

**REPORT OF THE TASK FORCE
ON
AGRARIAN RELATIONS**

**PLANNING COMMISSION
NEW DELHI
MARCH 1973**

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No. 74-BS(LP)/72
GOVERNMENT OF INDIA
PLANNING COMMISSION

Yojana Bhavan
New Delhi-1.

March 2, 1973


Dr. B.S. Minhas,
Member,
Planning Commission,
New Delhi.

Sir,

I have great pleasure in submitting the report of the Task Force on Agrarian Relations which was constituted by the Planning Commission in February, 1972. The report contains a brief review of the different aspects of the programme of land reform, lists the reasons for poor performance, discusses certain policy issues, gives some suggestions for better implementation and outlines an action programme for the Fifth Five Year Plan. In our report the emphasis is on better implementation. We have tried to identify the impediments to efficient implementation, have made some concrete suggestions for the better implementation of the ceiling and tenancy laws and have also indicated the lines on which the administrative machinery for implementing land reform should be reorganised. As we have pointed out in our report, political will is the prime mover in the field of land reform. We have made our suggestions in the hope that resolute political will would be forthcoming at all levels.

2. The members of the task force functioned like a happy team and all the members made their contribution to the report. I wish to place on record my special gratitude to Shri D. Bandyopadhyay for his valuable suggestions regarding the machinery for implementation and to Shri S.P. Mallik, Member-Secretary of the Task Force for sparing no pains in servicing the Task Force efficiently.

Yours faithfully,


(F.S. APPU)
Chairman

Task Force on Agrarian Relations

P R E F A C E

The Task Force on Agrarian Relations was set up by the Planning Commission vide letter No.74-DS(LR)/72 dated 1st February, 1972, for the purpose of appraising the progress and problems of land reform and working out the Fifth Plan proposals.

The Task Force was required to consider the following aspects of the matter:-

- (i) Make a critical assessment of the experience in land reforms during the previous Plan periods;
- (ii) Review the progress and identify the obstacles to efficient implementation, if possible, region-wise;
- (iii) Indicate possible approaches to the use of social mobilisation (including participation of beneficiaries) for effective implementation of land reforms and organisational development to improve the agrarian reform programme;
- (iv) Suggest types of training most appropriate for persons responsible for implementation of agrarian reform programmes.

The composition of the Task Force was as follows:

1. Shri P.S. Appu,
Joint Secretary and
Land Reforms Commissioner ... Chairman
2. Shri K.R. Prabhu,
Joint Secretary,
Ministry of Home Affairs ... Member
3. Shri P.S. Majumdar,
Chief (Agriculture),
Planning Commission ... Member
4. Shri M.P. Pande,
Revenue Secretary,
Government of Maharashtra ... Member

5. Shri D. Bandyopadhyay,
Secretary to the Govt.
of West Bengal,
Labour Department,
Calcutta ... Member
6. Shri S. D. Prasad,
General Manager,
Damodar Valley Corporation,
Calcutta. ... Member
7. Shri A.K.K.Nambiar,
Secretary to the Govt.of
Kerala,Revenue Department,
Trivandrum. ... Member
8. Shri M. Zaheer,
Member, Board of Revenue,
Allahabad,
Uttar Pradesh. ... Member
9. Shri Ram Saran,
Economic & Statistical
Adviser,
Ministry of Agriculture,
New Delhi. ... Member
10. Shri S.P. Mallik,
Deputy Secretary,
Land Reforms,
Planning Commission,
New Delhi. ... Convenor

Shri K.R. Prabhu, Joint Secretary, Ministry of Home Affairs, regretted his inability to serve on the Task Force and in his place Shri R.C. Jain, Deputy Secretary, Ministry of Home Affairs, was taken in as a Member.

The Task Force held four meetings on May 11, 1972 (Krishi Bhavan, New Delhi), September 7, 1972 (Krishi Bhavan, New Delhi), November 17, 1972 (Yojana Bhavan, New Delhi) and February 2, 1973 (Yojana Bhavan, New Delhi). In addition to this the members were requested to contribute papers relevant to their experience which were drawn upon in preparing the Report.

The Task Force was also helped in its deliberations by Shri K.V. Natarajan, Chief (Nutrition & Social Welfare), Planning Commission, Shri A.R. Bandyopadhyay, Deputy Secretary (Land Reforms), Department of Agriculture, Shri B.K. Sarkar, formerly Director of Land Records & Surveys, Government of West Bengal, Calcutta and now District Magistrate & Collector, Bankura, West Bengal, Shri P.S. Sharma of the Directorate of Economics and Statistics, Dr. P.T. George, Joint Director (Land Reforms), Department of Agriculture and Shri B.R. Kalra, Senior Research Officer, Planning Commission.

The Task Force is deeply indebted to its Chairman Shri P.S. Appu for his guidance and advice.

New Delhi
March 2, 1973

(S. P. MALLIK)
Converor
Task Force on Agrarian Relations

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REPORT OF THE TASK FORCE ON AGRARIAN RELATIONS

Two Decades of Land Reform - a Brief Review

1.1 INTRODUCTION:

Indian economic planning has laid considerable emphasis on land reform right from the First Five Year Plan. As set forth in the national plans, the objectives of the land policy are, firstly, to remove such motivational and other impediments to increase in agricultural production as arise from the agrarian structure inherited from the past, and secondly, to eliminate all elements of exploitation and social injustice within the agrarian system so as to ensure equality of status and opportunity to all sections of the population. These objectives were sought to be achieved by abolishing all intermediary interests between the State and the tiller of the soil, regulating rent, conferring on tenants security of tenure, and, eventually, ownership rights, imposing ceiling on agricultural holdings distributing surplus land among the landless and the small holders, and bringing about the consolidation of holdings.

A statewise review of the progress of land reform may be seen in the Appendix.I. A brief overall review of the programme is given in the following paragraphs.

1.2 ABOLITION OF INTERMEDIARY TENURES:

Immediately after Independence high priority was given to the abolition of intermediary tenures. Accordingly, every State promoted its own legislation for the abolition of intermediary tenures on payment of compensation, and by 1954, necessary legislation was adopted in all the States. The implementation of the enacted laws has since been practically completed. Only a few minor intermediary tenures still remain to be abolished and efforts are afoot to put an end to them also. As a result of the abolition of intermediary tenures about 20 million tenants are estimated to

have come into direct contact with the State. Large areas of privately owned forest land, grazing land and culturable waste land vested in the State. Implementation of these reforms imposed a heavy administrative burden; financial burden was also heavy on some of the State Governments. Compensation payable to the ex-intermediaries has been computed at Rs.600 crores out of which about Rs.275 crores has been paid in cash and bonds.

1.3 REFORM OF TENANCY:

There had been leasing of land on a large scale even in areas where intermediary tenures did not obtain and sub-leasing where such tenures existed. The prevailing rates of rent were high and the tenants enjoyed little security of tenure. Three important guidelines were laid down in the Five Year Plans for the reform of Tenancy. Firstly, rent should not exceed 1/5 to 1/4 of the gross produce; secondly, the tenants should be accorded permanent rights in the land they cultivate subject to a limited right of resumption to be granted to landowners; and, thirdly, in respect of non-resumable land, landlord-tenant relationship should be ended by conferring ownership rights on tenants. All States have enacted legislation for regulating the rent payable by cultivating tenants. Maximum rates of rent have been fixed at levels not exceeding those suggested in the Five Year Plan in all States except Punjab, Haryana, Jammu & Kashmir, Tamil Nadu and the Andhra area of Andhra Pradesh. In Punjab and Haryana fair rent is 33-1/3% of the gross produce, in Tamil Nadu 33-1/3% to 40% of the gross produce. The Andhra Pradesh State Assembly recently passed a Bill for reducing fair rent to the level of 30% of the produce for irrigated land and 25% for dry land. In Jammu and Kashmir, for tenants of landowners holding above 12½ acres of land fair rent is 25% of the gross produce for wet land, and 33-1/3%

for dry land. However, for tenants of landowners who own less than 12-1/2 acres of land, fair rent is 50% of the gross produce. Several States have enacted legislation for conferring security of tenure on tenants. Under the existing law the position of tenants, and particularly of sharecroppers, continues to be insecure in Bihar, Tamil Nadu, the Andhra area of Andhra Pradesh, the Saurashtra area of Gujarat, Punjab and Haryana. Provisions have been made in several States for enabling tenants to acquire ownership rights. Necessary legislation for this purpose is still to be enacted in Andhra Pradesh, Assam, Bihar, Haryana, Jammu & Kashmir, Punjab and Tamil Nadu. Thus, in several States in the matter of tenancy reform legislation falls far short of the accepted policy. And what is even worse, the implementation of the enacted laws has been half-hearted, halting and unsatisfactory in large parts of the country. The legal protection granted to tenants has often been ineffective. In accordance with the policy laid down in the Second Five Year Plan the laws enacted by several States provided for the resumption within certain limits of tenanted lands by landowners for personal cultivation. The term 'personal cultivation' was wide enough to cover all cases of cultivation under the landowner's own supervision or the supervision of a member of his family. The provision for resumption of tenanted land by land owners resulted in the ejection of many tenants. Then there were large scale ejections through the device of "voluntary surrenders". In many cases, tenancies have been pushed underground and converted into 'Naukarnameh'. Even where the law provides for security of tenure, tenants have, in practice, found it extremely difficult to claim successfully tenancy rights because most of the leases, particularly crop-sharing arrangements, are oral and informal. Where tenancy is insecure, legal provisions regarding fair rent are useless and no tenant dares initiate

action for getting fair rent fixed. This is so because the tenant who has the audacity to pray for fixation of fair rent faces the risk of certain ejection. Thus the objective of ensuring fair rent and security of tenure still remains un-attained in large parts of the country.

1.4 CEILING ON AGRICULTURAL HOLDINGS:

Laws imposing ceiling on agricultural holdings have been enacted in all the States except the former Punjab areas of Haryana and Punjab, where the State Government has powers to settle tenants to lands held by owners in excess of the permissible limit. However, as a result of the high level of ceiling, large number of exemptions from the law, malafide transfers and partitions, and poor implementation the results achieved have been meagre. So far only about one million hectares of land has been declared surplus. There are wide variations between different States with regard to the level of ceiling, unit of application, exemptions etc. In August 1971, the Central Land Reform Committee made certain recommendations with a view to bring about a measure of uniformity in the ceiling laws of the different States. In the Chief Ministers' Conference on Ceiling on Agricultural Holdings held on 23rd July, 1972, various aspects of the ceiling laws were discussed and certain conclusions were reached with regard to the level of ceiling, unit of application, exemptions, compensation, distribution of surplus land etc. It was agreed that the amended ceiling laws should be enacted by 31st December, 1972 in the light of the conclusions of the Chief Ministers' Conference and that all the amended laws should be included in the Ninth Schedule of the Constitution.

1.5 DISTRIBUTION OF LAND:

Though the imposition of ceiling has not yielded much land for redistribution, sizeable areas of culturable waste lands got vested in the State on the abolition of intermediary interests. Such lands always belonged to Government in ryotwari areas. About 5.9 million hectares of waste land and 0.5 million hectares of surplus land have so far been distributed to landless agricultural workers and small holders (Appendices - II and III).

1.6 CONSOLIDATION OF HOLDINGS:

In India most of the agricultural holdings are not only small but they are also widely scattered. Hence emphasis was laid on consolidation of holdings in the Five Year Plans. No law for effecting consolidation of holdings has yet been passed in the Andhra area of Andhra Pradesh, Kerala, Orissa, and Tamil Nadu. The laws of Gujarat, Madhya Pradesh and West Bengal provide for consolidation on a voluntary basis. The other States have passed necessary legislation for compulsory consolidation. By 1972 about 32.6 million hectares of land had been consolidated (Appendix-IV). The progress has been uneven in the different States. The work has been completed in Punjab and Haryana. Uttar Pradesh has made good progress and some headway has been made in Maharashtra and Himachal Pradesh. Not much has been done in the remaining States.

A major weakness of the programme was that consolidation was done without taking effective steps to ensure security of tenure to tenants, particularly share-croppers. In the result consolidation of holdings has led to large scale ejection of insecure tenants. For one thing, when holdings were fragmented even a resident landowner found it difficult to cultivate personally all the plots of land constituting his fragmented holding and, therefore, perforce he had to

lease out some portions of his holdings to share-croppers. After holdings were consolidated, the land-owner found it both feasible and profitable to cultivate personally the entire area and, therefore, he spared no efforts in getting rid of the share-croppers. For another, the relationship of share-cropping tenancy subsisted in respect of a specific plot of land easily identified in the field. Once consolidation was effected, the identity of the particular plot that the share-cropper had been cultivating was lost and he could be automatically ousted from the land. Thus consolidation of holdings has often turned out to be the coup de grace for the share-croppers who lead a precarious existence.

1.7 AN OVERALL ASSESSMENT OF INDIAN LAND REFORM:

A broad assessment of the programme of land reform adopted since Independence is that the laws for the abolition of intermediary tenures have been implemented fairly efficiently, while in the fields of tenancy reform and ceiling on holdings, legislation has fallen short of proclaimed policy and implementation of the enacted laws has been tardy and inefficient. With the abolition of intermediary interests the ownership of land became more broad-based and the erst-while superior tenants acquired a higher social status. It should not, however, be overlooked that as a result of the tenancy laws enacted in the decades prior to Independence the superior tenants had already been enjoying security of tenure and fixity of rent. It is a moot point whether the abolition of intermediary interests conferred any new economic benefits on the tenants. The programmes which could have led to a radical change in the agrarian structure and the elimination of some of the elements of exploitation in the agrarian system and ushered in a measure of distributive justice were those of tenancy reform, ceiling on agricultural holdings and distribution of land to the landless and small-

holders. As already pointed out these programmes cannot be said to have succeeded. Highly exploitative tenancy in the form of crop-sharing still prevails in large parts of the country. Such tenancy arrangements have not only resulted in the perpetuation of social and economic injustice but have also become insurmountable hurdles in the path of the spread of modern technology and improved agricultural practices. Thus the overall assessment has to be that programmes of land reform adopted since Independence have failed to bring about the required changes in the agrarian structure.

REASONS FOR POOR PERFORMANCE

2.1 LACK OF POLITICAL WILL:

Enactment of progressive measures of land reform and their efficient implementation call for hard political decisions and effective political support, direction and control. In the context of the socio-economic conditions prevailing in the rural areas of the country, no tangible progress can be expected in the field of land reform in the absence of the requisite political will. The sad truth is that this crucial factor has been wanting. The lack of political will is amply demonstrated by the large gaps between policy and legislation and between law and its implementation. In no sphere of public activity in our country since Independence has the hiatus between precept and practice, between policy-pronouncements and actual execution, been as great as in the domain of land reform. With resolute and unambiguous political will all the other shortcomings and difficulties could have been overcome; in the absence of such will even minor obstacles became formidable road blocks in the path of Indian land reform. Considering the character of the political power structure obtaining in the country it was only natural that the required political will was not forthcoming.

2.2 ABSENCE OF PRESSURE FROM BELOW:

Land reform in India has essentially been a gift from the benign government. The beneficiaries of land reform, particularly share-croppers and agricultural labourers, are weighed down by crippling social and economic disabilities. Except in a few scattered and localised pockets, practically all over the country the poor peasants and agricultural workers are passive, unorganised and inarticulate. The basic difficulty in our situation arises from the fact that the beneficiaries of land reform do not constitute a homogeneous social or economic group. The peasants may be divided into various groups on the basis of the size of the holding, security or insecurity of tenure, mode of payment of rent and the degree of their economic dependence on the landlords. These groups are not mutually exclusive. Many small peasants lease out a part of their land while some enlarge the size of their operational holdings by leasing in land from others. A number of small peasants engage agricultural workers for certain operations, while these peasants themselves earn wages as agricultural workers during some periods of the year. All these groups not only overlap. Often their economic interests are also in conflict. The mixed economic status of the different groups and their conflicting economic interests have rendered organized collective action very difficult. And finally, the multi-caste composition of the peasantry effectively rules out the possibility of the development of a common out-look and collective will. In the circumstances it is small wonder that there has been no insistent pressure from below, a pre-requisite for the effective implementation of land reform laws.

2.3 ADMINISTRATIVE ORGANISATION-INADEQUATE POLICY INSTRUMENT:

In all the States the responsibility for the implementation of measures of land reform rests with the revenue

administration. Implementation of land reform is only one among its many functions. Traditionally, high priority is given to maintenance of public order, collection of land revenue and other regulatory functions. Land reform does not, therefore, get the undivided attention it needs. Even if it had not been overburdened with multiple duties, it is very doubtful if the administrative organisation would have proved to be equal to the task of efficiently implementing the land reform laws. The attitude of the bureaucracy towards the implementation of land reform is generally lukewarm, and often apathetic. This is, of course, inevitable because, as in the case of the men who wield political power, those in the higher echelons of the administration also are substantial landowners themselves or they have close links with big landowners. The village functionaries like Fatwaries, karmacharies, karnams, sambogs, Talatis etc. are invariably petty landowners. They are also under the sway of big landowners. No state has taken necessary steps to forge a suitable administrative organization and keep it in proper trim by systematic in-service training and periodic orientation courses. Nor has any conscious effort been made to post able and dedicated men with faith in land reform to key positions in the administrative set-up. As a matter of fact there have been cases where administrators who tried to implement land reform laws honestly and efficiently were hastily transferred elsewhere. In the result, practically in every State, the administrative organization has proved to be an inadequate instrument for the speedy and efficient implementation of land reforms.

2.4 LEGAL HURDLES:

In a society in which the entire weight of Civil and Criminal laws, judicial pronouncements and precedents, administrative tradition and practice is thrown on the side of the

existing social order based on the inviolability of private property, an isolated law aiming at the restructuring of property relation in the rural areas has hardly any chance of success. And whatever little chance of success was there completely evaporated because of the loop-holes in the laws and protracted litigation. The land reform laws were defective in many ways; some loop-holes were deliberately built in, while others were the result of poor drafting. The formidable combination of tenacious landowners and ingenious lawyers found a godsend in a legal system which puts great store by procedural formalities. All possible avenues of appeal and revision would be exhausted before a single step could be taken to implement a law. Practically in every state protracted litigation has delayed and often frustrated, the implementation of land reform laws. Provisions in certain land reform laws for ousting the jurisdiction of Civil Courts, have no doubt, helped. But the writ jurisdiction of the High Courts continues to afford to the landowners an avenue for obstructing the speedy implementation of measures of land reforms.

2.5 ABSENCE OF CORRECT UP-DATED LAND RECORDS:

An important factor that has militated against the effective implementation of land reform is the absence of correct, up-to-date record of rights. A programme that aims at the redistribution of income and wealth in the rural areas cannot succeed unless the beneficiaries can produce evidence of their rights. No amount of legislation will help the tenant in the court unless he can prove that he is in fact a tenant. This he can do only if there is a reliable and up-dated record of tenancies with presumptive evidentiary value. The position regarding record of tenancies, particularly in the matter of entries relating to rights of sharecroppers, is not satisfactory anywhere in the country, and

no record exists in some areas. The main reasons for this unsatisfactory state of affairs are the following:

- i) Some areas have never been cadastrally surveyed.
- ii) In some areas, where cadastral surveys have been out-of-date for a long time, no resurveys have taken place.
- iii) In some cases no machinery of any kind existed for maintaining village records.
- iv) In some areas (such as the Zamindari areas) the machinery which kept records was private.
- v) Even where records are kept by Government revenue officials there is no uniform system.
- vi) Even official records may not be correct. The errors would be of two kinds with reference to their origin -
 - (a) Bonafide errors arising out of lack of knowledge either of facts or of law on the part of the recorder.
 - (b) Deliberate wrong recording from malafide motives.

The problem is largely administrative. The absence of up-to-date land record is a serious obstacle in the implementation of land reforms.

2.6 SOME WEAK SPOTS IN THE PROGRAMME:

The Indian land reform programme has suffered from a number of weaknesses some of which are inherent in our federal democratic policy, while some could have been avoided. Under the Constitution the subject of land reform is in the State List and, therefore, the responsibility for the enactment of necessary legislation and its implementation rests with the State Governments. The regional tenurial variations and diversity in socio-economic and political conditions have brought in a measure of complexity and variety in the land reform laws of the various States. The enacted laws have been implemented at varying levels of efficiency.

The programmes of land reform have been viewed so far in isolation from the mainstream of economic development. The main ingredients of the programme like abolition of intermediary tenures, tenancy reform and ceiling on agricultural holdings were treated as disjointed programmes and sought to be implemented as such. Consolidation of holdings was conceived of and undertaken without providing for village roads, irrigation and drainage channels, land shaping, soil conservation etc. An integrated approach would have yielded much better results.

Lack of financial support has plagued Indian land reform right from the beginning. No separate allocation of funds was made in the Five-Year Plans for financing land reform. Many States declined to include even expenditure on such essential items like preparation of record of rights (which would have qualified for plan assistance) in their plan-budgets. The State Plans which are nothing but aggregates of expenditure programmes hardly make any reference to land reform. Whatever funds were needed for financing land reform had to be provided in the non-plan budgets. The prevailing view both at the Centre and in the States being that all non-plan expenditure was evil and hence should be kept to the minimum, the programme of land reform did not get the necessary budget support in any of the States.

Against this background, it is hardly surprising that funds were not available for extending supporting services to beneficiaries of land reform. An agrarian reform programme can succeed only if it is accompanied by adequate arrangements for the supply of inputs, particularly credit on easy terms for development and cultivation of land. Dominated as they are by well-to-do farmers, the Co-operative societies render little assistance to poor peasants and assignees of new land. Nor can such people hope to derive

much benefit from the Commercial banks. In the absence of adequate supporting facilities, the assignees have not been able to put to proper use the land allotted to them.

2.7 DEFICIENCIES IN REPORTING SYSTEM AND EVALUATION:

Even after two decades of land reform it is difficult to get reliable and up-to-date data on various aspects of land reform. The reporting system is weak and irregular and the deficiency is rooted in the weakness of the Revenue administration and the absence of updated land records. There has been no systematic review of progress at periodic intervals. Not much attention has been paid to comprehensive concurrent evaluation. In the absence of concurrent evaluation, it has not been possible to identify obstacles and take timely remedial measures.

SOME POLICY-ISSUES

3.1 BROAD OBJECTIVES:

In our country land is the chief source of gross national product, employment, economic status and social prestige. The broad objectives of land policy should, therefore, be to increase agricultural productivity, promote fuller utilisation of available manpower and ensure distributive justice. Since a direct attack on poverty is the main goal of the Fifth Five Year Plan, the clear aim of land-policy should be to confer economic benefits on the rural poor who are below the poverty line as defined in the "Approach Paper". The rural poor consist of mainly landless labour and small peasants. These two categories overlap since small peasants also work as agricultural labourers. All the programmes of land reform, particularly distribution of surplus and waste-land, tenancy reform and protection of homestead tenancies would greatly benefit these people. Hence in the field of land reform high priority should be accorded

to the removal of gaps between policy and legislation and between law and its implementation. It is also necessary to settle certain policy issues and adopt a more comprehensive programme.

3.2 IMPACT OF PUBLIC INVESTMENTS AND MODERN TECHNOLOGY ON THE AGRARIAN STRUCTURE :

Since Independence considerable public investments have been made in irrigation, rural electrification, community development, road building, agricultural extension etc. The investment in irrigation alone has been of the order of over Rs.2,000 crores and this investment is estimated to have created an additional irrigation potential of about 10 million hectares. The benefits of these public investments have largely accrued to the bigger landowners who are not required to pay any betterment levy or even reasonable irrigation rates. The benefits of the recent break-through in agricultural production based on the adoption of modern technology have also gone mainly to the well-to-do farmers. One of the spectacular results of the heavy public investments in the agricultural sector and the spread of modern technology has been a widening of the disparities in wealth and income in rural areas. On top of this the unplanned spread of mechanisation threatens not only to accentuate the inequalities but also to reduce employment opportunities. In the result new social tensions are developing in the countryside. The policies for the future should be planned keeping these facts in view.

3.3 SPECIAL MEASURES FOR COMMAND AREAS OF MAJOR IRRIGATION PROJECTS:

Though successive Five-Year Plans recommended betterment levy on land irrigated by public irrigation projects, no State Government has so far made any serious efforts in this direction. With a view to recover part of the capital

cost from beneficiaries and also with the objective of reducing disparities in wealth and income, betterment levy should be imposed on all beneficiaries. It is suggested that instead of being collected in cash the beneficiaries may be required to part with a portion of the land that has benefited from the project. The Raj Committee (Report of the Committee on Taxation of Agricultural Wealth and Income) has expressed the view that the imposition of betterment levy is not likely to be effective and that it is worth exploring the scope for setting up a Land Commission (as has been done in the United Kingdom recently) with powers to acquire, develop and resell land and associated property. Such a Commission may be useful for urban development and for promoting and financing certain types of local rural development as pointed out by the Raj Committee itself. It is, however, extremely doubtful whether it will be administratively feasible for a Commission to handle work relating to the acquisition and resale of agricultural property spread throughout the country. What we advocate is a simple provision under which the beneficiaries would be required to part with a portion of the land benefitted by the project. Persons owning land below a certain minimum, say 5 acres, may be exempted from the levy. On those who own over the prescribed minimum, a betterment levy at a progressive rate should be imposed. The enforcement of such a levy will make some irrigated land available for distribution. It will also ensure that part of the unearned increments that accrue to land-owners are mopped up for redistribution. In the command areas of large irrigation projects, particularly in the Eastern States, large areas of land remain uncultivated during the Rabi and Summer seasons because the land-owners find it difficult to cultivate personally their large holdings and the share-croppers consider it unattractive under

the prevailing conditions of rack-renting to raise a second or third crop which calls for larger investments in inputs. Thus with a view to ensure the better utilization of the irrigation potential also it is necessary to enforce efficiently the ceiling and tenancy laws within the command areas of large irrigation projects.

3.4 DISTRIBUTION OF SURPLUS LAND:

So far about one million hectares of land has vested in the State Governments on the enforcement of the ceiling laws and about half of it has been distributed. When the ceiling laws of all the States are amended in accordance with the latest guidelines more surplus land will become available. No accurate estimate is available of the area of additional surplus land that is likely to vest in the State Governments consequent upon further amendment of the ceiling laws. The State Governments have been requested to report their estimates. With regard to the question of distribution of surplus land it was agreed in the Chief Ministers' Conference on Ceiling on Agricultural Holdings held on 23rd July, 1972 that while distributing surplus land priority should be given to the landless agricultural workers particularly those, belonging to Scheduled Castes and Scheduled Tribes. The State Governments should frame their rules with regard to the distribution of surplus land in the light of this policy decision.

3.5 SUPPORTING FACILITIES:

A programme of large-scale distribution of land should go hand in hand with an integrated programme of consolidation of holdings, complementary public works and investment support. At present there is no effective arrangement for extending medium and short-term credit to assignees of new land. In the areas covered by S.F.D.A. and M.F.A.L. Schemes it may be possible to provide supporting facilities

to assignees of new land and other beneficiaries of land reform by suitably re-designing these schemes. In other areas direct financing by Government will be necessary.

3.6 LAND TO THE TILLER:

It was pointed out in the Second Plan that the term 'personal cultivation' may be said to have three elements viz., the risk of cultivation, personal supervision and personal labour. The Second Plan suggested that a person should be treated as cultivating the land personally only if he bears the entire risk of cultivation and himself supervises the agricultural operations or supervision is done by a member of his family. The Plan also suggested that in order to ensure that such supervision is effective it should be accompanied by residence during the greater part of the agricultural season on the part of the owner or a member of his family in the village in which the land is situated or in a nearby village. As far as the existing holdings were concerned it was pointed out in the Plan that there might be difficulties in insisting upon an element of personal labour. It was, however, suggested that when a land owner was allowed to resume land for personal cultivation the question of providing for personal labour also might be considered. These suggestions made in the Plan have not been acted upon. The new Gujarat law stipulates that either the landowner or a member of his family must reside in the same village or a village within a distance of 30 Kilometres.

An important question is whether the term 'personal cultivation' should be defined so as to make personal labour an essential element. If the slogan of "land to the tiller" is to be meaningful and honestly implemented, the land should certainly go to those who cultivate it, namely those who perform the various operations like ploughing, sowing, transplanting, harvesting etc. Conversely, persons who do not

personally participate in these operations, should not be allowed to own land. We are, however, inclined to think that in the context of the social, economic and political conditions prevailing in the country such a law will not be enacted, and if enacted will not be implemented.

What is feasible in our situation is to insist upon supervision either by the land-owner himself or a member of his family, the term family being defined as in the ceiling law. Such supervision would be possible only if the land owner or a member of his family resides in the same village or in an adjacent village. Furthermore, we would also suggest that in future transfer of agricultural land should be permitted only to persons who reside in the same village or an adjacent village. These provisions, if strictly enforced, will reduce the incidence of absentee ownership of land.

An allied question to be settled is whether or not tenancies should be permitted to be created in future. Past experience shows how difficult it is to regulate tenancies. The logic of development in the field of land reform lies in rights of ownership being conferred on all tenants. Leasing out should be permitted only in such rare cases like physical disability, service in the Defence forces etc. Even in such cases all contracts of tenancy should be in writing and should be for fixed periods and when the land-owner resumes the land a part of the tenanted land should be left with the tenant if he has no land of his own.

3.7 SPECIAL PROBLEMS OF TRIBAL AREAS:

The basic problem in the tribal areas are land alienation and indebtedness. Many states have passed legislation for restoring to the tribals the land sold by them to non-tribals and for debt redemption. But the enforcement

of these laws has been far from satisfactory. The loopholes in these laws should be plugged and steps should be taken to ensure effective enforcement of the enacted laws. Large parts of the tribal areas still remain to be cadastrally surveyed. It will be necessary to have a special programme of survey and settlement operations in tribal areas which should be undertaken as a Centrally-sponsored Plan scheme.

3.8 FINANCING OF LAND REFORMS:

According to the present policy the only schemes of land reform that qualify for inclusion in the Plan are those relating to consolidation of holdings and preparation of record of rights. As pointed out earlier, several State Governments still provide for expenditure even on these schemes in their Non-Plan budget. In the result lack of financial support has hampered the progress of land reform. Adequate financial provision should be made in the Fifth Five Year Plan for preparation of record of rights, implementation of the ceiling and tenancy laws, investment support to assignees of new land and an integrated programme of consolidation of holdings. As far as preparation of record of rights is concerned the accent should shift from time-consuming survey and settlement operations to a simple programme of preparation of record of tenancies to be completed within a short period. Such a programme may be financed wholly by the Government of India. Unless up-to-date land-records are prepared it will not be possible to ensure the effective implementation of any measure of land reform or consolidate agricultural holdings. The cost on the other schemes, namely, survey and settlement operations, implementation of ceiling and tenancy laws, consolidation of holdings and investment support to assignees of new land, may be shared by the Central and State Governments.

3.9 BROAD OUTLINE OF A COMPREHENSIVE PROGRAMME:

The distribution of surplus and waste-land and the reform of tenancy will benefit only a section of the rural poor. The bulk of them will derive tangible benefits only if employment opportunities are expanded to provide them with employment at reasonable wages. In order to provide additional employment, the programme of rural works which has already been taken up on a large scale, should be continued and even expanded and it should be dovetailed into a well-conceived programme of consolidation of holdings. Besides enlarging employment opportunities necessary steps should also be taken to raise agricultural wages so that the agricultural workers get a fair share of the increased production. It is also necessary to devise appropriate measures of taxation with a view to garner a share of the increased prosperity in agriculture for the State Exchequer and also for controlling the spread of mechanization of agriculture on the right lines. Besides adopting a suitable fiscal policy, other measures may also have to be devised. In this respect a selective approach should be adopted, the main consideration being that only such mechanization should be permitted as would lead to increase in the utilization of labour. A package of policies designed on these lines efficiently implemented may stop the further widening of disparities in the rural sector.

4.1 SOME SUGGESTIONS FOR IMPROVING IMPLEMENTATION:

We have given considerable thought to the question of setting up a suitable administrative organization for the implementation of land reform. We propose to make certain specific suggestions on the basis of our experience. It should, however, be clearly understood that the mere setting up of an efficient administrative machinery will not by

itself lead to any substantial improvement unless the political and economic constraints operating against the programme are removed.

4.2 MAIN JOBS IN IMPLEMENTING CEILING AND TENANCY LAWS :

In order to pin-point the failings of the administrative machinery in properly implementing land reform measures, it may be helpful to list the jobs involved. Let us consider two aspects of the programme, namely, - (i) ceiling on holdings and distribution of surplus land and (ii) security of tenure and prevention of rack-renting. The jobs involved in implementing a ceiling law are: (i) identification of the persons or the families having land above the ceiling in the State; (ii) locating and identifying all the plots of land in the possession of every such person/family both according to the record of rights and in reality. This will involve tracing benami or clandestine transfers of property made to friends, relatives or other persons, real or imaginary, through fictitious or collusive transactions; (iii) initiating legal processes for vesting of all surplus land including land held benami; (iv) taking over possession of land vested after completing the required quasi-judicial and administrative processes; (v) distribution of surplus land; (vi) providing supporting services including credit to assignees of surplus land and taking effective action to prevent the transfer of newly assigned land to the old trinity of landlord-moneylender-trader or to the re-emerging class of progressive cultivators - the 'nouveau riche' of rural India.

Items of jobs necessary for ensuring security of tenure and prevention of rack-renting are the following: (i) recording the names of all persons who hold land on the basis of written or oral basis, including share-croppers in the record of rights; (ii) ensuring that not more than the

legally stipulated share of crop is taken from the share-croppers by the land-owners; (iii) ensuring that no ejection takes place either on the basis of "voluntary" surrender documents like "Fala Gutte Karar", "Istafanama", "Khet-mazdur kabuliat", etc. or through other extra-legal or illegal methods; (iv) ensuring inheritance to the heirs of the share-croppers on their death where law provides for it; (v) providing supporting services including credit to share-croppers to free them from the clutches of land-owners and money-lenders.

4.3 IMPEDIMENTS TO EFFECTIVE IMPLEMENTATION:

The most important administrative impediment to enforcement of both the ceiling and tenancy laws is the lack of proper record of rights. In the ryotwari areas records of rights are prepared mainly for the purpose of assessment and collection of revenue. In the ex-zamindari areas such records were prepared for according tenancy rights to the different grades of tenants and tenure-holders as they existed at that time. Hence the basic record of rights of the zamindari areas are, in many ways, much more informative for the purpose of implementation of land reforms than the purely assessment-oriented record of rights of the ryotwari areas. In both the cases, however, it is very difficult to find out from the record of rights itself how lands above the ceiling have been dispersed clandestinely for evading the expected ceiling law. As the ceiling laws were enacted after protracted deliberations, the landowners got plenty of time to anticipate the shape of things to come and to set about circumventing the prospective ceiling laws.

4.4 STEPS FOR BETTER IMPLEMENTATION OF CEILING LAWS:

Big landowners usually have lands in different parts of a district or even in different districts of the same

State. Basic records being village-wise, it is difficult to find out from the records, as they are, the total area of land held by a landowner in a district or a State. The bigger the administrative unit for which information is proposed to be compiled, the greater is the difficulty. The only fool-proof method of compiling complete information about the land held by such big landowners is to prepare card indices of all the names appearing in the record of rights for any given geographical area and to consolidate these indices in alphabetical order. More sophisticated systems of card punching can also be tried for the same purpose. The first step is to produce a landowners' ledger for the district showing the exact area of land held by every person in the district as noted in the record of rights. Thereafter, a ledger covering the entire State in respect of the bigger land owners should be prepared. These ledgers will not, naturally, reveal the area of land held in clandestine manner by the landowners. Even so, this would be a good starting point for further enquiry.

Preparation of ledgers is, no doubt, a stupendous job. But then, the effort is quite rewarding and there is no other satisfactory method available to us. If it is not possible to prepare such a ledger for the whole State or even a whole district straightway, card indices may be prepared for selected areas known to have concentration of big landowners. Intelligence should be collected locally in respect of big landowners and after identifying such landowners, genealogical trees should be prepared. The lands held by different members, of such big families now and at the time of the last settlement may be compared to find out how the lands have been dispersed among the various members of the family. The process of finding out the exact area of land held by any particular big landowner involves tracing out benami transactions. Benami transfers are not transfers at

all. Their real nature can only be ascertained by local enquiry. Whether or not the transfers are fake would be clear only if sufficient evidence regarding the effective possession of the land and the utilisation of the usufruct could be gathered by local enquiry. Land-owners often change the classification of land so as to bring it under exempted categories like, orchards, tank-fishery, sugar-cane plantation, etc. They also resort to creation of religious and charitable trusts which are generally within the exempted category. If the ceiling law provides for annulling bogus religious/charitable trusts, necessary action should be taken after holding detailed enquiries. Where any large scale change of classification has taken place spot resurvey and consequential correction of records of rights have to be undertaken. The land reform administrator is quite justified in looking with suspicion on all recent transfers made by the landowners. Some of the sham transfers are ratified through collusive suits filed in the Civil Courts. It is almost impossible under the existing law and procedure to annul the transfers ratified through such collusive suits. By this process large areas of surplus land are being kept in the effective possession of the big landowners though nominally recorded in other person's names. The land reform law should provide for the re-opening of such cases which should be disposed of by Land Reforms Tribunals to be manned by senior revenue officials and not by judicial officers.

4.5 STEPS FOR BETTER IMPLEMENTATION OF TENANCY LAWS:

Problems that have to be faced in providing security of tenure to all categories of tenants and preventing rack-renting are also rather intractable. Even where the administrative machinery was generally keen to record the names of share-croppers in the record of rights, the response from the beneficiaries was found to be inadequate because they

were most reluctant to annoy the landowners on whom they were dependent in many ways. Mere recording of name in the record-of-right by itself, will not guarantee security of tenure. There is nothing to prevent a determined group of landowners from adopting "other methods" to throw out physically from the land the share-croppers who have the temerity to get themselves recorded as tenants. It has been found that very often the landowners short circuit the provisions of the tenancy law affording protection to share-croppers by having recourse to the preventive sections of the Code of Criminal Procedure or to litigation in Civil Courts. The basic problem is how to increase the bargaining and staying power of the share-croppers. Here peasants' organizations, kisan sabhas and the like, have a very important and significant role to play. Experience shows that where the share-croppers could build some such organisation with a modicum of militancy, they could, for sometime, resist the onslaught of the landowners. But in most cases the resistance was short-lived because the share-croppers could not withstand for long the economic and social sanctions that were applied against them by the landowners.

4.6 NEED FOR ORGANISATION OF BENEFICIARIES AND SUPPORTING SERVICES:

In our view a certain degree of politicisation of the poor peasantry on militant lines is a pre-requisite for any successful legislative-administrative action for conferring rights and privileges on them. Otherwise, there is always the possibility of such conferment of rights not only becoming illusory but also turning out to be positively harmful as the vast majority of the beneficiaries would succumb to the pressure of the landowners and would relinquish their rights and privileges either "voluntarily" or through open and naked coercion. Even if a militant peasants'

organisation exists, tenancy reform will not succeed unless it is accompanied by massive economic support to the share-croppers through institutional sources. Experience in this respect has been extremely unfortunate. An analysis of the situation in West Bengal where share-cropping is prevalent on a very wide scale shows that out of an estimated number of 2.2 million share-croppers, only 0.8 million have been recorded. The nationalised banks, as far as figures could be collected, have financed only 111 pure share-croppers for one crop season in 1971-72. The existing financial institutions show a definite bias in favour of the viable and efficiently managed farm units. The basic reality of the situation today is that the share-croppers are very largely at the mercy of their landowners for their sheer existence. In such a state of utter dependency it is futile to expect any betterment of their conditions merely through legislative and administrative measures. The goodwill of the legislators and the sympathy of the administrators would not carry the share-croppers far without massive doses of financial support from institutional sources or directly from Government.

4.7 OUTLINE OF PROPOSED ADMINISTRATIVE SET-UP:

An efficient administrative machinery operating at the village, tehsil, district and State levels would be needed to attend to the above mentioned tasks. A question will naturally be asked whether the present district administration is adequately equipped for undertaking this job. A simple answer to this question might be that if we increase the manpower at the disposal of the Collector, he will do the job just as he is discharging so many other important functions. But this answer ignores the crucial point that land reform cannot, in fairness, be compared with other development programmes like sinking of tubewells or digging minor irrigation canals or setting up primary schools. Measures of land reform which affect one way or the other almost

the entire rural population of the country and which cannot but engender formidable forces of opposition, have to be carried out with the fanatical zeal of a single track mind. Hence, it is absolutely necessary to have an alternative administrative set-up exclusively to look after land reform. What should be the Collector's role in land reform and what should be his relations with the new organization are matters to be decided by each State in the light of the local conditions.

We would suggest that a land reform organisation parallel to the district revenue administration, manned by hand-picked administrators may be set up for a short period for performing the functions already enumerated. At the State level there should be a Land Reforms Commissioner with the rank of the First Member of the Board of Revenue functioning directly under the Minister of Land Reforms. At the district level there should be a District Land Reforms Officer with the same seniority as that of a District Collector. There should be officers of the appropriate seniority at the lower levels also. As we have already pointed out, the village level functionaries like Patwaris, karnams, karamcharies etc. have been a serious impediment to the implementation of land reforms. We are, therefore, of the view that no staff below the rank of a Revenue Inspector or Circle Inspector should be entrusted with the work of land reform at the lowest level. All the staff needed for the administration of land reforms may be drawn from the general pool of officers of the General Revenue Administration. The creation of a separate organisation charged with the exclusive responsibility for implementing land reform measures with direct accountability to its own hierarchy right upto the Cabinet Minister, is likely to give it the desired momentum and required orientation. Only well-paid staff who can reasonably be expected to be above temptations should be entrusted with land reform work. Adequate

attention needs to be given to the in-service training of the field officers. Training should be imparted in regional centres through intensive field experience and inter-State visits.

4.8 LAND REFORMS TRIBUNALS:

Another important suggestion that we wish to make is that the judiciary should not be involved at any state in the implementation of land reforms. The general pattern of Indian laws is to provide for judicial scrutiny of all executive action. This practice should be done away with for various reasons. In the first place, civil litigation by its very nature is time-consuming and dilatory. Secondly, the outcome of court action depends on the weight of evidence that is produced. The stronger party can always produce the required evidence through bait, bluff and other kindred means against which the weaker side has hardly any chance of success. Thirdly, the entire burden of the civil and criminal law, judicial pronouncements and precedents, being in favour of the protection of private property, it becomes rather difficult for the judiciary to take a different view on broad social issues. As a result an anti-status quo law does not always get the required support from the judiciary. Stages of appeal can be built into the administrative set-up itself. Appeals from the decisions of a lower ranking officer should be heard not by the immediate superior but by an officer superior to the next higher rank. The Land Reforms Commissioner will have the power of revising any order either on motion of the affected parties or on his own motion. We would also suggest the establishment of special itinerant courts which will bring justice to the door of the poor people. Such courts are likely to take decisions after the proper understanding of local conditions, rights and customs. The itinerant courts should be purely administrative tribunals.

The ousting of the jurisdiction of the Civil Courts

will not be enough. Resourceful landowners have succeeded not only in delaying, but even in thwarting progressive measures of land reform by filing writ petitions in the High Courts and Supreme Court. We are, therefore, of the view that the Constitution should be amended to bar the Writ jurisdiction of the High Courts and the Supreme Court so far as land reform laws are concerned.

Even after these steps are taken, it will still not be possible to ignore the hazards of litigation as far as the beneficiaries of land reform are concerned. We would, therefore, suggest that free legal assistance should be given to the beneficiaries of land reform particularly to share-croppers where their rights are endangered by litigation started by landowners.

STRATEGY FOR THE FIFTH FIVE-YEAR PLAN

5.1 SOME DISTORTIONS TO BE SET RIGHT:

As far as land reform is concerned, while some refinement in policy as suggested may be attempted, what is more important is to remove the existing gap between accepted policy and legislation, and between the enacted laws and their implementation. One point needs special mention. Of late there has been a revival of public interest in land reform. Unfortunately, this renewed interest is largely confined to the ceiling laws. The equally important field of tenancy reform, particularly the question of protecting share-croppers and homestead tenants, has been neglected. This distortion has to be set right by according high priority to a programme of affording complete protection to share-croppers and homestead tenants. The following guidelines may be given to the State Governments regarding land reforms:

5.2 LOOPHOLES IN EXISTING LAWS TO BE PLUGGED:

The gaps and weaknesses in the existing tenancy laws as indicated in the Position Paper (vide Appendix) should be

removed so as to ensure complete security of tenure and conferment of ownership rights on cultivating tenants and share-croppers according to a time-bound programme.

5.3 CEILING LAWS TO BE AMENDED ACCORDING TO GUIDELINES:

The ceiling laws should be amended according to the national guidelines based on the conclusions reached in the Chief Ministers' Conference on Ceiling on Agricultural Holdings held on 23rd July, 1972. The amended ceiling laws should be included in the Ninth Schedule to the Constitution.

5.4 DISTRIBUTION OF SURPLUS LAND:

The surplus land should be distributed expeditiously, say, within 12 months of the land vesting in Government. The distribution of surplus land should be accompanied by timely supply of inputs in adequate quantities and investment support. The SFDA and MFAL schemes may be redesigned in order to assist the assignees of new land and other beneficiaries of land reform. In areas not covered by such schemes, direct financing by Government will be necessary.

5.5 RECORD OF RIGHTS:

The highest priority should be given to a comprehensive programme of preparation and maintenance of record of tenancy. Where there is no statute for the preparation of such records, necessary law should be enacted. It is necessary to design and execute a quick programme for the up-dating of record of rights, particularly the recording of the rights of share-croppers. The highest priority should be given to the removal of lacunae in the enacted tenancy laws and their strict enforcement. Consolidation should follow the conferment of security of tenure on tenants.

5.6 SPECIAL ATTENTION TO TRIBAL AREAS:

The loopholes in the laws of land-alienation and debt redemption as applicable to the tribals should be plugged

and the administrative machinery should be strengthened for the enforcement of those laws. The cadastral survey of the tribal areas should be completed quickly and it should be treated as a Centrally sponsored scheme to be financed exclusively by the Government of India.

5.7 CONSOLIDATION OF HOLDINGS:

All tenants including share-croppers should be identified, their rights should be recorded and permanent and heritable rights should be conferred on them before land consolidation operations are started.

While land consolidation is undertaken, the land of small-holders and the surplus and waste land available for distribution to new assignees should be consolidated in compact blocks. Such a step will facilitate the adoption of a policy of directing the flow of future public investments in irrigation and land development for the benefit of the under-privileged.

5.8 PUBLICITY:

The beneficiaries and even Government servants charged with the implementation of land reform are not always familiar with the provisions of the law. An intensive publicity campaign should be undertaken with a view to educating the public and Government servants.

5.9 ADMINISTRATIVE SET UP:

A new administrative machinery should be set up as suggested in paras 4.7 and 4.8 and the personnel should be given necessary training for implementing the laws efficiently. If the administration shows the same vigour, alertness and efficiency in the implementation of land reform laws as it usually evinces in the maintenance of laws and order a great deal can be achieved. This is possible if there is dynamic, firm and unambiguous political direction and the work is

entrusted to handpicked officers.

5.10 ADEQUATE PLAN ALLOCATION:

As proposed by us earlier in this report, adequate financial provision should be made in the Fifth Five-Year Plan for financing land reforms.

5.11 ASSOCIATION OF BENEFICIARIES WITH IMPLEMENTATION:

The existence of militant organisations of tenants and landless labourers would have facilitated the better implementation of land reforms. Such organisations cannot, however, be built up simply by issuing executive instructions. In the absence of strong peasants' organisations, the next best arrangement is to associate committees of beneficiaries, with the implementation of land reforms. We suggest that Committees of beneficiaries be established at the village and block levels to advise on the implementation of all measures of land reform and provision of supporting facilities to beneficiaries of land reform. All landless labourers, share-croppers and small holders of the village owning less than 2 acres of land may elect 5 to 7 members from among themselves to constitute the village Committee. Members of each Village Committee may elect one among themselves to the Block Committee.

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APPENDIX

APPENDIX - I

Land Reforms - State-wise Position

ANDHRA PRADESH

From the point of view of land reform measures Andhra Pradesh has three more or less distinct regions: (i) the Telangana Region which was formerly a part of Hyderabad State; (ii) Scheduled Areas and (iii) remaining districts of Andhra Region.

(i) Telangana Region

Abolition of Intermediaries

In the Telangana Region, Jagirs were abolished in 1948 and administrative action for their resumption covering 4,000 villages has been completed. For abolition of inams, legislation had been enacted in 1954 which was not implemented and was later replaced by Andhra Pradesh (Telangana Areas) Abolition of Inams Act, 1967.

Tenancy Reforms

The Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950 as amended in 1954 provides for -

- (i) fixation of rent at 1/4th of the gross produce for irrigated lands and 1/5th in other cases or 3 to 5 times of land revenue, whichever is less;
- (ii) fixity of tenure for protected tenants: certain tenants who had held land for 6 years on specified dates and tenants holding from substantial holders were given the status

of protected tenants and were conferred fixity of tenure subject to landlord's right to resume land on specified conditions. The landlord's right of resumption has since long expired and land held by the protected tenants has become non-resumable;

- (iii) Ordinary tenants who do not enjoy rights of protected tenants were to have a minimum term of lease;
- (iv) verification of voluntary surrenders of tenancies by Mamlatdar;
- (v) an optional right of purchase of non-resumable lands for protected tenants. This right is subject to the condition that the land owner is left with the two family holdings that is, 8 to 120 acres depending on class of land and the tenant is to purchase ownership only in respect of 4 to 60 acres; and
- (vi) quo motu transfer of ownership to protected tenants in respect of lands in which such tenants had optional right of purchase.

The former Hyderabad Government had enforced the provision relating to compulsory transfer of ownership to protected tenants in Khamam District and Mulug taluk of Warangal district. As a result, 13,611 protected tenants had been declared owners.

Ceiling on Holdings

Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act 1950 as amended in 1954 contained provisions for ceiling on holdings. These provisions were, however, not implemented and were later replaced by the Andhra Pradesh Ceiling on Agricultural Holdings Act, 1961

which is applicable to the entire State.

(ii) Scheduled Areas

Abolition of Intermediaries

In the Scheduled Areas comprising districts of East Godavari, West Godavari, Vishakhapatnam and Srikakulam, zamindari and Inam estates have been abolished by extension of the Madras Estates Abolition and Conversion into Ryotwari Act 1948 by the Madras Regulation 4 of 1951.

Certain intermediary tenures known as Mahalwari and mattadari tenures, however, continued. Regulations were promulgated towards the end of 1969 for abolition of such tenures. Implementation of these Regulations have been taken up which has, however, yet to be completed.

Land Alienation

Alienation of land is regulated by Andhra Pradesh Scheduled Areas (Land Transfer) Regulation, 1958. It provides that any transfer of immovable property by a member of the Scheduled Tribes made in favour of a non-tribal would be null and void unless it is made with previous consent in writing of the Collector or any other prescribed officer. The law was amended in 1971 to impose further restrictions on transfer of land in Scheduled Areas to non-tribals. Provision has been made to enable a member of the Scheduled Tribe to obtain institutional credit

for agricultural development by way of simple mortgage.

(iii) Andhra Region

Abolition of Intermediaries

Zamindari and Inam estates were abolished under the 1948 Act covering 11,121 estates. With regard to abolition of other inams, legislation was enacted in 1956 and about 11 lakh minor inams have already been abolished.

Tenancy Reforms

The question of providing security to tenants in this region has been pending for long with the State Government. Only as an interim measure, protection from ejection was provided to the tenants from June 1, 1956 under the Andhra Pradesh Tenancy Act, 1956. Recently, the State Legislation passed a Bill i.e. the Andhra Pradesh (Andhra Area), Tenancy (Amendment) Bill 1970 providing for reduction in fair rent from 28-1/3 to 50 per cent to 25 to 30 per cent of gross produce. The Bill provides for a six years term of lease for existing tenancies subject to renewal for a further period of six years. The landowner has been given a continuous right of resumption for personal cultivation to resume land upto three family holdings without leaving any minimum area with the tenant. A small holder owning less than a half of family holding (3 to 38 acres) has been permitted to resume land either for personal culti-

vation or for sale. The landlord is free to fix any price for sale of such land. The term personal cultivation has been loosely defined to include cultivation by relatives.

The Bill instead of conferring security of tenure confers continuous right of resumption to land owners. The Bill under reference falls far short of the recommendations in the Plan and is retrograde. There is no provision for preparation of record of rights. A provision has also to be made for conferment of rights in homesteads.

Ceiling on Holdings

The Andhra Pradesh Ceiling on Agricultural Holdings Act, 1961 which is applicable to the entire State provided for ceiling on existing holdings varying from 27 acres to 324 acres depending upon the class of land for each land-holder and on future acquisition varying from 18 to 216 acres. In case the number of members in the family of the landholder exceeds 5, an additional land to the extent of 6 to 27 acres depending on the class of land could be retained for each member in excess of five. The ceiling law was brought into force on June 1, 1964. It was reported that 73,692 acres had been declared surplus. It has now been estimated by the State Government that in accordance with the provisions of the existing legislation about 20,000 acres would be surrendered by the land holders for

distribution. So far only 191 acres have been taken over from surplus land holders on payment of compensation. It will be assigned to landless poor persons from whom the cost will be recovered in annual instalments not exceeding eight.

According to Andhra Pradesh Ceiling Act, 1961 ceiling was applicable so far to lands held in personal cultivation of owners, whereas lands leased out by owners were not subject to ceiling. By an amendment in 1971, ceiling law has been made applicable to lands leased out by a landholder. The provision for additional land for grazing purposes has also been withdrawn. Also exemptions granted to orchards, specialised farms engaged in cattle breeding, dairying, wool raising or the like, efficiently managed farms and sugarcane farms maintained and operated by sugar factories have been withdrawn.

The Government of Andhra Pradesh have enacted an amendment to the Ceiling Act under which the ceiling limit varies from 4.05 hectares to 10.93 hectares in the case of irrigated land to 21.85 hectares in the case of dry land depending upon the settlement rates. It is, however, provided that in the case of any drought prone area, the ceiling for certain categories of dry land can be increased by 20 per cent. The ceiling applies to husband, wife and their minor sons

and unmarried daughters. In the case of larger families where the number of members exceeds 5 allowance is made for additional members equal to 1/5th of the ceiling area subject to twice the ceiling area. The exemptions are provided generally in accordance with the national guidelines and provision has also been made for exemption of land held by religious and charitable institutions of public nature. All transfers made on or after 24th January, 1971 shall be declared null and void.

Further Measure to be Taken

1. In the Scheduled Areas, administrative measures are to be taken for completing expeditiously implementation of the Regulations for abolition of muttadari and mahalwari tenures.

In regard to Andhra Area, State Government has to expedite enactment of legislation for amending the Madras Estates Lands Act, 1908 with a view to treating certain larger minor inams as "estates" and for their abolition under the appropriate Estates Abolition Acts.

2. With regard to tenancy reforms suitable legislation may be considered by the State Government for conferring on ordinary tenants the status of protected tenancy as has been done in the Marathwada region by the Maharashtra Government where also the Hyderabad Act was enforced.

The protected tenants may be conferred right of simple mortgages in favour of cooperative societies and nationalised banks to enable them to obtain institutional credit for agricultural development. The State Government may also consider removal of the conditions on the right to purchase ownership so that the protected tenants are able to acquire ownership in respect of the entire non-resumable areas.

3. Further safeguards may be provided to protect the lands of tribals from being alienated.

4. Administrative action may be taken for expediting implementation of the existing ceiling provision.

5. The State Government may also consider a more comprehensive programme for consolidation of holdings particularly in the areas benefited by major irrigation projects.

6. In respect of Andhra Area measures are required for ensuring permanent rights in homestead lands held by cultivators of land, agricultural labourers and village artisans.

ASSAM

From the point of view of land reform measures, Assam has two regions: (i) Permanently settled areas comprising of Goalpara District and Karimganj Sub-Division of Cachar District and (ii) Temporarily settled areas including the districts of Lakhimpur, Sibsagar, Nowgong, Dibrang and Kamrup and two sub-divisions of Cachar District.

Permanently Settled Areas

Abolition of Intermediaries

The Assam State Acquisition of Zamindari Act 1961 provides for abolition of intermediaries in the permanently settled areas. Its implementation has been completed in Goalpara District and is nearing completion in Karimganj Sub-Division.

Tenancy Reforms

According to the Goalpara Tenancy Act, 1929 an under-raiyat acquires a limited right of occupancy of 12 years possession, namely, a heritable right with a right of transfer with the consent of the owner. Non-occupancy under-raiyats have very limited protection, an under-raiyat holding on written lease is liable to eviction on expiry of the lease, and in other cases at any time by giving 12 months notice subject to the condition

that the under-raiyat is left with a minimum area of 3-1/3 acres until alternative area of equivalent value in the locality is allotted to him by the State Government. The rent is not to exceed by more than 100% the rent payable by the raiyat. The term under-raiyat does not include adhiars (share-croppers) who were given some protection under the Adhiars Protection and Regulation Act, 1948. The share of the produce payable to the landlord is not to exceed 1/4th of the produce where the landlord supplies plough cattle and 1/5th of the produce in other cases.

Provision should be made for conferring complete security of tenure and ownership on under-raiyats and adhiars on the lines of legislation recently undertaken in the temporarily settled districts.

Temporarily settled Districts

The tenures are not strictly in the nature of intermediary tenures. The Assam Temporarily Settled Districts Tenancy Act, 1953 is in force. The law has been amended in 1971. Under the law, there are two types of tenants - that is, tenants and under-tenants.

The non-occupancy tenants holding land continuously for not less than three years shall acquire the right of occupancy. Both occupancy and non-occupancy tenants shall

have no right to sublet their lands in future. In case of lease in contravention of the law, the rights of lessor shall be acquired by the leasee.

Under-tenants (under raiyats) and Adhiars are liable to ejectment on ground of personal cultivation by the landlord. The suit for ejectment on this ground shall not be entertained before the expiry of 12 months or after the expiry of 15 months from the creation of tenancy. It is provided that an under-tenant shall not be ejected unless he is left with 10 bighas (3½ acres).

The maximum rent payable by an occupancy or non-occupancy tenant shall not exceed 3 times the land revenue in case of cash rent and 1/5th of the produce of the principal crop rent.

An occupancy tenant and an under-tenant (i.e. occupancy and non-occupancy under raiyats and adhiars) shall have an optional right to acquire rights of their landlord on payment of 15 times the land revenue in respect of land under their personal cultivation. Besides, on issue of notification, the rights of the landlord shall vest in occupancy tenants and under-tenants in respect of lands personally cultivated by them.

Ceiling on Holdings

Assam Fixation of Ceiling on Land Holdings Act, 1956 provides for ceiling at 25 acres for each individual landholder. The ceiling limit does not vary according to the productivity of land. Its implementation was held up due to litigation for a number of years. According to information received so far 67,934 acres have been declared surplus and 474 acres distributed. Under the Act, Benami transfers are prohibited since 12.11.1955 and other transfers since 1.4.1970. The ceiling applies to an individual.

A Bill has been passed to amend the Assam Ceiling Act. It reduces the ceiling limit to 50 bighas (i.e. $16\frac{2}{3}$ acres) and does away with exemptions to religious and charitable institutions, efficiently managed farms and sugarcane farms held by a sugar factory. The Bill is reserved for President's assent.

Further Measures to be Taken

1. With regard to rights of under-raiyats and adhiars, particularly in respect of Goalpara district, there is need for ensuring complete security of tenure and for enabling under-raiyats and adhiars to acquire ownership.

2. Problems relating to conversion of annual leases by the Government periodical or permanent leases need to be considered.

BIHAR

Abolition of Intermediaries

The Bihar Land Reforms Act, 1950 provides for the abolition of intermediaries. The legislation has largely been implemented.

During the President's rule, amendments were made in the Act for removing difficulties experienced in the implementation of the legislation.

A law has been passed by the State Legislature bringing within the purview of the intermediary abolition legislation lands which had been acquired for industrial undertakings under the Land Acquisition Act, 1894, such as lands held by Tatas in Jamshedpur, which had earlier been exempted.

Tenancy Reforms

For the purpose of tenancy reforms, Bihar has been divided into three distinct regions, namely:

- (i) the five districts of Chota Nagpur governed by the Chota Nagpur Tenancy Act, 1908;
- (ii) Santhal Parganas district governed by the Special Laws applicable to Santhal Parganas; and
- (iii) the remaining eleven districts of the State governed by the Bihar Tenancy Act, 1885.

There are also some tenancy provisions in the Bihar Land Reforms Act (Fixation of Ceiling Area and Acquisition

of Surplus Land) Act, 1961 which are applicable over the entire State.

Under-raiyats generally acquire right of occupancy on twelve years of continuous possession, provided such under-raiyats hold land from raiyats owning more than 5 acres of irrigated or 10 acres of other land.

As regards non-occupancy under-raiyat or a bataidar he is liable to ejection on expiry of the written lease. Strictly according to the law, there is no specific provision either for eviction or for protection of an under-raiyat who holds land on an oral lease (and most of the leases are oral). In practice, however, the provisions have proved to be ineffective in preventing ejections.

The State Government has passed a Legislation which empowers the revenue officer to intervene and prevent such ejections on report being received from the under-raiyat expressing an apprehension that the landlord is threatening to dispossess the under-raiyat. It also empowers to take necessary action for restoration of the under-raiyat who had been dispossessed.

The under-raiyats are generally not recorded. In District Purnea, an attempt was made to record them during the re-survey and settlement operations. In the fifties a

large number of such entries had, however, been challenged by the landlords in civil courts. During the President's rule in the State, legislation has been enacted barring jurisdiction of the civil courts in cases in which correctness of an entry in the record of rights is expressly or impliedly challenged or in which determination of incidence of tenancy is involved.

With regard to homestead lands the Homestead Tenancy Act, 1957 confers rights of permanent tenancy in homestead lands on those persons who had no land or held land not exceeding one acre. About two lakhs such tenants have been recorded as a result of this special right. A legislation has been passed for bringing the tenants of homestead lands in direct contact with the State on payment of compensation to the intermediary landlord.

Land Alienations

In Chota Nagpur and Santal Parganas the main problem relates to regulation of alienation of land. The provisions in the Chota Nagpur Tenancy Act, 1908 have been strengthened by enactment of President's Act in February, 1969 providing for - (a) prevention of further alienation of land to members who do not belong to Scheduled Tribes, Scheduled Castes or backward classes; (b) restriction of possession where transfer has been effected through fraudulent and

collusive means to the detriment of tribals' interest and (c) enabling transfer in genuine cases particularly to enable tribals to obtain institutional credit for agricultural development programmes. A right of simple mortgage for obtaining institutional credit for agricultural development has also been given to under-raiyats including bataidars belonging to Scheduled Tribes, Scheduled Castes and backward classes in areas outside Chota Nagpur and Santal Parganas by amendment of the Bihar Tenancy Act.

Ceiling on Holdings

The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 as amended in 1971 provides for imposition of ceiling on existing holdings in the State of Bihar. The ceiling limit varies from 10 to 30 acres depending upon the class of land for each member of a family. In case the land is held by an undivided Hindu family, each co-sharer is entitled to retain up to ceiling area separately as if there had been a partition in the family immediately before the commencement of the ceiling Act. There is a further provision permitting a landlord to transfer his lands by way of gift to his son, daughter or any children of his son or daughter or to any such other person or persons who would have inherited such lands or would have been entitled to a share had the land holder died intestate.

Although the provisions of the Ceiling Act have been brought into force, no surplus land has yet been taken over. Meanwhile, an Ordinance was promulgated in September, 1970 prohibiting holders of excess of lands to transfer till such lands are taken by the State Government. The rules for allotment of surplus lands have also been simplified.

The Bihar Ceiling Act has been amended to provide for ceiling limits varying from 15 acres of irrigated land from Government sources for more than one season, 18 acres of land irrigated by private tubewells driven by electric or diesel power, 27 acres for other lands including orchards, 37½ acres of diara land or chaur to 45 acres of hilly, sandy or other kind of land. The ceiling is applicable to a family which includes husband, wife and minor children. Where the number of members exceeds five, the family may hold additional land equivalent to 1/10th of land for every additional member subject to an overall limit of 1½ the ceiling area. Exemptions have been provided generally in accordance with the national guidelines. The State Government wants to promulgate an Ordinance to further amend the above Act.

Further Measures to be Taken

1. Implementation of the Bihar Land Reforms Act needs to be reviewed to enquire into large scale evasions to ensure that cultivable waste lands etc. which intermediaries are not permitted to retain vest in the State

and all raiyats have been brought into direct contact with the State.

2. Determination and payment of final compensation to ex-intermediaries needs to be expedited.
3. Specific provisions need to be made in the legislation for conferment of permanent and heritable rights on all under-raiyats including betaidars whether holding on oral or written lease or whether holding from small or substantial holder without reference to the period of possession. They should be enabled to raise loans for cooperative societies or Government agencies for financing the agricultural inputs.
4. Necessary administrative action needs to be taken for implementation of the legislation enacted during the President's rule for regulating land alienations (referred to in the note above).
5. The programme of consolidation of holdings should be further extended for completing consolidation operations in areas commanded by irrigated projects.
6. A new law may be enacted in order to provide statutory basis for the preparation of the record of rights other than as part of settlement operations. Entries in the record must have preemotive evidentiary

value. The State Government proposes to enact a law to carry out this.

7. A special drive may be organised to record the rights of all tenants including share croppers within a short time and the entries should be revised and brought up-to-date every year.

GUJARAT

Abolition of Intermediaries

A number of laws have been enacted for abolition of the various non-ryotwari tenures. With the legislation recently enacted for abolition of Devasthan Inams, all intermediary tenures in the State will be abolished. Implementation of the abolition of the Devasthan Inams is in progress.

Tenancy Reforms

Tenants have been conferred permanent and heritable rights subject to landowner's right to resume land in specified cases. They are deemed to have become owners in Bombay area on the Tillers' Day i.e. April 1, 1957, in case of tenants of small holders on April 1, 1962. In Kutch area, the tenants were deemed to have become owners with effect from 1st April, 1961. The transfer of ownership, however, becomes effective only on payment of the last instalment of the purchase price which varies from 20 to 200 times of the assessment and is payable, after its determination by the Tribunals, in instalments not exceeding twelve. The right of purchase becomes ineffective if

- (a) the tenant fails to appear before the Tribunal, or
- (b) appears before the Tribunal but expresses his unwillingness to purchase the land;

(c) if he agrees to purchase the land, falls in arrears in payment of purchase price.

With a view to preventing the tenants from losing their purchase rights owing to defaults in payment of instalments the State Government has given assistance by way of loans to the tune of more than Rupees one crore. The State Government is exploring possibilities for raising funds from Land Development Bank and other institutions for paying off the landlords. It is estimated that out of Rs.32 crores payable by tenants as purchase price, about Rs.10 crores have yet to be paid.

The State Government has recently amended the Tenancy Act under which many salutary provisions for the benefit of tenants have been made. All tenants whose purchase had become ineffective have been given an opportunity to apply for acquisition of ownership. The provisions relating to surrender have been made more stringent and all surrendered land shall be at the disposal of the collector. A tenant who is a member of Scheduled Caste or Scheduled Tribe is not liable to ejection. Provision has also been made for the restoration of tenants ejected through surrender or other illegal means. In the case of big landowners, the definition of the term personal cultivation has been made more stringent to the

effect that only persons residing in the village within a radius of 30 km shall be deemed to have personal supervision. It also confers ownership right on tenants in possession of dwelling site on payment of 20 times the annual rent.

Ceiling on Holding

The Gujarat Agricultural Lands Ceiling Act, 1960 provides for ceiling on holdings at 19 to 132 acres depending upon the class of land. Ceiling is applicable to the aggregate area held by a person, his or her spouse and minor children.

Transfers made after January 15, 1959 are deemed to have been made with a view to defeating the object of the Ceiling Act unless proved to the contrary and shall be ignored in computing the surplus land held by a person.

The Ceiling Act came into force on September 1, 1961. Implementation of the Act has almost been completed except for matters of litigation involved which account for about 4000 hectares. A special drive has been launched for expediting distribution of surplus lands to Landless persons, priority being given to Scheduled Tribes and Scheduled Castes.

The Government of Gujarat have drafted a Bill to amend the Ceiling Act. The Bill provides for ceiling

limits of 10-18 acres for perennially irrigated land, 12.5-18 acres for perennially irrigated from private source, 12-27 acres for land with assured irrigation for one crop, 20-36 acres for superior dry and rice land and 30-54 acres for dry crop land. In the case of desert areas the level of ceiling has been fixed at 60-72 acres for specified villages and local areas. The unit of application shall be a family of five members. 'Family' has been defined to include husband, wife and minor sons and minor unmarried daughters. Provision has been made for larger families equal to 1/5th of the ceiling subject to twice the ceiling area. The exemptions have been provided generally in accordance with the guide-lines. The Bill provides that transfers including partitions made upto 24th January, 1971, shall be disregarded and mala fide transfers after 24th January, 1971, shall also be disregarded.

Further Measures to be taken

1. Administrative action should be taken for expediting implementation of abolition of Devasthan Inams.
2. The lessees in Saurashtra still remain unprotected. The State Government had under consideration the extension of the Bombay Tenancy and Agricultural Lands Act with suitable amendments to Saurashtra area. Early action in this respect is to be taken.

HARYANA

Abolition of Intermediaries

There were intermediary tenures like superior owners and landlords of lands held by occupancy tenants. In both the Pepsu and other areas, such intermediary tenures have been abolished and inferior owners and occupancy tenants have been made owners of their lands.

Tenancy Reforms

Tenancies are regulated separately in the Pepsu region and other areas of the State; in Pepsu area under the Pepsu Tenancy and Agricultural Land Act 1955 and in other areas under the Punjab Security of Land Tenures Act, 1953. The basic scheme of both the laws, however, is not much different so far as tenancy provisions are concerned:

- (i) The maximum rent has been fixed at 1/3rd of the gross produce or value thereof;
- (ii) Security of tenure has been conferred on tenants holding land which is not within the permissible limit of landholders. Within the permissible limit, a tenant can be ejected on ground of personal cultivation or otherwise. Within the permissible limit the tenant is not to be ejected from a minimum area of five standard acres until he is provided with an

alternative land by the State Government.

There is a special provision in Pepsu area for tenants in continuous possession of land for 12 years; they have been given complete security of tenures in an area not exceeding 15 standard acres;

- (iii) There is an optional right of purchase of ownership for tenants in respect of non-resumable area. In Pepsu area, compensation is 90 times the land revenue or two hundred rupees per acre whichever is less. In other areas, a tenant in continuous possession of land for six years may purchase the non-resumable areas. The price shall be $\frac{3}{4}$ th of the average market value prevailing during the previous 10 years.

Ceiling on Holdings

In Pepsu area, the ceiling is 30 standard acres.

In other areas there is a ceiling on land held under personal cultivation but no ceiling on ownership.

Government has the power to utilise lands held by a person under personal cultivation in excess of the permissible limit for resettlement of tenants, ejected or to be ejected in exercise of the land owners' right of resumption.

The landowners will retain ownership of the surplus area and will be entitled to receive rent from the tenants settled thereon.

It is reported that an area of 1,76,308 standard acres has been declared surplus, out of which 57,319 standard acres have been allotted to 31,498 ejected tenants. Area measuring 35,301 standard acres remains unallotted. The remaining area measuring 83,988 standard acres is under dispute in various suits.

The Government of Haryana has passed the Haryana Ceiling on Land Holdings Bill, 1972 which provides for ceiling limit varying from 7.25 hectares of irrigated land capable of growing two crops in a year, 10.9 hectares of irrigated land capable of growing one crop and 21.8 hectares of other types orchards. The unit of ceiling is family consisting of husband, wife and three minor children. The ceiling limit shall be increased by 1/5th for each additional member in excess of five, subject to an outside limit of twice the ceiling area. The exemptions from ceiling are provided in accordance with the national guidelines and the lands held by religious and charitable institutions of a public nature are also not exempted. The ceiling provisions shall take effect from 24th January, 1971.

Further Measures to be Taken

1. Both in Pepsu and other areas, the maximum rent fixed at 1/3rd of the gross produce needs to be further reduced to 1/4th or 1/5th as recommended in the Plan.
2. Tenants are to be conferred complete security of tenure with right to make improvements and right of simple mortgage to obtain institutional credit for agricultural development. The terms 'tenant' and 'personal cultivation' need to be redefined so that all crop sharing arrangements get tenancy status.
3. Transfer of ownership to all tenants of non-resumable area needs to be expedited.

JAMMU AND KASHMIR

Abolition of Intermediaries

Jagirs and Muafis were abolished in 1948.

Tenancy Reforms

There are the following classes of tenants:

- (a) Occupancy tenants;
- (b) Protected tenants; and
- (c) Ordinary tenants.

Tenants acquired the right of occupancy under the Tenancy Act of 1923 on being in possession of land for specified periods on particular dates.

Tenants holding lands at the commencement of the Amendment Act of 1965 are protected tenants, who are not liable any longer to be ejected on grounds of requirement of the land for personal cultivation by the owners.

A person whose holding exceeds 12½ acres is entitled to receive as rent one-fourth of the gross produce for wet land and one-third of the produce for dry land. Persons whose holding does not exceed 12½ acres are entitled to receive rent upto half the produce. The seed, plough and bullocks are to be provided by the landlord.

Ceiling on Holdings

A ceiling has been fixed at 22½ acres. The limit applies to lands owned by proprietors. The lands above

the ceiling have been vested in the Government without payment of compensation. The ceiling has been implemented. The total surplus area that vested in the State is estimated at 4,50,000 acres out of which 2,30,000 acres were settled with tenants who were cultivating the land. The remaining area has been allotted to displaced persons.

The Government of Jammu & Kashmir have drafted a Bill to amend the ceiling legislation. The Bill as reported by the Select Committee of the Legislature prescribes ceiling at 12.5 standard acres. The ceiling will be between 9.1 to 16.8 acres for irrigated land and 14.4 to 22.2 for un-irrigated land, except for Ladakh area where the ceiling would be at 19.8 acres for all classes of land. The unit of ceiling is family consisting of husband, wife and their minor children. Provision has been made regarding transfers made after September 1, 1971. Orchards subject to payment of annual tax are exempted from ceiling; otherwise tax exemptions are generally in accordance with the national guidelines.

Further Measures to be Taken

1. Legislation has to be promoted for removing intermediary interests such as superior owners (Ala Maliks) and landlords in respect of lands held by occupancy tenants on the lines of similar legislation in Punjab.

2. Provision has to be made for conferment of protected tenancy rights on ordinary tenants; protected tenants have also to be conferred right to make improvements and right of simple mortgage to obtain institutional credit.

3. Transfer of ownership to tenants in respect of non-resumable area needs to be provided.

4. The rent payable by tenants of persons owning upto 12½ acres which is on the high side has to be reduced.

KERALA

Abolition of Intermediaries

Legislation has been enacted for the abolition of Edavagai estates, Pattazhi Devaswom, Sripadam lands, Thiruppuvaram and, in respect of Travancore area, Jenmikaram. The law for abolition of Edavagai estates has been implemented. Other enactments have largely been implemented.

Recently laws have been passed for enfranchisement of Sripandaravagai lands held by Sripadamanabhaswami Temple and for acquisition of private forests held by Jenmis.

Tenancy Reforms

The Kerala Land Reforms Act 1963 provides for security of tenure, regulation of rent and transfer of ownership rights to tenants and Kudikidappukars. By an amendment in 1969, all tenants have been conferred fixity of tenure and the term 'tenant' has been defined to include informal share-cropper. The right of limited resumption given to small holders in specific areas has since expired and all tenants in respect of non-resumable areas have been conferred **permanent, heritable and transferable rights.** A specific provision has been made barring the landlord from taking possession of land surrendered or abandoned by a tenant. The Government has been entitled to settle other tenants on such lands. A provision has been made for compulsory

transfer of ownership to tenants on issue of notification in respect of non-resumable areas with effect from January 1, 1970. It is estimated that about 25 lakh tenants would thus acquire ownership.

Provision has also been made for conferring security of tenure on Kudikidappukars in respect of dwelling houses and land appertenant thereto not exceeding three cents in the city or major municipality, 5 cents in other municipality and 10 cents in Panchayat area. Kudikidappukar has been empowered to acquire ownership rights in respect of homestead land on payment of 25 per cent of the market value (half of it would be subsidised by the Government) in 12 equal annual instalments. Upto February 26, 1972 about 2.66 lakhs (out of 4 lakhs of Kudikidappukars in the State) applications have been received for purchase of rights in homestead and the cases where purchase has actually been sanctioned by the various tribunals in the State works out to 1.21 lakhs.

Ceiling on holdings:

The ceiling is applicable to the aggregate area of land held by all the members of the family (defined as husband, wife and unmarried minor children). The ceiling limit as amended in 1969 varies from 12 to 15 acres

depending upon the size of the family and the class of land. It is estimated that about 1.50 lakh acres may be available for distribution among the landless agricultural labourers and small holders. Provision relating to ceiling has been enforced with effect from January 1, 1970. Cashew estates, pepper and arecanut gardens, unculturable waste lands and Kayal Padasekharams of Kuttanad area have been brought within the purview of the ceiling; exemption has been given to plantations.

Recently the Kerala Land Reforms Act was further amended to remove practical difficulties experienced during its implementation. The method of determination of the compensation for surplus lands has been simplified and has been reduced to a flat rate varying between Rs.4000 and Rs.5000 per acre depending upon the class of land.

Further Action to be Taken

Implementation of the provisions relating to conferment of ownership rights on tenants and ceiling on holdings has to be expedited.

MADHYA PRADESH

Abolition of Intermediaries

Intermediary tenures have generally been abolished throughout the State.

Tenancy Reforms

Tenancies are regulated under the Madhya Pradesh Land Revenue Code, 1959 which provides for -

- (i) fixation of rent at 4 to 2 times the land revenue depending upon the class of land;
- (ii) complete security of tenure after expiry of limited right of resumption in 1960;
- (iii) regulation of surrenders and restoration of tenants;
- (iv) conferment of ownership on tenants in respect of non-resumable lands.

So far 360,000 tenants have thus been recorded as owners.

The law prohibits leasing (except by disabled persons) and any person who is admitted as a tenant in contravention of law immediately acquires the right of occupancy in the land and is also entitled to ownership after one year.

Ceiling on Land Holdings

The Madhya Pradesh Ceiling on Agricultural Holdings Act 1960 as amended in 1972 provides for ceiling on land

holdings varying from 10 to 54 acres depending on class of land. The ceiling is applicable to land held by each family. Certain exemptions enjoyed by public trusts or wakfs and lands held by societies for maintenance of water works and by commercial undertakings, plantations, sugarcane farms, specialised farms and efficiently managed farms have also been withdrawn. The State Government has been advised to follow West Bengal pattern in applying ceiling law to orchards. Under the Principal Act, the landholders were permitted to dispose of the surplus lands within a period of two years from the commencement of the law to persons in prescribed categories. The State Government was to acquire thereafter any surplus land left with the holder. The period of two years expired on November 15, 1963. 84,000 acres have since been declared surplus out of which 13,000 acres have been distributed.

An amendment proposed to the Madhya Pradesh Ceiling Act provides for ceiling limit varying from 18 to 54 acres, depending upon the class of land for a family consisting of husband, wife and their minor children. In addition, 5 acres used for orchards or mango groves constituting a compact block are allowed. Exemptions have been provided generally in accordance with the national guidelines.

~~Transfers made~~ after 1st January, 1971 are disregarded.

Further Measures to be Taken

With regard to tenancy reform suo motu action need to be taken for carrying out mutation of eligible tenants into owners with a view to preventing evasions. A special drive need to be organised to ensure that the share-croppers are also recorded as tenants and conferred ownership.

MAHARASHTRA

Abolition of Intermediaries

A large number of tenure abolition laws have been enacted for abolition of various tenures such as, jagirs, Saranjans, Personal Inamas, Kulkarni Watans and the same have been implemented. Intermediary tenures have thus been abolished with the exception of deoasthan inams.

For purposes of tenancy reforms Maharashtra State may be divided into three regions:

- (a) the former Bombay region, to which the Bombay Tenancy and Agricultural Lands Act, 1948 applies;
- (b) Vidarbha region, to which the Bombay Tenancy and Agricultural Lands (Kutch and Vidarbha area) Act, 1958 applies; and
- (c) Marathwada region (former Hyderabad area) to which the Hyderabad Tenancy and Agricultural Lands Act, 1950 applies.

The main provisions of these enactments are as follows:

In the former Bombay area, the maximum rent payable by a tenant to his landlord is 2 to 5 times the assessment but not exceeding Rs.20/- per acre; in the Vidharbha region 3 to 4 times the assessment and in Marathawada area 3 to 5 times the land revenue. The rent is also not to exceed 1/6th of the gross produce

in all the regions.

Tenants get security of tenure subject to landlord's right to resume land for personal cultivation in specified cases which has long since expired.

Voluntary surrenders of tenancy rights is valid only if it has been verified in writing by the Tehsildar.

The tenants of non-resumable lands were deemed to be owners in former Bombay area generally with effect from the tiller's day, i.e. 1.4.1957. The purchase price varies between 20 to 200 times the assessment as the Court may determine or as may be agreed upon between the landlord and tenant. The right of purchase, however, becomes ineffective if the tenant fails to appear before the Tribunal or if he appears before the Tribunal and states that he does not wish to purchase the land or if he agrees to purchase the land, but fails to pay the purchase money.

In Vidarbha region, the law provided for the transfer of ownership to tenants in respect of non-resumable lands generally with effect from 1.4.1961. The purchase price is fixed in the case of occupancy tenants between 7 to 10 times the rent and 12 times the rent in the case of other tenants. The provisions in the Bombay Act requiring tenants to appear before the Tribunal or express willingness to purchase the land etc., do not obtain in the law relating to Vidarbha.

In Marathwada area, the law provides for suo motu transfer of ownership to tenants in respect of non-resumable lands. The conditions in the Hyderabad Act confining the benefit of this provision to "Protected Tenants" only and restricting purchase to only one family holding have been removed by Maharashtra Government. The purchase price payable is 12 times the rent payable in 12 yearly instalments.

In implementation of the provision of right to purchase in the former Bombay area, about 799 thousand tenants became owners in respect of 2467 thousand acres. There were a large number of cases of ineffective purchases and legislation was amended in 1964 to strengthen its provisions. The tenants who had failed to pay the purchase price in time have given another opportunity to pay the same. The Act has recently been amended to provide for restoration of tenants who had been dispossessed illegally before April 1, 1967 provided the land was in possession of the landlord or his successor on 31st July, 1969, and has not been put to non-agricultural use.

In Vidarbha area, 26 thousand tenants had acquired ownership of 236 thousand acres. The provisions relating to restoration of tenants incorporated in the law relating to Bombay area will also apply to the Vidarbha regions.

In Marathwada, 36089 protected tenants have acquired ownership. Implementation of provisions for transfer of ownership to ordinary tenants has been taken up since January, 1965 and another 9596 tenants have so far acquired ownership.

Ceiling on holding

The Maharashtra Agricultural Land (Ceiling on Holdings) Act, 1961, provides for ceiling on existing holdings varying from 18 to 126 acres (depending upon the class of soil) and on future acquisition from 12 to 84 acres. The ceiling is applicable to the extent of area held by a person. Where land is held by a family, allowance is made for size of the family subject to an upper limit of twice the ceiling area. Any transfer or partition made on or after the date of publication of the Bill (4th August, 1959), is disregarded in computing the surplus area. The surplus so determined is to be taken from the transfer to the extent possible and the balance from the transferee. Compensation shall be equal to 55 to 390 times the assessment in different local areas and depending on the mode of irrigation. The ceiling Act came into force on 20th January, 1962.

Sugarcane farms operated by sugar factories are not exempted from ceiling. Pending final disposal,

the Maharashtra State Farming Corporation was managing such lands. Legislation has been amended with a view to permanent allotment of such lands to the Corporation.

As regards implementation, 13451 returns have been filed by landlords including sugar factory farms holdings above the ceiling area and 8967 cases have been decided. So far 271,000 acres have been declared surplus, out of which 123,000 acres have been distributed.

Under the Maharashtra Agricultural Lands (Lowering of Ceiling on Holdings) and (Amendment) Bill, 1972 as passed by the State Legislature ceiling for a family has been fixed as under:-

	<u>Level of ceiling</u>
(a) Land irrigated seasonally as well as perennially by flow irrigation from Government source, etc.	18 acres
(b) Land irrigated perennially by lift irrigation or irrigated seasonally by flow irrigation for two seasons	27 acres
(c) Land irrigated seasonally by flow irrigation for one season	36 acres
(d) Dry crop land other than warkas land situated in some specific district	36 acres
(e) Other dry crop land	54 acres

Provision has been made for larger families which will not exceed twice the ceiling areas as outer limit. Family has been defined to include a person and/or his spouse and their minor sons and minor unmarried daughters. If a person who is a member of the family unit holds land which is held by him separately before 19th September, 1970 through legal processes, then such land shall not be deemed to be held by the family unit. Thus, minors holding land since 19th September, 1970 will be allowed to hold land separately and such land shall not be taken into account while determining the level of ceiling. All transfers made after 26th September, 1970 shall be ignored while determining the surplus land. Exemptions have been provided in accordance with the national guidelines. Restrictions have also been imposed on exemptions given to lands held before 26th September, 1970 by public trust and stud farms, pinjrapoles, gawshala or land held for the purpose of dairy farming or grazing of cattle, sheep or pigs.

Further Measures to be taken

1. Action has to be taken for abolition of Devasthan inams.

2. Ownership is conferred only after payment of the last instalment of purchase price. Thus, even after more than ten years of the Tillers Day a large number of tenants have not acquired ownership. In addition to efforts being made for finding funds for paying off the landlords the State Government may transfer ownership to tenants, with immediate effect, the Government taking responsibility for recovering the balance of purchase price from tenants and paying it to landlords.

MYSORE

Abolition of Intermediaries

Intermediary interests have largely been abolished. The State Government has enacted legislation to abolish minor inams also; measures are being taken for its implementation.

Tenancy Reforms

A comprehensive Mysore Land Reforms Act was enacted in 1962 and was enforced after it was amended in 1968. Its main provisions are:-

- (i) fixation of rent at one-fourth to one-fifth of the gross produce or the value thereof;
- (ii) fixity of tenure subject to landlord's right to resume generally half the leased area on application to be made within one year of the commencement of the Act, i.e., 2.10.1965 (which has since expired);
- (iii) with effect from a date to be notified, all tenants and sub-tenants in respect of non-resumable lands will come into direct relation with the State. Pending issue of the notification the tenants have an optional right to purchase full

ownership on payment of price equal to 15 times the net rent, payable in 20 annual equated instalments.

95,742 applications for resumption of land for personal cultivation have been filed by landlords before the Land Tribunals, out of which 35,890 applications had been disposed of by the end of June, 1970. There are, besides, a large number of applications for determination of rent and restoration of possession pending before the Land Tribunal.

Twenty four whole time Land Tribunals and 46 adhoc Land Tribunals with ancillary staff have been constituted for enforcement of the provisions of the Act. To expedite disposal of application by an Ordinance later replaced by an Act, 132 Munsif Courts have been empowered to function as Land Tribunals. About 107,740 acres have been declared non-resumable.

The question of issuing notification of vesting of non-resumable lands in the State under Section 44 of the Act was to be taken up after all of the applications for resumption had been disposed of. The State Government propose to amend the provision to confer ownership in respect of land declared non-resumable. For financing purchase of ownership rights by tenants the

State Government is exploring possibilities of finding funds from Nationalised Banks, State Land Mortgage Bank, Land Development Bank (by earmarking 10% of its annual debentures) and Special Development Debentures.

Ceiling on Holdings:

Provision has been made for ceiling on existing holdings at 27 standard acres (varying from 27 to 216 ordinary acres) and on future acquisition at 18 standard acres (18 to 144) acres depending on class of land. The ceiling is applicable to the aggregate area of land held by all the members of the family. Allowance is made for the size of the family subject to an upper limit of twice the ceiling area. Alienation of surplus land by landholders is prohibited after the ceiling provisions came into force on 19th November, 1969. It is estimated that 1.12 lakh acres would become surplus in 13 out of 19 districts.

The Government of Mysore has proposed an amendment to the Ceiling Legislation. The ceiling for a family consisting of husband, wife and three minor children shall be 10 acres of land with assured irrigation capable of raising two crops of paddy in a year or one crop of sugarcane or 15 acres of irrigated land

capable of raising only a single crop of paddy if irrigated from the river projects and major tanks; and 18 acres if irrigated from small tanks. Lands coming under lift irrigation will have a ceiling of 25 acres. Dry lands will have a ceiling of 36 acres, 45 acres and 54 acres according to the range or rainfall. For larger families with more than 5 members a proportionate increase is made at the rate of two acres of first class of land for every additional member subject to an overall limit of twenty acres of first class of land. The exemptions from the ceiling at present available to the lands exclusively used for grazing of cattle, forest land, land used for specialised farms, used for sugarcane farms and land used for efficiently managed farms have been removed and exemptions from ceiling area made available generally in accordance with the national guidelines. In the case of Sugar Factories hundred acres of land with assured irrigation facilities for purposes of Research and seed farm are permitted to be held. For computation of revised ceiling, transfers of lands made from 18th November, 1961 will be taken into account.

Further Measures to be Taken

1. Implementation of legislation of abolition of inams needs to be expedited.
2. The proposal for conferment of ownership of land as soon as it is declared non-resumable need to be finalised, enacted and implemented.

ORISSA

Abolition of Intermediaries

The Orissa Estates Abolition Act, 1962 provides for the abolition of intermediary rights. The legislation has largely been implemented. It is also proposed to amend the legislation with a view to taking over estates belonging to religious and charitable institutions.

The total compensation payable to ex-intermediaries is about Rs.9.00 crores including interest out of which Rs.6.2 crores have been paid.

Tenancy Reforms:

The Orissa Land Reforms Act, 1960 provides for regulation of tenancies. The main provisions of the Act are:

- (a) fixation of fair rent at one-fourth of the actual estimated gross produce of value thereof;
- (b) fixity of tenure subject to right of resumption by the owner for personal cultivation in specified cases which has since expired. The landlord is not entitled to resume more than half the land held by each tenant;

(c) transfer of ownership to tenants in respect of non-resumable lands, on payment of compensation equal to ten times the fair rent and payable in five instalments.

It is reported that till the end of September, 1971, 2,30,568 cases had been disposed of against total institution of 2,50,677 cases leaving a balance of 20,109.

Ceiling on Holdings:

The Orissa Land Reforms Act also includes provisions for ceiling on land holdings. The ceiling limit originally was fixed varying between 25 and 100 acres depending upon the class of land. This limit was, however, subsequently reduced in 1965 varying between 20 and 80 acres depending upon the class of land. The ceiling is applicable to the extent of land held by a landholder. There are no restrictions on transfers at all.

The provisions relating to ceiling on holding as amended by the Act of 1965 had been challenged on grounds of being violative of the second proviso of article 31(A) (1). The Supreme Court has recently upheld the validity of the ceiling provisions. It is estimated by the State Government that 1.75 lakh acres of land is in excess of the ceiling limit

would be available for distribution among the landless.

The Orissa Government have introduced a Bill in the State Legislature for amending the Orissa Land Reforms Act. The Bill envisages the level of ceiling between 10-30 ordinary acres and applies to a family which has been defined to include husband, wife and children - minor or major. It has been given retrospective effect from 26th September, 1970. The Bill seeks to withdraw exemptions made in favour of sugarcane farms, owned and operated by sugarcane factories, efficiently managed farms and orchards. However, 'Lord Jagannath' at Puri and His Temple, any religious or charitable trusts of a public nature and any trust or institution that has been declared a privileged raiyat or whose estate has been declared to be an estate under the Orissa Estates Abolition Act, 1951, shall be exempted. The compensation payable for the surplus land will vary between Rs.800 and Rs.200 per standard acre on a graded basis plus 25% of the value of structures and trees.

Further Measures to be Taken

1. Legislation for abolition of intermediaries in respect of certain inams has to be enacted and implemented.

2. Resumption applications need to be disposed of expeditiously.
3. Provisions for transfer of ownership of tenants has to be enforced and implemented.
4. There is need to revise the ceiling law with regard to reducing the ceiling limit, making family as a unit of ceiling and withdrawing exemptions in favour of efficiently managed farms, orchards and sugarcane farms on the lines of the recommendations of the national guidelines and also to put restrictions on transfers.

PUNJAB

Abolition of Intermediaries:

There were intermediary tenures like superior owners and landlords of lands held by occupancy tenants. In both the Pepsu and Punjab areas, such intermediary tenures have been abolished.

Tenancy Reforms:

Tenancies are regulated separately in the Pepsu region and Punjab region of the State; in Pepsu area under the Pepsu Tenancy and Agricultural Land Act 1955 and in other areas under the Punjab Security of Land Tenures Act 1953. The basic scheme of both the laws, however, is not much different so far as tenancy provisions are concerned.

- i) The maximum rent has been fixed at 1/3rd of the gross produce or value thereof;
- ii) Security of tenure to the tenant has been conferred in respect of land which is not within the land-owner's permissible limit of 30 standard acres. Within the permissible limit the tenant can be ejected (on ground of personal cultivation or otherwise) provided that a minimum area of five standard acres be left with a tenant until he is provided

with an alternative land by the State Government. There is a special provision in Pepsu area for tenants in continuous possession of land for 12 years; they have been given complete security of tenures in an area not exceeding 15 standard acres;

- iii) There is an optional right of purchase of ownership for tenants. In Pepsu area compensation is 90 times the land revenue or two hundred rupees per acre whichever is less. In other areas a tenant in continuous possession of land for six years may purchase the non-resumable area; the price shall be $\frac{3}{4}$ th of the average market value prevailing during the previous 10 years.

Ceiling on Holdings:

In Pepsu area, the ceiling is 30 standard acres. In other areas there is ceiling on land under personal cultivation but not on ownership. However, Government has the power to utilise surplus lands held by a person under personal cultivation in excess of the permissible limit, for resettlement of tenants, ejected or to be ejected in exercise of land owners' right of resumption. The landowners will retain ownership of the surplus area and will be entitled

to receive rent from the tenants settled thereon. As regards implementation, so far 71,000 hectares have been declared surplus out of which 25,000 hectares have been distributed to displaced tenants.

The Punjab Land Reforms Bill, 1972 as passed by the State Legislature provides for ceiling on existing holdings varying from 7 hectares for irrigated lands yielding two crops in a year, 11 hectares for irrigated land for one crop in a year, 20.5 hectares of barani land and a limit for banjar and similar land to be determined by the State Government. The unit of ceiling shall be family consisting of husband, wife and minor children other than married minor daughters. The ceiling provisions shall be enforced with effect from 24th January, 1971. Exemptions has been provided to land holding of religious and charitable institutions of a public nature and are generally in accordance with the national guidelines.

Further measures to be taken

1. Both in Pepsu and Punjab areas, the maximum rent has to be reduced to 1/4th or 1/5th of the produce as recommended in the Plan.
2. The tenants have to be conferred complete security of tenure with right to make improvements and with right of simple mortgage to obtain institutional credit for agricultural

development. The terms 'tenant' and 'personal cultivation' need to be redefined in such a way as to confer tenancy status on all crop sharing arrangements.

3. Provision need to be made for transfer of ownership to tenants in respect of the entire non-irrigated area.

4. To prevent evictions in the guise of "voluntary" surrenders" provision need to be made prohibiting landowner to take possession of land which he cannot otherwise resume.

RAJASTHAN

Abolition of Intermediaries:

Intermediary tenures in Rajasthan were (i) Jagirs and (ii) Zamindaries and biswadaris. Legislation for resumption of Jagirs was enacted in 1952 and it has been implemented. Legislation for abolition of zamindari and biswadari tenures was enacted in 1959. Its implementation is in progress. Legislation was enacted for the acquisition of estates of the ex-rulers; the main provisions of the legislation have been struck down by the High Court.

Tenancy Reforms:

Tenancies are regulated under the Rajasthan Tenancy Act, which provides for:-

1. fixation of rent at 1/6th of the gross produce;
2. fixity of tenure for tenants and sub-tenants subject to a limited right of resumption of the land holder which expired long ago;
3. transfer of ownership rights in respect of non-resumable area to tenants and sub-tenants.

It was reported that about 130,000 tenants and sub-tenants were made owners in respect of 670,000 acres.

The rights conferred by law accrued only to tenants

who held land at the commencement of Act of 1955. Tenants admitted thereafter do not enjoy security of tenure.

Ceiling on Land Holdings:

The Rajasthan Tenancy Act was amended in 1960 to provide for ceiling on landholdings. The ceiling limit was 30 standard acres which has been worked out to vary in the various parts of the State depending upon the class of land from 22 to 336 acres. The ceiling is applicable to the extent of land held by all the members of the family. Allowance is made for the size of the family, subject to upper limit of twice the ceiling area. Under the Principal Act transfers made after the introduction of the Bill imposing ceiling were disregarded. By a recent amendment all transfers made upto 31st December, 1969 in favour of an agriculturist or in favour of son or brother intending to take to agriculture have been validated. The exemption so far granted to lands comprising groves, sugarcane farms, efficiently managed farms and specialised farms has been withdrawn.

As regards implementation, it took about 3½ years to finalise the rules and the law was ultimately enforced in December, 1963. No land has so far been declared surplus or acquired.

The Rajasthan Government has promulgated the Rajasthan Imposition of Ceiling on Holdings Ordinance, 1972, which provides for ceiling limit of 18 acres for irrigated land capable of growing at least two crops in a year, 27 acres of irrigated land capable of growing one crop in a year and 54 acres for orchards. The ceiling for land without irrigation facilities in fertile zone, semi-fertile zone and hilly zone in specified districts is 54 acres, for land in semi-desert zone in specified district is 150 acres, and for land in desert the ceiling limit is 200 acres. The ceiling limit applies to a person or persons include husband, wife and their minor children. Provision has been made for larger families to the extent of 1/5th of the ceiling area for each member in excess of five subject to twice the ceiling area. Transfer other than bonafide transfers made on or after 26th September, 1970 shall be disregarded. Exemptions have been provided generally in accordance with the national guidelines.

Further Measures to be Taken

1. Besides going in appeal to the Supreme Court with regard to vesting of lands of ex-rulers necessary modification may be considered for expediting implementation.

2. Tenants admitted after 1955 need to be conferred fixity of tenure.
3. Implementation of the provision relating to conferment of ownership on tenants and sub-tenants need to be expedited and necessary mutation completed.
4. Rajasthan Government which has already acquired considerable experience of consolidation of holdings should give special attention to expanding this programme, particularly in areas of colonisation during the Fourth Plan.

TAMIL NADU

Abolition of Intermediaries:

Intermediaries have generally been abolished with the exception of some intermediaries in Sripadam lands of Travancore area. Legislation has been enacted for abolition of intermediaries in the Gudalur Taluk or Nilgiri district but its implementation has to be expedited.

Tenancy Reforms:

Tenancies are regulated under the Madras Cultivating Tenants (Payment of Fair Rent) Act, 1956 and Madras Cultivating Tenants Protection Act, 1955. The Cultivating Tenants' Protection Act was, in the first instance, to remain in force for one year pending enactment of a comprehensive law. Its life was extended from time to time. These Acts are in the nature of interim measures and provide for regulation of rent and stay of ejectment of cultivating tenants. The fair rent is 40 per cent of the normal gross produce in case of wet lands and 33-1/3 per cent in the case of dry lands. Produce rent can be commuted into fixed money rent if both parties agree.

A landowner holding 13-1/3 acres of wet land or less and not assessed to sales tax, profession tax or income

tax is entitled to resume for personal cultivation half the area leased to a tenant subject to a maximum of 5 acres of wet land or equivalent area including any other land held by him.

Ceiling on Land Holdings:

According to 1970 amendment in the Tamil Nadu Land Reforms Fixation of Ceiling on Agricultural Land Act, 1961, the ceiling limit was reduced from 30 standard acres (24-120) to 15 standard acres (12-60) for wet land applicable to the unit of family comprising husband, wife, minor sons and unmarried daughters. An area of about 25750 acres has been declared surplus out of which about 17209 acres have been distributed. By an amendment in 1971, exemption granted to grazing lands, and sugarcane farms has been withdrawn and a sugar factory is allowed to retain only 100 standard acres for the purpose of seed farms and research purpose. In 1972, the State Government brought further amendments in the Tamil Nadu Ceiling Act, bringing agricultural lands comprised in hill areas within the purview of ceiling and for further restricting exemptions of lands held by industrial and commercial undertakings, and trusts. Exemptions in favour of cooperative societies, dairy farming and live stock breeding have been withdrawn. The State

Government have kept the outer limit of ceiling for larger families from 60 to 30 standard acres, that is, twice ceiling area. Transfers and sub-divisions, since the date of the commencement of the Act and the publication of the final statement about the surplus area, will be disregarded.

Further Measures to be Taken

Legislation has to be enacted for abolition of certain intermediary tenures in the transferred territories. Implementation of abolition of remaining intermediaries need to be expedited.

2. The present tenancy laws are of interim nature. Since 1955, the State Government has been thinking of enacting a comprehensive tenancy legislation. Enactment of comprehensive legislation needs to be expedited.

3. The continuing right of resumption need to be withdrawn and tenants conferred complete security of tenure with right to make improvements and right of simple mortgage to be able to obtain institutional credit for agricultural development.

4. Provision may be made for bringing tenants into direct relation with the State and giving them the right to purchase full ownership on payment of reasonable compensation.

5. A phased programme needs to be drawn up for consolidation of holdings. This is particularly necessary as a preliminary step for land development and efficient water management in areas where irrigation facilities have been extended. Necessary legislation for undertaking consolidation of holdings needs to be taken up.

6. Implementation of the ceiling provisions as amended recently needs to be expedited and the law needs to be further amended on the lines of the recommendations made by the Chief Ministers' Conference.

UTTAR PRADESH

Abolition of Intermediaries:

Legislation for the abolition of intermediaries has been enacted and largely implemented. The tenants of home farm lands have also been brought in direct contact with the State. There was, however, no limit on the extent of land in direct management of intermediaries which they could retain. The total amount of compensation and rehabilitation grant payable is estimated at Rs.198.36 crores. Rs.136 crores have been paid towards compensation.

Tenancy Reforms:

All tenants and sub-tenants have been conferred complete security of tenure. No resumption was permitted to owners on grounds of personal cultivation. Leases in future are not permitted except by persons suffering from disability. Personal cultivation includes cultivation through Sajhis i.e. partners in cultivation. The sajahis are not regarded as tenants.

Ejectment of tenants and sub-tenants had been stayed since 1939. A provision was made in the law for the restoration of those who had been dispossessed since 1950-51,

on application or suo motu by the revenue authorities.

A drive was organised in 1954 for the correction of records and for the restoration of tenants and sub-tenants to ensure effective implementation.

Tenants and sub-tenants (except tenants or sub-tenants of displaced persons) have also been brought into direct relationship with the State. About 1,500,000 sub-tenants and tenants of Khudkasht holding about 2,000,000 acres have thus come in direct contact with the State.

On abolition of intermediaries, there are mainly two principal tenures, namely, (i) Bhumidars and (ii) Sirdars and one sub-tenure i.e. Asamis.

Bhumidars have permanent, heritable and transferable rights. Sirdars have permanent and heritable rights but not transferable right. They are, however, permitted to mortgage their land to Government, Cooperative Societies, State Bank of India and other scheduled banks and Agriculture Industries Corporation. The Sirdars can acquire bhumidari rights, which are transferable rights, on payment of a sum equal to 10 times the rent at hereditary rates, if paid in lump sum, or 12 times the hereditary rates, if paid in four annual instalments. Asamis have no right of transfer.

Ceiling on Holdings:

The U.P. Imposition of Ceiling on Land Holdings Act 1960 provides for ceiling on existing holdings as well as on future acquisition varying from 40 to 80 acres of land depending upon the class of land. In case of a family consisting of more than five members, an additional area of eight acres of fair quality land is allowed per member in excess of five, subject to an outside limit of twice the ceiling area.

Transfers and partitions of land made after 20th August, 1959 (the date of introduction of the Bill) will be disregarded in determining the surplus areas. Partitions of the holdings of Joint Hindu families made by suits or proceedings pending 20th August, are, however, exempted.

As regards implementation, so far 97,000 hectares have been declared surplus out of which 55,000 hectares have been distributed.

Some irregularities have come into light in the matter of distribution of lands. It has been observed that in large number of cases proper screening of the allottees was not done and the Government waste lands found their way to the relatives of the members of the Land Management Committees and in a number of cases the persons who have already been

owning sufficient land. During the President's Rule, the Uttar Pradesh Zamindari Abolition and Land Reforms Act was amended to provide a check on such irregular allotments.

With regard to surplus lands, areas which have come in possession of the Government on imposing ceiling on holdings is being temporarily leased out by collectors on annual basis, since such lands can be allotted permanently only to Cooperative Farming Societies which have not so far been formed.

The Uttar Pradesh Imposition of Ceiling on Land Holdings (Amendment) Bill, 1972 as passed by the State Legislature and reserved for President's assent, provides for level of ceiling for a family consisting of husband, wife and minor children (other than unmarried daughters) at 7.30 hectares (18 acres) of irrigated land; 10.95 hectares (27 acres) in case of unirrigated land (including single crop irrigated land); 14.60 hectares (36 acres) of grove lands and 18.25 hectares (45 acres) of user land and unirrigated lands in certain specified regions. The ceiling limit will be increased by 2 hectares of irrigated land for each adult son of the tenure holder subject to a maximum of 6 hectares. Exemptions have been provided generally in accordance with the national guidelines. The ceiling will be given retrospective effect from 24th January, 1971.

Further Measures to be Taken

1. The problem of concealed tenancies in the form of sahidars needs to be tackled expeditiously.
2. Special care needs to be taken by the State Government to ensure allotment of land to genuine landless agriculturists. Review of recent allotments may be expedited.

WEST BENGAL

Abolition of Intermediary Tenures:

The West Bengal Estates Acquisition Act, 1953 provides for abolition of intermediary tenures in West Bengal. The rights of intermediary tenures were taken over by the State. The raiyat holding from the intermediaries came in direct contact with the State. The intermediaries were permitted to retain certain lands including agricultural land in their khas possession upto specified limit. The intermediaries in respect of such lands retained by them have been settled as raiyats. The provisions relating to abolition of intermediary tenures in West Bengal have generally been implemented.

Tenancy Reforms:

The West Bengal Estates Acquisition Act also includes a provision for deeming raiyats and under-raiyats to be intermediaries and for acquisition of the rent receiving interests of raiyats and under raiyats. Thus, all tenants and sub-tenants in West Bengal have come in direct contact with the State.

The term 'tenant' according to the Bengal Tenancy Act 1885 as amended in 1928 did not include share-croppers known as bargadars who cultivate the land of other persons under the system generally known as 'Adhi, Barya or Bhag'

on the condition of delivering a share of the produce of such lands to the owners. Such share-croppers, therefore, could not avail of the provisions in the Estates Acquisition Act 1953 and did not come in direct contact with the State. In areas which have been transferred from Bihar, however, the term 'tenant' continues to include share-croppers. It is reported that 505 bargadars in Purlia and 1478 Islampur Sub-Division have been recorded as tenants.

Rights of Bargadars

The rights of bargadars in West Bengal are largely governed by the West Bengal Land Reforms Act, 1955. The Act was amended in 1970 and 1971 further safeguarding the interests of bargadars. The Act as amended provides for:

- (i) Regulation of crop share payable to the land owner. It has been provided that the produce be divided as between the bargadar and the owner -
 - (a) in the proportion of 50:50 in case where plough, cattle, manure and seeds necessary for cultivation are supplied by the person owning the land; and
 - (b) in the proportion of 75:25 in all other cases.

- (ii) Security of tenure. The bargadar has been conferred fixity of tenure. The landowner is permitted to terminate cultivation of land for bonafide personal cultivation, so however, that
- (a) the extent of land so resumed by the owner along with any other land under his personal cultivation does not exceed $7\frac{1}{2}$ acres; and
 - (b) the bargadar is left with at least 2 acres for his cultivation.
- (iii) By the recent amendment, the bargadar has been conferred heritable right in respect of land he cultivates.
- (iv) In case the landowner refused to accept his share of the produce or refused to tender receipt for the same, the bargadar can deposit the same with the prescribed officer or authority.
- (v) the bargadar is not liable to eviction on grounds of non-payment of rent and the orders for eviction on this ground are not to become effective if the bargadar delivers to the person whose land he cultivates the dues

within such time and within such instalments as the officer or authority making the order may, having regard to the circumstances of the case, specify in this behalf.

- (vi) prescribed officer or authority has exclusive jurisdiction in respect of disputes between the bargadar and the owner subject to an appeal to the sub-divisional officer.

Proposals are under consideration for further strengthening the provisions with regard to rights of bargadars.

Ceiling on Holdings:

The West Bengal Estates Acquisition Act, 1953, includes a provision imposing ceiling on the extent of agricultural land in khas possession which an intermediary was permitted to retain. These provisions came into force in respect of proprietors, tenure holders, under-tenure holders and intermediaries above a raiyat with effect from April 1955 and in respect of lands held by raiyats and under-raiyats, w.e.f. April ,10, 1956.

The level of ceiling which was 25 acres has been reduced to 12.4 acres (5 hectares) in irrigated areas and 17.3 acres (.7 hectares) in other areas. Areas irrigated by State Canal irrigation project or State power-driven deep

well irrigation project only would be considered as irrigated area for purpose of relating level of ceiling to class of land.

The ceiling applies to the aggregate area held by all the members of a family and the term family includes husband, wife, and their minor sons and unmarried daughters. Allowance has also been made for size of the family, the aggregate area of land which a raiyat may retain being increased by 1.2 acres (half an hectare) for each additional member in excess of five subjects to overall ceiling of 17.3 acres (7 hectares) for irrigated area and 24 acres (9.8 hectares) for other areas. In case of an adult unmarried person sole surviving member of the family the ceiling limit would be 6.2 acres (2.5 hectares) in irrigated areas and 8.7 acres (5.5 hectares) in other areas.

Lands owned by religious and charitable corporations, institutions or trusts have been brought within the purview of ceiling and no such corporations, institutions or trusts are permitted to retain land in excess of 17.3 acres (7 hectares) in irrigated areas and 24 acres (9.8 hectares) in other areas.

Lands comprised in orchards have also been brought within the purview of ceiling. However, where a raiyat owns land comprised in orchard such land upto the extent of the area of 6.7 acres (2.8 hectares) will not be taken

into account in determining the ceiling limit of the raiyat. Where the land comprised in orchard exceeds this limit, the raiyat can retain land comprised in orchards to the extent between 24 acres (9.8 hectares) and 30.7 acres (12.6 hectares) depending upon the size of the family, by surrendering agricultural lands.

The exemption will continue to be applicable to lands comprised in tea plantation along with such additional land as the State Government may consider necessary for maintenance and extension of the plantation.

All transfers made after 7th August, 1959 would be disregarded for determining surplus land of the transferer.

All the provisions of the Act relating to ceiling were brought into force throughout the State on 15th February, 1971. All raiyats holding surplus land were required to submit returns by 15th October, 1971.

Further Measures to be Taken

1. With regard to bargadars measures are to be taken for with a view eventually to bring bargadars in respect of non-resumable areas in direct contact with the State and confer on the permanent, heritable and transferable right.
2. Provisions in the existing legislation are to be strengthened for preventing alienation of land belonging to

members of the Scheduled Tribes, at the same time, conferring a right of a simple mortgage for obtaining institutional credit.

3. Measures need to be expedited for implementation of the new Ceiling Law.

HIMACHAL PRADESH

For the purpose of land reform, Himachal Pradesh has three different pieces of legislation:

- (a) The Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act 1953 which applies to the old areas of Himachal Pradesh.
- (b) The Pepsu Tenancy and Agricultural Lands Act 1955 which applies to the former Pepsu areas.
- (c) The Punjab Security of Land Tenure Act 1953 which applies to the remaining areas.

The Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act 1953 provides for:

- (i) fixation of rent at 1/4th of the gross produce;
- (ii) fixity of tenure to the tenants subject to a limited right of resumption to land owners for personal cultivation upto 1/4th of the leased area subject to a maximum limit of 5 acres.
(The right of resumption expired about 14 years ago);
- (iii) optional right of purchase to the tenants;
- (iv) vesting of all tenanted lands of holding assessed at more than Rs.125/- in the State and transfer of ownership of the same to the cultivating tenants; and

- (v) bringing all tenants of non-resumable lands in direct relationship with the State by issue of notification.

In the old Himachal area, a large area (more than 30 per cent) is cultivated by tenants and sub-tenants who number about 290,000. Under the standing instructions all tenants and sub-tenants are to be recorded in Khasra annually and entries are to be transferred every four years to the Jamabandi. There were, however, some unrecorded informal tenancies. It is difficult to say to what extent such informal arrangements still continue or the ejectments go on. Voluntary surrenders are not regulated. The optional right of purchase has been exercised to a very limited extent. (It is reported that only 40,626 tenants have acquired ownership of 39,839 acres). The provisions for bringing the tenants in direct relationship with the State by issue of notification has not yet been enforced.

In Punjab area, the rent payable by a tenant was not to exceed one-third of gross produce. The Punjab Acts did not confer adequate security of tenure and most of the landlords enjoyed a continuous right of resumption from tenants. An interim legislation has been enacted by the Himachal Pradesh for stay of eviction proceedings in the

Punjab area.

The Himachal Pradesh Abolition of Big Landed Estates and Land Reforms Act 1963 also includes a provision for imposition of ceiling on land holdings. The ceiling limit is 30 acres in District Chamba and areas assessed to Rs.125/- in other districts. Partitions and transfers made on or after April, 1952 are to be disregarded for computing ceiling area. These provisions have, however, not so far been enforced.

In Pepsu area there is a provision for ceiling on land holdings which has been enforced. The ceiling limit is 30 standard acres which varies upto 60 to 80 acres in certain cases. In the remaining area, there is no ceiling on ownership. The Government, has however, been empowered to settle tenants on lands held by a person in excess of the permissible limit.

The Government of Himachal Pradesh have passed the Himachal Pradesh Ceiling on Land Holdings Bill, 1972, which provides for ceiling on holdings varying from 10 acres of irrigated land capable of growing two crops in a year, 15 acres of irrigated land capable of growing one crop in a year and 30 acres for other lands including orchards. However, the ceiling limit for "other lands" in certain specified areas goes upto 70 acres. The unit of application is family consisting

of husband, wife and minor children. Provision has been made for larger families to the extent of 1/5th of the ceiling limit for each additional member subject to twice the ceiling area. Each major son or daughter is entitled to a separate ceiling limit. Exemptions have been provided generally in accordance with the national guidelines, except that vine wells, guava and banana trees will also be treated as orchards. All transfers except bonafide transfers are disallowed after 24th January, 1971.

Action to be taken

(a) Intermediary tenures such as jagirs obtaining in Himachal Pradesh has to be abolished.

(b) Immediate action needs to be taken for enforcement of the provisions in the Himachal Pradesh Act for bringing all tenants of non-resumable area in direct relationship with the State by issue of notification under Section 15 and for enforcement of other provisions.

(c) Both Pepsu and Punjab laws provide for resumption of land from a tenant under specified conditions. There is no time limit within which a landlord could so resume land. The continuous right of resumption creates uncertainties and is inimical to agricultural production.

It is essential that with immediate effect, the landlords' right of resumption should be taken away and ejection of all tenants prevented. The maximum rate of rent specified in the Pepsu and Punjab laws is one-third of the gross produce which seems to be on the high side and does not leave sufficient incentive for the tenant in making improvements. It is also necessary that the rate of rent is reduced to one-fourth of the produce as in the former Himachal Pradesh.

(d) Evictions generally take place in the guise of 'voluntary surrenders'. Any measures for conferring security of tenure becomes ineffective unless it is supported by measures for regulation of such surrenders: (a) surrenders should not be regarded as valid unless they are duly registered by the revenue authorities; and (b) even where the surrender is held to be valid, the land owner should not be entitled to take possession of the surrendered land. It is essential that suitable provisions be included in Himachal Pradesh as well as in Punjab and Pepsu laws so that no landlord is able to take back land from the tenants.

(e) In support of the legislative measures for security of tenure and regulation of surrenders, it is necessary that immediate steps be taken by the State Government for preparation of a simple record of tenancies.

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Besides ensuring implementation of land reform laws, this would facilitate provision of credit etc. to cultivating tenants.

MANIPUR

There are no intermediaries in Manipur State. A comprehensive legislation has been enacted providing for fixity of tenure for tenants subject to the owners' right to resume generally half of the area for personal cultivation. No tenant can, however, be evicted from a minimum area of 1.2 acres unless alternative land has been provided to him.

The provisions relating to ceiling have not yet been enforced. They will be brought into force after record of rights has been prepared.

Provision has been made for conferment of ownership on all tenants of non-resumable lands but this has not been enforced so far. There is a family ceiling limit of 25 acres on all existing holdings and on future acquisitions. The provisions relating to ceiling have not yet been enforced. They will be brought into force after record of rights has been prepared.

The Government of Manipur has drafted a Bill to amend the ceiling and tenancy provisions of the legislation.

Action to be Taken

- (a) Provision relating to transfer of ownership has to be enforced.

- (b) Work relating to preparation of record of rights needs to be expedited so that the ceiling provisions could be enforced.
- (c) The right of resumption has to be withdrawn.
- (d) The ceiling provisions should be revised on the lines of the recommendations of the Chief Minister's Conference.

TRIPURA

Intermediary tenures have been abolished in Tripura State and the tenants and sub-tenants have been brought into direct relationship with the State. A comprehensive legislation has been enacted providing for fixity of tenure for tenants subject to the owners' right to resume generally half the area for personal cultivation.

Provision has also been made for conferment of ownership on all tenants on non-resumable lands. There is a ceiling limit of 25 standard acres on all existing holdings and on future acquisition.

The Government of Tripura has drafted a Bill to amend the ceiling provisions of the legislation.

Action to be Taken

- (a) Right of resumption needs to be immediately withdrawn.
- (b) Work relating to survey and settlement operations needs to be expedited so that the ceiling could be implemented throughout the State.
- (c) There is need to make special provision in the Act to safeguard the interests of the tribals of the State.
- (d) The ceiling provisions should be revised on the lines of the recommendations of the

UNION TERRITORIES

Andamans & Nicobar Islands

The Andamans & Nicobar Islands Land Revenue and Land Reforms Regulation 1966, was enforced with effect from April 1968. Under this regulation all lands in the Islands vest in the Government and are held by cultivators as grantees and licensees. A grantee holds land for cultivation of long-lived crops such as coconut, arecanut, coffee, rubber, etc. for a specified period not exceeding 30 years with option to renew the grant for a further like period. A licensee is initially given land as a non-occupancy tenant. If he cultivates the land for more than 2 years he becomes an occupancy tenant with the additional right to transfer, gift or mortgage the land, subject to certain conditions. The grantees and licensees are generally given 5 to 10 acres each. The rules made under the Regulation provide that no persons shall be allowed unoccupied land in excess of 25 acres.

Sub-letting is prohibited except in the following cases:-

- (a) a person under disability; or
- (b) a person, being a permanent resident of the Union Territory of Andaman and Nicobar Islands is in the service of the Union and employed in the mainland of India; or

(c) a public, charitable or religious institution;

or

(d) a local authority or a cooperative society.

In an unforeseen calamity, Tehsildar can permit a person to sublet his holding for one year during any consecutive period of three years.

Rent payable by sub-tenants shall not exceed -

(a) $1/4$ th of the produce or its value if the plough animals are supplied by the landlords;

(b) $1/5$ th of the produce or its value if the sub-tenant is not provided with plough animals by the landlord;

(c) in any other case, four times the land revenue.

Further measures to be taken

1. The rules for allotment of unoccupied lands need to be further reviewed. A suggestion is already under consideration in this regard.
2. The extent of sub-leasing has to be investigated and some minimum terms and conditions should be specified for affording protection to the sub-leasees including a minimum term of lease.
3. The State Administration may also consider provision for fixing of ceiling on existing holdings and on future acquisition on the lines of the recommendations of the Chief Minister's Conference.

Chandigarh

In respect of agricultural lands in the Union Territory of Chandigarh the provisions of the Punjab Security of Land Tenure Act 1953 are applicable. The Act provides for limited protection to tenants, maximum rent at 1/3rd of the gross produce and ceiling on land under personal cultivation of owners at 30 standard acres.

Further measures to be taken

1. The State Administration may consider conferment of complete security of tenures on tenants with right of simple mortgage to obtain institutional credit. The maximum rent also needs to be further reduced.
2. Proposals for application of ceiling on the aggregate area of land held by all the members of a family (husband, wife and minor children) and imposition of ceiling on ownership may also be considered on the lines of the recommendations of the Chief Minister's Conference.

Dadra and Nagar Haveli

The lands are held at present under alwara and taran which are in the nature of intermediary tenures. For protection from eviction of tenants of alwara and taran holders legislation was enacted in 1961. It also provided for fixation of fair rent fixed in cash equivalent to 1/6th of the crop share subject to maximum of Rs.36 per hectara.

The Dadra and Nagar Haveli Land Reforms Regulation, 1971 provides of -

- (a) abolition of alwara and taran tenures and conferment of ownership on tenants;
- (b) bringing sub-tenants as well in direct contact with the State except in cases where they held from disabled persons;
- (c) validation of surrender of sub-tenants only if it is in writing and approved by the prescribed authority; and
- (d) prohibition of leasing in future except by persons suffering from a disability; and
- (e) a provision for imposition of ceiling at 10 hectares for a family of five. All transfers before the commencement of the regulation are prohibited.

Further measures to be taken

Administrative action for implementation of the legislation would be required.

Delhi

In the Union Territory of Delhi the intermediaries have been abolished with the implementation of Land Reforms Act 1954. The rights of proprietors in waste land, grazing lands, collection of forest produce, fisheries, lands of

common utility, abadi sites etc. have been terminated and vested on Gaon Sabhas. No provision was made for permitting exemption of land by ex-proprietors and all tenants and sub-tenants except those holding from disabled persons were brought in direct contact with the State. In respect of tenancies permitted to continue in special cases, provision was made for fair rent not exceeding 1/5th of the gross produce or four times the land revenue whichever is less.

To ensure correct maintenance of land reforms Delhi Land Revenue Rules were amended providing for distribution of pass books to tenure holders. Special instructions have been issued to Gaon Sabhas for allotment of waste lands which are lying vacant to landless labourers.

For imposition of ceiling on holdings legislation was enacted in 1960 providing for ceiling at 30 standard acres (24 to 60 acres). 250 acres have been declared surplus. Action is being taken for taking possession of such lands and for its distribution to landless labourers preferably Harijans.

Action to be taken

- (a) Implementation of ceiling needs to be expedited.
- (b) All unauthorised occupants of lands belonging to Gaon Sabhas have to be ousted, and such lands re-allotted to genuine landless agriculturists.

Goa, Daman and Diu

Legislation has been enacted for abolition of intermediary tenures in Daman area of the Territory. For the Diu district, the Goa, Daman and Diu (Abolition of Proprietorship of Land in Diu) Act 1970 provides for the abolition of proprietary rights in Diu district and conferment of occupancy rights on the present proprietors or the tenants in relation to lands under their personal cultivation as the case may be. Proposals are under consideration for the State acquisition of interests in 'Comunidades' in the Goa area.

In Goa tenancy legislation has been enacted which provides for interim protection to the tenants and regulation of rent at 1/6th of the gross produce. A limited right of resumption has been given to the land owners which can be exercised after survey and settlement operations have been completed. In Daman, tenants have been brought into direct contact with the State and conferred rights of occupancy.

No legislation for imposition of ceiling on land holdings has been enacted so far.

Action to be taken

- (a) Action has to be taken for the abolition of 'Comunidades' and bringing tenants in direct contact with the State.

- (b) Action has to be taken for governing Bhatkar-Mundkar relations to ensure complete security in respect of homestead lands.
- (c) In respect of areas outside 'comunidades' well comprehensive tenancy legislation has to be enacted conferring permanent rights on tenants and enabling them to come in direct contact with the State.
- (d) Ceiling legislation has to be enacted on the lines of the recommendations of the Chief Ministers' Conference.

Laccadive, Minicoy and Amindive Islands

The Laccadive, Minicoy and Amindive Islands Land Revenue and Tenancy Regulation, 1965 came into force in this area with effect from August, 1968. The lands belonging to the 19 islands comprising this area fall under the categories (i) Lands owned by private persons called Jenmies, and (ii) Pandarm Lands belonging to the Government. Occupancy rights on both categories of lands are being conferred on the tenants. Security against eviction has been guaranteed with the enforcement of the Regulation. No ceiling limit has been fixed.

Action to be taken

- (a) The settlement of the Islands may be completed

as the survey work has already finished.

- (b) The right of simple mortgage may be provided in the Act for facilitating raising the loans.

Pondicherry, Karaikal, Yanam and Mahe

In Mahe comprehensive law has been enacted on the lines of the Kerala Land Reforms Act. In respect of Pondicherry, Karaikal and Yanam, legislation has been enacted recently providing for -

- (1) Security of tenure to tenants subject to landlords right to resume $\frac{1}{2}$ of the land.
- (2) Fair rent ranging between 40% to 1/3rd of the produce.

Further Action to be Taken

(1) Except in Mahe, there is no provision to bring tenants in direct contact with the State.

(2) The present continuing right of resumption in Pondicherry should be stopped and all cultivating tenants should be declared permanent and heritable and rents should be reduced.

(3) Ceiling provisions should be enacted in Pondicherry, Karaikal, and Yanam on the lines of the recommendations of the Chief Ministers' Conference.

Distribution of Government Waste Land

<u>State</u>		<u>Extent of waste land distributed (in 100 hectares)</u>
Andhra Pradesh	...	800
Assam	...	121
Bihar	...	202
Gujarat	...	250
Haryana	...	23
Jammu & Kashmir	...	16
Kerala	...	20
Madhya Pradesh	...	1200
Maharashtra	...	409
Mysore	...	290
Orissa	...	67
Punjab	...	68
Rajasthan	...	1800
Tamil Nadu	...	125
West Bengal	...	49
Uttar Pradesh	...	370
Delhi	...	1
Goa	...	1
	Total:	<hr/> 5900 <hr/>

APPENDIX - III

Distribution of surplus
land on imposition of
ceiling

(In 000 acres)

State	Surplus area declared or taken possession	Surplus area distributed
Andhra Pradesh	74	Nil
Assam	68	1
Bihar	Nil	Nil
Gujarat	50	25
*Haryana(Pepsu area)	170	65
Jammu & Kashmir	450	450
Kerala	10	1.8
Madhya Pradesh	84	13
Maharashtra	271	123
Mysore	Nil	Nil
Orissa	Nil	Nil
Punjab(Pepsu area)	178	64
Rajasthan	Nil	Nil
Tamil Nadu	25	17
Uttar Pradesh	241	121
West Bengal	694	375
Total:	<u>2315</u>	<u>1255.8</u>

or 1 million hecets.approx.

0.5 million hecets.
approx.

* In Haryana and Punjab in the non-Pepsu areas, there was no ceiling on ownership of land at the time in question.

Progress of Consolidations operations

State	Year in which legislative measures enacted.	Total Geographical area '000 hectares	Sown area hect-ares	Area fit for conso- lidation 1000 hectares	Area Conso- lidated 1000 hectares	Period for figures in col.6	% of col.6 to col.4 in case of col.5 is not available	Remarks
1	2	3	4	5	6	7	8	9
1.Uttar Pradesh	1953	29437	17416	12551	10663	upto March 72	85	
2.Punjab	1948	5038	3940	NA	4737(sic)	"	120(sec)	
3.Haryana	1948	4406	3273	NA	4129(sic)	"	126(sec)	
4.Maharashtra	1947	30727	18367	NA	7534	"	41	
5.Himachal Pradesh	1953	5566	547	NA	360	upto 1972	66	
6.Madhya Pradesh	1959	44346	10163	NA	3179	upto March 72	17	
7.Rajasthan	1954	34227	13311	NA	1744	1971	13	
8.Gujarat	1947	18709	9802	NA	1028	upto Sept.1971	9	
9.Mysore	1966	19176	10049	NA	803	upto March 1972	8	
10.Jammu & Kashmir	1952	22297	679	NA	33	upto March 1972	5	
11.Bihar	1956	17491	8325	NA	70	upto 1971	.8	
12.Andhra Pradesh	1956	27524	10919	NA	36	1971	.3	
Total:		258844	114791	NA	32569			
Other States & Union Territories		67965	22820	NA	8		1971	Col.6 relates to Delhi.
TOTAL FOR INDIA		326809	137611	NA	32577		23	

Note: For items 2 & 3 the figures in Col.4 have been adopted for Col.6 also for working out totals for the whole country. This was done in order to limit the area consolidated to the maximum area available.