

LAND REFORMS SERIES—19



THIRD REPORT
OF THE
HYDERABAD LAND COMMISSION
ON
THE STANDARDS OF EFFICIENT
CULTIVATION & MANAGEMENT

Issued by the Board of Revenue (Land Reforms)

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4. Recent legislation on Land Reforms has led some land-holders to resume land for personal cultivation out of all proportions to their resources for cultivation. As a result, considerable land is being unnecessarily kept fallow or is under a very indifferent type of personal cultivation. This fact had been noticed by the Fallow Lands Investigation Committee as early as 1951. It is, therefore, necessary in the larger interests of the country to insist upon full utilization of land. The object of prescribing standards of efficient cultivation is to provide the necessary incentives for the individual for performing his duties in this respect and to provide statutory sanctions to be enforced in case of his failure.

5. The following questions arise in respect of the standards of efficient cultivation and management:

- (i) The standards to be prescribed.
- (ii) Whether the standards prescribed should be applied to all land holdings or to certain size groups.
- (iii) Should the tests be applied to the aggregate holding or to each of its portions.
- (iv) The penalties to be imposed in cases of failure to comply with the standards.
- (v) Machinery for enforcement of the standards.

6. In the First Five-Year Plan the Planning Commission had suggested that each State should enact suitable Land Management Legislation. Under this legislation standards of cultivation and management were required to be laid down and specific obligations prescribed, for instance, in respect of sale of surplus produce to the Government, production and sale of improved seeds, wages and conditions of living and employment for agricultural workers and investment in farm improvement etc. The legislation had also to provide for suitable machinery for enforcing the various obligations. The legislation could be applied, in the first instance, to those holdings which exceed a prescribed limit which might be equal to or larger than the limit for resumption for personal cultivation and future acquisition, depending upon the conditions in a State.

7. In accordance with these suggestions the Government of Hyderabad amended Chapter VI of the Hyderabad Tenancy and Agricultural Lands Act of 1950. Sections 53-B, 53-C and

53-B. (1) With a view to bring the agricultural economy to a higher level of efficiency, the Government may, by rules, regulate standards of efficient cultivation and management.

(2) Such rules may provide for the issue of directions as regards the methods of agriculture to be adopted, the use of improved seeds, sale of surplus foodgrains, and for ensuring proper wages and terms of employment of agricultural workers, maintenance of regular and accurate accounts in respect of cultivation, and such other directions as may be necessary or desirable for the efficient utilisation of lands.

53-G (reproduced below) empower the Government to make rules to prescribe the standards of efficient cultivation and management and to assume management of or acquire holdings or portions thereof which are not cultivated according to those standards.

(3) Such rules shall apply to agriculturists who cultivate personally land equal to three times the family holding or more.

(4) The Government may lower the extent of the holding to which such rules shall apply.

53-C. (1) Notwithstanding any law for the time being in force or any usage or custom or the terms of any contract or grant to the contrary, the Government or any officer or authority authorised by the Government may, for a public purpose, from such date as may be notified in the Jarida and subject to the provisions of sub-section (7) as to the payment of compensation, assume the management of so much of the land held by a landholder and not in the occupation of tenants, as is in excess of four and a half times the family holding for the local area concerned unless in the opinion of the Government or such officer or authority, it is so efficiently cultivated and managed according to the standards prescribed under Section 53-B that a break-up will lead to a fall in production:

Explanation I.—For the purposes of this sub-section the standard of efficient cultivation and management will apply only to land which forms a compact block.

Explanation II.—In this sub-section 'public purpose' includes settlement of landless cultivators, development of co-operative organisations and increasing the efficiency of management:

Provided that in calculating the excess of land owned by a joint family, every branch of it is entitled under the Hindu Law to a share per stripes in the property owned by the family on the partition of the family, shall be allowed one family holding even though the aggregate of such shares may exceed four and a half times the family holding:

Provided further that a declaration by Government that a land is required for a public purpose shall be conclusive evidence that the land is so required.

(2) Where in the opinion of the Government or such Officer or authority the cultivation of any land by a land-holder falls below the standards prescribed under Section 53-B the Government or such officer or authority may, subject to the provisions of sub-sections (7) and (8) as to the payment of compensation, assume the management of the entire holding or such portion thereof as is in excess of three times the family holding in the local area concerned:

Provided that every branch of a joint family entitled under the Hindu law on partition to a share per stripes in the property owned by the family, shall be allowed one family holding even though the aggregate of such shares may exceed three times the family holding:

Provided further that the provisions of sub-sections (1) and (2) shall not apply to permanent fruit gardens and orchards that existed on the 1st January, 1952.

(3) The provisions of sub-sections (1) and (2) shall *mutatis mutandis* apply to lands held by protected tenants as such, including lands if any, held by them as land-holders.

(4) Before assuming management, the Government or such officer or authority shall give three months' notice in writing to the land-holder

(Contd.)

8. Sub-section (2) of Section 53-B, mentions the items for which standards may be prescribed. Sub-section (3) indicates that to start with the Government proposes to apply the standards to farmers (landholders or tenants) who personally cultivate land equal to three family holdings or more. The limit may with further experience be brought down later on under sub-section (4) and standards applied to smaller holdings as well.

of the intention to do so, and consider any representation he may make within the period allowed in the notice.

(5) After considering such representation, if any, the Government or such officer or authority shall communicate in writing to the landholder the decision thereon and publish the decision in the manner prescribed.

(6) On the application of a decision to assume the management the Government or such officer or authority shall subject to the provisions of section 53-B appoint a manager to be in charge of the lands and thereafter the provisions of section 52 shall *mutatis mutandis* apply to such lands.

(7) The amount of compensation payable for assumption of management shall consist of a recurring payment determined in accordance with the provisions of section 11 and sub-section (3) of section 17 and such other sums, if any, as may be found necessary to compensate the land-holder for all or any of the following matters, namely:—

(i) pecuniary loss due to assumption of management;

(ii) expenses on account of vacating the land the management of which has been assumed.

(iii) expenses on account of re-occupying the land on the termination of the management;

(iv) damage, if any, caused to the land during the period of management, including the expenses that may have to be incurred for restoring the land that the condition in which it was at the time of assumption of management.

(8) (a) Where the amount of compensation referred to in sub-section (7) can be fixed by agreement, it shall be paid in accordance with such agreement.

(b) Where no such agreement can be reached, the Government shall appoint as Arbitrator a person qualified for appointment as a District Judge.

(c) At the commencement of the proceedings before the Arbitrator the Government and the person to be compensated shall state what in their respective opinions is a fair amount of compensation.

(d) The Arbitrator in making his award shall have regard to the provisions of section 18 of the Hyderabad Land Acquisition Act, 1809 F., so far as the same can be made applicable.

(e) An appeal shall lie to High Court against an award of the Arbitrator.

(f) The Government may make rules for carrying into effect the provisions of this sub-section and in particular and without prejudice to the generality of the foregoing power, such rules may prescribe—

(i) the procedure to be followed in arbitration under this sub-section;

(ii) the principles to be followed in apportioning the costs of proceedings before the Arbitrator and on appeal.

9. Sections 53-C and 53-G provide for the sanctions to be enforced in cases of failure of any landholder to comply with the standards. Sub-section (2) of Section 53-C provides for Government's assuming the management of the entire holding or its portion which is in excess of 3 family holdings. Sub-sections 4, 5 and 6 of Section 53-C pertain to the procedure laid down for assumption of management while sub-sections (7) and (8) deal with the amount of compensation payable in case of assumption of management and the mode for its determination. Section 53-G provides that the lands whose management can be assumed by the Government can also be acquired for distribution to other landless persons.

10. An obvious test for efficient farming may appear to be the good yield of crops or the gross produce per acre. But it depends on some other factors also as may be beyond the control of the farmers. It is, therefore, essential that the test should be such as will facilitate an objective judgment by inspection of the fields and carry conviction to an impartial observer. It should also be comprehensive enough to eliminate, or at least reduce, the chances of injustice or hardship by biased judgment.

11. Having given careful consideration to the various tests for efficient cultivation, the Commission is of the view that efficiency of cultivation and management should be judged with regard to the following standards:—

- (i) “ (a) Levelling, bunding, terracing (where necessary and economically practicable) and other measures needed for maintaining the fertility of the soil.
- (b) Development and use of cultivable waste land, such as, reclamation of cultivable waste land by drainage of water-logged area, removal of alkali or by anti-erosion or soil conservation measures, eradication of pernicious weeds, clearing of bushes and shrubs.

53-G. (1) Notwithstanding anything contained in this chapter or any law for the time being in force or any customs, usage, decree, contract or grant to the contrary, the Government may acquire the lands, the management of which it can assume under the provisions of section 53-C subject to the payment of the reasonable price payable under the provisions of sub-section (2) of section 53-F as compensation.

(2) The Government may issue bonds on such terms as may be prescribed in payment of the whole or part of the compensation payable under the provisions of sub-section (1).

(3) The Government shall distribute the lands so acquired in the order laid down in section 53-E and may collect the price of the land so distributed at such rates as may be prescribed in a lumpsum, or in instalments from the persons to whom the lands are distributed.

- (ii) Use of pure seeds of an improved variety.
- (iii) Manures and fertilisers.
 - (a) Conservation of farm yard manure;
 - (b) Composting of all kinds of farm refuse;
 - (c) Adoption of green manure as a regular practice;
 - (d) Use of chemical fertilisers where necessary and economical.
- (iv) Irrigation:
 - (a) Where cannal irrigation is not available, construction of wells, tube-wells, pumps, tanks and dams, wherever possible, either independently or in co-operation with the neighbouring cultivators;
 - (b) Economic use of water by proper maintenance of irrigation channels, *i.e.*, plastering, keeping them, as far as practicable, in straight lines and not zig-zag, keeping them free from weeds and making the irrigation channels pucca, wherever economical, in order to prevent leakage of water.
- (v) Agricultural Implements:—Use of agricultural implements of improved variety as recommended by the Agriculture Department for particular tracts.
- (vi) Control of insect pests and diseases and eradication of pernicious weeds, independently as well as in co-operation with local cultivators, in accordance with methods generally recommended by the Agriculture Department.
- (vii) Improved agricultural practices in respect of:
 - (a) Preparation of seed beds;
 - (b) Methods of sowing;
 - (c) Inter-culture of crops;
 - (d) Weeding;
 - (e) Rogueing; and
 - (f) Harvesting practices.
- (viii) Suitable rotation of crops.
- (ix) Planting and care of trees (especially along water sources, near wells and on uncultivable lands).
- (x) In case of dry farming, improved dry farming practices as recommended by the Agriculture Department, such as:—
 - (a) Shallow ploughing before the commencement of the rains;

- (b) Removal of weeds;
- (c) Bunding and terracing;
- (d) Conservation of moisture by ploughing and sohaging immediately after the rains stop.

(xi) Adoption of 'Mixed Farming' or industries allied to agriculture like fruit and vegetable gardening, dairy farming, poultry or bee-keeping, the extent, to which the recommendations of the Agriculture Department on the subject are followed.

(xii) Animal Husbandry:—

- (a) Maintenance of approved breeds of live-stock;
- (b) Satisfactory provision for feeding of animals, feeding stalls;
- (c) Conservation of manure;
- (d) Proper housing of animals; and
- (e) Protective measures against and treatment of diseases;

(xiii) Farm equipment and investment in permanent improvements.

(xiv) Adequate arrangement for storage of produce.

(xv) Ensuring proper wages and terms of employment including housing conditions of agricultural workers on the farm.

(xvi) Maintenance of regular and accurate farm accounts in respect of cultivation.

(xvii) Participation in co-operative associations.

(xviii) Adequate arrangements for storage of different varieties of produce and prevention of mixing.

(xix) Sale of surplus foodgrains."

12. Though the list is very exhaustive, every item of it will not necessarily be applied to every farm or every field. It all depends on the nature of the soil. In fact, some of these measures are already being enforced in our State, through the Land Improvement Act, under which the Government has authority to compel any cultivator to take up a scheme of land improvement, such as, bunding, drainage, construction of or repairs to irrigation works, etc. If the cultivator fails to comply with the above order, the Government has the authority to execute the same on its own and recover the cost from him. Legislation has also been enacted to promote the use of an approved variety of seeds of cotton in any notified area. We, therefore, feel no difficulty in suggesting the above standards of efficient cultivation.

13. The enforcement of standards of efficient cultivation of Land Management Legislation cannot be treated in isolation. It should be regarded as a part of development plans or rural economy. It should be linked up with the programmes of land reforms, consolidation of holdings, Co-operative farming, Co-operative finance and national extension. Without financial and technical aid by the Government, it is futile to expect from an average cultivator that he can fulfil his obligations. It is not necessary for us to lay down the State's duties in connection with the enforcement of Land Management Legislation. It is obvious that the obligation of the individual cultivator begins when the State fulfils its obligations with regard to financial and technical assistance.

14. Pest or disease does not discriminate between a small and a big farm. It spreads in all farms of the area irrespective of their size. Similarly, in the case of soil erosion, there is no distinction of the size of holdings. It is impossible to control a pest or disease unless insecticides are used over all holdings. Similarly, the measures for soil conservation, such as bunding and tree planting, may have to be applied to all holdings irrespective of their size in the area affected by soil erosion. Applications of such standards should not, therefore, be restricted to holdings of three Family Holdings or more. The Government should have powers to enforce them in respect of all holdings in a notified area. However, the enforcement of these standards will depend upon the administrative and financial resources of the State.

15. Land Management or enforcement of standards of cultivation is new and we have little experience. We examined this question thoroughly. Considering the administrative machinery and financial resources etc., we came to the conclusion that it would be advisable to deal with only a limited number of farms. We are of the view that the standards of cultivation enumerated in para (11), though the principle may be applicable to all farms irrespective of their size, should be applied to start with to cultivation holdings equal to three family holdings or more. Excepting the standards discussed in para (14) there is, therefore, no need to take action under sub-section (4) of section 53-B immediately. It can be done after some experience has been gained of the working of the Land Management Legislation.

16. For the successful implementation of Land Management Legislation it will be necessary to organise continuous supervision over Farms of sizes covered by para (15). It is, therefore, proposed that cultivation holdings of three family holdings or more should be compulsorily enrolled as 'Registered Farms'. These Registered Farms will be under obligation to follow prescribed standards of cultivation and develop

as efficient units of production. They will be under the obligation to sell improved seed to Government and ensure fair wages and terms of employment for agricultural workers. They will have to maintain farm accounts in the prescribed manner.

17. It is presumed that all Registered Farms will be able to discharge their obligations and will set a standard of cultivation, which will help to raise the general level of agriculture in the State. To enable them to do so, technical advice and supervision by Departmental agencies will be necessary. The question of financial aid should not arise in case of Registered Farms. They should be capable of providing finance for themselves. Compared with the vast majority of very small and uneconomic holdings these Registered Farms have to justify their existence by efficient cultivation. Difficulties such as, securing labour, weather conditions and the like over which the farmer has no control can be taken into consideration in determining whether the cultivation is efficient or not. But bad financial position of a Registered Farm cannot be considered as a valid reason for the failure of its obligation in maintaining the standards of efficient cultivation.

18. The standards for efficient cultivation can be laid down generally at the State and District levels. Adaptation to local conditions would be necessary at the lower levels, i.e., taluka and village. Soil conditions differ from place to place and weather conditions also vary. In determining the standards, the character and situation of the land have also to be taken into account. This is a very difficult process and yet these factors play important roles in increased production.

19. For applying tests of efficiency of cultivation and management we suggest that Registered Farms should be inspected and classified into the following four categories according to the quality of their cultivation and management:—

1. Very Good,
2. Good,
3. Average, and
4. Bad.

In classifying the farms, all the standards mentioned in para (11) should be taken into consideration. For the purpose of classification, allocation of marks for each factor should be considered and in the allocation of marks for the various factors the adjustment in the standards has to be made to suit the local conditions. For instance, in an area where development of land and irrigation are the major needs, higher number of marks may have to be allocated for these factors and less marks to other factors. In areas where land and water resources are already developed, the emphasis may shift to schemes

of use of improved seeds, manures, fertilisers and control or eradication of pests and weeds for which a larger allocation of marks may be necessary.

20. A farm which is placed in the grade below the average at the first inspection should be placed under supervision and warned to bring up the standard within a given period say one year depending upon the kind of improvement needed. Such a farm should be given an approved programme of improvements to be carried out. The period may later on be suitably extended by the Collector up to two years if in the opinion of the District Committee the landholder has done his best to effect the improvement. If at the end of the period fixed it is still observed that the Farm has not come up to the average level, it should be taken over by the Government and arrangements made for its cultivation. As an alternative the Government may effect the improvement and recover the cost and may also recover some suitable percentage of the cost by way of penalty.

21. Similar programmes of improvement should also be drawn up for raising the farms of average levels to the higher levels. Suitable rewards should be given to such improvements. In all cases, Government aid or Taccavi Loans should be made conditional to the holdings being cultivated according to the prescribed standards.

22. Enforcement of standards involves continuous local inspection and supervision of farms, application of tests, drawing up individual improvement programmes for them and providing technical assistance from time to time. This requires more or less a permanent administrative agency. It will also be necessary to associate locally experienced non-officials at different levels.

23. At the State level, there is need for a State Land Management Board including both official and non-official members. The Minister in-charge of Land Reforms may be the Chairman of this Board. There should be a Vice-Chairman who will be nominated by the Government from amongst the non-official members of the Board. The Board should have, besides the Chairman, ten members of whom six should be non-officials and four officials. The principal official members should be a Member of the Board of Revenue, the Development Commissioner, the Director of Agriculture and the Registrar of Co-operative Societies. The Land Reforms Officer should function as Secretary to this Board. Out of the six non-official members three should be elected by the State Legislative Assembly and three nominated by the State Government.

24. In each District, there should be a District Land Management Committee. The Collector should be the Chairman

and, besides him, there should be 8 Members of whom 5 should be non-officials and 3 officials. The official members should be the representatives of Agriculture and Co-operative Departments and a Senior Revenue Officer assisting the Collector in Revenue and Development work. The non-official members may be appointed by the State Government.

25. In each Taluka or a selected area, there should be a Land Management Committee. The Tahsildar should be the Chairman of this Committee and there should be, besides him, 5 Members, of whom, 3 should be non-officials. The Block Development Officer, if there be any or the Taluka Agricultural Assistant should work as the Secretary of this Committee. If there is no Block Development Officer, the Senior Inspector of Co-operative Societies should be taken on the Committee. The non-official members should be nominated by the State Government on the advice of the District Land Management Committee.

26. For each village there should be a Village Land Management Committee. If there is a Village Panchayat under the Panchayat Act, some two or three members of the Panchayat Committee may be taken as Members of this Village Committee. The functions of this Village Committee should be advisory. Functions relating to the Land Management can be discharged with the help and guidance of the National Extension Staff. It is desirable to gain closer experience of the Land Management Work in areas served by National Extension and Community Projects where there is sufficient trained staff and Government's financial aid already available. We, therefore, suggest that to start with the standards be applied to areas covered by Community Projects or National Extension Service. Priority for application of standards should in our opinion be similarly given to areas under irrigation projects where full utilisation of land and water is essential in the larger interests.

27. It would be better to have a senior Revenue Officer at the State level to devote all his time to work relating to Land Reforms and Land Management. Land Management is a continuing activity and for effective implementation there is need for such a whole-time officer. This officer should work as the Secretary of the State Management Board.

28. The standards which individual registered farms are expected to fulfil may be laid down by the Taluka or the Area Land Management Committee with the approval of the District Land Management Committee which will have to arrange for the inspection of the farms at least twice a year. Ordinarily, the inspection may be by a small Sub-Committee consisting of 3 members of whom one should be the District Agricultural officer.

29. Whenever the District Land Management Committee is satisfied that the individual farmer has failed to maintain the standards of cultivation and management, it may recommend to the Collector to issue an order warning the cultivator of the Registered Farm and directing him to improve cultivation within a given period, failing which the management of the entire farm or such portion of it as may be necessary would be assumed.

30. It may be necessary to provide for an appeal against the order of the Collector before the State Land Management Board whose decision should be final.

31. The rules should indicate the date from which the standards would be enforced. This day may, in our opinion, be one year subsequent to the date of notification of the Rules. The interval should be utilised in making necessary administrative arrangements and in organising a proper campaign for publicity and education as these measures will assume great importance. The interval may also be used for getting the registration of farms completed.

32. While enforcing the standards, a question may arise whether the tests prescribed should be imposed only with reference to the quality of cultivation of the entire holding of the landholder or of separate portions thereof. If a cultivator is found to have cultivated a portion according to the standards prescribed but to have neglected another portion, the question is whether the classification made under para 19 above should be for each portion separately or not. The Commission is of the opinion that the classification should be made with reference only to the aggregate holding, not with reference to its portions separately. Some suitable method will have to be devised to assess the average quality of cultivation of the aggregate holding correctly.

33. The Commission feels that in spite of the prescription and enforcement of standards of efficient cultivation, increased production will depend to a large extent upon the margin of profits resulting from a reasonable level of prices for agricultural produce. To assure increased production and efficiency of cultivation, therefore, the Government should also try to ensure fair price levels for the primary producers. We suggest that the State Government may recommend to the Government of India for taking suitable action in this respect.

34. We have made some suggestions in respect of the administrative machinery required for enforcement of these standards. Further details will have to be worked out by the Departments concerned. We, however, want to add that the Government should avoid creation of multiple agencies with overlapping functions separately implementing schemes under the Land Improvement Act and the Hyderabad Tenancy and

Agricultural Lands Act. At all levels there should be only one agency for implementation of all the schemes which are allied to Land Improvement and Land Reforms.

(Sd.)

1. M. Narsing Rao,
Chairman.
2. Gulam Hyder, I.A.S.
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Dated the 13th February, 1956.

(Sd.)

1. Bhujang Rao Kulkarni, I.A.S.,
Secretary.
2. M. A. Haleem, H.C.S.,
Joint Secretary.

LAND REFORMS SERIES

Census of land Holdings in Hyderabad State.

2. The Hyderabad Tenancy and Agricultural Lands (Amendment) Act No. III of 1954.
3. The Hyderabad Land Commission Rules, 1954.
4. The Hyderabad Land Census Rules, 1954.
5. The Hyderabad Tenancy and Agricultural Lands Act, 1950 as Amended up to the end of 1954.
6. Census of Land Holdings—Instructions for Inspecting Officers.
7. Reform of Pahani Patrak and Integration of Land Census, Record of Rights and Annual Revenue Accounts and Crop Inspection.
8. Register of Holdings and Land Census Abstracts.
9. First Report of the Hyderabad Land Commission on Deline-
mitation of Local Areas and Fixation of Family Holdings.
10. Second Report of the Hyderabad Land Commission on
Consolidation of Holdings.
11. Jamabandi (Land Revenue Accounts) based on occupancy
Rights.
12. Redistribution of Land in Hyderabad State.

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13. The Hyderabad Tenancy and Agricultural Lands (Amend-
ment) Act of 1955.
14. Manual of Record of Rights.
15. } Report on the Census of Land Holdings in Hyderabad
16. } State Volumes 1 and 2.
17. Progress of Land Reforms in Hyderabad State.
18. The Hyderabad Land Revenue Act and Rules made there-
under.