characterised by "an acceptable degree of democratic process."<sup>61</sup> Therefore, recall procedures were utilised and new elections were held. However, by July 1977 local commissions in different parts of the country were set up.

Prefectural land commission elections went smoothly.<sup>62</sup> The prefectural administrators were trained and informed about their responsibilities in the land reform programme.

The working of local commissions was not free from defects. Since the tenant representatives were timid, the landlords dominated the scene except in those areas where the peasant unions were strong.<sup>63</sup> The clerks of the land commissions were underpaid and their job was temporary. The

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60 Sidney Klein, op.cit., p.33.

61 Ibid.

62 Laurence I. Hewes Jr., op.cit., p.83.

63 A.J.Grad, 1952, op.cit., p.52.

commissioners were getting a meagre allowance for the tedious work they had to do. Therefore, the clerks as well as the commissioners were amenable to influence by bribes. "That corruption was not widespread enough to result in undermining the (land reform) program reflects a certain amount of credit on the Japanese people. That it existed at all was merely to be expected."<sup>64</sup>

The landlords, to retard the implementation of the reform, took to means like litigations; and frequently when cases involving landlords and tenants presented, the courts turned to older statutes and precedents, pointedly ignoring the land reform law.<sup>65</sup> Under such circumstances, it was natural that the rank and file of the tenants showed little enthusiasm to possess land by taking advantage of the reform legislation. In this dead lock, the Ministries of Agriculture, Justice, and Home Affairs had to confer with officials of the Supreme Court of Japan which issued a memorandum recognising the legality of land commissions and their decisions.<sup>66</sup>

The SCAP, after a year of restraint, issued a strongly worded directive (February 4, 1948) in which it decried the

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64 Sidney Klein, op.cit., p.36.

65 Laurence I. Hewes Jr., op.cit., p.36.

66 Ibid., p.167.

efforts made by "certain adversely affected interests to obstruct the accomplishment of the rural land programme" and called for "strict, vigorous and fearless enforcement of the statutes."<sup>67</sup> On the basis of this SCAP directive the Government of Japan issued directives of its own which strengthened the powers of all reform enforcement officials. These directives encouraged individual tenants to adopt a more independent and aggressive attitude toward the landlords. As a result, the execution of the land reform legislation gathered momentum. In spite of all the hurdles, the purchase and resale of land took place on schedule, i.e., by December 31, 1948.

#### Immediate Results

The effect of the land reform programme on the tenure status of Japanese farmers is shown in Table 2.7. As Table 2.7 indicates, between August 1, 1947 and February 1, 1950, the percentage of owner farmers increased from 36.5 to 61.8 and the percentage of total land area cultivated by them from 38 to 70. The percentage of farmers who were exclusively tenants reduced from 26.6 to 5.0 and the area cultivated by them from 20.8 to 2.0 per cent of all farm land. In absolute figures, by February 1, 1950, 1.76 million hectares of tenanted land had been purchased by the government and sold to about 6 millions farm families.

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67 Sidney Klein, op.cit., p.40.



**Table 2.7: Changes in Tenure Status of Farmers after Reform in Japan**

Item	(Area in hectares)			
	Before land reform 1.8.1947		After land reform 1.2.1950	
	Number or area	% of total	Number or area	% of total
Total cultivated area	49,70,293	100.0	50,48,529	100.0
Total tenanted area	23,01,245	46.3	5,43,709	10.8
Total no. of households	59,09,227	100.0	61,76,422	100.0
<b>a) <u>Owner-Farmers</u></b>				
1) No. of households	21,53,611	36.5	38,21,534	61.8
2) Area operated	18,86,997	38.0	35,31,616	70.0
<b>b) <u>Owner-Tenants</u></b>				
1) No. of households	11,83,408	20.0	15,90,582	25.8
2) Area operated	11,42,663	23.0	11,60,530	23.0
<b>c) <u>Tenant-Owners</u></b>				
1) No. of households	9,96,986	16.9	4,10,851	6.7
2) Area operated	9,06,989	18.2	2,11,434	4.2
<b>d) <u>Tenants</u></b>				
1) No. of households	15,73,836	26.6	3,12,367	5.0
2) Area operated	10,33,644	20.8	99,293	2.0
<b>e) <u>Others</u></b>				
1) No. of households	1,386	-	41,088	0.7
2) Area operated	-	-	45,656	0.8

**Note:** In 1947, others included only landless farmers such as bee-keepers and poultry raisers. In 1950, the definition was changed to include holders of informal use rights, riverbed lands and others not strictly covered in tenure categories.

**Source:** Ministry of Agriculture and Forestry, 1956 (Quoted in A.J.Grad, Land and Peasant in Japan, p.254.)

The situation in respect to the size of peasants' farms after the completion of the reform is shown in Table 2.8. Table 2.8 indicates that the land reforms in Japan did not change the size distribution of the operational holdings. Two reasons accounted for this:

1) As per the law, the tenant beneficiaries got the same lands which they were cultivating as tenants before. In effect, largely their leased in lands became their owned lands.

2) Very few owner cultivators had more than the prescribed ceiling of 3 cho. Dore has expressed the opinion that the land commissions found it difficult to establish an objective criterion for selecting persons to the whom the surplus land acquired by imposing the ceiling was to be sold.<sup>68</sup> The OFESML had specified that the surplus land acquired by imposing the upper limit of 3 chos should be sold to labourers employed by the owners of the holding so divided, or to farm families having a small holding relative to the size of their labour force. Often, the operators of such large holdings employed workers not on a regular basis but day labour only, and every village contained many candidates on the second ground. Confronted by such a situation, the land commissions took a line of least resistance to escape the charge of favouritism.<sup>69</sup> Many land commissions were glad to take

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68 R.P.Dore, 1959, op.cit., p.179.

69 Ibid.

Table 2.8: Farm Households by Size of Holding Operated Before and After Reform in Japan

Size of area (ha)	As of 1.8.1947				As of 1.2.1950			
	Number of households	Percentage	Area managed (ha)	Percentage	Number of households	Percentage	Area managed (ha)	Percentage
Less than 0.30	14,14,682	23.9	2,95,429	5.9	14,71,850	23.8	3,01,096	6.0
0.30 - 0.49	10,36,533	17.5	4,43,292	8.9	10,50,505	17.0	4,40,101	8.7
0.50 - 0.99	18,34,221	31.0	13,26,712	26.7	19,72,917	31.9	13,97,910	27.6
1.00 - 1.49	9,25,404	15.7	11,00,036	22.1	9,60,813	15.6	11,18,819	22.2
1.50 - 1.99	3,64,291	6.2	6,11,666	12.3	3,78,666	6.1	6,23,582	12.4
2.00 - 2.99	2,10,180	3.6	4,93,240	9.9	2,07,866	3.4	4,77,856	9.5
3.00 - 4.99	73,800	1.3	2,81,201	5.7	76,955	1.3	2,87,240	5.7
5.00 - 9.99	37,698	0.6	2,67,428	5.4	38,400	0.6	2,66,850	5.3
10.0 or more	11,032	0.2	1,51,289	3.1	10,048	0.2	1,35,075	2.6
Others	1,386	-	-	-	8,402	0.1	-	-
<b>Total</b>	<b>59,09,227</b>	<b>100.0</b>	<b>49,70,293</b>	<b>100.0</b>	<b>61,76,422</b>	<b>100.0</b>	<b>50,48,529</b>	<b>100.0</b>

Source: Ministry of Agriculture and Forestry, 1956 (Quoted in A.J.Grad, Land and Peasant in Japan, p.252.)

advantage of the exemptions specified by the OFESML. As a consequence, 26,000 chos of land were redistributed constituting only 1 per cent of the total land purchased and sold by the Government of Japan as on February 1, 1950.<sup>70</sup> Therefore, such a ceiling law could not make any visible impact on the size structure of operational holdings.

In this connection, one may as well say that the policy adopted by the land commissions in respect of ceiling was questionable. Was the problem of selection persons to whom the surplus land was to be distributed so difficult as to defy any solution? Since each village had a land commission for preparing plans governing the purchase and sale of land, one wonders how and why the commissioners could not adopt an objective criterion for selling surplus land acquired by imposing the prescribed ceiling. Here the observation made by Grad on the working of the land commissions becomes worth quoting. "In general, it is fair to say of the land commissions on which the success of the reform depends, that their membership is too big, that they are overweighted with landlords and bureaucrats, and that as long as membership in them is honorary, it will be unwise to expect efficient and honest work from many of the commissioners."<sup>71</sup> He had raised strong

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70 Ibid.

71 A.J.Grad, 1948, op.cit., p.130.

objection against the provision of the ALAL that permitted the landlords to become the members of the land commissions, who, we can say, stood to lose if the ceiling on holdings were strictly implemented.

### "Disappearance" of Land

In evaluating the accomplishments of the land reform programme in Japan, we have to remember an important fact that the post-war censuses showed a good deal of underreporting of cultivated areas. Between 1945 and 1947, according to Klein,<sup>72</sup> 2.20 million acres of cultivated land, about one-sixth of the total cultivated area, "disappeared" of which 1.01 million acres was tenanted land and 1.19 million acres was owner farmer land.\* These lands could never be traced at all! The official explanation of this disappearance was, "the conversion of cultivated land into sites for factories or for the residential use". "A precise statement, would be the illegal conversion of cultivated land into sites for factories, for residential use, and for other land reform evasion purposes."<sup>73</sup> Even when the land reform was being carried out under the supervision of the SCAP, many landlords

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72 Sidney Klein, op.cit., p.42.

\* Other writers, namely A.J.Grad and R.P.Dore have also referred to the disappearance of land. But they have not clearly stated what amount of land disappeared.

73 Ibid.

succeeded in having their lands classed as not cultivable. Another way in which cultivated land was made to disappear was to have the existence of the land and membership thereof erased from the official records.<sup>74</sup>

#### Demand for Third Land Reform

Despite the fact that the second Land Reform plan had aimed at the objective of improving the socio-economic status of the tenants, some farmers' unions protested against the provision of permitting the resident landlords to retain even 1 cho of land. Under this provision it was estimated that 10 per cent of the total cultivated area would continue to be rented to tenants. Therefore, some unions demanded a so called "third land reform" which would dispossess landlords entirely.<sup>75</sup>

The Government of Japan offered ~~two~~ <sup>the</sup> reasons for permitting the existence of small, non-cultivating landlords to be continued. First, it was said that purchase of all land from resident landlords would adversely affect small land-owners who were not landlords in the socio-economic sense of the word, but who for some reason were not able to cultivate the land personally. The second reason was based on the argument that a certain amount of tenancy was necessary, because it permitted adjustment of the size of the farm to the capital

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74 Ibid., p.43.

75 A.J.Grad, 1948, op.cit., p.123.

of the farmer and his labour force, and so the total of 1 cho holdings would act as a "flexible reservoir".<sup>76</sup>

### Discontent of the Landlords

The landlords were highly dissatisfied with the purchase provisions of the OFESML. The price paid to them for the land they had to sell to the government was arrived at by multiplying the 1938 rental valuation by factors 40 and 48. It was substantially below the market price and did not take into account the state of inflation at the time of reform.<sup>77</sup> By the time most of the money was paid to the landlords its real value had depreciated to one-tenth of the original.<sup>78</sup> Therefore, they had the feeling that the government had practically confiscated their land.<sup>79</sup> On the other hand, the sale provisions were a boon of the first magnitude to the tenants. The inflation during the post-reform period in Japan resulted in windfall gains for the peasants. Many of them paid in full for their land within the first two years.<sup>80</sup>

### Conclusions

The land reform programme as it was carried out in

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76 Sidney Klein, op.cit., p.30.

77 Zahir Ahmed, Land Reforms in South-East Asia, Orient Longman Ltd., New Delhi, 1975, p.23.

78 R.P.Dore,<sup>1959,</sup> op.cit., p.139.

79 A.J.Grad, 1952, op.cit., p.53.

80 Raper Arthur, "Some Recent Changes in Japanese Village Life," Rural Sociology, Vol. XVI, March 1951, p.9.

Japan during the post-war period was a big step forward over the past. Tenancy, formerly a characteristic of nearly half of the cultivated area in Japan, reduced to approximately one-tenth of the cultivated area after the reform. We cannot suspect the effectiveness of the land reform programme in Japan on the ground that tenancy was not completely abolished. A certain amount of tenancy was found to be both desirable and necessary. The ceiling law, of course, did not prove to be effective. But it should be remembered that ownership of large area of land was transferred to the tenants under the land-to-the tiller legislation so that very little land was available for redistribution under the ceiling law.

During the process of reform, as available evidence indicates, one-sixth of cultivated land "disappeared". There were also instances of corruption. These shortcomings, however, could not obliterate the image of the land reform programme of Japan. There is no denying the fact that the programme was on the whole successfully legislated, administered and accomplished.



## CHAPTER III

### LAND REFORMS IN TAIWAN

The widely known land reform carried out in Taiwan, during the years from 1949 and 1953, consisted of three chief programmes, namely, Farm Rent Reduction Programme, the Public Farm Land Sales Programme and the Land-to-the Tiller Programme.

#### Background of Land Reform in Taiwan

Land reforms in Taiwan were envisaged and implemented against a background characterised by continuously rising agricultural population, shortage of arable land, widespread tenancy and the consequent evils.

As Table 3.1 indicates, both total population and agricultural population continuously increased during the period 1920 and 1950. There was a sharp rise in agricultural population during the post-war period because of two reasons. First, there was a flow of urban population to the agricultural areas owing to the breakdown of the political and economic structure of Taiwan after Japan's surrender (1945) and the subsequent demoralisation of the urban areas by inefficient and corrupt representatives of the Nationalist

**Table 3.1: Total Population and Agricultural Population in Taiwan, 1920-1950**

(Unit: 1000 persons)

Year	Total population	Index number	Agricultural population	Index number
1920	3,758	100.0	2,227	100.0
1925	4,147	110.3	2,340	105.0
1930	4,647	124.5	2,534	113.7
1935	5,316	141.4	2,790	125.3
1940	6,017	160.0	2,984	134.0
1945	N.A.	N.A.	3,366	151.0
1947	6,498	173.0	3,578	160.0
1948	6,807	181.1	3,779	169.7
1949	7,398	196.8	3,879	174.1
1950	7,555	201.0	3,998	179.5

**Source:** Data for the period 1920-1945 cited by Anthony Y.C. Koo, The Role of Land Reform in Economic Development, 1968, p.138.

Data for the remaining years <sup>cited</sup> quoted by Hsiao-Tseng, "Theory and Background of Land Reform in Taiwan", 1967, James R. Brown and Sein Lin (ed.), Land Reform in Developing Economies, 1968, p.331.

Government, 1945 through 1947.<sup>1</sup> Secondly, there was large scale immigration from the China mainland. During 1947-53 there was a total net immigration of 6,10,647 persons into Taiwan constituting about 10 per cent of the total population.<sup>2</sup>

During the years when the agricultural population continuously increased, the total cultivated area also increased but only marginally. Available evidence suggests that the area under cultivation increased from 7,50,540 hectares in 1922 to 8,70,633 hectares in 1950, i.e., an increase of just 11.6 per cent over a period of 30 years, as against 80 per cent increase in rural population.<sup>3</sup> The heavy pressure of population on land led to the breaking up of farms into microscopic units. The average size of farms which was as small as 1.96 hectares in 1929 came down to 1.66 hectares in 1949.<sup>4</sup> About 85 per cent of the farm households were operating small

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1 Sidney Klein, The Pattern of Land Tenure Reform in East Asia After World War II, Bookman Monograph Series, New York, 1958, p.52.

2 U.N.Economic Survey of Asia and the Far East, 1955, Bangkok, February, 1956, p.73.

3 S.C.Hsieh and T.H.Lee, Agricultural Development and its Contributions to Economic Growth in Taiwan, J.C.R.R. Taipei, Taiwan, ~~April~~, 1966, p.49.

4 Anthony Y.C.Koo, The Role of Land Reform in Economic Development, A Case Study of Taiwan, Frederick A. Prager Publishers, New York, 1968, p.153.

and medium holdings, i.e., holdings of less than 2 hectares. This is shown in Table 3.2.

Table 3.2: Farm Households by Farm Size in Taiwan, 1949

Size-class hectares	Number of farm households	Percentage of the total
Less than 0.5	1,63,521	28.8
0.5 - 1.0	1,58,518	27.9
1.0 - 2.0	1,57,446	27.8
2.0 - 3.0	54,197	9.6
3.0 - 5.0	25,641	4.7
5 hectares and above	6,947	1.2
Total	5,66,270	100.0

Note: Data on cultivated area in each size class are not given in any of the sources available to us.

Source: Cited by S.C.Hsieh & T.H.Lee, Agricultural Development and its Contributions to Economic Growth in Taiwan, 1966, p.114.

### High Rate of Tenancy

The scarcity of cultivable land in relation to the demand for it led to a high rate of tenancy. The extent of tenancy can be seen from Table 3.3.

**Table 3.3: Number of Owner-Farmer, Part Owner-Farmer, Tenant-Farmer and Agricultural Labour Families in Taiwan, 1940-52**

Year	Owner-Farmers		Part-Owner Farmer		Tenant-Farmer		Agricultural Labour		Total	
	No. of families	Percentage	No. of families	Percentage	No. of families	Percentage	No. of families	Percentage	No. of families	Percentage
Average for 1940-43	1,40,091	31.2	1,38,881	31.0	1,69,248	37.8	-	-	4,48,220	100
1947	1,74,937	28.5	1,52,716	24.9	2,25,655	36.8	60,177	9.8	6,13,485	100
1948	2,11,649	33.0	1,54,460	24.1	2,31,224	36.1	43,521	6.8	6,40,854	100
1949	2,24,378	33.7	1,56,558	23.5	2,39,939	36.1	44,259	6.7	6,65,134	100
1950	2,31,111	33.9	1,62,573	23.8	2,44,378	35.8	44,405	6.5	6,82,467	100
1951	2,49,850	35.4	1,67,962	23.8	2,43,313	34.4	45,070	6.4	7,06,195	100
1952	2,62,065	36.1	1,77,113	24.4	2,40,572	33.2	45,296	6.3	7,25,046	100

**Note:** Data on the land owned or cultivated by the various classes of farm families are not given in any of the sources available to us.

**Source:** Chen Cheng, Land Reform in Taiwan, p.308.

Table 3.3 shows that tenancy was widespread: in 1948, a year before the law to reduce farm rent was passed, 67 per cent of all farmers were either part-owners, pure tenants, or agricultural labourers. According to Chen Cheng, in 1948, the owner-farmers cultivated 56 per cent of all land, while the remaining 3 categories of farmers cultivated 44 per cent of total cultivated land.<sup>5</sup> This implies that extent of total land leased was quite high, possibly as high as about 35 to 40 per cent of all cultivated land. (We have to guess this, since the data are not separately available to us). Since 85 per cent of total farm families in 1949 (Ref. Table 3.2) was cultivating less than 3 hectares each, one may infer that tenancy was high in small and medium holdings.

#### Need for a Land Reform Programme

The need for a land reform programme arose because the land tenancy system in Taiwan was characterised by several drawbacks. One of the most serious shortcomings was the extraction of exorbitant rent by the landlords from the tenants. It was not unusual to find a tenant providing a share of more than half of the total harvest to the landlord. A 60 per cent share for the owner and 40 per cent share for

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<sup>5</sup> Chen Cheng, Land Reform in Taiwan, China Publishing Company, Taiwan, Republic of China, 1961, p.312.

Chen Cheng has used the local unit of measurement, namely, Chia (1 Chia = 0.9699 hectares). We have converted Chia into hectare in every context in which we have referred to his book.

The tenant was found in the more fertile and densely populated areas.<sup>6</sup> In some areas rent was "iron-clad" which meant that in the event of crop failure, the rent determined as a percentage of the normal or expected yield was to be paid in full any way. This implied that the rent might amount to 100 per cent of the total harvest in certain years.<sup>7</sup> The other shortcomings of the tenancy system were: (a) collection of security deposits or rent deposits from the tenants by the landlords, (b) requirement of advance payment of rent by the tenants, (c) letting and sub-letting of lands, (d) verbal contracts, and (e) indefinite period of lease, resulting in complete insecurity of tenure.<sup>8</sup>

#### Favourable Factors

While the need for a land reform programme was quite obvious, there were certain factors which could and did facilitate its implementation:

#### Infrastructure

During the Japanese rule (1895-1945), Taiwan had become a highly productive region. The agricultural production continuously increased between 1911 and 1940. This is shown in Table 3.4.

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6. Martin M.C. Yang, Socio-Economic Results of the Land Reforms in Taiwan, Institute of Advanced Projects, East West Center, Honolulu, 1970, p.12.

7. Sidney Klein, op.cit., p.54.

8. Hsiao-Tseng, 1967, "Theory and Background of Land Reform in Taiwan," James R. Brown and Sein Lin (ed.), Land Reform in Developing Economies, University of Hartford, Taipei, 1968, p.331.

Table 3.4: Index of Agricultural Production in Taiwan  
(Base Period : 1935-1937)

Period	Index of agricultural production
1911-15	50.96
1916-20	59.33
1921-25	73.28
1926-30	89.63
1936-40	101.47

Source: Computed by Rural Economics Division, JCRR (Quoted in S.C.Hsieh and T.H.Lee, Agricultural Development and its Contributions to Economic Growth in Taiwan, 1966, p.110)

This rise in agricultural production was the result of improvement and extension of irrigation, use of chemical fertilisers, improvement of crop varieties, development of transport and communication and the institutional arrangement for the supply of farm credit.<sup>9</sup>

## 2.) Cadastral Survey

In 1948, with the technical and financial assistance of the Sino-American Joint Commission on Rural Reconstruction (JCRR) cadastral surveys were conducted in Taiwan. By the

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<sup>9</sup> T.H.Shen, Agricultural Development on Taiwan since World War II, Cornell University Press, Ithaca, 1964, p.29.



time laws to reduce farm rent (1949) were passed, lands had been already surveyed and classified into 26 grades on the basis of fertility and productivity and land rights were properly registered.<sup>10</sup>

### 3) Leadership

After the communists gained full control over the China mainland in 1949, many Kuomintang leaders were compelled to take shelter in Taiwan. These leaders without landed interests to protect on the island, decided to initiate land reform programmes to forestall the possibility of communist infiltration into Taiwan. In this connection, a special mention needs to be made of the role played by late General Chen Cheng. He, first as the Governor of the Taiwan Provincial Government and later, as the Premier and Vice-President of the Republic of China, could win the confidence and cooperation of both the tenants and the landlords in carrying out land reforms.<sup>11</sup>

Thus, a well-built infrastructure, existence of up-to-date records of right, intelligent and dynamic leadership and the offer of United States support in the ideological battle against the Red China constituted unique preconditions for the success of the land reform that followed.<sup>12</sup>

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10 T.H. Shen, 1967, "Land Reform and its Impact on Agricultural Development in Taiwan," in Brown and Lin, op. cit., p. 347.

11 Ibid., p. 359.

12 Antonio Ledesma, Land Reform Programmes in East and South-East Asia : A Comparative Approach, University of Wisconsin-Madison, 1976, p. 6.

### Farm Rent Reduction

The Taiwan Provincial Government first addressed itself to the task of reducing farm rent through legislative measures. But it should be remembered that the farm rent reduction programme was essentially a step towards realizing the "land to the tiller" ideal. As Chen Cheng writes, "Land reform in rural areas of Taiwan is aimed at realization of the land-to-the-tiller ideal. But in view of the inveteracy of the tenancy system on this island, that ideal could not be realized at once. If it was to be realized at all, it had to be done by stages, of which rent reduction was the initial one."<sup>13</sup>

In April, 1949, a Set of Regulations Governing the Lease of Private Farm Lands in Taiwan Province was promulgated. These regulations contained two important provisions: (1) No farm rent could exceed 37.5 per cent of the total annual yield of the principal product of the main crop. By the main crop it was meant the crop most commonly grown. By the principal product it was meant the chief articles for which the crop was grown. Further, it was stated that in case the rent originally agreed upon between the landlord and his tenant was less than 37.5 per cent, it should remain unchanged. Rent could be paid either in cash or in kind. (2) A lease contract specifying the period of lease, the amount, kind, quality and standard of rent should be drawn up and

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13 Chen Cheng, op.cit., p.18.

signed between the parties concerned. It should be duly registered with the local authorities.<sup>14</sup>

To make these provisions effective in practice, it was necessary to appraise the amount of the total annual yield of the main crop grown on a plot of land accurately. To work out an appraisalment the Government of Taiwan followed an objective criterion, i.e., a standard amount per unit of land for each locality was fixed.

Several problems cropped up after the rent reduction programme was initiated. These problems could be attributed to the fact that the poor tenants in Taiwan could not afford to displease the landlords who had enough "social influence".<sup>15</sup> It did not take much time for the Government of Taiwan to realise that the 1949 Regulations were inadequate to deal with the newly arisen conditions and problems. Therefore, the Farm Rent Reduction to 37.5 per cent Act was passed in June, 1951 to solve the problems of rent reduction programme. The provisions of this Act were as follows:

In order to make up for the loss that occurred as a result of farm rent reduction, some landlords had started charging a rent on farm house which was built for the use of

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14 T.H.Shen, The Sino-American Joint Commission on Rural Reconstruction, (Twenty Years of Cooperation for Agricultural Development), Cornell University Press, Ithaca, U.S.A., 1970, p.57.

15 Chen Cheng, op.cit., p.32.

the tenant.<sup>16</sup> The 1951 Act prevented the landlord from charging any rent on the farm house. It contained provisions for eliminating the drawbacks of tenancy system like the collection of security deposits and the advance payment of rent. It also provided for the return of security deposit already collected by the landlord from the tenant. The tenure of the farm lease was fixed at a minimum of six years.<sup>17</sup>

Quite a few of the landlords tried and did take back the land from the tenants under the pretext that they wanted to cultivate it personally.<sup>18</sup> To deal with this problem, the 1951 Act provided that farm lease contracts must not be terminated before the expiration of the period of contract; that the landlord must not take back the leased land for his own use on the expiration of the lease contract if he was unable to cultivate it personally, or if his total income was sufficient to support his family, or if his action in taking back the land would deprive the lessee's means of livelihood; that if on the expiration of the period of the farm lease contract, the lessee was willing to continue the lease, the contract must be renewed; and that the landlord could be punished if he would terminate the lease contract in violation of the Act.<sup>19</sup>

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16 Martin M.C.Yang, op.cit., p.38.

17 Chen Cheng, op.cit., p.193.

18 Martin M.C.Yang, op.cit., p.38.

19 Chen Cheng, op.cit., p.193.

Some landlords chose to sell their land rather than having it leased to tenants subject to this rent reduction programme.<sup>20</sup> The 1951 Act provided that if a farm land were offered for sale, its erstwhile cultivator must have the preferential right to purchase.<sup>21</sup>

To deal with the problem of subletting of lands, the 1951 Act provided that the lessee must cultivate the land personally and must not sub-lease the whole or part of it to another person. In case he would violate this provision, the lease contract could be declared null and void and the landlord concerned could take back the land for his own use or lease it to another person.<sup>22</sup> Thus, the purpose of the Rent Reduction Act was not limited to the establishment of a sound and fair rent rate, but was broad enough to include provisions for building up of a clean, abuse-free farm tenancy system, when such a system was to be allowed in practice.<sup>23</sup>

Administration of the Rent  
Reduction Act

The authority for the execution of the rent reduction programme vested in the Land Bureau of the Department of Civil

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20 Martin M.C.Yang, op.cit., p.38.

21 Chen Cheng, op.cit., p.192.

22 Ibid.

23 Martin M.C.Yang, op.cit., p.40.

Affairs, at the provincial level and in the country and municipal governments at their respective levels. "But as the task was entirely unprecedented and concerned with the interests of large numbers of people, it was feared that the Government would not be able to carry it out successfully. It was, therefore, decided to set up supervisory and guidance agencies to supplement governmental efforts."<sup>24</sup> Before the 1951 Act was passed, the Rent Campaign Committees and Sub-Committees were being held responsible for supervision of the implementation of farm rent reduction programme. The Rent Campaign Committees were set up on (1) the province; (2) county and city; and (3) district, village and township\* levels of which the last two were by far the most important.<sup>25</sup> They were charged with the functions of appraising the standard yields of the total annual main crop, investigating crop failures caused by natural disasters, recommending measures for the reduction or remission of rent and conciliating disputes over the lease of farm lands. Each county or city committee was comprised of 21 to 23 members, including the Magistrate or Mayor, the Heads of the Land Office, Civil Affairs, Agriculture and Forestry, and Police, representatives of social organisations, prominent social

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24 Chen Cheng, op.cit., p.24.

\* Subdivision of a county having certain powers of the government.

25 Sidney Klein, op.cit., p.58.

leaders, and two representatives each of tenants, owner-farmers, and landlords. The district, village or township sub-committees were similarly composed, and totalled 15 to 17 members.

The organisation of the Rent Campaign Committees did not augur well for the tenants since they had less than 15 per cent representation on them. About 85 per cent of the seats were filled by local men of influence. In many cases, they were the persons who stood to lose from the rent reduction programme.<sup>26</sup> The Government of Taiwan realised that Rent Campaign Committees were not functioning satisfactorily. Therefore, it requested Wolf Ladejinsky, who was closely associated with the land reform programme in Japan, to inspect the functioning of these committees and to make necessary suggestions. After his inspection tour in September, 1949, Ladejinsky noted that "the Rent Campaign Committees were mere paper organisations".<sup>27</sup> He recommended the mass participation approach, i.e., participation of the peasants themselves in the enforcement of rent reduction programme. The 1951 Act contained provisions for putting the mass participation approach into effect. By the end of June 1952, the Rent Campaign Committees were abolished and Land Commissions called the Farm Tenancy Committees came into existence at district, township, municipal and county levels. The Farm Tenancy

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26 Ibid., p.59.

27 Ibid.

Committees on all these levels were composed of 2 ex-officio members, 5 representatives of tenant-farmers, 2 of owner-farmers and 2 of landlords. The representatives of the tenants, landlords and owner-farmers were elected by secret ballot from within each group with a 3 year tenure of office. Local villagers elected their representatives who then proceeded to elect from among themselves members representing respective groups on the District and Township Committees. Next, these members elected from among themselves delegates representing the respective groups on the Municipal and County Farm Tenancy Committees.<sup>28</sup> The responsibility of each of these committees or commissions is explained in Article 4 of the 1951 Act.

"The standard amount of the total annual yield of the principal article of the main crop of a farm land shall be appraised, with reference to the grade to which it belongs by the Land Commission of the District, Township or Urban District Office, and the amount appraised shall be submitted to the Land Commission of the county or Municipal Government for confirmation, and to the Provincial Government for final approval."<sup>29</sup>

The organisation of the *Farm Tenancy Committees* was better for the tenants than that of the former Rent Campaign Committees, since they got 50 per cent representation on

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28 Chen Cheng, op.cit., p.25.

29 Ibid., p.191.



them. Even though they had to face some difficulties in the beginning, the farm tenancy committees finally succeeded in solving the problems concerning the rent reduction programme. By the end of 1952, all the provisions of the 1951 Act were implemented. It is estimated that after rent reduction, lease contracts were signed for a total area of 3,00,000 hectares, about 33 per cent of the total cultivated area. Nearly 3,00,000 or 44.5 per cent of the total farm families of Taiwan benefited by this process.<sup>30</sup>

The results of the rent reduction programme were immediate. They were reflected in improvements in the farmers' livelihood, increases in agricultural production and appreciable decline in the price of farm land<sup>31</sup>. (Ref.3.5)

The combined effect of improvement in the economic condition of the tenants and the fall in the price of farm land was that many tenants could purchase lands and become owner-cultivators. Between 1948 and 1952, as many as 37,368 tenant families bought 19,278 hectares of cultivated land.<sup>32</sup> The most important effect of the farm rent reduction was that the land ceased to be an attractive property for the landlord. This in turn created a favourable condition for the last phase of the reform i.e., land-to-the tiller programme.

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30 Zahir Ahmed, Land Reforms in South-East Asia, Orient Longman Ltd., New Delhi, 1975, p. 70.

31. T.H. Shen, 1967, op.cit., p. 357.

32. Chen Cheng, op. cit., p. 310.

Table 3.5: Decline in the Index of the Price of Farm Land after 37.5 Percent Rent Reduction in Taiwan

Year	7th Grade paddy land	10th Grade paddy land	16th Grade paddy land	22nd Grade paddy land
1948	100	100	100	100
1949	65	71	67	65
1950	67	63	57	41
1951	56	48	42	38
1952	38	43	35	27

Source: Chen Cheng, Land Reform in Taiwan, p.130.

#### Sale of Public Farm Land

Public farm lands in Taiwan were those which had belonged (a) to various levels of government (State, Province, County or Municipality and District or Township) and (b) to private individual Japanese under the Japanese administration. The Japanese Government had imposed strict restrictions on the purchase of public land by the Taiwanese and had encouraged its own (i.e. Japanese) nationals and industrial establishments to acquire ownership of land, both public and private, in Taiwan. The land possessed by the Japanese nationals and enterprises amounted to 1,76,034 hectares in 1945, constituting about 21 per cent of the total farm land in Taiwan.<sup>33</sup> Most of these lands were not cultivated by the

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33 Ibid., p.49.

owners themselves but were leased out to tenant-farmers in Taiwan. With the retrocession of Taiwan to China (1945) all these lands were taken over by the Chinese Government and became public property or public farm land.

In 1947, the erstwhile office of the High Commissioner of Taiwan Province promulgated a set of Regulations Governing the Lease of Public Farm Lands. The essential points of these Regulations were that all public lands should be leased to cooperative farms, that in case any public land had to be leased to individual farmers the order of priority would be the present tiller, agricultural labourer, tenant-farmer and part-owner farmer, and that the maximum rental rates of public lands might not exceed 37.5 per cent of the annual main crop yield.<sup>34</sup>

The results of the leasing arrangements fell short of expectations.<sup>35</sup> The objective of promoting cooperative farming could not be realised because of lack of capital and equipment. Since there was keen competition among the people to lease in lands, complete fairness could hardly be maintained in the decision to lease any piece of land to one tenant instead of another. Therefore, it was proposed that

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<sup>34</sup> Martin M.C. Yang, op.cit., p.41.

<sup>35</sup> Anthony Y.C. Koo, op.cit., p.35.

public lands should be sold to farmers in order to solve the problem once and for all.

The initial sale of public farm land to farmers was effected in 1948. "But owing to the enforcement of 37.5 per cent rent limitation programme in 1949, the work of selling public lands was temporarily suspended."<sup>36</sup>

In 1951, the project of selling public farm land was revived with a view to reducing area under tenancy. The Regulations Governing the Implementation of Sale of Public Land were passed in June, 1951. The aims of the Regulations can be stated as follows:

1) Promotion of Owner-Farmers

"The sale of public farm land was to enable farmers who applied for the purchase of such land to terminate their tenant relations with the Government and become owner-farmers by acquiring the right of land ownership. The substitution of farmer proprietorship for the state tenancy represented a great step toward realization of the provisions of the Article 143, Section 4, of the Constitution."<sup>37</sup>

2) Reform of the Land Tenancy System

The Government of Taiwan by taking initiative in sale of public farm lands wanted to set an example for

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36 Chen Cheng, op.cit., p.54.

37 Ibid., pp.55-56.

private land-owners, who, in the third stage of the reform programme, i.e., land-to-the tiller programme, would be required to sell their lands to their tenants.<sup>38</sup> Thus, it becomes clear that the project of selling public farm lands like the rent reduction programme was a step towards realising the "land-to-the tiller" ideal.

### 3) Increase of Land Use

The Government of Taiwan expected that those who would acquire ownership of land by purchasing it according to the 1951 Regulations, would make all efforts to increase agricultural production. This would benefit not only the farmer but the national economy as well.<sup>39</sup>

The essential provision<sup>s</sup> of the 1951 Regulations may be summed up as follows:

#### 1) Scope of the Sale

The public farm lands offered for sale included the paddy fields and dry lands. The total of public farm land leased out under the 1947 Regulations amounted to 1,03,744 hectares as estimated in June 1951.<sup>40</sup> Of this, only that part was retained which was necessary for water and soil conservation and for use by public enterprises. The remainder

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38 T.H.Shen, 1970, op.cit., p.59.

39 Chen Cheng, op.cit., p.56.

40 Ibid., p.57.

i.e., 87,871 hectares was offered for sale. Another category of public farm land offered for sale consisted of that owned by the National Government and the Taiwan Provincial Government. This amounted to 9699 hectares. Thus, the total area of public farm land offered for sale was 975,570 hectares, constituting 55.5 per cent of the total public farm land (1,76,034 hectares).

## 2) Qualified Buyers

Qualified buyers of public farm land included, in their order of priority: present tenant cultivators of public land, agricultural labourers, tenant farmers with insufficient lands, part-owner farmers with insufficient lands, persons who had lost their lands during the Japanese rule and non-farmers desiring to become farmers.<sup>41</sup>

## 3) Area of Land to be Purchased and the Appraisal of Land Value

The standard area of public land to be purchased by a farming family was 1.2 to 4.8 acres of paddy field and 2.4 to 9.6 acres of cultivated dry land. The sales price of land was to be calculated in kind at 2.5 times the total annual yield of the main crop per chia of each grade of cultivated land. It was to be paid in semi-annual instalments in 10 years without interest, but each year's payment plus farm land tax was not to exceed 37.5 per cent of the

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<sup>41</sup> Ibid., p.58.

total annual yield of the main crop.<sup>42</sup> On the payment of the first instalment of the sales price the government issued a purchase certificate to the farmer concerned which was exchanged for land ownership certificate after the entire purchase price was paid.

#### 4) Restrictions

The Regulations (1951) contained provisions to prevent illegal or fraudulent transactions. If a purchaser came under any one of the following conditions, the purchase might be annulled, and the land taken back by the government without a refund of any part of the purchase price.

a) Purchase of the land under the name of another person;

b) Failure to cultivate the land personally;

c) Transfer of the land in violation of Regulations;

d) Failure to pay the land price without lawful grounds.<sup>43</sup>

#### Area of Land Sold

There were six successive sales of public land between 1948 and 1958. As a result, 1,39,688 families bought approximately 69,511.5 hectares of land which constituted 39.5 per

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<sup>42</sup> Ibid., p.59.

<sup>43</sup> Ibid., p.201.

cent of the total public farm land. "The remainder was to be sold gradually to carry out the policy of establishing owner-farmer and to realise the ultimate objective of the land-to-the tiller programme."<sup>44</sup>

By 1966, the total area of public farm land sold to 1,65,443 families was 1,10,975 hectares, constituting 63 per cent of the total public farm land.<sup>45</sup> The revenue realised through the sale of public farm land was earmarked for use as the land reform fund which was utilised for making necessary preparations for the enforcement of the land-to-the tiller programme.

#### Land-to-the Tiller Programme

"Following the reduction of farm rent to 37.5 per cent and the sale of public land, the government made a final effort to implement the land-to-the tiller programme."<sup>46</sup>

Before the Land-to-the Tiller Act was passed in January 1953, considerable spadework was done. With the technical and financial assistance of the JCRR, the General Land Ownership classification was completed by the end of April, 1952. It was a process whereby all lands owned by any individual

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<sup>44</sup> Ibid., p.63.

<sup>45</sup> S.K. Shen, 1967, "Administration of the Land Reform Programme in Taiwan," in Brown and Lin, op.cit., p.407.

<sup>46</sup> Chen Cheng, op.cit., p.66.



in the different places were singled out from various local land registers and classified under his name. The calculation of the land acreage under purchase and retention in the Land-to-the Tiller Act was based on the land record cards and land ownership cards compiled during the period of land ownership classification.

According to statistics compiled in 1952, the area of private cultivated land was 6,60,678 hectares of which 37.3 per cent was tenanted land.<sup>47</sup> The number of part-owner farmer, tenant-farmer and agricultural labour families constituted 63.9 per cent of all farm families. The situation was indicative of the need for a bold effort to tackle the problem of tenancy. The land-to-the tiller programme was a step in that direction.

The main provisions of the Land-to-the Tiller Act can be summarised as follows:

A landowner who cultivated his own lands with family labour would not come under the provisions of the Act. It was only such landlords who had leased out their land or employed agricultural labourers that would come under the provisions of the Act. However, orchards, tea plantations land used for growing industrial materials, land under mechanical cultivation, and land under reclamation, though operated by agricultural labourers, were not affected.<sup>48</sup>

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47 Ibid., p.8.

48 Ibid., p.202.

The acreage of tenant cultivated land permitted to be retained by a landlord as his owned land was a maximum of 3 hectares of medium grade paddy land or 6 hectares of medium grade dry land, or equivalent mix of paddy and dry land of superior or inferior qualities, as the case might be.<sup>49</sup>

In case a landlord's holdings consisted partly of land leased out and partly of land under self-cultivation, the retained portion of the land leased out, together with the acreage of land under self-cultivation, was not to exceed the retention limit stated above. If the acreage of land under self-cultivation already exceeded the retention limit, no portion of the land leased out could be retained by the landlord.<sup>50</sup> All cultivated lands under lease that were retained by the landlords continued to be regulated by the provisions of the Farm Rent Reduction to 37.5 per cent Act of 1951.<sup>51</sup>

All tenanted lands in excess of the retention limit were subject to compulsory purchase by the government for resale to the incumbent tillers, who might be either tenants or agricultural labourers.<sup>52</sup> The purchase and resale covered buildings, ponds, ditches and other immovable fixtures on

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49 T.H.Shen, 1967, op.cit., p.354.

50 Chen Cheng, op.cit., p.205.

51 Ibid., p.248.

52 T.H.Shen, 1967, op.cit., p.354.

the land which were utilised by tenants farmers at the time of compulsory purchase.<sup>53</sup>

The price of farm lands purchased from landlords was two and half times the amount of the total annual main crop yield for the respective land grades. The landlords were to be paid for their lands 30 per cent in stock shares of four government enterprises\* and 70 per cent in land bonds redeemable in kind. The land bonds were of two kinds: rice bonds and sweet potato bonds. Rice bonds were redeemable in rice upon maturity and sweet potato bonds redeemable in cash calculated in terms of the prevailing market price of sweet potato at the time of redemption. All land bonds bore an annual interest of 4 per cent and were redeemable in 20 semi-annual instalments spread over a period of 10 years.<sup>54</sup>

The farm lands purchased from the landlords were to be sold to their incumbent tillers at the same price as their purchase. The price of paddy land was to be paid for in rice while the price of dry land was to be paid for in cash equivalent to the prevailing local market price of sweet potatoes at the time of payment. The farmer-purchaser was required to pay the land price plus interest at 4 per cent per annum in

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53 S.K.Shen, 1967, op.cit., p.408.

\* Taiwan Cement Corporation, Taiwan Pulp and Paper Corporation, Taiwan Industrial and Mining Corporation and Taiwan Agricultural and Forestry Corporation.

54 T.H.Shen, 1967, op.cit., pp.354-55.

20 semi-annual instalments spread over a period of 10 years. But the total amount any given farmer-purchaser would have to pay in a year, including both the semi-annual instalments and land tax payable in his capacity as land-owner, was not to exceed 37.5 per cent of the total annual yield of the main crop.<sup>55</sup>

The Act contained provisions for extending help to the newly created owner-farmers. Tenant farmers, after becoming owners of the land, were likely to experience financial difficulty and therefore, they might sell their lands or become tenants once again. The Act provided for a production fund from which cheap loans might be extended to the farmer purchaser upon request.

The Act placed restrictions on the transfer of lands by the farmer purchasers. Any purchaser who had acquired land under the Act was prevented from transferring it to any other person before its purchase price was fully paid. Even after the purchase price was fully paid, he could transfer his land only to a person who would cultivate it personally. If the purchaser found that he could not till the land personally before its purchase price was paid, he might request the government to purchase it for resale to other farmers. The government would in such case, reimburse to the purchaser in one lumpsum the purchase price already paid. The government

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55 T.H. Shen, 1967, op.cit., p.355.

was authorised to take back the land sold to a purchaser without refunding any purchase price already paid if he was found to have committed any of the following acts:

- 1) Used the name of another person to purchase the land;
- 2) Leased out the land after purchase;
- 3) Failed to make an instalment payment for more than four months after falling due.<sup>56</sup>

The Act also provided that whenever the landlord wanted to sell the land he was entitled to retain under law, the erstwhile tiller must have the priority to purchase at a price to be negotiated by the parties concerned or set by the local Farm Tenancy Committee in case negotiations failed.<sup>57</sup>

To keep up the gains of the land-to-the tiller programme, the land officers in every country or municipality were required to make regular inspection of land ownership records. In case they would come to notice any violation of the provisions of the Act, they were required to report about it to the government of the county or municipality concerned which was authorised to take necessary action.<sup>58</sup>

#### Implementation of the Programme

Before the purchase and sale provisions of the Land-

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56 Chen Cheng, op.cit., pp.210-11.

57 T.H.Shen, 1967, op.cit., p.355.

58 Chen Cheng, op.cit., p.270.

to-the Tiller Act were implemented, certain preparatory measures were taken.

The first measure consisted in setting up of administrative organs.<sup>59</sup> The responsibility of implementing the land-to-the tiller programme vested in the Ministry of Interior of the Central Government, the Land Bureau of the Department of Civil Affairs of the Provincial Government, and the various county and city governments. The functions of the Farm Tenancy Committees were expanded to include the power to make recommendations on vital matters such as the retention and sale of cultivated land and assessment of value of immovable fixtures purchased by the government along with the land.

The second measure consisted in conducting on-the-spot surveys and rechecking of the landownership data by the field workers and officers selected by the government. Their findings were scrutinised by the Farm Tenancy Committees. Afterwards the lists of land for purchase and resale were prepared and announced to the public.

By May 1953, all the preparatory steps were taken and the last step, namely, the purchase and resale of land began; upto the end of 1953, 1,43,568 hectares, constituting 58 per cent of total private tenanted land had been purchased and sold to 1,94,823 farm families.<sup>60</sup>

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59 Martin M.C.Yang, op.cit., p.60.

60 T.H.Shen, 1967, op.cit., p.356.

The merit of the land to-the-tiller programme can be understood by the fact that not only did the farmers receive more land, but they received better land. About 85 per cent of the lands they received were paddy lands, and only about 15 per cent were dry lands. Further, most of the paddy fields were of the highest grades, i.e., grades between 1 to 12.<sup>61</sup>

### Evaluation

As a result of the implementation of the three land reforms, the ratio of the number of owner farmers to farming families increased during the period 1948 and 1959. This is shown in Table 3.6.

As table 3.6 indicates, the number of owner-farmer families which constituted 33 per cent of all farm families in 1948 increased to 58.5 per cent in 1959. The number of tenant farmer families which constituted 36 per cent of the total farm families in 1948 decreased to 14.5 per cent in 1959.

The increase in the ratio of owner cultivated land to total farm land can be seen from Table 3.7.

As table 3.7 indicates, the proportion of owner cultivated land to total farm land increased from 56 per cent in 1948 to 85.6 per cent in 1959. Since nearly 15 per cent of the total cultivated land was still under tenancy in 1959, one may suspect the effectiveness of land reforms in Taiwan. But it should be remembered that the interests of the tenants.

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61. Sidney Klein, op.cit. p.75.

**Table 3.6: Different Kinds of Farming Families in Taiwan before and after the Land Reform in Taiwan**

Year	Owner-Farmer		Part-Owner Farmer		Tenant-Farmer		Agricultural Labour		Total	
	No. of families	Percentage	No. of families	Percentage	No. of families	Percentage	No. of families	Percentage	No. of families	Percentage
1948	2,11,649	33.0	1,54,460	24.10	2,31,224	36.10	43,521	6.80	6,40,854	100
1953	3,85,286	51.79	1,69,547	22.79	1,47,490	19.82	41,657	5.60	7,43,982	100
1956	4,48,157	57.05	1,73,588	22.10	1,24,573	15.86	39,266	5.00	7,85,584	100
1959	4,79,391	58.53	1,82,121	22.23	1,18,890	14.51	38,551	4.70	8,18,953	100

**Note:** Data on the land owned or cultivated by the various classes of farming families are not given in any of the sources available to us.

**Source:** Chen Cheng, Land Reform in Taiwan, p.312.



**Table 3.7:** Area of Farm Land and Owner Cultivated Land in Taiwan before and after Reform

Year	Area of farm land	Area of owner cultivated land	Percentage of the total
1948	8,16,245	4,56,640	56.0
1953	8,39,184	6,95,507	82.8
1956	8,46,314	7,18,542	84.9
1959	8,51,618	7,28,801	85.6

Source: Chen Cheng, Land Reform in Taiwan, p.312.

continued to be protected by the Farm Rent Reduction Act of 1951.

The wider distribution of land ownership resulting from the implementation of land reforms in Taiwan was accompanied by reduction in the size of holdings. "Data are available for selected years".<sup>62</sup> In 1952, 10 per cent of the holdings were below 0.5 hectare and 15 per cent between 0.5 - 0.99 hectare. In 1955, 14 per cent of the holdings were below 0.5 hectare and 21 per cent between 0.5 - 0.99 hectare. In order to overcome the disadvantages of extremely small holdings, the Government of Taiwan had to encourage land consolidation.

To conclude, land reform programmes in Taiwan were legislated, administered and accomplished within a short

62 Anthony Y.C.Koo, op.cit., p.39.

period of four years. By adopting a democratic and peaceful method, and by paying adequate compensation, the Government of Taiwan could secure the cooperation of landlords in carrying out the land-to-the tiller programme. This was one of the causes accounting for the success of land reforms. Moreover, Taiwan had the opportunity of learning from the failures and successes of Japan in the field of land reforms. This helped Taiwan a great deal in realising the "land-to-the tiller" ideal.

## CHAPTER IV

### COMPARISON OF INDIAN LAND REFORM LAWS WITH THE JAPANESE AND TAIWANESE LAWS

In this chapter, it is proposed to discuss the broad features of land reforms in India in the post-independence period and compare these with those in Japan and Taiwan.

#### Background of Land Reform in India

By the time India became independent, a variety of land tenure systems prevailed in different parts of the country. These various tenures, may, however, be grouped under two broad heads: (1) Intermediary tenure, and (2) Rayatwari tenure. In the intermediary tenures, the ownership of land lay with people who were not cultivators. Originally, the actual cultivators were tenants-at-will of these owners. In course of time, new sub-right holders were created under these owners. The State had also passed laws to give protection to a class of cultivators of land, called 'tenants' who held land from these owners and sub-right holders for cultivation. But all these 'tenants' also did not continue to cultivate land. They had leased it out to others for cultivation who came to be known as 'share croppers' (or its various local equivalents like bargadars, bataidars etc.) who were in effect tenants-at-will of the 'tenants' protected by law.

In the areas under rayatwari tenure, the original land revenue settlement was with the actual cultivators. But in course of time some of them had leased out their lands to others for cultivation. These were known in law as 'tenants' and in fact were tenants-at-will of the landowners.

### Abolition of Intermediary Tenures

The basic approach to land reforms in India was to give 'land-to-the tiller'. This required conferment of ownership right in land on the actual cultivators. Therefore, in the areas with the intermediary tenures, the first step in land reforms was abolition of all intermediary rights in land by paying some monetary compensation to such right holders and conferring ownership right on the lands on the 'tenants' and 'sub-tenants' as recognised in law. Intermediary tenures prevailed in the states of Assam, West Bengal, Bihar, U.P., Orissa, large parts of Andhra Pradesh and Tamil Nadu, parts of Madhya Pradesh and Rajasthan.<sup>1</sup> By 1954, almost all these states had passed laws abolishing zamindari and such other intermediary tenures. As a result of the abolition of intermediaries, 20 million tenants are estimated to have come into direct contact with the State. This was an important step towards evolving an egalitarian society, for it removed the topmost layer of parasites on land. The abolition of

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<sup>1</sup> V.M.Dandekar and Nilkantha Rath, Poverty in India. Indian School of Political Economy, Poona, 1971, p.59.

intermediary tenures brought the zamindari areas on par with the rayatwari areas, in the sense that now the owners were a large body of cultivators, some of whom, however had leased out land to tenants-at-will, called 'tenants' in the rayatwari areas and 'share croppers' in the ex-intermediary tenure areas.

### Inequality in Land Ownership

Even after the abolition of intermediary tenures, the problem of tenancy (the 'tenants' of rayatwari areas and the 'share croppers' in ex-zamindari areas) remained a large and serious problem. The growth of such tenancy in India had been largely due to the pressure of population on land and very unequal distribution in the ownership of cultivated land. Systematic data about extent of tenancy (of the type under discussion) are not available for the country as a whole prior to 1958. In 1958, the Tenth Round of the National Sample Survey furnished data on the inequality in the ownership of land. It showed that 22 per cent of the rural households did not own any land while 37.8 per cent of the rural households owning only 6.3 per cent of the total land area owned less than 2.49 acres each. At the other end of the scale, 3.4 per cent of the households owning 34.3 per cent of land owned more than 25 acres each.<sup>2</sup> This inequality

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<sup>2</sup> P.V. John, Some Aspects of the Structure of Indian Agricultural Economy - 1947-48 to 1961-62, Asia Publishing House, Bombay, 1968, p.91.

was characteristic of land holdings in all the regions of India.

#### Pressure of Population on Land

In addition to the inequality in ownership of land, there was a growing pressure of population on land in India over a long period of time. While the absolute number of people engaged in agriculture had remained unchanged over a period of 60 to 70 years in Japan despite growing total population, the situation in India was quite different. The number of people dependent on land has been growing at the same rate as total population, since 1921, resulting in an unchanged proportion of agricultural to total population over the last 60 years. Since 1921 till 1971, the latest year for which census data are available, the proportion of work force supported by agriculture has remained around 70 per cent. Table 4.1 presents relevant data for the last 3 censuses.

The inequality in the ownership of land and the growing pressure of population on agricultural land led to the growth of tenancy and landlessness in the rural areas. The First Agricultural Labour Enquiry in India in 1950-51 showed that tenancy arrangement covered nearly 36 per cent of the entire cultivated area in the country.<sup>3</sup> The proportion of cultivators

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<sup>3</sup> Government of India, Ministry of Agriculture and Irrigation, New Delhi, Report of the National Commission on Agriculture - Part XV, Agrarian Reforms, 1976, p.174.

**Table 4.1: Percentage Distribution of Workers by Industrial Categories in India**

Year	Culti- vators	Agricul- tural labour- ers	Livestock, forestry, fishing, hunting etc.	Total agri- culture	Non-agri- culture
1951	50.0	19.7	2.4	72.1	27.9
1961	52.8	16.7	2.3	71.8	28.2
1971	43.4	26.4	2.4	72.1	27.9

**Source:** Report of the National Commission on Agriculture, Part I, Review and Progress, Government of India, Ministry of Agriculture and Irrigation, New Delhi, 1976, p.4.

who had leased in land was quite large : Table 4.1 shows that about 20 per cent of the rural households were depending on wage earning in agriculture. And the proportion of such people—not only absolute number—has been rising.

#### Who Leased out Land?

The general impression was that leasing out farm land was practised by substantial landowners who had both land to lease out and found it difficult to cultivate or were not interested in cultivating land. This impression was correct in so far as the total land leased out for cultivation was concerned. A very large proportion, often more than half of the landowners who leased out land, consisted of small

landowners. Being small landowners, they of course accounted for a small proportion of the total land, the large bulk being land of the large landowners.

The relevant studies in this connection, conducted during the 1950s, have been summarised by V.M.Dandekar in an article, "Review of Land Reform Studies". The review shows, for example, that in Kodinar Taluka in Gujarat (in 1952-53) the small and medium farmers had leased out somewhat larger proportions of their owned land than the large farmers.<sup>4\*</sup> In Andhra, the small farmers constituted the larger bulk of the lessors, though of course the large accounted for the bulk of the leased land.<sup>5\*\*</sup> The same was seen in Orissa in the mid-fifties.<sup>6</sup> Similarly, another sample survey in Maharashtra showed that in the non-coastal districts the greater proportion of lessors were small landowners, though of course they accounted for a very small proportion of leased land.<sup>7\*\*\*</sup>

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4 V.M.Dandekar, "A Review of the Land Reform Studies," Artha Vijnana, Vol.IV, December 1962, p.312.

\* Finding of the Study on the Problems of Small Farmers conducted by C.H.Shah.

5 Ibid., p.306

\*\* Finding <sup>based on</sup> of the study on the Economic and Social Effects of Zamindari Abolition in Andhra (1946-47 to 1954-55) by B. Sarveswara Rao.

6 Nilkantha Rath, "Some Implications of the Proposed Land Reform Legislation in Orissa," Artha Vijnana, Vol.IV, June 1962, p.185.

7 Report of the Committee appointed for Evaluation of Land Reforms, Government of Maharashtra, Revenue and Forests Department, Bombay, 1974, pp.29-30.

\*\*\* More than three-fourths of the lessors in 1956-57 were small land-owners, i.e., those owning 10 acres or less.



Thus, even after the abolition of intermediary tenures in India it was found that at least one third of the total cultivated land was under tenancy. This was because of the great inequality in the distribution of land and the growing pressure of population on agriculture. The lessors came from all classes of landowners, and were more numerous from the small and medium landowner classes than the large. But the large landowners owned the bulk of the leased land. The tenants were mainly the landless or small landowners, though the medium and large landowners were not entirely absent from the category of tenants. Given this situation, it was thought that the basic policy should be to see that a tenant has proper security of tenure and is not required to pay exorbitant rent. This policy, if successfully implemented, may create a condition which will approximate the policy of 'land-to-the tiller'. But failing this, it would be necessary to confer ownership of land on the actual tiller. But before we turn to a discussion of the tenancy laws in post-independent India, it may be useful to compare and contrast the situation prevailing in Japan and Taiwan on the eve of their land reform law with that in India.

There was no intermediary tenure in Japan or Taiwan in the postwar period. Therefore, after the abolition of intermediary tenures the situation in India became comparable to that which prevailed in Japan and Taiwan in the postwar period.

Postwar reforms were undertaken in Japan against a background characterised by extreme inequality in the ownership of land. There is some evidence to show that land ownership was concentrated in Taiwan as well. Similarly, tenancy reforms were undertaken in India against the background of inequality in the ownership of land.

As already explained in the relevant chapter, farm population had remained stable over a period of 60 to 70 years in Japan. But it was continuously rising in Taiwan. The situation in India was quite different from that in Japan but compared favourably with that in Taiwan.

The Government of Japan, as available evidence suggests, did not face the problem of landless labourers while implementing land reforms. The Government of Taiwan, on the contrary, was required to take into account the problem of agricultural labourers while enacting land reform legislations. Similarly, the land reform legislations in India (especially the ceiling legislations) have aimed <sup>at</sup> the objective of assisting the landless labourers.

The incidence of tenancy both in Japan and Taiwan was very large. We can say that it was much larger than that in India. The high rate of tenancy in Japan could be attributed to two reasons : (1) The high farm rent and the rising productivity of land had induced the large landowners to lease out their land, and (2) The small landlords had migrated to towns and cities for taking up outside jobs. They had leased out their land and become pure rentiers.

The main reason accounting for high rate of tenancy in Taiwan was the concentration of land in the hands of the Japanese who, as conquerers, had acquired ownership of vast agricultural lands and had leased them out to tenant-farmers. The growth of tenancy in India was the result of inequality in the ownership of land and the rising pressure of population on land.

In Japan, the Small Lessors were more in number, though their share in the total leased land was less. Similarly, in India, the greater proportion of lessors were small landowners, though of course they accounted for a very small proportion of leased land.

The war-time measures in Japan created a condition favourable for carrying out post-war reforms. In some of the Indian provinces also, legislative measures to improve the lot of the tenants were undertaken during the British rule. But they were not as effective as the war-time measures in Japan.

A well-built infrastructure facilitated the task of implementing land reforms in Japan and Taiwan. In India, on the other hand, the infrastructure facilities are even to-day inadequate.

The need for land reform programme arose in all the three countries because of the drawbacks of the land tenancy system like high farm rent and insecurity of tenure, etc.

#### Tenancy Reforms in India

As noted above, tenancy was fairly widespread not only in Rayatwari areas but also in the ex-Zamindari areas (i.e.,

intermediary tenure areas) though under the title of share cropper. Naturally, under the programme of land reforms, regulation of tenancy was taken up first in the rayatwari areas. In the areas under intermediary tenures, abolition of such rights had to come first. The regions mainly characterised by rayatwari tenure were the former Bombay Presidency, the province of Punjab and to a lesser extent the Presidency of Madras, though in some native states also rayatwari tenure prevailed. The reform measures relating to tenancy naturally started first in some of the rayatwari regions. Other regions, including the ex-intermediary tenure areas followed later. By now, the actual picture about tenancy reform varies greatly from state to state in India. While some states like Maharashtra, Gujarat and Kerala have gone to the extent of passing laws which have virtually abolished tenancy as an arrangement of production in agriculture and fully implemented such laws, there are many other states which have only gone half way in this direction in passing laws, but with little or no implementation of these laws.

One of the reasons for the non-implementation of many tenancy reform laws particularly in the former intermediary tenure areas, is the absence of land records. In order to confer or protect the legal rights of the tenants, it is necessary to have records relating to the ownership and tenancy on each plot of land involved in tenancy, and the changes in this from year to year. There are no such records

in most parts of the ex-Zamindari states even today, some 25 years after the abolition of zamindari. Consequently, it is not possible to implement tenancy reform laws. It may be recalled that the Taiwanese Government undertook a crash programme to record and bring up-to-date the record of rights in land before undertaking land reforms. But it is not necessary to go to Taiwan for learning it; the example of the rayatwari areas in India is there for all to see.

It is not the purpose in this chapter to discuss the state of Tenancy Reform in the various states of India. We propose to examine the various stages of approach to Tenancy Reform followed in India during the last 30 years, in order to see what is the final formulation and implementation of Tenancy Reform. For this purpose, we propose to examine the evolution of the Tenancy Reform laws in Maharashtra, which is one of the few states in India where such laws have reached their most advanced stage of formulation and implementation. (The other states are sooner or later expected to follow the line of the few states like Maharashtra). It would then help comparison of the Maharashtra Tenancy Reform as characteristic of such reform in India with those in Japan and Taiwan in order to find out the similarities and differences between the three approaches.

Tenancy protection law was passed in Bombay Presidency (of which large part of Maharashtra was a part) for the first time in 1939. In 1948, an improved law called the Bombay

Tenancy and Agricultural Lands Act was passed, which provided legal protection against termination of tenancy at the will of the landowner and fixed the ceiling on the amount of rent chargeable by the landlord.

The law as amended in 1952, provided that a protected tenant (some were unprotected in law) could not be evicted from the land leased in by him by the landlord except for purposes of personal cultivation or for non-payment of legal rent.

Resumption for personal cultivation was not permitted if the landlord already had 50 acres of land under his personal cultivation, and provided agriculture was his main source of income. If the landlord had more than one 'agricultural holding' (defined in the Act) he could resume only 50 per cent of the total leased land.<sup>8</sup> There was also a provision that a protected tenant could opt to purchase the leased land at a price to be fixed by the appropriate revenue authority, provided this did not result in the landlord's total arable land falling below 50 acres and the tenant's total owned arable land exceeding 50 acres.<sup>9</sup> Maximum rent payable by any tenant, protected or otherwise, was fixed at one-fourth of the crop on irrigated land and one-third of the crop on the other land, which was subsequently revised to one-sixth.

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8 Ibid., p.10.

9 Ibid., pp.10-11.

But the experiences in the subsequent years showed that the Act failed to produce the expected results. V.M. Dandekar and G. J. Khudanpur, after studying the working of the Act, observed that "for all practical purposes the Act did not exist", because as they said, "firstly, the extensive resumption and changes of tenants that took place even *even after enforcing of the Act showing that protection given* to tenants could not be effective in practice; secondly, a more or less normal market in land showing that the provisions for promoting the transfer of lands into the hands of tillers were not quite effective; and thirdly, an almost complete absence of any signs of lowering the share and cash rents or of any changes in the tenancy practices". <sup>10</sup> If the tenant cannot be protected from eviction, the legal provision fixing maximum rent payable would be a meaningless proposition.

As a result of the failure of the Bombay Tenancy Act of 1948 to give protection to tenants, the State Government passed <sup>on</sup> amending legislation in 1955, which in effect tried to promote ownership cultivation by conferring ownership of existing leased land on the tenants, and restricting creation of future tenancies to rather exceptional situations. In order to do this, the Act first did away with the distinction between protected and ordinary tenants, and gave protection to all tenants once created, against eviction by landlords except if the rent is not paid in time or the land is damaged

or sub-leased or used for non-agricultural purposes. The rent was fixed at one-sixth of the gross produce subject to a maximum of Rs.20/-, being payable in cash to the landlord.<sup>11</sup>

The law then declared that all tenants holding leased lands on 31st March 1957 (~~designated as Tillers' Day~~) were to become owners of such lands subject to the following conditions:

1) A tenant could voluntarily surrender such land to the landlord before the Tillers' Day, <sup>(1-4-1957)</sup>. The landlord could retain the surrendered land for personal cultivation provided his total cultivated land after surrender did not exceed one 'ceiling area' (One ceiling area was defined as 48 acres of dry land or 24 acres of seasonally irrigated or paddy land or 12 acres of perennially irrigated land). The excess of leased land surrendered was to be distributed by the State in the manner specified in the law.<sup>12</sup> The act of voluntary surrender had to be verified by an authorised revenue officer before being accepted as legal.

"Personal cultivation" was defined in the law to mean cultivation of land on one's own account (i) by one's own labour, or (ii) by labour of any member of one's family, or (iii) under the personal supervision of oneself or of one's family by hired labour or by servants on wages payable in cash or kind but not in crop share. There was no restriction on the location of land "personally cultivated" by an owner

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11 Ibid., p.13.

12 Ibid., pp.13-14.



provided his total holding did not exceed two ceiling areas. If it did, then personally cultivated land had to be situated in the same village or not more than 5 miles apart or in one compact block.<sup>13</sup> Thus, nothing in the law debarred a person from "personally cultivating" land by staying in towns or distant places but operating through salaried employees or managers.<sup>13</sup>

2) The law also permitted landowners to resume some land for "personal cultivation" before the Tillers' Day by giving notice to the tenant at least 3 months earlier to this date, to be followed by an application to the revenue officer for obtaining possession. The leased land could be resumed for personal cultivation only to the extent it resulted in the land under personal cultivation being of one ceiling area. Similarly, resumption was permitted only upto 50 per cent of the leased land; at least half the leased land was to stay with the tenant.<sup>14</sup> This made the provision of resumption by landowners more restrictive than if the tenants voluntarily surrendered.

3) Originally, the law exempted the leased lands of owners with an annual income of less than Rs.1,500/- from the above provisions of the tenancy Act and permitted tenancy to continue. But in a subsequent amendment in 1961 these above provisions were also made applicable with a new Tillers' Day

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13 Ibid., pp.14-15.

14 Ibid., p.15.

in April 1962 fixed for their tenants.<sup>15</sup> Similarly, the law exempted landowners who were widows, minors, suffering from mental or physical disability, as well as persons in police or defence services from these provisions of the tenancy Act until a year after the cessation of such disability or service.

4) No tenant who was not in possession of leased land on the appointed date could be declared its owner, unless he had been illegally dispossessed. Illegality of surrender or dispossession had to be established by the appointed revenue official. And the officer could take cognizance of such act only if the concerned tenant made an application to the effect within two years from the Tillers' Day.<sup>16</sup>

5) After the Tillers' Day a notice was to be issued by the appropriate revenue authority to each tenant deemed to have become owner of leased land, his landlord and any other person who might be interested therein to appear before the Agricultural Land Tribunal for the finalisation of this transaction. If a tenant did not turn up on the notified date or on appearance refused to become the owner of the leased land, then his ownership right was considered to have become ineffective.<sup>17</sup>

6) If a tenant agreed to purchase the leased in land

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15 Ibid., p.17.

16 Ibid., p.16.

17 Ibid., p.18.

concerned, the A.L.T. was to fix a price for the land which the tenant was to pay to the landlord. This price was to be anywhere between 20 to 200 times the assessment of the land, plus the value of any permanent improvements made on it by the landlord, plus any arrears of rent due from the tenant before the Tillers' Day. The final amount of purchase price as fixed by the Tribunal payable by the tenant could be paid either in lumpsum within a year, or in equal annual instalments not exceeding 12 with an interest at 4.5 per cent. The price was to be deposited by the tenant with the Tribunal who was to arrange for its payment to the landlord. If the tenant and the landlord arrived at a mutually agreed price, it was to be accepted provided it was within the limits set by the law. Failure to pay the purchase price in the manner prescribed by the law would render the purchase of land ineffective.<sup>18</sup> When the purchase of land would become ineffective, the land would revert to the landlord concerned.

7) The Act did not prohibit the creation of new tenancies. However, in the case of any tenancy created on land after the Tillers' Day, the tenant had within one year from the commencement of tenancy, the right to purchase such land in the manner prescribed by the Act. But if the tenant failed to do so, the A.L.T. might on its own initiative or on representation from the landlord proceed to

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18 Ibid., p.19.

dispose of this land as if it were land surrendered by the tenant. This severely restricted the possibility of re-emergence of new tenancies in land.<sup>19</sup>

8) Lands used for growing crops like sugarcane, banana and other fruits and flowers are exempted from the application of all the above tenancy provisions including those relating to rent. In these cases rents are to be determined by the revenue authority, and tenancy can be for any duration notified by the Government from time to time for the purpose.<sup>20</sup>

A similar law was passed subsequently for the Vidarbha region of Maharashtra when that region became a part of the State of Bombay.

#### Comparison with the Japanese and Taiwanese Land Reform Laws

The basic features of the Bombay Tenancy Act (as well as of the Vidarbha Tenancy Act) indicate that this reform law was generally on the same lines as the Japanese and Taiwanese laws discussed in the earlier chapters. The central thrust of the land reform laws in these two countries was bestowing ownership rights of the leased land on the tenants. This is also what the Bombay Tenancy Act did. In some respects the Bombay Act was more restrictive; in others, its provisions left loopholes that were likely to defeat the major objective of the law. These are as follows:

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19 Ibid., p.20.

20 Ibid.

1) While all the three laws resulted in termination of tenancy in a very large measure, the Bombay Act provided for only limited exception. It allowed tenancy only in case of certain categories of owners like widows, minors etc., to continue or on land growing certain annual or perennial crops. Otherwise the ownership of all tenanted land was either to be transferred to the tenants, or the owners were to resume personal cultivation through resumption or surrender. In Japan and Taiwan, on the other hand, landowners with land upto a certain limit were allowed to lease out land without losing ownership right. This resulted in about 11 per cent land in Japan and about 15 per cent land in Taiwan continuing to be cultivated under tenancy even after the implementation of land reforms. In case of Maharashtra, this was estimated to be only about 5 per cent.<sup>21</sup>

While the Bombay Act was much more restrictive in this matter, doubts have been expressed about the advisability of a blanket denial of leasing rights to all classes of landowners. The Maharashtra Land Reforms Evaluation Committee has argued in its report that it was not advisable to deny the right of leasing to very small landowners, since this would severely restrict their mobility for alternative employment, besides denying other small holders the opportunity of increasing operational holding.<sup>22</sup> Moreover, the law resulted

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21 Ibid., p.297.

22 Ibid., pp.278-79.

in many small landowners, particularly in tribal areas, losing their lands to their tenants who were middle or large peasants.

2) The Japanese Act was much more restrictive in allowing people to own land; it did not allow any landowners not residing in the village to own land. The Bombay Act was, however, much more permissive; it permitted all non-resident owners to retain land and "personally" cultivate it by keeping full-time salaried servants or managers. The wisdom of this has also been questioned by the Maharashtra Land Reforms Evaluation Committee. It has suggested a residential qualification of the landowner for personal cultivation.<sup>23</sup> Such a provision together with the suggestion relating to small owners in (1) above, would possibly have been more useful from the point of view of the objects of the land reform. Some other land reform laws in India, like that in Kerala, have tried to follow this course.

3) Another and even more, important difference was that while the Bombay Act provided for both voluntary surrender of leased land by the tenants and resumption of leased land by owners, the Japanese and Taiwanese laws permitted neither. Excepting all landowners, holding land below a certain exemption limit, landlords lost ownership of all leased land. The provision for voluntary surrender, in particular, in the Bombay Act appears to have largely

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23 Ibid., pp.279-80.

defeated the main purpose of the Act in certain parts of the State. The Maharashtra Land Reforms Evaluation Committee pointed out that because of this, and the ignorance of the law on the part of most tenants, ownership of hardly 8 per cent of the leased land could be transferred to the tenants in the four eastern most districts of the State.<sup>24</sup> The failure was only less severe in some other districts. Because of this, the Review Committee recommended the removal of the provision of voluntary surrender in the proposed legislation for the Marathwada region of the State.<sup>25</sup>

Indeed, these provisions were a part of the basic difference in approach of the Bombay Act, and the laws in Japan and Taiwan. The Bombay Act provided for direct dealings between landlords and tenants, whether in matter of surrender, resumption, purchase, payment of price, etc. The State was only a referee or an agent enforcing the law. In Japan and Taiwan, on the other hand, the State purchased the leased land from the owners and sold it to the tenants or others. Consequently, there was no difficulty associated with ascertaining the willingness of tenants to own land, payment of purchase price to the owners by the tenants, etc. If a tenant failed to pay the purchase price, the land reverted to the State, not to its original owner as in the case of the Bombay Act.

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24 Ibid., P.117.

25 Ibid., p.283.

4) In all the three Acts creation of <sup>new</sup> ~~raw~~ tenancies was permitted. But the Japanese and Taiwanese laws permitted unlimited tenancy for landlords owning less than a specified area, and refused permission to others. On the other hand, the Bombay Act permitted all to lease out land; but the tenant automatically acquired the right to purchase it at the end of 11 months. This was much more restrictive. However, if the tenant did not exercise this right, the law is not clear about the ensuing situation. ?

Subject to these limitations, the Maharashtra Act was basically not different from the Japanese or Taiwanese Act. An important difference was in their methods of implementation. In Japan and Taiwan, local land reform committees were formed in every village with major representation to the tenants, to help implement the laws. In Bombay (Maharashtra), indeed all over India, the task was left only to the Government officials. The openness of the implementation procedure in Japan and Taiwan, created a much better basis for a fairer implementation of the law without pressures and threats. This was of course greatly helped by the legal provision for purchase and sale of all leased land by the State. Similar procedures if followed in other states of India, may improve the prospect and speed of implementation.

#### Ceiling on Land Holding

The land ceiling measures were initiated in many parts



of India in the late 50's and early 60's with the object of reducing disparity in agricultural incomes, in ownership, and in use of land. It needs to be emphasised here that if the tenancy legislations were effective enough to reduce the concentration of land ownership in India, the need for ceiling on land holding would not have arisen. That there was much inequality in the ownership of land even after the tenancy reforms were undertaken was proved by the Seventeenth Round of National Sample Survey (1961-62) which showed that 71.95 per cent of the households owning only 19.99 per cent of the total land area belonged to the size-group below 2.02 hectares. At the other end of the scale, 2.25 per cent of households owning 22.91 per cent of land belonged to the size-groups above 12.14 hectares.<sup>26</sup> It also furnished data on the inequality in the distribution of operational holdings. Taking the country as a whole, nearly 36 per cent of rural households did not cultivate any land or less than half an acre each. Households cultivating no land or less than 2.5 acres each constituted 57.59 per cent of the rural households and between them they operated only 7 per cent of the total land. On the other hand, only 2.09 per cent of the households had operational holdings of more than 30 acres each but between them they operated nearly 23 per cent of the total land.<sup>27</sup> Thus, the situation was indicative of

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26 Report of the National Commission on Agriculture, Part XV, op.cit., p.150.

27 Ibid.

the need for bringing about redistribution of land by imposing ceilings on land holdings.

The Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 which was brought into force with effect from 26th January 1962, puts a ceiling on cultivated or operated land holdings, and not on owned holdings. "In so far as the Tenancy Acts in the State led to the virtual abolition of the older tenancies and permission for creation of new tenancies only for one year, the owned and operated holding became in most cases the same and it was immaterial whether the ceiling was defined in terms of owned or operated holding".<sup>28</sup> However, certain types of land like land growing sugarcane, fruits, etc., had been exempted from the provisions of the Tenancy Act. In some parts of the State persons and sugar factories had leased in large areas falling in these exempted categories and cultivated them as tenants. "This concentration of land holding could be set right only by putting a ceiling on the cultivated holding".<sup>29</sup>

The original Ceiling Act fixed ceiling on existing holdings varying from 18 to 126 acres (depending on the class of the soil, i.e., irrigated or unirrigated) and on future acquisition from 12 to 84 acres. The ceiling was applicable to the extent of area held by a person.<sup>30</sup>

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28 Report of the Maharashtra Land Reforms Evaluation Committee, op.cit., p.184.

29 Ibid., p.185.

30 Ibid., pp.185-86.

The Act provided that if a landholder had more than 5 members in his family, then the ceiling limit was to be increased by 1/6th of the ceiling area for every additional member of the family, subject to the outside limit of twice the ceiling area.<sup>31</sup>

Land held by the Government, or Government owned or controlled corporations; land held by a local authority or a University and land held by an industrial undertaking for bonafide industrial or other non-agricultural purposes, etc. were exempted from the provisions of the Ceiling Act.<sup>32</sup>

To prevent transfers or partitions in anticipation of the Act, the Act laid down that all transfers and partitions of land made between 4th August, 1959, (i.e., the day on which the original ceiling bill was published) and 26th January 1962, were disregarded for computing the surplus area.<sup>33</sup>

The surplus land to be acquired by imposing the ceiling on land holding was to be distributed according to the order of priorities among various persons who had been rendered landless on account of various reasons specified in the Act and small holders, etc.<sup>34</sup>

31 Ibid., p.187.

32 Ibid.

33 Ibid.

34 Ibid., pp.189-90.

The Act required all surplus holders to submit returns in the prescribed forms giving details of their land holdings within six months of the date on which the Act came into force. The Collector was authorised to scrutinise the returns filed by the surplus holders and to determine the surplus area. Holders of surplus land were permitted to appeal to the Maharashtra Revenue Tribunal against the decision of the Collector.<sup>35</sup>

#### Results of the Ceiling Act

The surplus area acquired by the Government of Maharashtra for distribution under the Ceiling Act was deplorably small. By the end of December, 1971, about 16 thousand returns had been submitted by the landholders out of which only about 4,600 landholders were found to hold land in excess of the ceiling limit. About 2.56 lakh acres had been declared as surplus with these landholders. About 3 per cent of the return remained to be scrutinised. In addition to this land, 84 thousand acres of land were acquired from 14 sugar factories in the State.<sup>36</sup> But the surplus area acquired from the individual holdings turned out to be very small.

The main reasons for the inadequate surplus land acquired through the Ceiling Act were two: (1) The tenancy law had resulted in the transfer of ownership about 25 lakh

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35 Ibid., p.192.

36 Ibid., p.284.

<sup>over</sup>  
areas of land to the tenants. Much, if not all, of this land belonged to large landowners, who consequently suffered reduction in their holding. A part of the potential surplus land had thus already been distributed to others. (2) The Ceiling Act permitted individual landowners to retain upto the Ceiling limit. This resulted in some families retaining large areas of land, contrary to the expectation behind such a reform measure.<sup>37</sup>

The second circumstance was sought to be changed, by an amending law passed in 1972, as a result of which ceiling law was applicable to the total landholding of all members of a household (defined to consist of head of household, spouse and minor children). The ceiling for household landholding was also reduced to 54 acres of non-irrigated land, and its equivalent of seasonally or perennially irrigated land. This is expected to yield another 2.5 lakh acres (or 1 lakh hectares) of surplus land. In terms of surplus land available for redistribution neither of these laws compares favourably with the redistributive effect of the Tenancy Act.

There was no ceiling law in Taiwan. The Japanese Land Reform Law had a ceiling measure applicable to the family's owned landholding. But as noted in the relevant chapter, this was not given effect to, despite significant representation of the tenants in the local land commissions, responsible for implementation.

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37 Ibid., pp.204-05.

### Conclusion

The study of land reforms in Japan, Taiwan and India reveals that the objective of reform measures in these countries was the same, i.e., it was to promote ownership cultivation. But the Bombay Tenancy Act (1955), the best of the Indian laws, had some loopholes that reduced the force of impact. The major drawback was the provision for voluntary surrender of land by the tenant to the landlord. Had there been no provision for voluntary surrender, the Bombay Tenancy Act would have been much more effective in bringing about ownership cultivation.

The existence of good and up-to-date land records helped the Government of Japan a great deal in carrying out the post-war reforms. In Taiwan, land records were created before land reforms were undertaken. Even in Japan, cultivated lands disappeared during the process of reform. In India, cultivated lands have not disappeared, but tenants have disappeared on account of unlawful or forceful evictions.

In Japan and Taiwan, the central government enacted land reform legislations. But under the Indian Constitution, the main responsibility for enactment of land reform laws and their implementation is that of the state governments. Needless it to say, India is a very vast country compared with Japan and Taiwan. Even to-day in India, the problem of tenancy exhibits different characteristics in different regions or states. Obviously, the variety of situation has resulted in varying pace of formulation and implementation of land reforms in different states.

India's Tenancy Acts must be amended. The provision for voluntary surrender of land should be removed, "personal cultivation" should be properly defined so as to include a residential qualification of the landowner, and a clear provision must be made for future tenancies which must, at the same time, help the mobility of very small landowners. It is also necessary to make provision for the purchase and sale of the leased land by the State itself. If amended along these lines, India's Tenancy Acts in conjunction with the new ceiling laws may prove more useful than the Japanese laws.

The difficulty with the ultimate impact of any land reform law is the steadily growing pressure of population on land. Japan was fortunate in this respect. Land reforms could be successfully executed in Japan because the farm population had remained stable. But the experience in India indicates that the failure to control this pressure will make all land reform laws lose relevance over the years.

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