

**GOVERNMENT OF MAHARASHTRA  
REVENUE AND FORESTS DEPARTMENT**



**REPORT OF**  
**The Committee Appointed**  
**BY THE**  
**Government of Maharashtra**  
**FOR**  
**EVALUATION OF LAND**  
**REFORMS**



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M. P. Pande,  
Chairman,  
Land Reforms  
Evaluation Committee.

D. O. No. TNC. 6768-7063-LR.  
Revenue and Forests Department,  
Sachivalaya, Bombay-32 (BR.)  
Dated 31st August 1972.

Dear Sir,

I have the honour to submit the report of the Land Reforms Evaluation Committee appointed under Government Resolution, Revenue and Forests Department, No. TNC.-6768-7063-M (Spl), dated the 27th June 1968.

Received on  
31-8-72.  
(Sd.) H. G. Vartak,  
31-8-72.

Yours sincerely,  
(Sd.) M. P. PANDE.

To

Hon. Shri H. G. VARTAK,  
Revenue Minister,  
Government of Maharashtra.

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## CHAPTER I

### INTRODUCTION

1.1. During the two decades after Independence a large number of legislative measures relating to land tenure and tenancy were undertaken in the State of Maharashtra. Some of the reform measures promulgated earlier during this period were subsequently radically amended and strengthened. While the implementation and effects of some of the earlier land reform measures were studied by scholars, the more recent measures have not received similar attention. In any event, a decade or more had passed since most of these reform measures were promulgated and their implementation was nearing completion. The Government of Maharashtra, therefore, decided to institute a comprehensive evaluation of the land reform measures in the State. By a Resolution, Revenue and Forests Department, No. TNC-6768-7063-M (Spl.), dated 27th June 1968, the Government set up the Committee for Evaluation of Land Reforms in the State.

1.2. The terms of reference of the Committee were as follows:—

(1) To study the working of various land reform measures such as Tenancy Laws, Abolition of Intermediaries, Land Ceiling Acts, etc., with a view to pin-pointing the defects, if any, in the implementation programme.

(2) To assess how far the implementation programme has been successful particularly with reference to its impact on the two main objects, namely,—

(i) increasing agricultural production, and

(ii) enlargement of social justice.

1.3. The Committee consisted of the following:—

(1) Secretary, Revenue and Forests Department,  
Government of Maharashtra. ... Chairman.

(i) Shri R. C. Joshi from 27-6-68 to 3-9-68.

(ii) Dr. A. S. Naik from 4-9-68 to 23-4-71, and

(iii) Shri M. P. Pande, from 24-4-71 to 31-8-72.

(2) Revenue Commissioner, Nagpur Division. ... Member.



- (3) Revenue Commissioner, Poona Division. ... Member.
- (4) Director, Bureau of Economics and Statistics,  
Maharashtra. ... Member.
- (i) Shri S. M. Vidwas, from 27-6-68 to 25-8-70.
- (ii) Shri D. R. Deoras, from 26-8-70 to 28-2-71.
- (iii) Shri M. A. Telang, from 1-3-71 to 31-8-72.
- (5) Dr. N. Rath, Gokhale Institute of Politics and  
Economics, Poona. ... Member.
- (6) Dr. C. H. Shah, Department of Economics,  
University of Bombay, Bombay. ... Member.
- (7) Shri S. P. Mohite, Retired Revenue Commis-  
sioner, Maharashtra. ... Member.
- (8) Shri D. G. Hosangadi, Retired Land Reforms  
Implementation Officer. ... Member.
- (9) Deputy Secretary, Revenue and Forests Depart- ... Member-  
ment. Secretary.
- (i) Shri M. P. Pande, from 27-6-68 to 23-4-71.
- (ii) Shri A. A. Alavi, from 26-6-71 to 31-5-72.
- (iii) Shri S. Ramamoorthi, from 12-7-72 to 31-8-72.

Besides, the Chairman was given the power to co-opt two members. Accordingly the following two members were co-opted:—

- (10) Shri M. K. Shingare, Agricultural Economist ... Member.
- (11) Shri D. N. Capoor, Collector, Wardha  
District (Now Deputy Secretary, Home ... Member.  
Department).

Subsequently, by a Resolution of the Government, Revenue and Forests Department No. TNC-6768-7063-M (Spl.), dated 17th September 1968, the Revenue Commissioner, Bombay Division, was made a Member of the Committee.

1.4. The Committee, in its initial deliberations reviewed the various legislations for land reforms in the State enacted since 1948. A complete list of all Acts, subsequent Amending Acts and the rules framed thereunder between 1948 and 1972 relating to land reforms arranged chronologically is given in Appendix A of this Report. Broadly these may be grouped under three heads—

- (1) Laws relating to regulation of tenancy in agricultural land ;  
(2) Laws relating to abolition of certain types of land tenure ;  
and  
(3) Laws relating to ceiling on land holdings of agricultural land.

The Committee decided to make a broad review of the trend of legislation in these fields in Maharashtra during the last two decades and of the process of implementation of the legislation currently in force.

1.5. However, it was felt that not all land reform measures currently in force in the State called for intensive investigational effort. In the field of legislation relating to tenurial abolition, it was noted that some of the major laws like the Bombay Khoti Abolition Act, 1949, the Hyderabad Tenure Abolition Act (applicable to the Marathwada Region of the State) and the Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated lands) Act, 1950 which were passed more than two decades ago had been fully implemented. Besides, individual research workers or institutions had some years ago conducted investigations into the implementation of these laws and had published their findings under the auspices of the Research Programmes Committee of the Planning Commission. Many of the other tenure abolition laws were relatively minor in character, as they pertained to small areas or small groups of people in the State. In the case of most of these laws, therefore, it was decided to collect all information available with the Government with regard to the number of tenure holders involved, the area held, the extent to which and the manner in which they were affected by the legislations, the amount of land that vested in the Government, and its disposal etc.

1.6. In regard to the implementation of the Land Ceiling Law, it was decided to review with the help of the recorded information available with the Government the legislative provisions including the legal difficulties, if any, arisen in the process of implementation, expectation of surplus land and the actuals in this regard with the help of the recorded information available with the Government.

1.7. The tenancy laws passed since 1948 had the largest impact in that they touched a large number of people in the State, and areas of land as they aimed at substantial modification or abolition of old institutional arrangements. The first set of tenancy laws passed in 1948 and 1950 (relating to Western Maharashtra and Marathwada regions, respectively) had been implemented over a period of 6 to 8 years. This implementation was subjected to review by the State Government as well as by scholars. Thereafter the laws were

substantially amended in 1956 in Western Maharashtra and in 1960 in Vidarbha region and since then are being implemented. It was felt necessary by the Committee to make a detailed investigation of the implementation of these Acts in order to get a deeper insight into the nature of their implementation and their impact on the various groups of people involved in tenancy.

1.8. In regard to the impact of the land reforms measures on agricultural production in the State, the Committee was of the view that efforts to obtain any quantitative estimation were bound to be a frustrating exercise. In the first place, agricultural production is dependent on a variety of factors, including weather and it would therefore be very difficult to indicate the effect of the land reform measures on it. Secondly, reliable data on production as affected by these measures, after a period of ten years will virtually be unobtainable. Nevertheless it was decided to collect data from a few villages with reference to the nature and extent of land development, cropping pattern and cultural practices prevailing prior to the introduction of the latest Tenancy Acts and at present. It was considered that this would indicate the impact, if any, of land reforms on the long term trends in agricultural production.

1.9. In order to organize the various investigations, assess the data and progress of work and finally to prepare a draft report on the findings of the investigations, the Committee set up a Sub-Committee under the Chairmanship of Shri S. P. Mohite with the following as its members:—

- (1) Dr. C. H. Shah.
- (2) Dr. N. Rath.
- (3) Director, Bureau of Economics and Statistics, Maharashtra.
- (4) Shri M. P. Pande, Deputy Secretary, Revenue and Forests Department.

The Sub-Committee met as often as was necessary during the last three years.

1.10. The rest of the report is divided into seven chapters. Chapters II to IV are devoted to the implementation of the Tenancy Acts, one chapter for each of the three regions of the State, Western Maharashtra, Vidarbha and Marathwada. Chapter V deals with implementation of the Land Ceiling Act, Chapter VI with the impact

of the Tenancy Act on agricultural production. Chapter VII with the abolition of various intermediary tenures in land. Chapter VIII is devoted to some of the administrative problems relating to the implementation of land reforms. It also contains the conclusions and recommendations of the Committee.

1.11. It has been the earnest endeavour of the Committee to analyse the issues in depth, identify the deficiencies in the implementation of the programme and pin-point, as precisely as possible, the reasons therefor. This alone could furnish the basis for improvement in policy formulation and execution of the programme in future. If in this endeavour the terms of reference have not been literally adhered to and these are departed from here and there, the committee feels no regret since literal adherence would have precluded analysis of the problems in all bearings.

1.12. The members of the Sub-Committee assumed the major burden of the task and they deserve special credit for the immense pains taken by them in collecting and collating the material. Dr. Rath had to work harder than others addressing himself, *inter alia*, to the task of drafting the report. He has done so with rare critical acumen, characteristic zeal and thoroughness. Shri G. G. Kogade, officer on Special Duty worked tirelessly, in a spirit of dedication, to help the Committee fulfil its assignment. Thanks are also due to Shri J. G. Karandikar, Under Secretary, for his effective participation in the deliberations of the Committee, and to Shri V. D. Mahajan, Joint Director and Shri V. B. Muzumdar, Research Officer of the Bureau of Economics and Statistics and others too many to name individually whose valued assistance has contributed in no small measure to the impress which the report bears.

## CHAPTER II

### IMPLEMENTATION OF TENANCY LEGISLATION

#### (1) WESTERN MAHARASHTRA

2.1. The major land reform in the State which has affected the land-holding and therefore the economic position of thousands of rural households is that which pertains to the regulation of tenancy in land. Three different pieces of legislation relating to tenancy are at present in operation in the three different regions of the State—Western Maharashtra, Vidarbha and Marathwada. These three parts of the State which came together in 1956, have different backgrounds and the major legislative steps had been initiated therein prior to the reorganization of State in 1956. We shall, therefore, treat the tenancy reform legislation in these three different regions separately. This chapter is devoted to the examination of the position in Western Maharashtra comprising the residual districts of the former Bombay State. In the two subsequent chapters, we have discussed, the implementation of tenancy laws in Vidarbha and Marathwada respectively.

2.2. Each of these three chapters is divided into three sections. In the first section the evolution of the policy relating to tenancy will be traced till the passing of the present legislation. The second section will contain a summary of provisions of the present tenancy law. The results of the empirical investigations undertaken by the Committee will be presented in the third section.

#### Section I

2.3. In Western Maharashtra, raiyatwari was the dominant system of land tenure, in which the State, by and large, recognised the ownership of the actual cultivator of the land at the time of the original land survey and settlement operation during the second half of last century. Of course, there were some intermediary tenures, like *khoti*, *pargana* and *kulkarni watans*, personal, political and *saranjam inams*, etc. We shall discuss the position of this special class of intermediaries in land in a subsequent chapter. In any event, these were rather exceptional tenures considering the region as whole; the dominant system being raiyatwari.

2.4. The raiyatwari tenure and the tenancies thereunder were governed by the Bombay Land Revenue Code, 1879. Under section 83 of the code a tenancy was presumed to be co-extensive with the duration of the tenure of the landlord where, by reason of the antiquity of the tenancy, no satisfactory evidence of its commencement was forthcoming and there was no evidence of the period of its intended duration, or any usage in the locality as to the duration of such tenancy. Such tenant was deemed to be a permanent tenant. All other tenancy relations except that a three-month notice on either side was required for the termination of a tenancy were not regulated by the Code. Rents were to be determined by mutual agreement or according to local custom and usage. Agricultural leases also did not fall within the purview of the Transfer of Property Act, 1882, in view of section 117 of that Act. Thus tenancies in land in the raiyatwari region of Western Maharashtra remained practically unregulated by law, till 1939. In effect, a tenant was a pure tenant-at-will.

2.5. While the original raiyatwari settlement in the old Bombay State had largely been with the cultivators of land, in course of time tenancy in land developed for various reasons, and began to acquire significant proportions. However, until the 30's of this century the general attitude in the country was to regard only the tenancy in regions where the so-called intermediary tenures like, the Zamindari tenure prevailed as a problem for legislative action. Serious note was not taken of share-cropping, and tenancy in general in raiyatwari areas. It was only towards the end of the 30's that various committees and commissions in different parts of the country pointed out the serious nature and dimension of this problem.

2.6. The first popular government in the then Bombay State enacted the Bombay Tenancy Act of 1939 to provide for the first time some measure of protection to tenants. The Land Revenue Code, 1879 had defined a class of permanent tenants. The rest were all tenants-at-will. The 1939 Act defined and created a class of protected tenants, gave them fixity of tenure and protection against eviction except under some specified circumstances, laid down a procedure for the determination of 'reasonable rent' payable by these tenants, fixed the duration of lease of ordinary tenants and prohibited the levy by landlords of any cess, rate, tax or service of any kind.

The first tenancy protection law

2.7. Unfortunately, this law was not made operative until 1941, and then too it was applied to only two districts, Thana and Dhulia. Therefore, in 1946, on the return of the elected representatives to Government, the 1939 Act was made applicable practically to the whole province, after making some significant amendments to it. Thus, for all practical purposes, tenancy legislation in Western Maharashtra operated from 1946.

2.8. The Bombay Tenancy Act of 1939, as amended in 1946, recognised a special category of tenants called 'protected' tenants.

The Tenancy Act of 1946  
 A tenant on any land was deemed to be a protected tenant, if he held the land continuously for six years immediately preceding January 1, 1938 or January 1, 1945. The Act required every tenant on a specified date to be recorded as a protected tenant, unless the landlord had made an application during the year preceding and acting on such application a competent authority had declared the tenant not to be a protected tenant. The Act thus put the burden of proof squarely on the landlord, though in fact it is not known to what extent the landlord did so, and to what extent the concerned agency on its part recorded only such tenants as, in its judgment, fulfilled the conditions of protected tenancy status. Protected tenancy could not be terminated unless the tenant failed to pay rent, or did any act destructive or injurious to land, or sub-divided or sub-let the land, or failed to cultivate it personally, or used it for a purpose other than agricultural purposes. But there was a further overriding provision under which the tenant could be evicted. The landlord could resume the leased land after due notice, in case he wanted the land for personal cultivation or for any non-agricultural use. The tenant was given the right to ask for restoration of the land for cultivation, if the landlord failed to use it for the stated purpose within 12 years of resumption. The unprotected or ordinary tenants were also given some security of tenure. Lease of an ordinary tenant had to be at least of 10 years' duration. During this period the lease could not be terminated except for non-payment of rent etc., and unlike in the case of protected tenants, it could not also be terminated before the expiry of the lease period on the ground that the land was required by the landlord for personal cultivation. Thus in a sense, the ordinary tenancies were more secure for a period of 10 years than the protected tenancies. The Act provided that the rent payable by a tenant was

to be the conventional rent in the area subject to the maximum fixed. But in case there was a dispute it laid down a procedure for determination of reasonable rent. The Act prescribed that the maximum rent payable by a tenant for any land was to be no more than one-fourth and no more than one-third of the crop in the case of irrigated and unirrigated lands respectively. It also made a few provisions relating to house sites and trees planted by tenants.

2.9. The 1939 Act as amended in 1946 did not, however, have much time to operate. In the administration of this Act some defects and loopholes were noticed. So a

The Tenancy Act  
of 1948

new Act, the Bombay Tenancy and Agricultural Lands Act was passed in 1948. It repealed the 1939 Act but incorporated most of its provisions. The Act was amended quite a few times till 1953. The 1948 Act maintained the distinction between protected and ordinary tenants. The protected tenants were those defined by the earlier Act. They had the same rights and privileges. However, in their case the right of resumption by the landlord was sought to be qualified by the new Act. It laid down that resumption by the landlord for personal cultivation must not result in there being more than 50 acres of land with the landlord for personal cultivation. A higher limit for undivided Hindu families set by the original Act was abolished by an amendment in 1952. But of course this ceiling was to be inoperative if the leased land was to be voluntarily surrendered by the protected tenant. An amendment in 1952 restricted the right of resumption further by laying down that a landlord could terminate the tenancy of a protected tenant for personal cultivation provided the landlord's main source of income was agriculture. Even then only if the landlord cultivated less than one "agricultural holding" (defined in the Act) could he terminate protected tenancy on the entire leased land; otherwise tenancy could be terminated only on half the leased land, the other half remaining perpetually with the protected tenant. The conditions governing the tenure of unprotected tenancy remained the same as in the earlier Act. The 1948 Act prohibited transfer of agricultural land to non-agriculturist and laid down priority among agriculturists for the purchase of any agricultural land. A tenant, if existing on the land, was given the first priority of purchase. A more interesting provision introduced was the right of optional purchase of leased land by a protected tenant. The Act provided that a protected tenant could opt to purchase the leased land, at a price to be fixed by the



appropriate revenue authority, provided this did not result in the landlord's total arable land falling below fifty acres and the tenant's total owned arable land exceeding fifty acres. Thus, for the purpose of this right of optional purchase, fifty acres was in effect the floor to the landlord's holding and the ceiling to the protected tenant's holding. Maximum rent payable by any tenant, protected or otherwise was fixed at one-fourth of the crop on irrigated land and one-third of the crop on other land.✓

2.10. The Bombay Tenancy Act of 1948 was thus a comprehensive piece of reform legislation which provided not only a very considerable measure of security of tenure to all classes of tenants, and fixed a maximum level of rent payable, but also enabled the tenant to purchase within limit the leased land from the landlord. The Act was implemented over a period of seven years since 1948. However, from the available evidence, the results were not very satisfactory. A study into the implementation of this Act conducted in 1952-53 under the auspices of the Research Programmes Committee of the Planning Commission summed up the results of the enquiry in the following words:

“The main facts brought about by this investigation are, firstly, the extensive resumption and changes of tenants that took place even after the enforcing of the Act showing that the protection given to the tenants could not be effective in practice; secondly, a more or less normal market in land showing that the provisions for promoting the transfer of lands into the hands of the tillers were not quite effective; and thirdly, an almost complete absence of any signs of lowering the share and cash rents or of any changes in the tenancy practices.”\*

While the first two failures could be attributed to some extent to the defective provisions of the legislation itself, the third was due to a complete failure of implementation. The investigators remarked: “The surprising element of the situation is that even the landlords reported to us the true rents they received and that they found no reasons to conceal the facts ..... For all practical purposes the Act did not exist.”†

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\*Dandekar, V. M. and Khudanpur, G. J. *Working of the Bombay Tenancy Act, 1948 Report of Investigation* (Publication No. 35 of the Gokhale Institute of Politics and Economics, Poona), 1957, P. 187.

†*Ibid.*

The failure of the 1948 Act to secure the tenure of tenancies, regulate rent and promote ownership of leased land by tenants prompted the State Government to undertake a comprehensive amendment of the Act, not so much with a view to regulating tenancy relation as to abolishing it altogether.

## Section II

2.11. The Bombay Tenancy and Agricultural Lands Act of 1948 was extensively amended by an amending Act passed in 1955 and formally brought into force in 1956. With a few occasional amendments this legislation has been in force in the Western region of Maharashtra, comprising the districts in Bombay and Poona revenue divisions, for the last 15 years. It is the implementation of this amended Act which we examine in detail in this section.

2.12. The Tenancy Act as amended in 1955, was very far reaching in its provisions and implications compared to the earlier legislation. The basic objective of the Act appears to be to discourage tenancy in agriculture, and encourage and promote ownership cultivation. The provisions of the Act can be discussed under two broad categories: (1) The law made the terms of tenancy, including tenure and rent, far more restrictive than what they were earlier, so much so that leasing of land would no longer be an attractive proposition. (2) All tenancies in existence at the time of the promulgation of the Act with a few exceptions were legally required to be terminated, by enabling the landlords to resume, within specified limits, their leased land for self-cultivation if they so wished and by making the tenants the owners of the remaining leased land with immediate effect. The Act also provided for payment by the tenant of a legally determined price to the landlord. This provision was also made applicable to all future tenancies by entitling the tenants to purchase the leased land within one year from the commencement of the tenancy. If the tenants failed to exercise the right of purchase within the period, the leased lands would be considered as surrendered and dealt with accordingly. Longer duration of tenancy was permitted only in exceptional circumstances, and for lands growing some special crops. We give below the major provisions of the amended Act.

2.13. The Act while formally keeping the old three-fold division of tenants into permanent, protected and ordinary tenants, in effect

made the provisions of the Act applicable to all. It laid down that no tenancy was to be 'terminated merely on the ground that the period fixed by agreement or usage for its duration has expired' (section 4-B). Tenancy was not to be terminated unless the tenant (a) failed to pay the rent for any revenue year before the 31st of May of that year; (b) did any act which was destructive or permanently injurious to the land; (c) sub-divided or sub-let or assigned the land to another person; (d) failed to cultivate it personally; (e) used such land for a purpose other than agriculture or allied pursuits (section 14).

2.14. The rent payable by the tenant was fixed even lower than under the earlier Act. Now all rent had to be cash rent. It was to be subjected to a maximum of 5 times the assessment on that land or twenty rupees per acre, whichever was less, and subject to a minimum of twice the assessment even if it exceeds Rs. 20 (section 8). It was also further laid down that under no circumstances should the rent plus land revenue plus irrigation cess and local and panchayat cess exceed, in any year, the value of one-sixth of the produce of the leased land in that year. If it did, the excess was to be adjusted by reducing the rent payable in that year. If, in any year, the government granted a complete or partial remission or suspension of land revenue in any area, the landlord then was required to remit or suspend the rent payable by the tenant in the same proportion. But the land revenue on leased land was made payable by the tenant. The landlord had to give written receipt to the tenant for the rent paid.

2.15. A tenancy could of course be terminated by the tenant by voluntarily surrendering the leased land to the landlord at any time. But this had to be done by notifying such intention to the Mamlatdar (now called Tahsildar, the authorised revenue officer) who on his part was to verify such act of voluntary surrender. Moreover, unlike in the earlier legislation, the landlord could not necessarily retain all the surrendered land. If a landlord had less than one ceiling area under his personal cultivation before such surrender, he could retain so much of the surrendered land as would make the total land under his possession no more than one ceiling area (section 15). A 'ceiling area' for purpose of the Tenancy Act was defined as 4½ acres of *jirayat* land or 24 acres of seasonally irrigated land or

Fixation of rent

Voluntary surrender of leased land by tenant

paddy land, or 12 acres of perennially irrigated land, or an appropriate combination of any two or three types (section 5). If, therefore, the landlord could not retain all the surrendered land, the portion of land which he could not retain was to be disposed of according to the priority list laid down in the law. Thus unlike in the case of the earlier Act, the amendment put a ceiling on the total operational holding of the landlord in the matter of surrender of leased land.

2.16. While the Act generally permitted termination of tenancy by the landlord only under specified circumstances (as described in para. 2.12 above), certain over-riding provisions of the Act made continuance of tenancy after March 1957, rather an exceptional situation. As in the earlier Act, the amended Act

Resumption of leased land by owners before end of 1956

permitted landlords to resume land (a) for personal cultivation or (b), for any non-agricultural purposes. But while in the earlier Act the landlord could ask back such land at any time (after due notice) from the protected tenant, in the amended Act a date was fixed by which all landlords wishing to resume their leased land for any of these two purposes, had to serve a formal notice on their tenants, whether protected or otherwise. This date was put at 31st of December 1956, and the landlords had to make a further application to the appropriate revenue officer before 31st of March 1957, for obtaining possession of such land. Thus the law required all landlords, who had leased out their land, to reclaim them for personal cultivation, if they wished, before the end of the year 1956. They could not do so at any time later (section 31).

2.17. It is necessary to note here the meaning of the expression "cultivate personally" as defined in the Act. The Act said that to cultivate personally means to "cultivate land on one's own account (i) by one's own labour, or (ii) by the labour of any member of one's family, or (iii) under the personal supervision of oneself or of one's family, by hired labour or by servants on wages payable in cash or kind but not in crop share." A further condition required that land personally cultivated must be (1) situated within the limits of a single village, or (ii) is so situated that no piece of land is separated from another by a distance of more than 5 miles, or (iii) forms one compact block. But a further provision made this restriction about the situation of the land personally cultivated non-applicable to all holders.

Meaning of 'Personal cultivation'

that did not exceed two ceiling area (i.e., 96 acres of *jirayat*, or equivalent area). This last exemption made the restrictive condition about 'personally cultivated' land irrelevant for all cases of resumption of tenanted land, since the provision about resumption was far more restrictive, as will be noted below.

2.18. Of course, not all landlords forfeited the right to resume land for personal cultivation after 1956. The Act provided that if the landlord was a minor, or widow, or person suffering from mental or physical disability, then such person or his or her successor had to file an application for resumption within a year of cessation of such disability. Till then tenancy could legally continue. But no such resumption could be claimed from tenants who were members of co-operative farming societies.

Postponement of the final date for resumption in exceptional cases

2.19. The landlord, could not under any circumstances claim to resume the entire leased land. He could resume only so much of the leased land as would make the total land personally cultivated by him no more than one 'ceiling area' (i.e., 48 *jirayat* acres or equivalent area) (Section 31-A). Thus an effective ceiling was put on the total size of holding that a landlord could have through resumption of leased land, or through surrender of such land by the tenant, as was noted earlier. At the same time it is interesting to note that the restrictive definition of 'personal cultivation' in terms of situation of the land was not relevant for purposes of resumption by the landlord, because in respect of resumption the ceiling on land holdings was only one ceiling area while the above definition did not apply to lands up to two ceiling areas. It therefore in effect meant that a landlord could resume land, wherever situated, for personal cultivation.

Limits of resumption of leased land

2.20. Not only could the landlord not resume more leased land than would make his personally cultivated holding more than one ceiling area, but under no circumstances should such resumption leave the tenant with less than half the total area of the leased land (Section 31-B).

2.21. The revenue official, in this case the Tahsildar, on receipt of application for resumption, was to hold enquiry and, if found

appropriate under the abovementioned circumstances, pass necessary orders to that effect. Otherwise the application was to be rejected.

2.22 After the time set for landlords to file their claims for resumption of leased land expired on 31st of March 1957, the tenants holding land on lease, not so claimed by the landlords, were to be deemed to have become owners of the land from the 1st of April 1957. Therefore this day was designated as the Tillers' Day in the Act. The Tillers' Day to be postponed in case of those tenants whose landlords were widows, minors or disabled persons to a date two years after the cessation of such disability. Similarly, where the landlord applies for resumption of land, but subsequently his application is rejected by the appropriate revenue authority, the Tillers' Day was to be with effect from the date of such order.

2.23. The Act conferred on the tenant a right of ownership to the land held by him from a landlord on 1st of April 1957, with certain exceptions. But if a tenant had been illegally evicted from the leased land by a landlord before this date, then he was not deemed to have become the owner of such land. According to the law, surrender or resumption of leased land, for whatever reason, was to be regarded as unlawful unless it was enquired into and or approved by the appropriate revenue authority. However, any unlawful eviction or surrender was not to be remedied by the revenue authority on its own initiative. The aggrieved party was required to make a representation for restoration of his rights within two years from the date from which the right accrued, failing which the party forfeited his right. Therefore, the implementing authority ignored unlawful acts, unless they were formally brought to its notice by the parties concerned. Soon after the Act was passed and implementation started, it came to the notice of Government that in many cases tenants were unable to take advantage of the rights conferred on them as they were unlawfully evicted prior to the Tillers' Day. To enable the evicted tenants to own the leased land, the Act was amended in 1958. It provided that in such cases the tenants could move the appropriate authority within two years of the date of eviction, and, if entitled they could be declared owners of the leased land from that date. But it was unlikely that, if the earlier provisions

The Tillers' Day  
 Provision for tenant lawfully evicted before Tillers' Day

of the Act in this regard had not been availed of by the evicted tenants, the new provision had improved matters. The failure of the tenants in such circumstances would arise partly from their ignorance of the law and partly out of social pressures. Therefore, the Committee is of the view that it would have been more appropriate if exploit provision had been made that in regard to all illegal surrenders and resumptions the tenant shall be considered to be in possession of the land at the time of the Tillers' Day. This would have saved the tenants being handicapped as they were, from avoidable litigation and expenditure. More light is thrown on this point when the actual implementation of the Act is discussed in the next section.

2.24. The tenant did not necessarily become owner of all leased in land in his possession on the Tiller's Day. The Act provides that a tenant could become owner only of so much of the leased land in his possession as will not make the total land area in his possession more than one ceiling area (Sections 32-A and 32-B). All leased land in excess of this area was to be treated as if it were land surrendered by the tenant to the landlord. Consequently, the landlord could keep as much of this surplus as would make his cultivated holding equal to one ceiling area. If there was still some surplus land left, it was to be acquired by Government for distribution to various persons in the order of priority laid down in the Act.

2.25. The lands leased by land owners whose total annual income was less than Rs. 1,500 were, however, exempted from those provisions of the Act by which the tenant became owners of the leased land (Section 88-C). Originally, such tenancies could be continued beyond the Tillers' Day. But by a subsequent amendment in 1961 (Sections 33-A to 33-C) such owners were given the option to resume their leased out lands for personal cultivation before 1st April 1962. The land owner, however, could resume only so much of the land as would result in the tenant as well as the landlord holding equal area for cultivation. If before the 1st April 1962 the owners had not applied for resumption of the land, then their tenants were to be deemed to have become owners of the land with effect from that date. Thus, though originally the Act had exempted the leased land of the very small landowners from the provisions of the Tillers' Day, subsequently they were also brought on par with other landlords except that they were given an option to

Limits to tenants' right to own leased land

Provision for small lessors

be exercised within the prescribed time to resume the land for personal cultivation. Similarly, past and present members of the armed forces of India were by an amendment in 1964, allowed to resume the entire leased land at any time after the amendment was passed.

2.26. The Act laid down detailed procedures that were to be followed not only for verifying and approving cases of surrender and claims for resumption, but also for final transfer of ownership of leased land to tenants. After the Tillers' Day a notice was to be issued by the appropriate revenue authority to each tenant deemed to have become owner of leased land, his landlord, and any other person who might be interested therein to appear before the Agricultural Lands Tribunal for finalisation of this transaction. If a tenant concerned did not turn up on the notified date, or on appearance, refused to become the owner of the leased land, then his ownership right was considered to have become ineffective. If this result was due to the absence of the tenant, then the law allowed him a period of 60 days from the date on which the Tribunal's decision was communicated to him, to make a representation to the Tribunal for review of its decision (Section 32-G).

2.27. If the tenant agreed to purchase, the Tribunal was to fix a price for the land which the tenant was to pay to the landlord. This price was to be anywhere between 20 to 200 times the assessment of the land, plus the value of any structures or permanent improvements and trees planted on it by the landlord, plus any arrears of rent due from the tenant before the Tillers' Day, plus any assessment, etc., paid by the landlord because the tenant had defaulted in its payment (Section 32-H). Until the Tribunal finally determined the price of the land, the tenant was to continue to pay rent to the landlord, at the rate laid down in the Act. When the price was fixed the tenant was required to pay to the landlord, in addition to the price, an interest at 4.5 per cent on this price from the Tillers' Day to the date on which the Tribunal fixed the purchase price. The rent paid by the tenant to the landlord till this date was to be deducted from this total of price plus interest. The final amount payable by the tenant could be paid either in a lumpsum within a year, or in equal annual instalments not exceeding 12 with an annual simple interest at 4.5 per cent. The price was to be deposited by the tenant with



the Tribunal who was to arrange for its payment to the landlord. If the tenant and the landlord arrived at a mutually agreed price, it was to be accepted provided it was within the limits set by the law. Failure on the part of the tenant to pay the purchase price in the stipulated manner would result in the purchase being ineffective. In view of a large number of such failures a new amendment to the Act was passed in 1965 by which the tenants who had defaulted in payment were given a fresh opportunity to pay within six months of the promulgation of the amending Act. Further, it was provided that in case the tenants still failed to pay the price in the prescribed manner, the Tribunal was to recover the amount as arrears of land revenue from the tenant. But if even this failed the purchase would be considered ineffective.

2.28. When the purchase of leased land by a tenant became ineffective, the Tribunal on its own initiative, or on the representation by the landlord, was to dispose of the land as if it were land surrendered by the tenant.

2.29. One significant difference between the leased land voluntarily surrendered by the tenant and the land resumed by owner for personal cultivation may be noted here. A landlord resuming land for personal cultivation could not according to law sell or lease out the land during a period of twelve years from the date of resumption. If he did, such sale or lease became invalid and the old tenant could claim restoration of the land. No such restriction, however, attached to the leased land surrendered by tenants or restored to the owner because of ineffective purchase. The difference is significant as it provided an incentive to the landlords who could persuade the tenants by hook or crook to surrender the leased land so that they (the owners) could sell them at any time as they like.

2.30. Thus, the Act provided that all tenancies in existence in 1956 were to be terminated by the 1st April 1957, except for some special categories, landlords were given the option to resume land for personal cultivation up to a ceiling limit, provided the tenant was left with at least half the leased land. Of the remainder of the leased land the tenant automatically became the owner, again up to a ceiling limit, unless he declined. A range of prices which by all accounts was much lower than the prevailing market prices, was fixed for all such purchases. But in the case of ineffective purchase the landlord

got back the land up to the ceiling limit. The surplus was to be disposed of by the Government as laid down in the Act. In brief, all tenancies that existed in 1956 were to come to an end, either on account of resumption or on account of the tenants becoming owners of the leased land. Only in exceptional cases they were to continue for some more time.

2.31. What about new tenancies? The Act did not prohibit creation of new tenancies. But it laid down that in the case of any tenancy created on land after the Tillers' Day after the tenant had within one year from the commencement of the tenancy the right to purchase such land, in the manner described earlier (Section 32-O). But if the tenant failed to do so, the Agricultural Lands Tribunal might on its own initiative or on representation from the landlord proceed to dispose of this land as if it were land surrendered by the tenant (Section 32-P). Thus, if the Tribunal is vigilant, no new tenancy can last for more than one year and if not there is a possibility that new tenancy can continue indefinitely. This is a lacuna in the existing law. It needs to be removed as the Committee is given to understand that no administrative directions have been given by the Government to the implementing officers in this matter so far.

2.32 Finally, lands used for cultivation of certain crops like sugarcane, banana and other fruits and flowers, and for breeding livestock are exempted from the application of all the above tenancy provisions including those relating to rent. In these cases rents have to be reasonable rents as determined by the revenue authority, and tenancy can be for any duration notified by the Government from time to time for the purpose.

2.33. The most important and immediate task of implementation of this Act was to deal with the tenancies existing on the 1st of April 1957 according to the provisions of the law, besides of course the verification of resumption and surrender notices filed prior to that date. In this matter the revenue agency was vested with the responsibility of taking the initiative and finally disposing of the leased lands. On the other hand, because of the stringent and restrictive provisions of the Act it was thought that the extent of new tenancy

New tenancy after  
March 1957

Non-application of tenancy Act to certain types of land

The major task of implementation

in land in future would be reduced to the minimum. The volume of work involved in the regulation of rent and the disposal of newly leased land at the end of a year of tenancy was therefore expected to be relatively small. Besides, in regard to the provisions relating to the new tenancies and their terms and conditions, the revenue agency was expected to move in the matter mostly on representation from the tenant or owner. Thus, the main task of implementation after 1957 became the enforcement of the Tillers' Day provisions of the Act.

2.34. Special administrative machinery and records were created for the implementation of these provisions. The disposal of tenancy cases of 1957 has been going on during the last 14 years. Government have prescribed quarterly and annual progress reports of the work. These reports give details about the number of tenancy cases outstanding on 1st April 1957, the number of cases decided upon, the number of cases in which and the extent of leased land of which the tenants became owners, the number of cases in which land was surrendered to or resumed by the landlord, and the area involved under the various provisions of the Act. This is useful information which the Committee has used in its evaluation work.

2.35. However, the Committee felt that the above information by itself would not be adequate for the purpose. To assess the impact of the implementation of the Act, it was necessary to know about the extent of tenancy in land prior to the Tillers' Day and the number of owners and tenants, the extent of leased land that was subsequently returned to the erstwhile owners, and the extent of land whose ownership was transferred to tenant. But, further more, it was necessary to know to what class the landlords and tenants belonged, whether they were small, medium or large landlords or were landless. What class of landlords and tenants were involved in acts of surrender and resumption? What class of tenants became owners of the leased land, and what class of owners lost land to these tenants? What happened to the pattern of distribution of land among the erstwhile owners and tenants as a result of the implementation of the Act? Many of these and such other questions could not be answered with the help of the available official returns. It was therefore decided to compile the relevant data from the village revenue records in some selected villages

through a special investigation. In the next section are presented the result of the implementation of the Tenancy Act, with the help of the official returns, as well as the information collected by the Committee through special investigation in selected villages.

### Section III

2.36. The Committee decided to supplement the available official statistical statements relating to the implementation of the Tenancy Act by conducting a special investigation to collect some more information about the landlords and tenants involved in tenancy on the eve of the Tillers' Day. A complete enquiry involving all the tenants and landlords would have cost enormous time and money. It was, therefore, decided to select two villages from each district for this detailed investigation.

Special sample survey

2.37. General information about the extent of tenancy was readily available only on a taluka basis in the 1961 population census. Therefore, it was decided to select in each district two talukas in which the maximum number of tenant households had been reported in that census. Then from each selected taluka one village was selected at random. Thus, in all 24 villages were selected in the 12 districts of Western Maharashtra for special investigation. The list of villages selected is given in *Appendix B*.

2.38. In each of the selected villages all persons who had either leased in or leased out land falling within the revenue limits of the village in 1956-57 were covered in the survey. All those who had not leased out or leased in any land were left out of the investigation.

2.39. In the previous section the main provision of the legislation and the chief task of implementation were briefly outlined. In the investigation the emphasis was on the implementation of the main provisions of the Act. The basic objective of the Act was to terminate all tenancies that were in existence in 1956-57, by allowing either the landlords to resume leased land or the tenants to surrender leased land, and finally, by making the tenants the owners of the remaining leased land from April 1957. It was, therefore, considered best to collect information about all cases of tenancy in the year 1956-57. Information was collected about the total land owned, leased out, and/or leased in by each Khatedar in that year in the village. The landholding of a Khatedar did not relate only to land within the physical

limits of the selected revenue village, but related to all the land held by the Khatedar as an owner or tenant, whether in the village or outside. Further, detailed information regarding each plot of land involved in tenancy was obtained in respect of every landlord and tenant. These details included information about the nature of the decisions following the enquiry into the tenancy cases by the Agricultural Lands Tribunal established in each Taluka for the purpose or by the Tahsildars, Naib-Tahsildars or Awal-karkuns, the grounds on which the decisions were given by them and the results of such decisions in terms of the final disposition of the leased land. Information was also obtained about the actual possession of such land at the time of the survey in 1969-70. A schedule was designed for the purpose. It is reproduced as *Appendix C* to this Report along with the instructions to the investigators for filling it.

2.40. It was decided to collect the information from the official records prepared by the revenue-agency for the purpose of implementation of the Act, and not to interview the landlord or tenant. A special register called the Holding Register had been prepared by the revenue agency for each village, for the implementation of the Tenancy Act. It contained information about the land owned, leased in and leased out of each Khatedar in the village, showing separately the lands held by the Khatedar in the village and outside. It also recorded the names and addresses of the landlords and tenants of each Khatedar against the specific plot of land involved in tenancy. The expression Khatedar in the Holding Register meant a person who owned or leased in any land; therefore, it also applied to such person who had no owned land but had leased in some for cultivation. The expression Khatedar will be used in this sense in this Report. The Holding Register had been prepared from the information contained in the village Forms VII—XII for the year 1956-57. Details about each one of the Khatedars who had leased in or leased out any land in the selected villages were noted in our schedules from these Holding Registers.

2.41. It is necessary to note here that while the details about the landholdings and leasing were collected for all persons who were Khatedars in the selected villages, this was not done for the non-Khatedars of the village, even when they happened to be the landlords or the tenants of any of the village Khatedars. This break in the chain was necessary; otherwise it would have been an endless

pursuit of landlords and tenants all over. The limitations arising out of this in the process of analysing the data are noted in appropriate places in the report.

2.42. With the help of the Holding Registers and the Record-of-Rights, the Agricultural Lands Tribunal prepared a detailed list of tenants and their landlords in each village for each piece of land involved in tenancy in 1956-57. All the land leased in by a tenant from an owner in the village formed one tenancy case in this detailed list. All subsequent investigations were carried out by the Agricultural Lands Tribunal with regard to the cases of tenancy recorded in the detailed list. Out of these, all cases of voluntary surrenders of lease by tenant or resumption of leased land by lordlord were to be verified or approved by the Tahsildar. The remaining cases were to be decided by the Agricultural Lands Tribunal according to the provisions of the Act relating to the Tillers' Day. The Agricultural Lands Tribunal recorded its decisions case by case in what is called the Enquiry Register. For our special survey in the selected villages all cases of tenancy in the detailed list were recorded in the survey schedules for the landlords and tenants; and the decisions on these cases were noted from the entries in the Enquiry Register or from the records in the office of the Mamlatdar. For ascertaining the occupants of these lands at the time of the survey (i.e., in 1969-70) recourse was taken to the entries in the Village Form VII--XII for the year 1969-70.

2.43. Thus, for all information relating to tenancy in the selected villages in 1956-57 and the subsequent disposal of the tenanted land we depended entirely on the official records prepared for the purpose at that time. The question naturally arises; how correct were these records? Since the Holding Registers had been prepared from the information contained in the village forms VII--XII, errors could arise in two possible ways: In the first place, error could arise because of careless posting of information from the village forms to the Holding Register, or because of mistakes in posting cases of tenancy in the Detailed List from the Holding Register. The Government had tried to cover this possibility by requiring that after its preparation the Detailed List should be posted in the villages so that all genuine cases of omission and commission may be brought to the attention of the Agricultural Lands Tribunal.

The correctness of the records

All the same, the Committee at an early stage made a special check of the entries in the Holding Register and the Detailed List with the entries in the village Form VII—XII to find out the accuracy of the former. The check was conducted for three villages in Satara district and two in Kolaba district. A note on this is presented in *Appendix D* of this Report. The investigation showed that the Holding Registers had not been accurate copies of the information in the village records. There were cases of tenancies recorded in the village forms for the year 1956-57 that had not been recorded in the Holding Register on the other hand, the Holding Register contained instances of tenancies that could not be traced in the village forms for that or the previous two years. However, such cases of omission and commission were relatively few. And it was considered that the vast amount of time and money that might have to be spent in correcting these records in this manner would not be worthwhile in terms of the results. The second type of error related to the accuracy of the entries relating to tenancy in the village form itself for the year 1956-57. Changes in tenancy might not have been recorded in time, and some cases of wilful exclusion of tenancy cases from the records might have taken place. To overcome the first possibility the Government had instructed that in preparing the Holding Register tenancies reported in the village records not only in 1956-57 but also in the earlier two years should be taken into account. There was no real remedy against deliberate omission of tenancy cases from the records, except the announcement in the village of the recorded list of tenants for inviting representation about omissions and commissions. In any case, it was not possible for the Committee to check and verify any such cases even in the surveyed villages more than a decade after the event. However, in the judgment of the Committee such excluded cases could not have been many in view of the variety of provisions of the Act and the procedure of implementation designed to enable the tenants to bring excluded cases to the notice of the revenue agency.

2.44. The data were collected for selected villages, but for purposes of analysis these village data have been combined into two regions: (1) the coastal region, including the villages in Thana, Kolaba and Ratnagiri and one sample village from Nasik district, which is characterized by paddy cultivation and comparatively small holdings, and which had

Coastal and non-coastal  
regions of Western  
Maharashtra

until recently large areas under Khoti type of intermediary tenure; and (2) the rest of the villages in the non-coastal district of Western Maharashtra, characterized by dry agricultural conditions, growing largely millets and oilseeds, and with relatively larger holding in terms of area. It is necessary to stress here the fact that, in combining the data for these villages, no system of weighting them has been followed. This statistically is a limitation of the findings for purposes of estimation for the region or State as a whole. However, the Committee wish to make it clear that their object in conducting the enquiry was mainly to find out the characteristics of the problems associated with and the implementation of the Act. At the same time, it can be seen subsequently that the pattern revealed by the survey on a number of points is not very different from what is revealed by the complete official statistics for the whole region, which were made available to the Committee after the survey was undertaken.

2.45. While 24 villages were selected for investigation in Western Maharashtra, data relating to 22 villages only have been used for further analysis. The two selected villages in Ratnagiri district had as many cases of tenancies as all the remaining 22 selected villages had in the other districts. The values of tabulation work involved for these 2 villages was therefore very large; they had therefore to be excluded from the scope of this Report. The Committee suggested that the data collected for these two villages may subsequently be analysed either by the Bureau of Economics and Statistics of the Maharashtra Government or by any other appropriate agency or institution. One selected village in Dhulia district reported no case of tenancy in 1956-57. The subsequent analysis of the survey data is, therefore, based on the information relating to 5 selected villages in Thana, Kolaba and Nasik districts, forming the coastal region and the remaining 16 villages in the non-coastal region of Western Maharashtra.

*Pattern of Tenancy on the Eve of Tillers' Day.*

2.46. It would be useful to examine the pattern of tenancy that existed in this part of the State before the 1956 Tenancy Law was implemented. How extensive was tenancy? Unfortunately, information about the total land area involved in leasing in each district in 1956-57, is not readily available. We, therefore, propose to use the information relating to the villages specially

Extent of leased land  
in 1956-57



surveyed by us for the purpose. Table 2.1 gives the proportion of the total land occupied for cultivation in these villages which had been leased or tenant-cultivated in 1956-57.

The data show that nearly one-fifth of the total cultivated land in the selected villages of Western Maharashtra was cultivated by tenants in 1956-57. From the revenue records it appears that this proportion was higher in the selected villages of Ratnagiri district which have not been included in our analysis. Of course in some villages the proportion of leased land was much higher, and in others lower than the average. It also appears that the incidence of tenancy in the surveyed villages had reduced but little during the six years preceding the Tillers' Day.

TABLE 2.1

*Percentage of leased land to total land occupied for cultivation in the selected villages of Western Maharashtra.*

Region	Year	
	1950-51	1956-57
(1)	(2)	(3)
(A) Coastal (excluding Ratnagiri) .. .. .	19.0%	19.4%
(B) Non-coastal .. .. .	22.4%	19.5%
(C) Western Maharashtra (excluding Ratnagiri) .. .. .	22.0%	19.5%

2.47. The division of the Khatedars involved in tenancy between landlords and tenants in the surveyed villages shows interesting regional variations. It can be seen from Table 2.2 that in the coastal region only one-fourth of the Khatedars involved in tenancy were landlords who had leased out any land. More than three-fourths of the Khatedars were tenants, meaning those who had leased in some land for cultivation. In the non-coastal region this division was roughly half and half.

Proportions of lessors  
and tenants

TABLE 2.2

*Percentage of Lessors and Tenants amongst Khatedars involved in tenancy in Western Maharashtra.*

Type of Khatedars	Percentage of Khatedars in	
	Coastal Region	Non-coastal Region
(1)	(2)	(3)
A. Only Lessors .. .. .	21.40	45.18
B. Only Tenants .. .. .	75.98	49.39
C. Lessors-cum-tenants .. .. .	2.62	5.43
D. All Khatedars involved in tenancy (Item A+B+C) ..	100.00	100.00
Sub-total—All Lessors (A+C) .. .. .	(24.02)	(50.61)
Sub-total—All tenants (B+C) .. .. .	(78.60)	(54.82)

2.48. Very few of the Khatedars, in both regions, leased in and leased out land. It is sometimes thought that tenancies were created for convenience, by leasing in nearby plots of others and leasing out one's own distant plots. The enquiry shows that such was the practice of very few Khatedars. Only 2.6 per cent of the Khatedars in the coastal districts, and 5.4 per cent of the Khatedars in the non-coastal districts had both leased in and leased out land. The lessors, *i.e.*, the owners who leased out land, and the tenants were, by and large, two distinct groups. We shall examine the characteristic of these two groups separately.

2.49. The lessors in the coastal as well as non-coastal villages were, on an average, bigger land-owners than the tenant Khatedars. The lessors in both regions owned on an average about 22 acres of land. On the other hand, the average owned land-holding of the tenant Khatedars in the coastal region was 2.4 acres, and in the non-coastal region 4.9 acres only. Many tenants of course did not own any land. If these are excluded, even then the average size of owned holdings of the land-owning tenants in the coastal and in the non-coastal regions came to only 6.2 and 7.1 acres, respectively.

*The Lessors:*

2.50. All lessors leasing out land were not large land-owners. In the coastal region, nearly 44 per cent of the lessors owned more than 15 acres of land each (Ref. Table 2.3). These may be called the large landlords in the coastal region in view of the type of agricultural prevailing there. But at the same time, 37 per cent of the lessors owned 5.0 acres or less land. These may be called small landlords in the coastal region. In fact, most of these—nearly 31 per cent—were very small landlords owning 2.5 acres or less each. The remaining 19 per cent of the lessors owned between 5 and 15 acres each and may be called the medium landlords.

TABLE 2.3

*Percentage distribution of lessors, area owned and leased out by them in the surveyed villages according to the size of the owned land holdings.*

Size of owned holding (acres)		Percentage distribution of		
(1)		Number of Lessors (2)	Area owned (3)	Area leased out (4)
<b>A. Coastal Region</b>				
(A) Small (0.01-5.00)	(i) Very small (0.01-2.50)	(30.9)	(2.2)	(3.5)
	(ii) Other small (2.51-5.00)	(6.4)	(0.9)	(1.4)
	(iii) Sub-total small [A (i) + A (ii)]	37.3	3.1	4.9
(B) Medium (5.01-15.00)		19.1	8.9	8.6
(C) Large (15.01 and above)	(i) Not so large (15.01-40.00)	(30.0)	44.8	(34.9)
	(ii) Big (40.01 and above)	(13.6)	(43.2)	(51.6)
	(iii) Sub-total large [C (i) + (ii)]	43.6	88.0	86.5
All lessors [A (iii) + B + C (iii)]		100.00	100.00	100.00
<b>B. Non-Coastal Region</b>				
(A) Small (0.01-10.00)	(i) Very small (0.01-5.00)	(57.3)	(11.0)	(11.7)
	(ii) Other small (5.01-10.00)	(18.8)	(14.6)	(14.8)
	(iii) Sub-total Small [A (i) + A (ii)]	76.1	26.5	26.5
(B) Medium (10.01-20.00)		13.4	18.1	14.8
(C) Large (20.01 and above)	(i) Not so large (20.01-40.00)	(5.4)	(13.2)	(11.6)
	(ii) Big (40.01 and above)	(5.1)	(43.1)	(47.1)
	Sub-total large [C (i) + C (ii)]	10.5	56.3	58.7
All lessors [A (iii) + B + C (iii)]		100.0	100.0	100.0

The dominance of the small land-owners among the lessors were even more pronounced in the non-coastal region. Here only about 10 per cent of the lessors owned 20 acres or more each. These may be termed the large owners. On the other hand, 23 per cent owned only one acre or less each, another 18 per cent owned between 1.00 and 2.50 acres each, and another 16 per cent of the lessors owned between 2.50 and 5 acres each. Thus, in all, over 57 per cent of the lessors owned 5 acres or less of land each. These may be called the very small land-owners in the non-coastal region. If all lessors owning 10 acres or less are called small owners, including the very small, then we find that more than three-fourths of the lessors in the non-coastal region were small land-owners.

2.51. The picture that emerges about the composition of the class of land-owners in the rural area who leased out land, is contrary to the popular notion that only big land-owners leased out land. In fact, 37 per cent of the land owners in the coastal districts and three-fourths of the land owners in the non-coastal districts of Western Maharashtra leasing out land were small land-owners.

2.52. These small land-owners naturally owned a much smaller proportion of all land owned by the lessors. For making this comparison, we shall take only the land owned by the lessors in the surveyed villages; their owned land in other villages are excluded, to avoid undue weightage to the land-holding of the few who owned land in more than one village. In the coastal region the very small lessors owning 2.5 acres or less each, owned in all 2.2 per cent of the land owned by all lessors, though they were 31 per cent of all lessors. Lessors owning 5 acres or less and forming 37 per cent of all lessors owned only 3.1 per cent of all land owned by lessors. On the other hand, the 44 per cent large lessors, owning more than 15 acres each accounted for 88 per cent of the land owned by all lessors. In fact, the 14 per cent big lessors, owning more than 40 acres each, owned more than 43 per cent of the land owned by all lessors.

The disparity in distribution of owned land among the lessors in the non-coastal region was even more glaring. The very small lessors owning 5 acres or less each, who constituted 57 per cent of all lessors, owned only 11 per cent of the total land owned by all lessors. The lessors with 10.0 acres or less owned about one-fourth

of the land owned by all lessors, though they were more than three-fourth of all lessors. On the other hand, less than 11 per cent of the lessors, owning more than 20 acres each accounted for over 56 per cent of all the land owned by lessors. The inequality is further emphasized by the fact that only 5 per cent big landlords owning more than 40 acres each accounted for nearly 43 per cent of the land owned by all lessors.

2.53. The lessors as a group did not lease out all the land owned by them. About 61 per cent of the land owned by the lessors in the coastal villages and 79 per cent of the land owned by the lessors in the non-coastal villages had been leased out (Ref. Table 2.4).

✓ 2.54. Since the large owners owned the bulk of the land, they also accounted for the bulk of the land leased out. It may be seen from Table 2.3 that in the coastal districts they accounted for 87 per cent of the land leased out; in the non-coastal districts the proportion was about 59 per cent. The small owners, i.e., those owning 5 acres or less each in the coastal districts accounted for less than 5 per cent of the total leased out area. In the non-coastal region the share of the small owners, i.e., those owning 10 acres or less each, in the total area leased out was 26.5 per cent.

The numerous small lessors owned a very small part of the total leased land

TABLE 2.4

*Percentage of leased out land to the owned land for each size class of lessor.*

Size-class of Lessors (1)	Percentage of leased out land to the owned land					
	A. Coastal Region			B. Non-coastal Region		
	Leased out (2)	Cultivated personally (3)	Total owned (4)	Leased out (5)	Cultivated personally (6)	Total owned (7)
(A) Very small ..	91.2	8.8	100.0	68.0	32.0	100.0
(B) Small (including very small).	85.7	14.3	100.0	65.9	34.1	100.0
(C) Medium ..	61.4	38.6	100.0	49.4	50.6	100.0
(D) Large (including big.)	60.5	39.5	100.0	83.7	16.3	100.0
(E) Big ..	69.2	30.8	100.0	86.8	13.2	100.0
All (within + outside village land).	61.3	38.7	100.0	78.9	21.1	100.0
All (considering within village land only).	56.5	43.5	100.0	64.9	35.1	100.0

2.55. The small land-owners had leased out most of their owned land, while the medium and large land-owners only a part of their holdings (Ref. Table 2.4). In the coastal districts, the small lessors, had leased out almost all the land owned by them. The medium and the large lessors had leased out more than 60 per cent of all land owned by them.

In the non-coastal region the small lessors, i.e., those owning 10.0 acres or less, had leased out two-thirds of their land. On the other hand, the big lessors, owning more than 40 acres each, had leased out nearly 87 per cent of their total owned land of which about 71 per cent of their land in the surveyed villages. The difference was possibly because the class was dominated by a few *ex-jagirdars* in the sample, who owned large areas of land in many villages and had leased out most of it. The medium lessors had leased out about 50 per cent of their owned land.

2.56. This difference in the pattern of leasing among the small and the big land-owners is significant from the point of view of land reform legislation and may, therefore, be examined in greater detail. It will be seen from Table 2.5 that in the coastal region nearly 55 per cent of the lessors had leased out all their land and had become pure rentiers. The remaining had leased out only a part of their land, and themselves cultivated the rest. Nearly 57 per cent of the non-cultivating lessors were small land-owners. Amongst the very small land-owning lessors, i.e., those with 2.5 acres or less, each nearly 91 per cent had leased out all their land. The rest were left with, on an average, about one acre each. This was a very small holding, and was possibly poor quality '*warkas*' land. Among the medium lessors only about 48 per cent had leased out all their owned land. One-third of the large lessors had leased out all their land; with enough land for self-cultivation even if allowance were to be made for the *warkas* land in their possession.

TABLE 2.5

*Percentage distribution of non-cultivating lessors and cultivating lessors according to the size class of lessors.*

Size class of lessors	A. Coastal Region			B. Non-coastal Region		
	Type of lessors			Type of lessors		
	Non-cultivating	Cultivating	All	Non-cultivating	Cultivating	All
(1)	(2)	(3)	(4)	(5)	(6)	(7)
(A) Very small ..	51.6 (91.2)	6.0 (8.8)	30.9 (100.0)	61.1 (57.2)	48.0 (42.8)	57.3 (100.0)
(B) Small (including very small).	56.7 (82.9)	14.0 (17.1)	37.3 (100.0)	85.9 (55.2)	66.7 (44.8)	76.1 (100.0)
(C) Medium ..	16.6 (47.6)	22.0 (52.4)	19.1 (100.0)	8.9 (32.4)	17.8 (67.6)	13.4 (100.0)
(D) Large (including big.)	26.7 (33.3)	64.0 (66.7)	43.6 (100.0)	5.2 (24.4)	15.5 (75.6)	10.5 (100.0)
(E) Big ..	10.0 (40.0)	18.0 (60.0)	13.6 (100.0)	2.36 (32.5)	7.8 (77.5)	5.1 (100.0)
All lessors (B+C+D)	100.0 (54.6)	100.0 (45.4)	100.0 (100.0)	100.0 (48.9)	100.0 (51.1)	100.0 (100.0)

Figures in bracket show the percentage of non-cultivating and cultivating lessors in each size class of lessors.

2.57. The picture is not very different in the non-coastal districts where the small land-owners were proportionately much more among the lessors than in the coastal region. Here just under half of the total lessors had leased out all their land, the other half had done so only partly. But nearly 86 per cent of the non-cultivating lessors were small land-owners. Of the small lessors, that is those owning 10.0 acres or less, about 55 per cent had leased out all their land and the rest were left with some land for their own use. The average land area left with these lessors was however hardly enough for reasonable self-cultivation. The proportion of landlords who leased out all their land declined with the increase in the size of their owned land-holding. Amongst the big lessors, i.e., those owning more than 40 acres each,

only 22.5 per cent had leased out all their land. Still the reason why the big lessors appeared to have leased out a larger proportion of their owned land than the small ones lies in the fact that those lessors who leased out only partly had in fact leased out more than 80 per cent of their holdings. The big lessors, owning more than 40 acres each had average owned holding of more than 300 acres, and a few of them were pretty big *ex-jagirdars*. Even after leasing out a high proportion of their owned land they were left with reasonable area for self-cultivation.

2.58. This detailed examination of the data shows clearly that the small land-owning lessors leased out practically all their land, and very few of them were left with reasonable area for personal cultivation. The medium and the large lessors, in both parts of Western Maharashtra were to a greater extent cultivating lessors, i.e., most of them retained enough land for self-cultivation. In fact amongst the pure rentiers, i.e., those who had leased out practically all their owned land, the small land-owners were predominating, though naturally they accounted for only an insignificant proportion of the total leased land. It may not be improper to presume that the small land-owning lessors who formed nearly two-fifths of all lessors in the coastal and three-fourths of all lessors in the non-coastal villages leased out their small holdings largely because they found it uneconomic to cultivate when they were able to find some alternate source of employment and earning. That, however, cannot be said about most medium and large land-owning lessors, since most of them not only owned bigger areas, but leased out only partly retaining the rest under personal cultivation. Unlike the small lessors, many of them probably found their holdings too large for personal cultivation or not worth the trouble, and therefore, leased out part of them. It is useful to keep in mind this distinction among the small and the large lessors in the context of the tenancy reform legislation.

2.59. Another point of relevance about the land-owners who leased out land may be noted here. It is generally presumed that if a person's normal place of residence is so far away from his land that he cannot possibly cultivate it personally, he would tend to lease it out. How far was tenancy due to this? During the survey,

The small lessors were mostly non-cultivators

Residence of lessors



information was obtained about the place of residence of the landlord, and the lands owned and leased by him were also classified according to whether they were located in the surveyed villages or outside the surveyed villages (Reference Table 2.6). The data show that in the coastal villages 46 per cent of the lessors were residents of the surveyed villages. Another 19 per cent were residents of villages lying within 5 miles of the surveyed villages. The remaining 35 per cent were living in places more than 5 miles away. But at the same time, the non-residents, *i.e.*, those who lived more than 5 miles away from the village, owned two-thirds (67.2 per cent) of the total land leased in the surveyed villages. Thus while the larger proportion of lessors were resident in or near the villages, the larger proportion of leased land was owned by the non-residents. This was mainly because the non-residents naturally found it difficult to cultivate their land in the villages and, therefore, had leased out almost all (96 per cent) of it, while those who lived in the villages leased out only 25 per cent of the total land owned by them in the villages. Thus it can be said that while non-residence in the village was not the main reason why nearly two-thirds of the lessors in the coastal villages had leased out land it was certainly the major reason accounting for the bulk of the leased land.

TABLE 2.6

*Percentage distribution of (1) lessors, (2) leased land according to the place of residence and location of land in the Coastal Region.*

Items	Residence of Lessors			
	Within surveyed village	Within 5 miles of surveyed villages	Beyond 5 miles of surveyed villages	All Lessors
(1)	(2)	(3)	(4)	(5)
A. Percentage distribution of Lessors according to their place of residence.				
(i) Lessors owning land only in the surveyed village.	51.3	9.5	39.2	100.0
(ii) Lessors owning land within and outside surveyed village.	36.1	38.9	25.0	100.0
(iii) All Lessors .. .. .	46.4	19.1	34.5	100.0

TABLE 2.6—*contd.*

Items	Residence of Lessors				
	Within surveyed village	Within 5 miles of surveyed villages	Beyond 5 miles of surveyed villages	All Lessors	
(1)	(2)	(3)	(4)	(5)	
<b>B. Percentage of lessors owning land only in the surveyed village to total lessors and percentage of their owned land in the surveyed village to the land owned by all lessors.</b>					
(i) Lessors ..	(a) Lessors owning land only in the surveyed village.	74.5	33.3	76.3	67.3
	(b) Lessors owning land within and outside surveyed village.	25.5	66.7	23.7	32.7
	(c) All Lessors .. ..	100.0	100.0	100.0	100.0
<hr/>					
(ii) Owned land of the lessors.	(a) Owned land located in the surveyed village.	90.0	21.5	59.0	62.6
	(b) Owned land located outside surveyed village.	10.0	78.5	41.0	37.4
	(c) Total owned land ..	100.0	100.0	100.0	100.0
<hr/>					
<b>C. Percentage of leased land to the owned land.</b>					
(i) Land located in the surveyed villages.	(a) Land leased out ..	25.2	64.5	95.9	56.5
	(b) Land cultivated personally.	74.8	34.6	4.1	43.5
	(c) Total owned land ..	100.0	100.0	100.0	100.0
<hr/>					
(ii) Land located outside the surveyed villages.	(a) Land leased out ..	67.5	46.2	91.1	68.8
	(b) Land cultivated personally.	32.5	53.8	5.9	31.2
	(c) Total owned land ..	100.0	100.0	100.0	100.0
<hr/>					
<b>D. Percentage distribution of leased out land within the surveyed villages and outside surveyed villages.</b>					
(i) Lessed out land located in surveyed villages.		23.3	9.6	67.1	100.0
(ii) Leased out land located outside surveyed villages.		9.0	32.0	59.0	100.0

2.60. Amongst the lessors those with multiple holdings, i.e., those who owned land in more than one village, were in smaller proportion. Nearly two-thirds (67.3 per cent) of all lessors owned land only in the surveyed villages. In fact, nearly three-fourths of those who lived more than 5 miles away from the villages owned land only in the surveyed villages. This suggests that among the non-residents the bulk of the lessors consisted of people who presumably had migrated from the village.

TABLE 2.7

*Percentage Distribution of lessors according to their place of residence and size class of owned land holdings.*

Class of lessors	Percentage of Lessors Resident			
	Within surveyed villages	Within 5 miles of surveyed villages	Beyond 5 miles of surveyed villages	All lessors
(1)	(2)	(3)	(4)	(5)
<i>(A) Coastal villages.</i>				
(A) Very small .. .. .	21.6	38.1	39.5	30.9
(B) Small .. .. .	29.4	47.6	42.1	37.3
(C) Medium .. .. .	21.6	19.0	15.8	19.1
(D) Large .. .. .	49.0	33.3	42.1	43.6
(E) Big .. .. .	5.9	23.8	18.4	13.6
All .. .. .	100.0	100.0	100.0	100.0
<i>(B) Non-Coastal villages.</i>				
(A) Very small .. .. .	59.8	54.1	47.8	57.3
(B) Small .. .. .	78.3	75.5	65.5	76.1
(C) Medium .. .. .	12.6	12.2	18.6	13.4
(D) Large .. .. .	9.1	12.2	15.9	10.5
(E) Big .. .. .	3.8	7.1	9.7	5.1
All .. .. .	100.0	100.0	100.0	100.0

2.61. It was noted earlier that in coastal villages about 37 per cent of the lessors were small landowners. The proportion of small landowners among the non-resident lessors was a little larger, about 42 per cent. The big lessors were also proportionately more among the non-resident lessors than among those who lived in the village (Ref. Table 2.7).

2.62. In the non-coastal region the position was rather different (Ref. Table 2.8). Almost three-fourths (73.1 per cent) of the lessors lived in the surveyed villages and another 12.5 per cent within 5 miles of them, only about 14 per cent were non-residents, i.e., lived more than 5 miles away. At the same time, those who lived in or near the village accounted for 60 per cent of the land leased out in the village; the 14 per cent non-residents owned nearly 40 per cent of the total leased land in the village. This is because the non-residents leased out almost all (97.4 per cent) their land in the village, while those who lived in the village had on the whole leased out only half of their land. It is possible that in the non-coastal region the non-residents accounted for somewhat less than 40 per cent of the total leased land shown by our survey. For, the non-residents in the surveyed villages contained a few big ex-jagirdars, and this was not a normal situation in all non-coastal villages. If they are excluded then the non-residents would account for a somewhat smaller proportion

TABLE 2.8

*Percentage distribution of (1) Lessors, (2) Leased land according to the place of residence and location of land in the non-coastal Region.*

Items	Residence of Lessors			
	Within surveyed villages	Within 5 miles of surveyed villages	Beyond 5 miles of surveyed villages	All lessors
(1)	(2)	(3)	(4)	(5)
A. Percentage of lessors according to their place of residence.—				
(i) Lessors owning land only in the surveyed villages.	77.9	9.6	12.5	100.0
(ii) Lessors owning land within and outside surveyed villages.	43.1	30.3	26.6	100.0
(iii) All Lessors .. .. .	73.1	12.5	14.4	100.0

TABLE 2.8—*contd.*

Items	Residence of Lessors				
	Within surveyed villages	Within 5 miles of surveyed villages	Beyond 5 miles of surveyed villages	All lessors	
(1)	(2)	(3)	(4)	(5)	
<b>B. Percentage of lessors owning land only in the surveyed villages to the total lessors and percentage of their owned land in the surveyed village to the land owned by all lessors.—</b>					
(i) Lessors ..	(a) Lessors owning land only in the surveyed village.	91.8	66.3	74.3	86.1
	(b) Lessors owning land within and outside surveyed village.	8.2	33.7	25.7	13.9
	(c) All lessors .. ..	100.0	100.0	100.0	100.0
(ii) owned land of the lessors.	(a) Owned land located in the surveyed village.	80.7	55.8	16.6	39.1
	(b) Owned land located outside surveyed village.	19.3	44.2	83.4	60.9
	(c) Total owned land ..	100.0	100.0	100.0	100.0
<b>C. Percentage of leased land to the owned land.—</b>					
(i) Land located in the surveyed village	(a) Land leased out ..	50.2	79.6	97.4	64.9
	(b) Land cultivated personally.	49.8	20.4	2.6	35.1
	(c) Total owned land ..	100.0	100.0	100.0	100.0
(ii) Land located outside surveyed village.	(a) Land leased out ..	33.8	23.0	97.0	87.9
	(b) Land personally cultivated.	66.2	77.0	3.0	12.1
	(c) Total owned land ..	100.0	100.0	100.0	100.0
<b>D. Percentage distribution of leased out land.</b>					
(i) Leased out land located in the surveyed village.		51.2	8.7	40.1	100.0
(ii) Leased out land located outside surveyed village.		3.9	0.9	95.2	100.0

of the total leased land. Thus, in the non-coastal region the lessors residing in or near the villages not only formed the larger proportion of all lessors, but also accounted for more than 60 per cent of all leased land. This picture was different from that in the coastal districts.

Among the lessors nearly 86 per cent owned land only in one village; only about 14 per cent owned land in more than one village. Nearly 92 per cent of those who lived in the surveyed villages owned land only in those villages. This was also true of nearly 75 per cent of those who lived more than 5 miles away from the villages. These may be considered as villagers who had migrated presumably for work outside.

The small landowners formed the bulk of all resident as well as non-resident lessors (Ref. Table 2.7). They formed 78 per cent of those who lived in the village and 66 per cent of those who lived more than 5 miles from the village. The large landowners were proportionately more among non-resident lessors than among the residents.

2.63. To sum up, it appears that land leasing was not confined to those owners who did not live in or near the villages. In fact, the larger proportion of lessors was resident in or near the villages where they owned land. But the non-residents owned comparatively larger proportion of the leased land, in the coastal villages it was two-thirds and in the non-coastal 40 per cent of the leased land. This was because the non-residents leased out most of their lands while the residents only a part of it. Besides, the big landowners were comparatively more among the non-residents than among the residents. The small landowners formed a large proportion of both residents and non-residents, and they often leased out all their land. But the medium and large owners among residents tended to lease out only partly, retaining the rest for personal cultivation, while the same class of lessors among non-residents had to lease out their entire owned land.

#### *Tenants:*

2.64. Attention may now be turned to the characteristics of the tenants on the eve of the Tillers' Day. It was noted earlier (Ref. Para 2.47) that the tenants in the coastal villages were almost three times as many as the lessors, whereas in the non-coastal areas they were more or less equal to lessors in number. One would normally

expect a tenant to live not far from his land; in fact, all tenants cultivating leased land in the surveyed villages lived in or very near those villages.

2.65. Who were these tenants? It was seen before (Ref. Para 2.49) that the average size of owned land holding of the tenants was about 2.4 acres in the coastal region and 4.9 acres in the non-coastal region. But this does not mean that all tenants owned some land (See Table 2.9).

Landless and small Land-owning tenants more numerous in Coastal

In fact in the coastal region 61 per cent of the tenants had no land of their own; they were pure tenants, leasing in land from others for cultivation. Of the remaining 39 per cent, a little over 26 per cent had 2.5 acres or less of owned land each, and another 5 per cent had between 2.5 and 5 acres of owned land each. Only about 7 per cent of the tenants owned more than 5 acres of land each. All these landowning tenants had leased in some land from other landowners for increasing their operational holdings.

TABLE 2.9

*Distribution of number of tenants, area owned by them and area leased in by them, according to the size of their owned landholding.*

Size of owned land holding (acres).	Percentage distribution of		
	No. of tenants.	Total area owned.	Total area leased in
(1)	(2)	(3)	(4)
<i>(A) Coastal</i>			
(A) 0-00 (Pure tenants) .. .. .	61.1	0.0	67.6
(B) 0-01-2.50 (Very small) .. .. .	26.4	10.9	15.7
(C) 0-01-5.00 (Small) .. .. .	31.7	18.3	21.2
(D) 5-01-15-00 (Medium) .. .. .	2.8	11.0	4.1
(E) 15-01- and above (Large) .. .. .	4.4	70.7	7.1
(F) 40-01 and above (Big) .. .. .	1.4	40.3	2.2
All tenants (A+C+D+E) .. .. .	100.0	100.0	100.0
<i>(B) Non-coastal</i>			
(A) 0-00 (Pure tenants) .. .. .	31.7	0.0	35.9
(B) 0-01-5.00 (Very small) .. .. .	37.5	15.8	28.1
(C) 0-01-10-00 (Small) .. .. .	54.4	41.1	44.3
(D) 10-01-20-00 (Medium) .. .. .	8.4	23.7	12.3
(E) 20-01 and above (Large) .. .. .	5.5	35.2	7.5
(F) 40-01 and above (Big) .. .. .	0.8	10.0	0.5
All tenants (A+C+D+E) .. .. .	100.0	100.0	100.0

2.66. In the non-coastal region a little less than one-third (31.7 per cent) of all tenants were land-less or pure tenants. Another 37 per cent consisted of very small landowners each owing 5 acres or less of land. A further 17 per cent of the tenants owned between 5 and

10 acres each. Among the tenants large landowners were few: less than 6 per cent owned more than 20 acres each.

2.67. Thus, in both regions between 86 and 92 per cent of all tenants were pure tenants or small landowning tenants. The pure tenants were the most numerous in the coastal area, whereas in the non-coastal region the small owners were more numerous. The difference between the coastal and the non-coastal regions in this respect reflects basic differences in the pattern of landholding in the two regions. In the coastal region the average size of landholdings is small and the great pressure of population has resulted in a sizable proportion remaining landless. At the same time, because of the Khoti type of tenure a larger proportion of land was in the hands of large landowners. The landless therefore leased in land from mostly the medium and the large landowners. In the non-coastal areas on the other hand the average area of land per landowner was larger than in the coastal region, and the population pressure was comparatively less. It was the small owners who found agriculture uneconomic. They were always on the look out either for alternative employment opportunities or for increasing the size of their landholding through leasing. If they could find other sources of earning they leased out their land. This explains why the small landowners were so numerous both among lessors and tenants in the non-coastal region of Western Maharashtra.

2.68. How much of the total land leased in was with the pure tenants and small land-owning tenants? In the coastal region the pure tenants, forming 61 per cent of all tenants, had leased in nearly 68 per cent of all leased in land. The 32 per cent small land-owning tenants had leased in only 21 per cent of the total land leased in. The 4.5 per cent large land-owning tenants had leased in about 7 per cent of all leased in area.

Bulk of the leased land was with the pure and small landowning tenants in the coastal

In the non-coastal region the pattern was not very different. The 31 per cent pure tenants had leased in 36 per cent of all leased in land. Another 54 per cent tenants who were small land-owners owning 10 acres or less, had leased in about 44 per cent of all leased in land. The 5.5 per cent large land-owning tenants had leased in only about 7.5 per cent of all leased in land.

and non-coastal regions.



2.69. This, however, does not mean that most tenants leased in about the same average amount of land. In the coastal districts nearly 68 per cent of the tenants leased in 2.5 acres or less of land each, and they accounted for only 27 per cent of all leased in land (Ref Table 2.10). Another 17 per cent of the tenants had leased in between 2.5 and 5 acres each, and they accounted for 22 per cent of all leased in area. Hardly 15 per cent of the tenants had leased in more than 5 acres each, but they accounted for a little over half of all leased in land.

2.70. Similarly, in the non-coastal villages, half of the tenants had leased in up to 2.5 acres each, but they accounted for only 10 per cent

**TABLE 2.10**  
*Percentage distribution of tenants and area leased in according to the size of leased in area.*

Type of tenants	Size of area leased in (acres)					
	Upto 2.50	2.51 to 5.00	5.01 to 10.00	10.01 to 20.00	20.01 and above	All
(1)	(2)	(3)	(4)	(5)	(6)	(7)
<i>Coastal region</i>						
(A) Pure tenants :						
(i) No. . . . .	62.7	19.6	14.5	2.3	0.9	100.0
(ii) Area leased in	23.3	23.1	34.4	10.1	9.1	100.0
(B) Land owning tenants :						
(i) No. . . . .	75.7	12.9	7.8	3.6	00.0	100.0
(ii) Area leased in	34.7	20.7	22.3	22.3	00.0	100.0
(C) All tenants :						
(i) No. . . . .	67.8	16.9	11.9	2.8	0.6	100.0
(ii) Area leased in	27.0	22.3	30.5	14.1	6.1	100.0
<i>Non-Coastal region</i>						
(A) Pure tenants :						
(i) No. . . . .	50.2	15.0	16.5	12.2	6.1	100.0
(ii) Area leased in	8.4	9.3	20.7	28.6	33.0	100.0
(B) Land owning tenants :						
(i) No. . . . .	49.9	20.2	16.9	8.6	4.4	100.0
(ii) Area leased in	10.9	14.8	24.5	23.6	26.2	100.0
(C) All tenants :						
(i) No. . . . .	50.0	18.5	16.7	9.8	5.0	100.0
(ii) Area leased in	10.0	12.8	23.1	25.4	28.7	100.0

of all leased in land. About 35 per cent had leased in between 2.5 and 10.0 acres each, and accounted for 36 per cent of all leased in land. The remaining 15 per cent tenants had leased in as much as 54 per cent of all leased in land.

2.71. Thus about 80 per cent or more of the tenants in both the coastal and non-coastal regions had leased in comparatively small areas of land but the bulk of the land was leased in by those who took comparatively larger areas on lease. Nor was it as if the landless had leased in small areas, and only those tenants who had some owned land leased in bigger areas. An examination of the data shows (Ref. Table 2.10) that the pure tenants, i.e., those who owned no land had leased in both small and large areas of land and their distribution in this respect was similar to those who owned some land. The proportion of the pure tenants leasing in more than 10 or 20 acres each was at least as large as or larger than the proportion of tenants owning some land who had leased in more than 10 or 20 acres each.

2.72. It is interesting to note that while on the one hand 37 per cent of lessors in the coastal area and nearly three-fourths of them in the non-coastal area were small landowners on the other hand the bulk of the tenants, particularly the landless tenants, had lessed in equally small areas of land. In the coastal villages 68 per cent of the tenants had leased in 2.5 acres or less each. But many of them had some land of their own and they could increase their cultivated holding by leasing in land. All the same, nearly 55 per cent of all tenants in coastal villages had cultivated holdings of 2.5 acres or less, and 76 per cent had cultivated holdings of 5 acres or less. In the non-coastal villages one-fourth of the tenants had cultivated holdings of 2.5 acres or less and 43 per cent had cultivated holding of 5 acres or less (Ref. Table 2.11). In the coastal area small holdings growing paddy were more common. Besides, it was pointed out earlier that small landowners leased out their land when they were able to get some alternative source of employment and earning, as is indicated by the large proportion of small landowning lessors among the non-resident lessors in both regions of Western Maharashtra. Otherwise the small landowners were always on the look out for land to lease in order to increase their cultivated holding. Some of the small leased in areas might also have been in the annual farm servants of bigger owners who paid their servants partly in this manner.

TABLE 2.11

*Percentage distribution of tenants according to the size of the cultivated landholdings.*

Size of cultivated land- holding (acres)	Percentage of tenants	
	Coastal Region	Non- coastal region
(1)	(2)	(3)
(A) 0.01—2.50 .. .. .	55.0	24.8
(B) 2.51—5.00 .. .. .	21.1	18.2
(C) 5.01—10.0 .. .. .	15.6	25.0
(D) 10.01—20.00 .. .. .	4.2	19.2
(E) 20.01 and above .. .. .	4.1	12.8
Total .. .. .	100.00	100.0

2.73. It would be interesting to examine if the small owners leased out only to small land-owning tenants and the big owners to big land-owning tenants. The pattern of leasing in of land by tenants, discussed above, shows that most of the tenants were either pure tenants or persons with small landholdings of their own. Consequently, it cannot be said that the pure tenants or small land-owning tenants leased in land only from small lessors; indeed they leased in from all types of lessors. The same, however, cannot be said about the medium and the big land-owning tenants. In the coastal region, the tenants owning more than 5 acres each had leased in land almost entirely from big landowners, i.e., those owning more than 15 acres each. In the non-coastal region, on the other hand, the medium and the large tenants, i.e., the tenants owning more than 10 acres each, had leased in land not merely from the big and the medium lessors but also from the small lessors.

2.74. Similarly, it is seen that in the coastal region the small lessors leased out only to equally small tenants. The medium and the big lessors leased out to both small as well as medium and big land-owning tenants, though the bulk of their leased out land was to small tenants. In the non-coastal region, on the other hand, the small lessors leased

out not only to small land-owning tenants but also to medium and large land-owning tenants, though of course the bulk of their leased out land was with the small tenants. The medium and the big land-owning lessors also leased out bulk of their land to small land-owning tenants, though a part of it, albeit small, was leased out to big land-owning tenants.

2.75. The tenancy pattern prevailing on the eve of the Tillers' Day in Western Maharashtra may be summed up as followed: In the coastal region the tenants were three times as many as the lessors, while in the non-coastal region there were as many lessors as tenants. Contrary to common belief, the majority of those who leased out land in the non-coastal region were small land owners; in the coastal region also they were nearly 40 per cent of all lessors. But of course these small lessors accounted for only a very small part of all leased land; the large lessors owned the bulk of the leased land. Most of the lessors in both regions were residents in or near the villages, though non-residents were comparatively more in the coastal than in the non-coastal region. Even amongst the non-resident lessors nearly three-fourths consisted of those who presumably had migrated from the village for work and therefore, had leased out their lands. The non-resident lessors had leased out practically all their land whereas those who lived in the villages had leased out on an average only a part of their land. In the coastal region the non-resident lessors owned two-thirds of the total leased land while in the non-coastal region they owned about 40 per cent of all leased land.

The tenants were mostly landless people or small land owners; the landless among the tenants in the coastal region were as many as two-thirds of all tenants. These pure tenants as well as small land-owning tenants had leased in the bulk of leased land. But those among them who leased in large areas accounted for the bulk of the leased land. The small tenants leased in land from all classes of lessors. The medium and the large ones in the coastal areas leased in from only the lessors of their own class. In the non-coastal areas the medium and the large land-owning tenants had leased land from small lessors as well as from the medium and the large. Such was the pattern of tenancy on the eve of the Tillers' Day.

Summing up the pattern of tenancy on the eve of the Tillers' Day

*The Effects of the Implementation of the Tenancy Act:*

2.76. The Tenancy Act of 1956 laid down elaborate procedure for the termination of most of the tenancies with effect from April 1, 1957. Before this date the lessors as well as the tenants were given an option to serve notices and file applications for either resumption of leased had for personal cultivation or voluntary surrender of tenancies. Each of these applications was to be examined by the concerned Tahsildar and decision was to be taken by him either granting or rejecting the application. All other tenancies were to terminate on April 1, 1957, the Tillers' Day. The specially constituted Agricultural Lands Tribunal, one in each taluka, was to examine each case, hear the parties and give final decisions according to the provisions of the Act. Thus, each individual tenancy case in the village records in 1956-57 had to be examined either by the Tahsildar or the Agricultural Lands Tribunal, who was to give the final decision.

2.77. Naturally, this involved lakhs of cases of tenancies on which administrative decisions were to be given, and as such it was not a work that could be finished in a year or two. Besides, it was noted earlier that, a new Tillers' Day was set for the tenants of certain categories of small lessors in 1962. These were added to the accumulated cases of April 1, 1957. Official returns show that in all the districts of western Maharashtra, nearly 20.4 lakh tenancy cases were on record on the eve of the Tillers' Day. Some of these had to be examined twice, once in connection with resumption and then, if necessary for transfer of the land to the tenants. Special staff was sanctioned by Government for the work in each taluka.

2.78. Official statements about the progress of implementation show that by the end of September 1970 (i.e., a year later than our survey) nearly 10 per cent of the total tenancy cases in the three coastal districts excluding Ratnagiri and 20 per cent of the cases in the non-coastal districts were either pending or had been dropped. (Ref. Table 2.12 and 2.13). The number of tenancy cases dropped because the Tillers' Day provision was not applicable to them (they being Trust, Bhoodan or sugarcane lands) is not separately available in official returns. But the survey showed that in the coastal villages such cases were negligible, and in the non-coastal villages they

More than 20 lakh tenancy cases were to be enquired into

Progress of implementation

constituted about 6 per cent of all the tenancy cases. If we assume the same percentage for the official returns, we find that the percentage of cases still to be decided was about 14 in the non-coastal region and 10 in the coastal region.

TABLE 2.12

*Percentage distribution of recorded tenancy cases and total leased land according to the effect of decision by the revenue authorities in the coastal region of Western Maharashtra*

Effect of decision	Percentage of tenancy cases in		Percentage distribution in surveyed coastal villages of	
	All coastal districts	Coastal districts excluding Ratnagiri	Tenancy cases	Leased land
(1)	(2)	(3)	(4)	(5)
(A) Ownership acquired by tenant .. ..	55.6	61.2	58.0	68.2
(B) Land remaining with original owner ..	20.5	19.1	1.9	2.1
(C) Owned partially by owner and tenant ..	N.A.	N.A.	0.8	0.5
(D) Land acquired by Government .. ..	0.3	0.7	0.0	0.0
(E) Tillers' Day postponed .. .. .	6.8	9.3	4.8	7.4
(F) Tenancy Act not applicable .. .. }	16.8*	9.7*	0.4	0.1
(G) Case in progress or to be taken up .. }			28.4	17.6
(H) No case .. .. .	..	..	5.7	4.1
Total ..	100.0	100.0	100.0	100.0
Total number of recorded tenancy cases ..	10.09 (lakh)	4.3 (lakh)		..

N.A. Not available separately.

\*These include cases dropped because the tenancy Act's major provisions were not applicable to them.

Source: Department of Revenue, Government of Maharashtra.

TABLE 2.13

*Percentage distribution of recorded tenancy cases and total leased land according to the effect of decision by the revenue authorities in the non-coastal districts of Western Maharashtra*

Effects of decision (1)	Percentage of tenancy cases in non-coastal districts (2)	Percentage in the surveyed non-coastal villages of	
		Tenancy cases (3)	Leased area (4)
(A) Ownership acquired by tenant .. .. .	20.9	40.7	36.3
(B) Land remained with original owner .. .. .	50.6	29.9	23.6
(C) Owned partially by owner and tenant .. .. .	N.A.	0.5	1.5
(D) Land acquired by Government .. .. .	0.5	0.6	0.5
(E) Tillers' Day postponed .. .. .	8.5	5.1	10.4
(F) Tenancy Act not applicable .. .. .	19.5*	11.7	10.0
(G) Case in progress or to be taken up .. <sup>a</sup> .. .. .			
(H) No case .. .. .	..	5.9	7.2
Total .. .. .	100.0	100.0	100.0
Total number of recorded tenancy cases .. .. .	10.34 lakh	..	..

*N.A.*—Not available separately.

\*These also included tenancy cases dropped because Tenancy Act's major provisions were not applicable to them.

Source: Department of Revenue, Government of Maharashtra.

2.79. Comparing the official and the survey data for non-coastal region (given in Table 2.13) we find that while the survey reported about 17 per cent cases as undecided (including those in which it was found that there was no case) in September 1969, the official data showed 14 per cent cases as undecided in September 1970. The figures are quite comparable in view of the fact that the official data referred to the position a year after the survey.

2.80. The difference between the official and survey figures for the three coastal districts is rather wide: survey estimates show 34 per cent cases undecided by September 1969 (including those in which it was found that there was no case) while official returns show only 9.7 per cent undecided cases by September 1970 (Ref. Table

2.12). The difference between the survey estimates and the official returns may be due to the fact that the survey data relate only to a few villages in some of which a large number of cases had remained undecided for some special reasons. In fact, it turns out that in at least three-fourths of the undecided cases in the surveyed villages the A. L. T.'s decisions were under review of the higher revenue authorities at the time of the survey. The official returns, however, record only the A. L. T.'s decisions. This therefore might explain the great difference between the percentages of undecided cases in the surveyed villages and in the official returns for the three coastal districts. In Ratnagiri district the proportion of undecided cases was greater than in the other 3 coastal districts in September 1970. Therefore, taking all the four coastal districts together the official returns show that the undecided cases were nearly 17 per cent of all cases by September 1970.

2.81. Thus more than 13 years after the implementation of the Tillers' Day legislation was undertaken in Western Maharashtra nearly 17 per cent of the recorded tenancy cases in the non-coastal districts were still to be decided by the A. L. Ts. The official returns do not give details about the area involved in all the types of decisions. Therefore it is not possible to estimate the proportion of the total leased land about which decisions were still to be taken. Estimating these proportions on the basis of the survey data, it appears that for some 12 per cent of the leased land in the coastal districts as well as in the non-coastal districts decisions were yet to be taken in September 1970. This was not a very happy situation.

2.82. The examination of the rate of disposal of the tenancy cases during these 13 years shows that in the first 2 or 3 years after the promulgation of the Act the rate of disposal was very slow. Most of the time was then taken in preparing the relevant records. The actual disposal of tenancy cases gathered momentum by 1959-60. Out of the total tenancy cases decided by 1969, more than two-thirds in the non-coastal districts and 90 per cent in the coastal districts had been cleared by 1963-64. After that the rate of disposal was rather slow. In a number of pending cases, while the A. L. T.'s had taken preliminary steps by 1964-65 the subsequent steps had not been taken by 1969 for one reason or the other. The data show that on the whole the disposal of tenancy cases of 1956 origin had slowed down after 1965.



2.83. The reasons for this slowing down of the rate of disposal of tenancy cases are discussed elsewhere in this report. Here attention may be drawn to one relevant feature in this connection. For the A. L. T. one tenancy case is as important as another and the length of time taken to decide a case has nothing to do with the area of leased land involved in it.

Exclusion of tenancy cases involving small lessors in first stage could have expedited implementation of the Act

In the coastal region the tenancy cases involving small as well as medium lessors constituted about 25 per cent of all tenancy cases in the surveyed villages, and accounted for less than 14 per cent of the total leased out land. In the non-coastal villages the tenancy cases involving the small lessors alone were nearly 50 per cent of all the tenancy cases, and accounted for about one-fourth of the total leased land. In disposing of these cases if priority has been given to cases involving lessors owning more than a certain area—say, 15 acres in the coastal districts and 10 acres in the non-coastal districts not only the work-load of the A. L. T.'s would have been lightened by one-fourth and one-half in the two regions, respectively. But the tenants of nearly 86 per cent of the tenanted land in the coastal districts and 75 per cent of the tenanted land in the non-coastal districts, respectively would have benefitted by their early disposal. Delays in the disposal not only create uncertainty for the tenant as well as the owner, but are likely to expose the economically and socially weaker party to various pressures. Exclusion of tenancy cases involving small land-owning lessors in the first stage of implementation of the Act would have expedited the work and at the same time the bulk of the leased land would have been covered in the process.

2.84. Attention may now be turned to the result of the enquiries by the A. L. Ts. and the other revenue authorities. Since their results were distinctly different in the coastal and the non-coastal regions of Western Maharashtra, we shall examine the available information separately for the two regions.

Effect of implementation of the Act

2.85. In Column (2) of Table 2-12 is given the percentage distribution of the total number of tenancy cases according to the decisions by the concerned revenue authorities in the four coastal districts of Western Maharashtra. Data in Col. (3) are based on the official returns covering all the tenancy

In coastal region

cases for the three coastal districts, excluding Ratnagiri. This is given for comparison with the data relating to the surveyed villages which excluded Ratnagiri. Column (4) gives the percentage distribution of the total number of tenancy cases in the surveyed coastal villages, and Col. (5) the distribution of the leased land area involved in these villages. The data for the surveyed villages relate only to the leased land located in the surveyed villages and the tenancy cases concerning them; the leased lands located in other villages of the concerned Khatedars have been excluded in order to avoid undue weightage to such owners as explained earlier. The official returns do not give distribution of the total leased land according to the decisions. However, if the distribution of tenancy cases as per official returns and that as per the survey broadly agree, then the distribution of the leased land in the surveyed villages can be taken as broadly representing the situation for the entire coastal region.

2.86. The official returns show that by the end of September 1970 in 55.6 per cent of the total number of recorded tenancy cases in all the four coastal districts the ownership of the leased land had been transferred to the tenants while in 20.5 per cent cases it remained with the owners who also became cultivators of these lands. In 6.8 per cent cases the Tiller's Day was postponed. In very few cases hardly 0.3 per cent land vested in Government as surplus land. Nearly 16.8 per cent cases were still to be decided. If it is assumed that in these undecided cases the decisions will be in favour of the owners and the tenants in the same proportion as that in the already decided cases have been, then it is fair to say that in 66 per cent of the tenancy cases the ownership of land would go to the tenants, in about 25 per cent cases the land would remain with the owners and in about 8.9 per cent cases the Tillers' Day will stand postponed.

The pattern of distribution was similar in the 3 coastal districts excluding Ratnagiri [see Column (3) of Table 2.12]. Compared with the data for the surveyed villages in these coastal districts the pattern of distribution appears very similar to that given by the official returns. The major variations are in regard to the cases in which the owners retained ownership of the land and the undecided cases. It was mentioned earlier (Ref. Para. 2.81) that the large proportion of cases in progress, 28.4 per cent, in the surveyed villages was due largely to a review of some cases already decided by the A. L. T's.

This also explains why the proportion of tenancy cases in which owners retained leased land was only 1.9 in the survey villages, whereas it was around 20 per cent in the entire region. In fact, nearly three-fourths of these 28 per cent cases were under review. If these are considered as cases in which the decisions of the A. L. Ts. were in favour of the land-owners, then the wide disparity between the official returns and the survey results practically vanishes. It is quite interesting that the survey data, though not based on proper random sampling methods, agree fairly well with the total picture as revealed by the official returns.

2.87. The Official returns do not help us in getting similar break-up of the total leased land. But since the survey data and the official returns agree so well in regard to the number of tenancy cases, it would not be incorrect to consider the distribution of the leased land in the surveyed coastal villages as also representing that for the whole of the coastal region. Data given in Col. (5) of Table 2.12 show that the tenants had acquired ownership of 68 per cent of the leased land. In 7.4 per cent of the leased land the Tillers' Day had been postponed. Only 2.1 per cent of the land had been retained by the owners, while cases were pending or no case had been made out in regard to 21.7 per cent of the leased land. But as was explained above, three-fourths of the pending cases were under review and the earlier decisions had apparently been in favour of the landlords. Applying the same proportion to the extent of the leased land in regard to which cases were pending, it can be said that, in all, about 15 per cent of the leased land had been retained by the owners, and in regard to 6.7 per cent of the land decisions had yet to be taken. If it is assumed that in regard to these undecided cases the decisions ultimately will be in the same proportions as in the decided cases then it can be generally said that 74 per cent of the leased land was acquired by the tenants, about 17 per cent was retained by the owners, and in the case of 9 per cent leased land the Tillers' Day was postponed.

2.88. This was broadly the picture in the 3 coastal districts excluding Ratnagiri. Since the proportion of the cases in which the owners were able to retain ownership of the leased land was a little higher in Ratnagiri, it would be safe to presume that in all the coastal districts the ownership of nearly 70 per cent of the recorded leased land was acquired by tenants, 20 per cent of the land was retained by

Nearly 70 per cent of leased land came to be owned by tenants, and 20 per cent remained with landlords

owners, and in respect of 10 per cent of the land the Tillers' Day was postponed. In these postponed cases the owners can at the most legally resume, when the time comes, only half the land. Negligible area came to Government as surplus for redistribution to the landless and others as a result of the Tenancy Act.

2.89. Attention may now be turned to the position in the non-coastal districts. Table 2.13 presents the percentage distribution of the number of cases recorded according to the nature of final decisions, in all the non-coastal districts as well as in the surveyed villages.

In non-coastal region

2.90. Column (2) of the table shows that by September 1970 the tenants in the non-coastal districts had been able to acquire ownership of leased land only in about 21 per cent of all the recorded tenancy cases. In over 50 per cent of the cases ownership of the leased land continued with the original owners. In a little less than 9 per cent cases the Tillers' Day had been postponed. In about 20 per cent of tenancy cases decisions had not been taken or the proceedings had been dropped

In only 25 per cent tenancy cases the tenants became owners of leased land; in 59 per cent cases the landlords retained the lands

because the lands were either growing sugarcane or fruits or the owners were companies or Bhoodan Samitis, etc., to which the major provisions of the Tenancy Act did not apply. The official returns do not specify these dropped cases separately. But our survey in the selected villages showed that in 5.6 per cent of the cases the Tenancy Act was not applicable for these reasons. Applying the same proportion to all the recorded tenancy cases in the 9 non-coastal districts, we find that 14 per cent of the cases remained to be decided in September 1970. If it is presumed that these 14 per cent cases will be distributed in the same proportion as that in the already decided cases then it can be said that in the non-coastal districts in about 25 per cent cases the ownership of leased land was acquired by the tenants, in 59 per cent cases it was retained by the owners, in about 10 per cent cases the Tillers' Day was postponed and in about 6 per cent cases the Tenancy Act was not applicable. In very few tenancy cases could Government acquire some land as surplus for distribution to the landless, etc.

2.91. This distribution of all recorded tenancy cases in the 9 non-coastal districts of Western Maharashtra, however, does not conform

to the distribution of the tenancy cases in the surveyed villages in these districts (Col. 3). These cases relate, as in the coastal villages, to the leased lands located in the surveyed villages only. It appears that in over 40 per cent tenancy cases in the surveyed villages the tenants became owners whereas the official returns show that only in 21 per cent cases tenants became owners of the leased lands. In about 30 per cent cases the original owners continued while according to official returns this percentage was 50.6. This difference in the patterns of distribution in the surveyed villages and the official returns for all the non-coastal districts was mainly due to the fact that in a few of the 16 surveyed villages there were a few very big land-owning ex-jagirdars who lost practically all their leased land in the surveyed villages. It was perhaps an accident of our sample. It would, therefore not be proper to use the distribution of the tenancy cases or the total leased lands in these surveyed villages according to the type of decision to represent the position for all the non-coastal districts. However, it is interesting to see that the proportions of leased area involved in different types of decisions (Col. 4) were not significantly different from the proportions of tenancy cases involved in corresponding decisions (Col. 3) in the surveyed villages. Thus, in 41 per cent cases comprising 36 per cent of the leased land tenants became owners; in 30 per cent cases comprising 24 per cent of the leased land original owners retained ownership. On the other hand, in 5 per cent cases in which the Tillers' Day was postponed or in another 5 per

Only 24 per cent of leased land came to be owned by tenants 56 per cent was retained by owners

cent in which they were dropped, the area involved was about 10 per cent each. This suggests that for all the districts of non-coastal Western Maharashtra the proportion of the leased lands involved in various decisions would be more or less the same as the proportions of tenancy cases according to these decisions. It would, therefore, be a fair estimate to say that, assuming all undecided cases to have been decided in the same proportion as that in the already decided cases, ownership of nearly 24 per cent of the leased land was acquired by tenants, and in 56 per cent of the leased land it was retained by original owners. In the case of about 12 per cent of the leased land the Tiller's Day was postponed, and in less than 8 per cent of the leased land Tenancy Act was not applicable. The

State could acquire as surplus not more than 0.5 per cent of all the leased land under the Tenancy Act.

2.92. The impact of the implementation of the Tenancy Act in the non-coastal districts of Western Maharashtra appears to have been almost the opposite of that in the coastal districts. While the tenants acquired ownership of nearly 70 per cent of leased land in the coastal districts, in the non-coastal districts it was about 24 per cent. On the other hand, while only about 20 per cent of the leased land was retained by the owners in the coastal districts, in the non-coastal districts this was around 56 per cent ✓

2.93. It would be of interest to examine the circumstances and the provisions under which the tenants came to acquire ownership of leased lands or the landlords could retain their leased lands. So far as the acquisition of the leased lands by tenants is concerned, it is natural to expect the concerned tenants to benefit from the provision of compulsory transfer on the Tillers' Day. It can be seen from Col. (3) in Table 2.14 that in the four districts of the coastal region this expectation was fulfilled to a great extent. Out of 56 per cent tenancy cases in which the tenants had acquired land by September 1970, in 50 per cent cases the Agricultural Lands Tribunal fixed the purchase price and only in about 6 per cent cases this was done by mutual agreement between owner and tenant, without the Agricultural Lands Tribunals having to fix the purchase price. In some of these cases the tenants had voluntarily paid a price higher than that specified in law and it had to be regularised by collecting a fine from the parties. In the non-coastal region the official returns show [Ref. Table 2.14, Col. (4)] that in two-thirds of the cases in which tenants became owners, the price was fixed by the Agricultural Lands Tribunal. In one-third of the cases the price was mutually agreed upon and the Agricultural Lands Tribunals merely regularised the transaction.

2.94. The circumstances which led to the ownership of the leased land remaining with the original owners were many and varied. One thing, however, was very clear; in both the coastal and the non-coastal districts it was in a very small proportion of cases that the landlords could retain ownership by legally resuming land for personal cultivation, or through

Reasons why tenant became owner

Reasons why leased land remained with the landlords

TABLE 2.14

*Distribution of the total number of recorded cases of tenancy in Western Maharashtra, according to the type of decision relating to them (Up to end of September 1970).*

Type of decision (1)	Percentage of tenancy cases in coastal districts			
	Excluding Ratnagiri (2)	Including Ratnagiri (3)	Non-coastal districts (4)	Western Maharashtra (5)
(A) Ownership of leased land retained by owner—				
(i) Resumption by the owner (including under section 33-C).	1.0	0.7	3.9	2.3
(ii) Voluntary surrender by tenant ..	0.4	0.3	2.4	1.4
(iii) Unlawful surrender and evictions ..	0.2	0.3	10.0	5.2
(iv) Relationship of landlord tenant does not exist.	15.1	14.1	15.1	14.6
(v) Purchase by tenant ineffective ..	2.4	5.1	19.2	12.2
<b>Total (A) ..</b>	<b>19.1</b>	<b>20.5</b>	<b>50.6</b>	<b>35.7</b>
(B) Tillers' Day postponed .. .. .	9.3	6.8	8.5	7.7
(C) Ownership of leased land transferred to tenant—				
(i) Under Section 32-0 .. .. .	50.4	50.1	13.7	31.7
(ii) By mutual agreement .. .. .	10.8	5.5	7.0	6.2
(iii) Under Section 33-C .. .. .	0.0	0.0	0.2	0.1
<b>Total (C) ..</b>	<b>61.2</b>	<b>55.6</b>	<b>20.9</b>	<b>38.0</b>
(D) Leased land acquired by Government..	0.7	0.3	0.5	0.4
(E) (i) Cases pending or dropped .. ..	6.7	9.4	14.5	12.0
(ii) Cases to be taken up .. .. .	3.0	7.4	5.0	6.2
<b>Grand total ..</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>	<b>100.0</b>

Source: Department of Revenue, Government of Maharashtra.

lawful voluntary surrenders by the tenants. According to the official returns [Ref. Table 2.14, Col. (3)] in all the four coastal districts, out of the 20.5 per cent cases in which ownership was retained by the landlords only in 0.7 per cent cases it was through legal resumption and in 0.3 per cent cases through voluntary surrender. In the non-coastal districts also out of 50.6 per cent cases in which landlords retained ownership, in 3.9 per cent cases it was due to legal resumption and in 2.4 per cent cases through voluntary surrender. The small proportion of the cases of resumption of leased land by the landlords for personal cultivation was largely due to the rather discouraging provisions in the Act in regard to resumption. It may be recalled that the law provided that after resumption the total landholding of the landlord should not be more than 48 acres of *jirayat* land or its equivalent; the income from the leased land should be the landlord's major source of earning; he should continue to cultivate the resumed land for 12 years; and finally, with all these restrictions, he could resume at best half the leased out area. Consequently, the applications made for resumption were not too many; out of the 20.4 lakh recorded tenancy cases in the whole of Western Maharashtra in 1956-57, resumption applications had been filed only in about 12 per cent cases (2.2 lakh cases). Even then out of these applications only one-sixth were granted by the revenue authorities and five-sixth were rejected as inadmissible under the law. Besides, it is quite likely that the landlords preferred to arrange surrender by tenants in which cases they would be free to sell the surrendered lands subsequently. While legal voluntary surrenders were not many, surrenders and evictions that had not been verified or approved by Tahsildar were significant in the non-coastal districts. Out of the 55 per cent cases in which the owners retained the leased land in the non-coastal districts, 10 per cent cases were due to unlawful surrenders or evictions. In the coastal districts, however, this was negligible. Since the law permitted an illegally evicted tenant to seek redress within two years of eviction, it may be presumed that these cases of unauthorised termination of tenancies were largely the cases of voluntary surrenders, without the tenants taking the trouble of notifying the revenue authority. Such presumption, however, may not always be valid. For tenants

Extent of resumption by owners very limited

Unverified surrenders by tenants significant in non-coastal region



might sometimes be unaware of the details of the legal provisions relating to restoration of lands in the cases of forced evictions; or they might be subject to various economic and social pressures as a result of which they might decide to play safe. It was not possible to ascertain its extent by direct enquiry. However, indirect evidence about such possibility, based on the data collected during the surveys, is presented below for whatever it is worth. ✓

2.95. If in cases of unlawful termination of tenancy the landlords happened to be large landowners and the tenants either landless or small landowners, then a *prima facie* case for suspicion of illegal eviction or undue socio-economic pressure by the landlord may be said to have been practised. It was pointed out earlier that in the coastal villages cases of unlawful termination of tenancy were rather few. In most of these cases, the lessors were large owners owning more than 30 acres each. But so were the tenants all of whom owned more than 10 acres each. In the circumstances, it is difficult to presume that these tenants had either been forcibly evicted or had been subject to undue socio-economic pressures.

2.96. In the non-coastal districts the official returns showed that in 10 per cent cases tenancy had been terminated without recourse to legal processes. Detailed data for the surveyed villages show that in about 70 per cent of the cases of this type the lessors involved were small landlords owning less than 10 acres each. The rest were mainly medium landlords. On the other hand, in nearly 80 per cent of these cases the tenants were either landless or small landowners. When both the landlords and the tenants involved in unlawful termination of tenancies are small landowners or landless, it is not easy to presume forcible eviction or undue pressure. The same can also be said when both are medium or large landowners. But since the medium and the large landowners accounted for two-thirds of the total leased land involved in these cases, while the bulk of the land was with small tenants, it is not unreasonable to suspect forcible evictions of or undue pressures on some of these small tenants by their larger landowners.

Possibility of forcible eviction in some of these cases in the non-coastal region

2.97. Thus, while the evidence is not conclusive, there is ground to believe that in the non-coastal districts of Western Maharashtra in particular, in some of the cases of termination of tenancies effected without following the legal procedure, the real reason was forcible eviction of or undue pressure on the tenants by the owners. These could have been avoided if the 1956 Tenancy Act had been so framed as to ignore unverified surrenders or resumptions which had taken place between the appointed day and the Tillers' Day. The 1969 amendment to the Act in this connection, came too late to remedy the situation that arose in 1957.

2.98. So much about the legal and illegal surrenders by the tenants as well as resumption by landlords. In the bulk of the cases in which leased land was finally retained by the owners, the Agricultural Lands Tribunals found

In a large proportion of cases tenants were family relations of landlords, or tenancy relation did not exist, or tenants declined to purchase

that either the relationship between the recorded 'tenant' and the 'owner' was not that of tenant-landlord, or the sales were ineffective, as, the tenants declined to buy the leased land.

In the four coastal districts, according to official returns, landlord-tenant relationship was not found in 14.1 per cent of the 20.5 per cent cases. The tenants were often found to be members of the owner's family or his near relations and, therefore, were not 'tenants' under the Act. Only in 5 per cent cases had tenants declined to purchase the leased lands. In the non-coastal districts out of the 50.6 per cent cases in which leased land was retained by owners, in 15 per cent cases the tenant-landlord relationship did not exist and in another 19 per cent the tenants declined to purchase. Survey data show that in at least 70 per cent or more of the ineffective purchase cases, the lessors as well as the tenants were small landowners. The unwillingness on the part of the small tenants to purchase the leased land belonging to equally small landlords was understandable.

2.99. The position may be summed up as follows: In the coastal districts tenants acquired ownership predominantly under the Tillers' Day provisions in the Tenancy Act. In about 70 per cent of the cases in which owners retained leased land the reason was the non-existence of tenancy relationship between the recorded owners and the tenants. In the non-coastal districts, on the other hand, not only in a much larger proportion of cases (more than 50 per cent) were the owners able to retain the land, but in nearly 60 per cent of them the tenants had mostly voluntarily—legally or otherwise—surrendered the land or declined to purchase the leased land. Only in the non-coastal region was there any basis to suspect that at least some of the cases of unlawful termination of tenancies were really cases of eviction by landlords. In about one-third of the cases in which the tenants acquired ownership the price was decided mutually by the parties, in the other two-thirds the price was fixed by the Agricultural Lands Tribunals. Indeed it is interesting to note that in the non-coastal districts, the proportion of cases (more than 30 per cent) in which the tenants voluntarily gave up their leased land, was much larger than that of the cases in which they acquired ownership (20 per cent). Tenancy was to continue temporarily in no more than 8 to 10 per cent cases in both regions because the Tillers' Day was postponed as the owners were minors, widows or disabled people ✓

Summing up reasons for decisions about tenanted land

2.100. How were the different classes of landlords and tenants affected as a result of the implementation of the Act? Official returns do not help us answer this question, but the survey data can throw some light on it. We shall first examine the data relating to the coastal villages and then those for the non-coastal villages. The data in Table 2.15 show that in the coastal villages around 64 per cent of all lessors—small, medium and large—lost at least some land to their tenants. Out of these 64 per cent lessors, nearly 23 per cent had lost all their owned land which they had leased out to tenants and had become landless in the process. It was seen from Table 2.5 earlier that nearly 55 per cent of all lessors had leased out all their land; half of them had lost all their holdings to their tenants. The proportion of lessors who lost their entire land holding in the process

In coastal region 64 per cent of all lessors lost land. Many small owners became landless

was much higher among the small landlords. Nearly 46 per cent of the small landowners lost all their land, while only about 19 per cent of the medium and 4 per cent of the large lessors lost all their owned land. None of the big lessors had lost all their owned land. This is understandable partly because a much larger proportion (83.9%) of the small lessors had leased out their entire holdings, while a little less than half of the medium lessors and one-third of the large lessors had leased out all their owned land. Besides, tenancy cases were still to be decided in regard to some leased land of nearly 44 per cent of the lessors. If it is assumed that in the undecided cases the landlords will lose all the leased land to the tenants, then we find that of

TABLE 2.15

*Percentage of lessors in each size class who lost ownership of leased land to tenants, and the percentage of the total leased land lost, in Western Maharashtra.*

Size class of lessors	Coastal villages			Non-costal villages		
	Percentage of leased area lost by lessors	Percentage of lessors who		Percentage of leased area lost by lessors	Percentage of lessors who	
		lost land	lost all owned land		lost land	lost all owned land
(1)	(2)	(3)	(4)	(5)	(6)	(7)
(A) Very Small ..	67.7	64.7	50.0 (73.5)	27.5	26.1	13.8 (21.6)
(B) Small ..	67.3	68.3	46.3 (68.3)	24.9	26.7	12.1 (19.6)
(C) Medium ..	57.3	57.1	19.0 (33.3)	23.7	25.7	5.7 (13.3)
(D) Large ..	76.3	62.5	4.2 (18.8)	54.1	53.7	4.9 (8.5)
(E) Big ..	83.6	100.0	0.0 (6.7)	55.4	72.5	5.0 (7.5)
All ..	74.5	63.6	22.7 (40.0)	49.8	29.4	10.5 (17.6)

*Source* :—Special survey undertaken by the Committee.

*Note*.—Figures in brackets show the percentage of lessors in each size-class who would become landless if in all the undecided cases the land were to be transferred to the tenants.

the 84 per cent small lessors who had leased all their land nearly 68 per cent would become landless. Out of the 48 per cent medium lessors who had leased all their land nearly 33 per cent would become landless, and of the 33 per cent large lessors who had leased all their land nearly 19 per cent would become landless. This is unlikely, in as much as all the undecided cases are not likely to be in favour of the tenants. But it becomes clear that if a larger proportion of small lessors became landless as a result of the tenancy Act, it was mainly because most of them had leased out all their land. All the same, one might wonder why these small lessors did not take advantage of the special provisions made in the Act for them. It is quite likely that many of them either did not apply for resumption of land because they were no longer interested in agriculture, or could not succeed in doing so because they had other major source of income. As it was, nearly 40 per cent of the small lessors were non-residents in the village. The non-cultivating lessors including these small lessors had been able to retain little of their leased land; and, in most of the undecided cases these were the lessors involved. Whatever leased land was retained by the lessors belonged to those who were actual cultivators.

2.101. While a larger proportion of the small lessors in the coastal villages became landless, the large lessors lost larger proportion of their leased land as a result of the Act. The small lessors lost 67 per cent, the medium 57 per cent, while large lessors lost 76 per cent and the big ones 84 per cent of their leased land. On the whole, it appears that a very large percentage of the leased land was transferred to the tenants; consequently most lessors, small, medium and big were more or less affected by this, though the bulk of those rendered landless were the small landlords.

2.102. Could it be said that landlords residing in the village retained ownership of a larger proportion of their leased land than those staying away? In view of the fact that in the coastal villages so little land could be retained by the owners, no such inference could be drawn there. The data in Table 2.16 for the coastal villages bears this out. It shows (Col.

2) that the Khatedars resident in the village had lost about as large a

The big lessors in coastal region lost more leased land to tenants

Both resident and non-resident lessors in coastal villages lost land

proportion of their leased land as those staying far away from the village. But since the non-resident lessors owned nearly two-thirds of the total leased land in the villages, they accounted for nearly two-thirds of the total leased land of which the ownership was transferred to the tenants.

TABLE 2.16

*Percentage of total leased land lost to tenants classified by the location of land and residence of the lessor.*

Residence of lessors	Percentage of leased land transferred to tenants			
	Coastal		Non-coastal	
	land in the village	land out-side the village	land in the village	land out-side the village
	(2)	(3)	(4)	(5)
(A) In the village .. .. .	62.9	93.5	19.9	58.0
(B) Within 5 miles of the village .. .. .	78.3	88.4	28.2	15.6
(C) Beyond 5 miles of the village [.. .. .	68.5	74.4	58.9	56.3

2.103. What class of tenants were benefitted by the Act? It was seen earlier that in the coastal villages nearly 93 per cent of the tenants were either landless or owned 5 acres or less of land. It was also pointed out that more than two-thirds of

Most of the landless and small land-owning tenants benefitted by the Act in the coastal region

the leased land had been transferred to the tenants. It is obvious, therefore, that the landless as well as the small land-owning tenants would be the major beneficiaries. This is borne out by the data in Table 2.17 which show that in the coastal districts nearly 95 per cent of the tenants who became owners of their leased land were landless or small land owners. They also accounted for nearly 91 per cent of the land transferred to the tenants. More than two-thirds of the erstwhile landless tenants came to own some land, however small it may be. Only 32 per cent of the landless tenants were still left without any land of their own. If the undecided cases go in their favour, then, of course,

few of them will be left landless. While this is unlikely, the fact remains that the bulk of the landless tenants in the coastal region came to own some land as a result of the Act. If most of them acquired only small holdings, this was simply because most of them were cultivating no more than that.

TABLE 2.17

*Percentage distribution of (i) tenants who became owners of leased land and the leased land so acquired, and (ii) the distribution of tenants who continued as tenants and the leased area so continued, according to the size-class of owned holding of the tenants.*

Size-class of tenants	Coastal				Non-coastal			
	Tenants became owners		Tenancy continued		Tenants became owners		Tenancy continued	
	Tenants	Area	Tenants	Area	Tenants	Area	Tenants	Area
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
(A) Pure tenants	70.1	73.0	73.4	66.7	32.9	28.2	37.0	58.3
(B) Very small tenants.	18.2	11.2	13.3	3.8	38.4	36.4	31.2	11.7
(C) Small tenants	24.7	17.9	13.3	3.8	53.4	52.0	48.1	21.9
(D) Medium ..	1.9	2.8	3.3	5.1	9.3	14.5	10.4	15.4
(E) Large ..	3.3	6.3	10.0	24.4	4.4	5.3	4.5	4.4
Total ..	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

2.104. Attention may now be turned to the non-coastal villages. What class of lessors lost land as a result of the Act? The pattern here seems to be different from that in the coastal area. In the non-coastal villages less than 30 per cent of the lessors had lost at least some leased land to their tenants. This however varied among lessors with different owned holdings. It is seen from Table 2.15 that only about 26 per cent of the medium and the small lessors had lost some land, whereas nearly 54 per cent of the large lessors and 73 per cent of the big lessors had lost some leased land. In terms of the

In the non-coastal region only about one-quarter of the small and medium lessors lost leased land

total leased area lost to the tenants, the pattern was similar: the small and the medium lessors had lost about a quarter of their leased land, while the large owners had lost more than half of their leased land. Only about 10 per cent of all lessors (or about one-third of all those who lost some land) had become landless in the process. The proportion of those who became landless was somewhat higher—about 12 per cent—among the small lessors, while it was only about 5 per cent among the rest. Even if in all the undecided cases the decisions ultimately go against the landlords not many more large landowners would become landless, while the proportion of the small lessors becoming landless would rise from 12 to 20 per cent. The reason why a comparatively small proportion of the small and the medium lessors lost all their land in the non-coastal villages, as compared to the coastal, is obvious. Most of them were resident in or near the villages in which they held land. It may be recalled from the discussion in paras. 2.95 to 2.98 that in many cases their tenants were either their near relations, or were equally small or medium landholders, and therefore, were unwilling to deprive their small land-owning neighbours of their little holdings. In the case of the medium and the large landowners also most of them were residents in the village, and were cultivators as well, having leased out only a part of their holdings. They could retain land partly because their tenants were family relations or belonged to their class of landowners. But they had also small land-owning landless tenants, and it was pointed out earlier that it is likely that they being local landowners and economically and socially more powerful, they

However, 90 per cent of the leased land acquired by tenants belonged to large lessors

could either unlawfully evict some of their small tenants or pressurise them to surrender the leased land. All the same, the large landowners lost more than half of their leased land while the small lessors lost only about a quarter.

Consequently, out of the total leased land lost to the tenants by the owners, more than 90 per cent belonged to the large landowners.

2.105. In the non-coastal villages the non-resident landlords lost larger proportion of their leased land than the resident landlords.

The non-resident lessors lost more land in non-coastal region

Table 2.16 shows that while lessors resident in the village lost only about 20 per cent of their leased land situated in the villages, those who



were living more than 5 miles away lost 59 per cent of their leased land. In fact, of the total leased land lost to the tenants by the lessors, 65 per cent belonged to those who lived more than 5 miles away from the village. Thus, it is clear that in the non-coastal districts mainly those landlords who were not residents in or near the villages lost ownership of their leased land as a result of the Tenancy Act. Those landlords who were resident in or near the village in which they had leased land could largely retain their lands.

2.106. What class of tenants benefitted in the non-coastal region ? It was pointed out earlier that taking all non-coastal districts together

Hardly in one-fifth tenancy cases tenants became owners. In nearly 60 per cent cases tenants lost the leased lands

in about 20 per cent of the tenancy cases the tenants had been able to acquire ownership of land. In the surveyed villages this percentage was a little larger. Most of the tenants who benefitted in this manner were either the landless or small land-owning tenants. It will be seen from Table 2.17 that over 86 per cent of the tenants who acquired ownership of some land were either landless or small owners. They also acquired nearly 80 per cent of the land the ownership of which was transferred to the tenants. In this process nearly 45 per cent of the landless tenants came to own some land ; nearly 55 per cent remained landless. Even if all the tenants involved in

Most tenants who gained were landless or small landowners

the undecided tenancy cases come to own the leased land,—rather unlikely—nearly 44 per cent of the tenants who originally had no land will remain landless. Most of the tenants were deprived of their small cultivated holdings because the possession of the leased land reverted to the owners, though some continued as tenants on the lands to which the Tillers' Day provisions were not applicable or in respect of which the Tillers' Day had been postponed.

2.107. As a result of the changes in the ownership of leased land among those who were involved in tenancy cases, the pattern of land-

Changes in the pattern of ownership in land as a result of the Act

ownership among these Khatodars underwent some change. Since some cases had still to be decided, the pattern of distribution of owned land can be clearly seen only if some assumptions are made about the decisions in these

cases. We make two alternative assumptions about them: one, that in all undecided cases the ownership of leased land will be retained by the owners; two, that the ownership in all these cases will be transferred to the tenants. In fact, the situation will lie between these two extremes. The changes in the pattern of distribution of landholding among the Khatedars involved in tenancy in 1956 are examined below for the coastal and non-coastal regions.

2.108. In the coastal region, if all undecided cases are decided in favour of owners, then the proportion of landless Khatedars may be reduced to 21 per cent from 48 per cent prior to the Tenancy Act. Nearly a quarter of these 21 per cent landless persons were new entrants into the class: they were the lessors who had lost all their land in the process. The remaining were the landless tenants who could not benefit from the Act, and were in the process mostly thrown out of cultivation.

Prior to the Act, 33 per cent of the Khatedars involved in tenancy were small landowners. As a result of the Act the class of small landowners increased to 55 per cent of all Khatedars. Their share in the total land owned by all Khatedars also increased from 7 to 16 per cent.

On the other hand, prior to the Tenancy Act, nearly 13 per cent of all Khatedars involved in tenancy were large landowners owning more than 15 acres each and 85 per cent of the total owned land. After the Act there was some reduction in the strength of the large landowners: They came to form only 10.5 per cent of all Khatedars, and owned about 66 per cent of the total land. Thus, the tenancy Act reduced the inequality in the distribution of owned land, mainly by reducing the holdings of the big owners and by creating many more small landowners. To the extent tenants became owners the new pattern of distribution of owned land tended to conform to the old pattern of distribution of cultivated landholdings.

2.109. If it is assumed that in all the undecided cases in the coastal villages the tenants became owners of the leased land, then the pattern of distribution of owned land will be even more in favour of the landless and the small owners. Hardly 12 per cent of the khatedars involved in tenancy in 1956 will remain landless. The large

landowners will form less than 10 per cent of all the Khatedars and will own about 60 per cent of all the owned land. The pattern of owned land distribution will be very close to the pattern of cultivated land distribution prior to the implementation of the Act among these khatedars.

2.110. Whatever the result regarding the undecided cases, it is clear that as a result of the implementation of the tenancy Act, the inequality in distribution of owned land among the concerned Khatedars in the coastal villages was somewhat reduced. What is more, bulk of the landless tenants acquired ownership of small areas of land. And the proportion of small landowners increased considerably.

2.111. In the non-coastal villages the emerging pattern was not as favourable to the landless and the small landowners as in the coastal villages, because the tenants could come to own leased land in a much smaller proportion of the cases. In the bulk of the cases, the owners continued to retain their lands. Thus if we assume that the undecided cases are ultimately decided in favour of the owners, then it turns out that the percentage of the landless among all the khatedars involved in tenancy in 1956 is reduced from 17 to 15. The composition of these 15 per cent landless was, however, different, in that a sizable part of these landless consisted of the small and the medium landlords who lost all their owned land to the tenants as a result of the Act. There was no change in the proportion of small landowners—those owning 10 acres or less—in the group: they formed 65 per cent of all khatedars both before and after the Act. The proportion of big landowners declined from 3 to 2.5 per cent of all khatedars involved in tenancy; but they came to own a smaller percentage—about 44 per cent of all the land instead of 64 per cent of all the land which they did before the Act. This reduction was possible because the very big lessors lost a large proportions of their leased land to the tenants; the average size of owned land holding of the big owners came down from 292 acres to 182 acres. It is the medium landowners who could improve their holdings by acquiring more land as a result of the Act.

2.112. Even if in the undecided tenancy cases the decisions go in favour of the tenants the pattern will not be very different. Only the class of the new landless will come to consist mostly of the old lessors who lost all land and the large owners will come to own an even

smaller proportion of the total owned land. The reduction in inequality of distribution will be somewhat more than before.

2.113. Either way, however, the impact of the tenancy Act in the non-coastal villages does not appear to have increased the proportion of the landowners to any significant extent, mainly because the landless were of comparatively small importance among the khatedars involved in land leasing than in the coastal villages. What is more important is that most tenants who owned some land did not improve their position as a result of the Act. Consequently, the new pattern of distribution of owned land among the Khatedars involved in tenancy was nearer the pattern prior to the Act. In the process, however, a large body of tenants lost the right of cultivation of the land they had leased in on account of the cessation of tenancy arrangement in most instances. Cultivation by owners came about more through the landlords cultivating their leased land rather than the tenants becoming owners of the leased land.

2.114 Attention may be drawn to a couple of other points of interest before we conclude. Could it be said that the tenants got the ownership of comparatively inferior lands while the owners managed to retain superior lands? To examine this question the leased land was classified in two different ways: one, under *jirayat*, paddy and irrigated land; and, two, by the rate of revenue assessment of the land. In the coastal region, since so little leased land could be retained by owners the tenants acquired ownership of paddy as well as *jirayat* lands. In fact, while the decided cases in which the owners had retained mainly *jirayat* (dry, *varkas*) land, the cases under review pertained mainly to paddy land.

In the non-coastal region, only a small part of the land involved in leasing was either irrigated or paddy land; most of it was *jirayat* land. All the same, the survey showed that a large proportion of the irrigated area remained with the landowners, than that of *jirayat* or dry land. This was largely because sugarcane land was excluded from the scope of the Tillers' Day provision of the Tenancy Act.

Classification of the leased land according to the rate of land revenue assessment per acre shows no particular relation between the quality of land and the extent of it acquired by the tenants. Therefore it does not appear that the tenants got mainly the inferior types of land in the process of implementation of Tenancy Act.

2.115. So far the discussion has related to the impact of the decisions by the Tahsildars and the A. L. Ts. in the tenancy cases, on the erstwhile tenants and owners. The decisions

Actual possession of lands involved in tenancy cases in 1969

were given and implemented at different times during the last 13 years. The Committee therefore thought that it would be relevant to find out if the tenants who acquired ownership and the owners who retained ownership of the leased land were in actual possession of such land in 1969. The question is relevant because the Tenancy Act prohibits the transfer of land acquired by the tenant within 12 years of the date of acquisition. It also prohibits all owners who had resumed land for personal cultivation from transferring it to others through sale or lease within 12 years of the date of resumption. Such prohibition does not attach to leased land surrendered by the tenants. In order to find out the extent to which such violations of the law had taken place, information about the actual possessors of the leased lands transferred to the tenants or retained by the owners was obtained during the special survey in 1969. The information collected show that in the coastal villages practically all land which had been transferred to the tenants were under their ownership and cultivation in 1969. (Ref. Table 2.18). Similarly the owners were also in possession of 86 per cent of the land which had reverted to them. They had transferred only 14 per cent of this land to others. But since the owners had retained land in coastal districts mainly because their 'tenants' were family members, or the tenants had declined to purchase the land, this subsequent transfer cannot be considered illegal.

TABLE 2.18

*Percentage of leased land according to the actual possession of land at the end of 1969 separately for each type of A. L. Ts. decision in the Coastal villages.*

Possession at the end of 1969	A. L. T.'s decision			All
	Land transferred to tenant	Land retained by landlord	Tiller's day postponed	
(1)	(2)	(3)	(4)	(5)
(A) Tenant in possession as owner	98.9 (69.2)	2.1 (0.4)	.. ..	.. (69.6)
(B) Tenant sold away the land to others.	..	..	..	
(C) In possession of the tenants as tenant.	.. ..	1.0 (0.2)	96.1 (9.6)	(9.8)
(D) In possession of landlord ..	1.1 (0.8)	86.3 (17.3)	3.9 (0.4)	(18.5)
(E) Sold by landlord to others ..	.. ..	9.5 (1.9)	.. ..	(1.9)
(F) Leased by landlord to others ..	.. ..	1.1 (0.2)	.. ..	(0.2)
All .. ..	100.0 (70.0)	100.0 (20.0)	100.0 (10.0)	(100.0)

*Note*—Figures in bracket indicate the percentage to the total leased land.

In the non-coastal villages all the land that had been transferred to the tenants was in the possession of those tenants. (Ref. Table 2.19). On the other hand, nearly 15 per cent of the leased land which had reverted to the owners had subsequently been sold away by the owners to others. It cannot be presumed that these sales were illegal. For only the lands resumed for personal cultivation cannot be sold within 12 years, and very little land had been so resumed by the owners. However, it is quite possible that some of these sales were facilitated by unlawful termination of tenancies which was significant in the non-coastal region. The bulk of the land retained by the owners was under their cultivation in 1969.✓

TABLE 2.19

*Percentage of leased land accordingly to the actual possession of the land at the end of 1969 separately for each type of A. L. T.'s decision in the Non-coastal villages.*

Possession at the end of 1969  (1)	A. L. T.'s decision				All  (6)
	Land transferred to tenant (2)	Land retained by owner (3)	Tenancy Act not applicable (4)	Tiller's day postponed (5)	
(A) Tenant in possession as owner	97.8 (23.5)	0.3 (0.2)	(..)	(..)	(23.7)
(B) Tenant sold away land to others.	1.2 (0.3)	(..)	(..)	(..)	(0.3)
(C) In possession of tenant as tenant.	(..)	6.8 (3.8)	63.3 (5.1)	93.1 (11.2)	(20.1)
(D) In possession of landlord ..	0.9 (0.2)	77.0 (43.1)	19.2 (1.5)	6.3 (0.8)	(45.6)
(E) Sold by owner to others ..	(..)	14.7 (8.2)	17.5 (1.4)	0.6 (..)	(9.6)
(F) Leased by owner to others.	0.1 (..)	1.2 (0.7)	(..)	(..)	(0.7)
All ..	100.0 (24.0)	100.0 (56.0)	100.0 (8.0)	100.0 (12.0)	(100.0)

2.116. This long review of the implementation of the Tenancy Act shows that the Act was largely successful in bringing about ownership cultivation in Western Maharashtra. But if the expectation was that this would come about through the tenants acquiring ownership right over the leased land, it was very largely achieved in the coastal region. In the non-coastal districts, on the other hand, the implementation of the Act resulted in to the erstwhile owners cultivating the land they had leased out and much less leased land came to be owned and cultivated by the tenants. Consequently, the redistributive effect of the Tenancy Act was much larger in the coastal districts and much smaller in the non-coastal districts. As a result of the implementation of the Tenancy Act, a large proportion of the erstwhile tenants in the non-coastal districts and relatively smaller proportion in the coastal districts were deprived of the opportunity to own or cultivate a part or whole of the land they had leased in.

### SUMMARY

2.117. On the eve of the Tenancy (Amending) Act of 1956 nearly one-fifth of the total cultivated land in Western Maharashtra was under tenancy.

The coastal and the non-coastal districts showed different characteristics about tenancy. In the coastal region tenants were three times as many as their landlords; in the non-coastal region they were more or less equal in number. Very little tenancy was practised by mutually exchanging inconveniently located owned land for cultivation; the landlords and the tenants were distinct groups.

2.118. Contrary to common belief, our enquiry reveals that a very large proportion of the lessors was comprised of small landowners. In the coastal region nearly 37 per cent of the lessors owned 5 acres or less land; in the non-coastal region nearly 76 per cent of the lessors owned 10 acres or less. But they owned less than 5 per cent of the leased land in the coastal region and only 27 per cent of the leased land in the non-coastal region. The large landlords, owning more than 15 acres in the coastal and 20 acres in the non-coastal region, owned nearly 87 per cent of the leased land in the coastal and around 60 per cent in the non-coastal region, though they were 44 per cent of all lessors in the coastal and about one-tenth of all lessors in the non-coastal region.

2.119. Practically all small lessors in the coastal region and more than half of the small lessors in the non-coastal region had leased out their entire holding and become rentiers. About three-fourths of the large landowners in both regions, on the other hand, were cultivators who had leased out only a part of their holding.

2.120. In the coastal region more than one-third of the lessors lived away from the village where they had land; in the non-coastal region such non-residents were only 14 per cent of all the lessors. Most of these non-residents were also small landowners. But in the coastal region land leasing was largely due to the lessors living away from their land; the non-residents owned more than two-thirds of all the leased land. In the non-coastal region this was much less; the non-resident lessors owned only 40 per cent of all the leased land.

2.121. The tenants were predominantly landless or small landowners. In the coastal region the landless were 61 per cent and the



small landowners 32 per cent of all tenants. In the non-coastal region the proportion of the landless was comparatively smaller, only 32 per cent of all tenants, while the small owners were 54 per cent of all the tenants. These landless and the small landowners had leased in 80 to 90 per cent of all the leased land.

2.122. The implementation of the Tenancy (Amendment) Act, 1956, started from 1957. By 1970, nearly 83 per cent of the tenancy cases in the coastal region and 86 per cent in the non-coastal region had been decided by the Tahsildars and the A. L. T's. Since a large proportion of the lessors in the coastal and non-coastal region comprised of small landowners owning a very small proportion of the total leased land, the implementation of the Act would have been speedier in terms of leased area covered, if, to begin with, the implementation had started with the leased lands belonging to the medium, and the large landowners.

2.123. The impact of the Tenancy Act was different in the coastal and the non-coastal regions. In the coastal region tenants became owners of nearly 70 per cent of the leased land; 20 per cent of the leased land reverted to the owners who began to cultivate it themselves; on 10 per cent land tenants continued because the owners were widows, minors or disabled people and therefore the Tillers' Day in their cases was postponed.

2.124. The contrary was the result in the non-coastal region. Here tenants became owners of only 24 per cent of the leased land. The landlords got back nearly 56 per cent of the leased land in respect of which tenancy was terminated. On almost 20 per cent of the leased lands tenancies were to be continued either because the Tillers' Day was postponed (12 per cent) or because lands were growing sugarcane, etc., or were trust lands to which the major provisions of the tenancy Act were not applicable (8 per cent). In both the regions the state acquired very little surplus land for redistribution to the landless and others.

2.125. Very little land was resumed by the owners for personal cultivation or was voluntarily surrendered by the tenants to the owners. In the coastal region the owners retained land mainly because their tenants were in fact family members or close relations. In the non-coastal region also this was one important reason why the owners could retain leased land. Two other reasons were also important in

the non-coastal districts. In a large proportion of cases (20 per cent) tenants declined to purchase; in another 10 per cent of the cases tenancy had unlawfully been terminated before the Tillers' Day and the tenants had not made any representations against this. While many of these were possibly voluntary surrenders, there is reason to suspect that in some of these cases illegal eviction of the tenants or exercise of undue socio-economic pressures on them had taken place. It is, however, not possible to estimate its magnitude.

2.126. All types of landlords—small, medium and large lost some land to tenants. In the coastal region 64 per cent of all the lessors had lost some land but every big lessor lost some land. Nearly 23 per cent of the lessors became landless. Most of them were small landlords. Apparently, they had other means of livelihood and, therefore, could not or did not try to retain their land. The non-cultivating landlords were able to get back little leased land for personal cultivation; whatever leased land had been retained by owners belonged to landlords who were themselves cultivators. In the non-coastal districts hardly 30 per cent of the lessors lost any leased land, and one-third of them became landless. More than half of the large landlords lost land while only 27 per cent of the small and medium landlords lost land. Most of the 10 per cent lessors who became landless were small landowners. Unlike in the coastal region, both the cultivating lessors as well as the pure rentiers could retain ownership of about the same proportions of the land leased by them. The reason why the cultivating lessors could not get back a larger proportion of their leased land in the non-coastal region is that there were among them very big landowners who lost most of their leased land to the tenants. Excluding them, the cultivating lessors could retain a somewhat larger proportion of their leased land than the pure rentiers.

2.127. Residence near the land did not appear to have helped the lessors in the coastal region to retain leased land under personal cultivation: the lessors staying far away from their land lost as much of it to their tenants as those who lived near their leased land. But since two-thirds of the leased land belonged to non-residents, they also accounted for an equally large proportion of the leased land transferred to the tenants. In the non-coastal districts the situation was different. The landlords living near their land lost only about one-fifth of their leased land, while those living far away lost nearly 60 per cent of it. In fact, in the non-coastal region nearly 65 per cent of

the land lost to the tenants originally belonged to the landlords who lived far away from their land.

2.128. Thus, if a landlord was not cultivating land himself or was staying far away from the village he more often lost ownership of his leased land. In the non-coastal region, however, a non-cultivator was often able to retain ownership of his leased land, particularly if he was living in or near the village, because he was often a small holder and his tenant who was equally a small holder or a family relation and therefore apparently did not wish to deprive him of his small holding. This is a major reason why in the non-coastal region a much smaller proportion of the leased land could be acquired by the tenants. Moreover, special categories of lands under sugarcane or fruit cultivation were more important in the non-coastal region, and this helped the large owners more than the small. This was also true with tenancy cases in which the Tillers' Day had been postponed.

2.129. Nearly 60 per cent of the tenants in the coastal region became owners of some leased land. About 95 per cent of them were landless or small landowners. As a result of the implementation of the tenancy Act, the proportion of the landless among tenants in the coastal region was substantially reduced. In the non-coastal region hardly one-third of the tenants gained some land. Nearly 86 per cent of them were landless or small owners. Landlessness among tenants while originally rather small was reduced by almost half. But at the same time most tenants lost their right to cultivate leased land. Since nearly two-thirds of the tenants were also landowners in their own right, most of them were left with only their owned holdings without being able to add anything to it.

2.130. If the object of the Tenancy Act in Western Maharashtra was to see that the tiller was the owner of the land he tilled it was largely achieved in both the regions. However, if it was desired that this should come about largely by the tenants becoming owners of the leased land, it was fulfilled to a great extent in the coastal districts, but not in the non-coastal region. The conditions in the coastal districts were more favourable for such an outcome. In the non-coastal districts the predominance of small landowners and cultivating resident landowners among the lessors on the one hand, and of landowning tenants on the other, resulted in the tenants not exercising their claims in a large proportion of cases. When both landlords

and tenants are small holders, it becomes difficult to judge the outcome in terms of social justice. At the same time, it can be said that if the unlawfully dispossessed tenants had in the beginning been recognised by the law the tenants lawfully in possession of the leased lands on the Tillers' Day, it would possibly have resulted in some more leased land passing to the ownership of tenants in the non-coastal region. Apart from this, as the Tillers' Day had been postponed for a sizable proportion of the leased land, it is necessary to be rigorous in implementing the legal provisions in this regard, lest the tenants forfeit their right through ignorance in many cases.

## CHAPTER III IMPLEMENTATION OF TENANCY LEGISLATION

### (2) VIDARBHA REGION

#### Section I

3.1. The Vidarbha region of the present State of Maharashtra consisting of the eight districts, Bhandara, Chandrapur, Nagpur, Wardha, Amraoti, Akola, Buldhana and Yeotmal formed a part of the State of Madhya Pradesh (earlier called the Central Provinces and Berar) until 1956 when following the reorganization of States, it was merged in the then bilingual State of Bombay. When Bombay was split up into two States, Maharashtra and Gujarat, Vidarbha region came to form a part of Maharashtra.

3.2. The system of land tenure in large parts of Vidarbha introduced around the middle of the last century was different from that in Western Maharashtra. Consequently, the various tenure and tenancy laws enacted over the decades had been different. After the merger of this region a separate tenancy law was passed in 1958 to bring the tenancy law in line with that in other parts of the State. Before describing the provisions of the 1958 tenancy law, it is necessary to present a brief historical account of the evolution of the tenancy protection measures in the region.

3.3. The eight districts of the Vidarbha region were originally characterized by two distinct systems of land tenure. The four eastern-most districts, Bhandara, Chandrapur, Nagpur and Wardha which together shall be referred to here as the old C. P. districts, were characterized in the main by the Malguzari form of land tenure. Only in the Rajura taluka of Chandrapur district which was formerly a part of the Ex-Hyderabad State the Hyderabad Jagir as well as tenancy system were prevalent. In the other four districts of Akola, Amravati, Buldhana and Yeotmal which will hereafter be referred to as the old Berar districts, the dominant form of land tenure was of the raiyatwari type also prevailing in Western Maharashtra, though *Jagir* and *Izara* forms of tenures were prevalent in some pockets of these districts. Therefore, the development of tenancy laws was different in these two regions, and they are separately dealt with below.

3.4. In the old C. P. districts the land revenue settlement was made by the British in the sixties of the nineteenth century with middlemen called Malguzars, who were to collect the revenue for the whole village and pay a stipulated portion of it to the Government. The Government vested the proprietary rights of all village lands in these malguzars. As a result, all the cultivators of the village lands automatically became tenants of the malguzars. An exception was made in the case of cultivators who had uninterruptedly been cultivating any particular lands since 1840 till the time the new tenure system was introduced. These cultivators were given full proprietary rights on such lands and were called *malik makbuzas*. All other cultivators were tenants of the malguzars. By executive order soon after the introduction of malguzari system in the 1860s the Government recognized two special classes of tenants, called absolute occupancy tenants and occupancy tenants. The former were such cultivators of land as had been cultivating the same land for an indefinite period prior to Malguzari, but were not entitled to become *malik makbuzas*. They were given inheritable and transferable right in the land, subject to the right of preemption by the malguzar; and the rent payable by them was fixed at the time of revenue settlement and could not be revised until the next revision settlement. The occupancy tenants were created by making the provisions of the Bengal Tenancy Act of 1859 applicable to the Malguzari area. This required that a tenant should be cultivating a piece of land for a period of at least 12 years at a stretch in order to be recognised as an occupancy tenant of the land. There were restrictions about the enhancement of rent payable by them. The occupancy tenants had inheritable but not transferable rights. All other tenants were tenants-at-will or ordinary tenants.

3.5. In spite of these restrictions, the conferment of proprietary right over the estates on the malguzars led to free evictions of tenants as well as to rash renting particularly to get round the 12 years rule regarding occupancy tenancy. Consequently, in 1883 a comprehensive law called the C. P. Tenancy Act was passed. The law formally recognized the (1) absolute occupancy tenants, (2) occupancy tenants, (3) village service tenants, (4) sub-tenants, and (5) ordinary tenants. The village service tenants enjoyed the right to cultivate the land free

of rent, for rendering specific services to the village. Their right in land was inheritable but not transferable, and was for the specific purpose of rendering some service. The tenants of absolute and occupancy tenancies, as well as the tenants of *malik makbuzas* were called sub-tenants. The tenants on the malguzar's own land called 'Sir' land were also treated as sub-tenants. All other tenants were ordinary tenants inducted on land on contract and could be evicted on grounds of non-payment of rent or unwillingness to the enhancement of rent.

3.6. After a few amendments the Act was replaced by the C. P. Tenancy Act in 1920. According to this later Act, the absolute occupancy tenants were continued. They could not only inherit but had a limited right to mortgage and lease with-  
 C. P. Tenancy Act, 1920 out reference to the malguzar. All further rights of transfer were subject to preemption by the landlord. The 12 years rule for occupancy tenants was abolished. Instead all tenants other than the absolute occupancy tenants and the sub-tenants were called occupancy tenants. Thus the ordinary tenants under the earlier Act<sup>1</sup> also come to be classed as occupancy tenants. The occupancy tenants were given fully inheritable right, right to sub-lease for a limited period, and right to transfer by sale to any one subject to the right of preemption of the malguzar. The rent payable was fixed at the time of settlement and was enhanceable either under mutual agreement or specified conditions like the rise in prices of farm produce, etc. The class of sub-tenants come to consist of all tenants of absolute occupancy and occupancy tenants, as well as the tenants of *malik makbuzas* land and the *Sir* lands of the malguzars. The rent was fixed by mutual agreement. Later, by an amending Act, these sub-tenants acquired the right to claim occupancy status under certain specified conditions. Similarly, the absolute occupancy tenants as well as the occupancy tenants could acquire proprietary right on their holdings, i.e., become *malik makbuzas*, by paying a certain specified multiple of their rent to the malguzar.

3.7. Such was the position with regard to tenancy in the old C. P. districts when the Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) Act of 1950 was passed. This brought to an end all forms of intermediary tenures in land like malguzari and zamindari in the old C. P. districts and Jagirdari and Izardari in the old Berar districts. The malguzars and the zamindars were compensated for the loss of their

Abolition of Malguzari  
in 1950

proprietary rights in their estates. The State assumed the proprietary rights in the lands and absolute occupancy and occupancy tenants in the ex-C. P. districts and the specified tenants in the ex-Jagir and ex-Izara villages in Berar districts became the tenants of the State. But subsequently the rights of these tenants were converted under the comprehensive M. P. Land Revenue Code, 1954 into (1) Bhumiswami and (2) Bhumidharis. All malik makbuzas (including ex-Malguzars

Many tenants became tenants of the state with a right to full occupancy rights

in respect of their home-farm lands, i.e., Sir and Khudkasht lands) rayat maliks and absolute occupancy tenants in ex-C. P. districts and all occupants, ante-alienation tenants or tenants of antiquity in Berar districts became

Bhumiswamis of the lands held by them with full right of transfer and inheritance and were liable to pay land revenue direct to the State. All persons in respect of land held by them as occupancy tenants, raiyats or raiyat serkars in the ex-C. P. district and all persons holding land as lessees of State Government (i.e., specified tenants other than ante-alienation tenant or tenants of antiquity) in ex-Jagir and ex-Izara villages in Berar districts became Bhumidharis of the land held by them with full rights of inheritance and transfer of interest except by way of mortgage. The Bhumidharis could, however, become Bhumiswamis by paying three times the land revenue assessment as compensation to the State. Both these categories in effect, therefore, became tenure-holders in land. The class of tenants however did not vanish. The sub-tenants prior to malguzari abolition became ordinary tenants. Their landlords became Bhumiswamis or Bhumidharis. These ordinary tenants in the C. P. districts were in law purely tenants-at-will; their tenure and rent were governed by mutual contract. In the C. P. districts, the sub-tenants of the *malik makbuzas* who had been able to acquire occupancy right under the earlier Tenancy Act came to be recognized as occupancy tenants. Before discussing the rights of these classes of tenants in the old C. P. districts under the M. P. Land Revenue Code, 1954, it is necessary to narrate the development in the Berar districts till this date.

3.8. The four districts of Berar came under the direct administrative control of the British in 1853 when the Nizam of Hyderabad signed a treaty with them.<sup>1</sup> The land system in the area was put into a legal-institutional frame in the beginning of the 60's of the last century. The system of land tenure introduc-

Land Tenures in the old Berar districts



ed was the raiyatwari system prevalent in the neighbouring Bombay Presidency. In the larger part of the region the State settled directly with the cultivators, called occupants, who became full proprietors of the land. They had for nearly ninety years not only unlimited right of inheritance and transfer but also of sub-letting and collecting rent.

Tenancy in raiyatwari  
land unprotected till  
1951

But no legal protection was provided to the tenants of such occupants. And as in most other parts of the country, tenancy in Berar increased in course of time unchecked and unregulated by law. The first tenancy protection law applicable to the raiyatwari areas of Berar was passed in 1951.

3.9. Besides the raiyatwari system of land tenure, there were two other forms of land tenures in the old Berar districts called *Jagirdari* and *Izardari* tenures. Jagir lands were the lands granted by the State to individuals for some service rendered in the past. These lands were mostly revenue free. The Jagirdars were the proprietors of those lands and had tenants inducted on them. The Izardars came into existence for a different reason. In 1865 the Government in Berar decided that as large areas of cultivable land were lying waste or had fallen into disuse, it was necessary to grant them to individuals, free of rent (revenue) with overall proprietary rights, for being brought under cultivation. So the Waste Land Rules of 1865 were issued under which the Izardars were inducted into such villages. After some stipulated number of years, these lands were granted to the Izardars on perpetual leases subject to the payment of concessional assessment.

Jagirdari and Izardari  
Tenures

3.10. In both the jagir and the izara villages the actual cultivators who became tenants of the Jagirdars and Izardars were virtually tenants-at-will despite the extension of the provisions of the Bengal Rent Act of 1859 to Berar in the same year and the subsequent Berar Sub-Tenancy Rules in 1866. In 1921 tenancy protection laws were promulgated for the Izara lands and in 1928 for all other alienated lands (including Jagir Villages.) The Alienated Villages Tenancy Law of 1921 recognized three different classes of tenants in izara

Tenancy Acts in Jagir and  
Izara villages in the 20's

villages, viz., ante-alienation tenants, permanent tenants and ordinary tenants. The ante-alienation tenants were those who had been continuously cultivating lands in these villages for a specified period prior to the alienation. They came to enjoy all rights of inheritance and transfer in perpetuity subject only to the payment of stipulated rents equal to fair assessment. The permanent tenants were those who had been continuously cultivating the lands since prior to 1895. Subsequently, in 1950 by an amendment, all tenants holding leases continuously for at least 10 years were called permanent tenants. The permanent tenants could sub-let land only for a year at a stretch and the rents payable by them could be revised only with the Collector's permission. They could be evicted for non-payment of rent. All other cultivators of izara lands were called ordinary tenants, and were in fact tenants-at-will of the izardars.

3.11. In the Jagir and the non-izara alienated villages the Berar Land Revenue Code of 1928 recognized three different classes of tenants. The ante-alienation tenants were those who had been continuously cultivating the land as tenants prior to alienation or since 1875. They had the same rights as the ante-alienation tenants on izara lands. A second category was called tenants of antiquity. The date of commencement of their tenancy could not be properly established. They could inherit and transfer such rights. Their rent could be revised under certain conditions with the approval of the Collector. All other tenants were called annual tenants and were, like the ordinary tenants on izara lands, tenants-at-will.

3.12. The first legislative measure designed to provide some protection to all tenants in the raiyatwari areas of the Berar districts as well as to the ordinary and annual tenants in the Jagirdari and Izardari areas of the region, was passed in 1951. This Act, called the Berar Regulation of Agricultural Leases Act, 1951 made every existing and future ordinary or annual tenant in the raiyatwari and the alienated villages, a protected lessee. The protected lessee was to hold land for a minimum period of 5 years (subsequently raised to 7 years) unless the contract was for a longer period. The lease was renewable for further periods of 5 years or more at the option of the

The Berar Regulation of Agricultural leases Act, 1951 made all ordinary tenants protected lessees

tenant provided the tenant made an application to the Deputy Commissioner to that effect six months before the expiry of the existing contract. Eviction was permitted for non-payment of rent, misuse of land, etc. The more important provision was that the landlord could terminate tenancy for personal cultivation provided he had less than 50 acres of land under his personal cultivation. The rent payable was to be the reasonable rent determined by applying certain specified criteria. The tenant or the landlord could approach, if he chose, an authorised revenue officer for the determination of reasonable rent. In this way, for the first time tenants in the raiyatwari areas and ordinary or annual tenants in the alienated villages of Berar were provided with some legal protection.

3.13. The intermediaries like the Jagirdars and the Izardars in the old Berar districts were abolished in 1951. Subsequently, under the provisions of the M. P. Land Revenue Code, 1954 (which came into force on 1st October 1955), the erstwhile Izardars and Jagirdars became Bhumiswamis of their home-farm land. The ante-alienation tenants on izara and jagir lands, and the tenants of antiquity on jagir lands also became Bhumiswamis, i.e., full proprietors of their land. The permanent tenants on izara lands became Bhumidharis. The ordinary and annual tenants continued to be governed, along with the tenants in the raiyatwari areas by the Berar Regulation of Agricultural Leases Act of 1951, as protected lessees.

3.14. The tenancy pattern in the whole of Vidarbha region in 1955 may be summed up as follows: In the region as a whole the peasant proprietors were called occupants or Bhumiswamis. Then there were the Bhumidharis who were only a shade inferior to the Bhumiswamis with a right to become full proprietors by paying a relatively small sum of money to the State. All of them had a right to lease out land, and had tenants under them. They were mainly the ordinary tenants in the old C. P. districts who had no legal protection. In the old Berar districts all tenants were protected lessees; their counterparts in the old C. P. districts were the occupancy tenants. They were the tenants of the old malik makbuzas and were comparatively few. Thus in 1955 the bulk of the tenants in the old C. P. districts was unprotected tenants-at-will, whereas the

Abolition of Jagirdari and Izardari in 1951

The pattern of tenancy in Vidarbha in 1955

tenants in the old Berar districts were protected tenants. While the relatively small body of occupancy tenants in the old C. P. districts had the right of purchasing their leased land if they chose to, neither the protected lessees in Berar nor the ordinary tenants in the old C. P. districts had such right.

3.15. No systematic data are available about the extent of tenancy in the Vidarbha region at the beginning of the 50's or around the middle of that decade. A sample survey in some selected villages of the 8 Vidarbha districts carried out about a decade ago\* showed that about 22 per cent of the land was cultivated by the tenants in the early fifties. There was a steady decline in the tenanted area over the years, largely because of the abolition of intermediaries and conferring of occupancy rights on certain class of tenants and the tenancy protection Acts. By 1955 about one-sixth of the agricultural land was being cultivated by the tenants, protected as well as unprotected.

Extent of tenancy in  
Vidarbha in the 50's

3.16. The unprotected ordinary tenants in the old C. P. districts needed security of tenure and regulation of rent. Even in the old Berar districts where the tenants were protected lessees, field experience showed that in effect the security was not very great; landlords easily got round the law and changed tenants or evicted them. Therefore, soon after the reorganization of States in 1956 when the Vidarbha region was separated from the State of Madhya Pradesh and became part of the bilingual Bombay State, the State Government decided to bring the tenancy legislation in the region in line with the Bombay Tenancy Act as amended by the amending Act of 1956. In order to ensure that during the interim period the position was not changed to the disadvantage of the tenants, an ordinance called the Bombay Vidarbha Region Agricultural Tenants (Protection from Eviction and Amendment of Tenancy Law) Ordinance, 1957, was promulgated in September 1957 to prevent the tenants from being evicted from their lands. Soon after, a new comprehensive tenancy law called the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act was passed in 1958, and brought into force in the same year. This Act was very similar to the Bombay Tenancy Act of 1958 as amended in

\*Nanekar, K. R., *Land Reforms in Vidarbha*, Bombay: Oxford and I. B. H. Publication Co. 1968, page 58.

1956 and has been in operation for the last 13 years. The Committee has made a special investigation into the implementation of this Act in the Vidarbha region.

## Section II

3.17. The basic provisions of the Tenancy and Agricultural Lands Act, 1958, of the Vidarbha Region closely follow those of the Bombay Tenancy Act as amended by the Act XIII of 1956 for Western Maharashtra. The Act fixed the maximum rent payable by the tenants and laid down the conditions under which a tenant could be evicted. It allowed a period of two and a quarter years during which tenants could surrender leased land to the landlords up to a limit, owners could resume land for personal cultivation subject to a limit, and tenants could opt to purchase leased land up to a limit. Finally it provided, that on the expiry of this period, the tenants would be deemed to have become owners of the remaining leased lands. New tenancies were also subject to similar purchase provisions within one year at the option of the tenant. Thus, by and large, the Act sought to abolish all types of tenancies and to promote owner cultivation. The major provisions of the Act are summarised below.

3.18. The Vidarbha Tenancy Act ensured security of tenure to all tenants inasmuch as no tenancy was to be terminated merely through efflux of time (Section 9).

3.19. The maximum rent was fixed at 3 times the annual assessment of land revenue on such lands on which the settlement had taken place during the 35 years preceding 1958, and 4 times the assessment on all other lands. Except in Scheduled areas, the tenant was made liable to pay the rent as well as the land revenue, the canal revenue and the local cesses which were earlier being paid by the owner. If the total land revenue and cesses and rent exceeded the value of one-sixth of the produce then the rent was to be adjusted downwards so as to make the total payments by the tenant no more than the value of one-sixth of the gross produce of the land. Rent in kind was permitted; but the tenant or the landlord could get it commuted to cash rent by applying to the revenue officer concerned.

3.20. Tenancy could of course be terminated by the tenant by voluntarily surrendering his interest in the land to the landlord.

**Surrender of tenancy** However, in order that such surrender becomes legal the law required that the surrender should be notified to the authorised revenue officer who thereupon was to verify that it was a genuinely voluntary act. A limit was put to the amount of the leased land that could return to the landlord by way of surrender: a landlord could keep only so much of the surrendered land as would make his total operational holding no more than 3 family holdings in area. A 'family holding' was defined as a holding that a family of five would normally cultivate with the help of a pair of bullocks under existing agricultural practices. Naturally it would be different in different parts of Vidarbha. The State Government subsequently by notification defined such areas and the size of the family holding appropriate for each area separately for rice land irrigated by Government tank, other rice lands, and other lands. For the non-rice land the family holding was at the most 40 acres; for rice lands it was less. Therefore the ceiling for retaining surrendered land was a total cultivated holding of at the most 120 acres of non-rice land (or its equivalent). This area is larger compared to 48 acres of *jiayat* (unirrigated) land or its equivalent prescribed for Western Maharashtra. If the landlord was not entitled to retain all the leased land surrendered to him by his tenant, the revenue officer was to take control of the surplus land and arrange for its management in the manner laid down in the Act.

3.21. Tenancy could also be terminated by the landowners under two sets of conditions. In the first place, it could be terminated if the **Termination of tenancy by the lessor** tenant failed to pay the rent by the specified time, or sub-let or sub-divided the land, or did any act that was destructive or permanently injurious to the land, or used it for a non-agricultural purpose (Section 19). The landowner had to serve a notice on the tenant and get possession of the land after being authorised to do so by the appropriate revenue officer.

3.22. The second circumstance permitting termination of tenancy by the owner was more important. The Act laid down that a landowner could resume the leased land for personal cultivation or for *non-agricultural* uses by giving a notice to the tenant on or before February 15, 1961 and making an application for possession to the revenue officer for the purpose on or not later than 31st March 1961.

Thus landowners who had tenants on their lands on 20th August 1958, were given a little over two years' time during which they could resume the land for personal cultivation, if they so wished. However, leased lands held by occupancy tenants, mainly in the old C. P. districts, could not be resumed. Similarly, no resumption was permitted in case the tenant was a co-operative farming society or a member of such a society. In case the landowner was a minor, or a widow, or a mentally or a physically disabled person, the right of resumption of leased land was to be exercised within one year from the date of cessation of such disability of the owner or attainment of majority by the owner, or of the transfer of the widow's interest in the land. The landowner, however, was not permitted to resume all his leased land. He could resume only so much of the leased land as would make his total operated holding no more than three family holdings in area. At the same time, the tenant was to be left with Exemptions in case of not less than half the land area leased to him. small landlords

This latter condition was relaxed in the case of the small landlords. In their case, if the landlord's owned holding was less than one family holding but more than one-third of a family holding in area, he was allowed to resume upto one-third of his total holding or half of the land leased out by him, whichever was more, irrespective of the area of the leased land left with the tenant. The very small owners, that is those owning less than one-third of a family holding, were allowed to resume all their leased land, if they desired. A further exemption was made in the case of small landowners who had leased land to their tenants on or before the 1st of April 1957. These landlords could have got back their leased land in the normal course but for the fact that the ordinance relating to tenancy promulgated in 1957 had prevented this. In order to help them to resume their leased lands for personal cultivation, if they desired, the Vidarbha Tenancy Act of 1958 was amended in 1963. If any of them owned land less than one family holding in area but cultivated none of it, he was permitted to resume the whole of his leased land. If he had some land under personal cultivation, then he was entitled to resume so much of his leased land as would make his operated holding no more than one family holding in area. However, not all these small owners were allowed to resume leased land. If their tenants were protected lessees cultivating the land prior to August 1953 and the landlord had acquired tenurial rights through transfer or partition

after August 1953, then the resumption by the landlord was not permitted by the Act. Despite the many concessions given in the Act to the small landlords to resume land for personal cultivation, many of them failed, apparently through ignorance, to avail of them before 15th February 1961. Therefore, by a further amendment to the Act in 1962, all landlords holding as tenure holders no more than one-third of a family holding before 15th February 1961 were given time upto 31st March 1963 to make the necessary applications for resumption of leased lands for personal cultivation (See Section 39-A).

3.23. In addition to the right of the tenant to surrender leased land, and the right of the landlord to resume the land for personal cultivation, the Act provided for the right of the tenant to purchase the leased land from his landlord before the 1st of April 1961. If the tenant wished to purchase any part of the land leased by him, he was required to notify his intention to the landlord specifying the price he was willing to pay. The tenant was entitled to purchase only so much of the leased land as would make his total owned land (as a tenure holder) not more than three family holdings in area. ✓

Right of tenant to purchase leased land of his option

The purchase price could be arrived at by mutual agreement between the tenant and the owner, or determined by the Agricultural Lands Tribunal at the request of either party. In either case, the Act laid down that the price shall not exceed 12 times the rent payable by the tenant plus, of course, the depreciated value of any structure, embankments or trees on the land that had been constructed or planted by the landlord. Since the maximum rent was fixed by the Act at 3 or 4 times the land revenue assessment, it meant that the maximum price of land was fixed at no more than 36 or 48 times the land revenue. This was smaller than the maximum purchase price in Western Maharashtra which was 200 times the assessment for the land. The price could be paid either in a lump, or in 12 annual instalments with interest at 4½ per cent, as in Western Maharashtra (Sections 41, 42, 43).

Fixation of purchase price

3.24. In the case of occupancy tenants, mostly in the old C. P. districts, the Act made a special provision. They could buy, if they desired, their entire leased land or any part of it by paying a sum equal to seven or ten times the rent depending upon whether their landlords were bhumiswamis or bhumidharis. Unlike in the case of



other tenants, there was no ceiling on the occupancy tenant's right of purchase of leased land.

3.25. A similar right of purchase of leased lands by tenants had been a feature of the Bombay Tenancy Act of 1948, until it was amended in 1956 providing for the virtual abolition of tenancy. The major objective of the Vidarbha Tenancy Act of 1958 was also by and large to abolish tenancy in land, and with this end in view it had fixed the 1st of April 1961 as the Tillers' Day. But since there was a period of over two and a quarter years between the passage of the Act and the Tillers' Day, it was thought useful and proper to provide during this interim period for the tenant's right to purchase the leased land. It was not only consistent with the basic objective of the Act, but was also expected to contribute in some measure to lightening of the administrative burden on the revenue agency after the Tillers' Day.

3.26. After the period of a little over two years since the promulgation of the Act during which voluntary surrenders, resumptions as well as optional purchases by tenants were to take place, the Act set 1st of April 1961 as the Tillers' Day in the Vidarbha Region. On this day, the ownership of all the leased land which the tenants were entitled to purchase from their landlords under any of the provisions of the Act, was to be automatically transferred to and vest in the tenants (Section 46). This meant that a tenant became the owner of so much of the leased land under his possession on that date as would make his total holding no more than three family holdings in area. But at the same time the compulsory transfer of ownership of leased land was not to leave the landlord with less than one family holding of owned area. These provisions, however, created the possibility of the tenant becoming the owner of a part of the leased land on the Tillers' Day and continuing to be a tenant on the remaining part. This would have been contrary to the intentions of the framers of the law and was therefore rectified by an amendment in 1962 when it was noticed that a large number of tenants could not take advantage of the Tillers' Day provisions because of the latter restriction in the Act. The amendment not only deleted the provision requiring that the landowner be left with one family holding after the tenant had exercised his right of purchase, but it followed this up by fixing a second Tillers' Day on 1st April 1963, on which date all the leased land remaining with the tenant was deemed to be his own land.

This was of course subject to the requirement that the tenants' holding was not to exceed three family holdings by acquisition of ownership of the leased land. The surplus land, if any, was to be treated as if it was land surrendered by the tenant to the owners which meant that the landlord could retain so much of this land as made his total holding no more than three family holdings and the remainder was to be managed by the revenue officer in accordance with the law. Soon after the Tillers' Day the Agricultural Lands Tribunal, specially set up under the provisions of the Act in each taluka was required to publish a public notice in each village calling upon all tenants to whom the ownership of land stood transferred, the landlords of such lands, and all other persons interested therein to appear before the Tribunal on a specified date. The Tribunal was to hold an enquiry and determine in the case of each tenant the land which stood transferred to and vested in him and then fix the price of such land. The price was to be fixed in the same manner as specified in the case of optional purchase by the tenant. It will be clear from this procedure that according to the Vidarbha Tenancy Act, the tenant's willingness to purchase the leased land on the Tillers' Day was not to be ascertained by the Tribunal. The transfer of ownership was compulsory. Purchase of leased land by the tenant would become ineffective only when the Government failed to recover the instalments of the price from the tenant as arrears of land revenue. There is a distinction in this regard between the provisions of the Tenancy Act in Western Maharashtra and those in Vidarbha. In Western Maharashtra the Act required the Tribunal to ascertain from the tenant his willingness to purchase the leased land after the Tillers' Day. In Vidarbha this was not necessary.

3.27. If the landlord of the leased land happened to be a minor, or a widow or a physically or mentally disabled person on the Tillers' Day, then the Act required that the Tillers' Day in that case was to be postponed. The ownership of the leased land would automatically be transferred to the tenant on the expiry of two years from the date on which the landlord attained majority, or ceased to be subject to disability or the widow's interest in land ceased to exist. In regard to this provision also the Vidarbha Act does not suffer from the shortcomings which were pointed out while discussing the Western Maharashtra Tenancy Act. In Vidarbha, the A. L. T. was required

Tillers' Day postponed  
in case of widows,  
minors, etc.

to do the needful when the time came in each of these postponed cases.

3.28. So much for the tenancies that existed prior to April 1, 1963. The law permitted creation of new tenancies thereafter, but laid down (Section 50) that the tenant will acquire the right of purchasing the leased land within a year of the creation of tenancy, subject of course to the specified ceiling on such acquisitions. Failure on the part of the tenant to purchase at the end of the year will amount to surrender of the leased land by him, and then the revenue authority (the Tahsildar) would proceed with such cases in the manner laid down for other cases of surrender [Sub-section (14-A) of Section 43 read with Section 50]. In view of Sub-section (14-A) of Section 43, the revenue authority will have to initiate action on the failure of the tenant to purchase. This provision is somewhat different from the provisions under similar circumstances in the Bombay Tenancy Act.

New tenancies after the Tillers' Day

3.29. Like the Bombay Tenancy and Agricultural Lands Act in Western Maharashtra the Vidarbha Act also excluded certain types of land from the major provisions of the Tenancy Act. Thus land growing sugarcane, fruits, coffee, flowers or betel leaves, or land used for cattle rearing, and land leased by industrial and commercial undertakings were exempted from the provisions of the Act relating to rent, tenure and optional or compulsory purchase of leased land by the tenants. Separate provisions have been made by the Government for these types of land.

Exempted categories of land

3.30. Finally, the Act made rather elaborate provisions about the surplus land which could not be acquired by the tenant or retained by the owner. Unlike the Bombay Tenancy and Agricultural Lands Act in Western Maharashtra which provided that the surplus land should go to the Collector's pool, and the Collector should arrange to sell it to various parties according to a list of priorities laid down in the Act, the Tenancy Act in Vidarbha retained the ownership of the landlords on this surplus land, while denying them the right to cultivate it. Instead, the law provided that the revenue authority shall arrange for the management and cultivation of the surplus land for

Management of surplus land

public purpose' which included settling landless persons or co-operative farming societies, etc., on it. A Manager was to be appointed for the purpose and a village panchayat could be made Manager of the surplus land in a village. The Manager was free to manage the land in any way including lessing it out. In case the land was to be leased out, priority was laid down for inducting tenants. Those tenant cultivators whose holdings had been reduced to less than one family holding as a result of resumption were the first in this priority list, followed by co-operative farming societies of the landless or small holders, the agricultural labourers, small holders, etc. The various provisions of the Tenancy Act were not applicable to these tenants on the surplus land as long as its management by the Government continued. In any case, the management of the surplus land was required to pay compensation to the owner of the land not only for his 'pecuniary loss due to assumption of management', but also for the expenses that the owner might be put to at the time of vacating the land for management and then subsequently at the time of reoccupying the land after cessation of management as well as for any damage to the land during the period of management by the State. The compensation was to be in the form of an annual payment equal to one and a half times the reasonable rent for such land as determined in terms of the provisions of the Tenancy Act. If the surplus land was held by a tenant, then he was to be paid one-third of the annual compensation, the rest going to the owner. On termination of the management of such land, the land was to revert to the owners or any person entitled to that land. Within three months of the termination of the management of the surplus land and its restoration to the owner, the tenant of the land inducted by the Manager was entitled to file an application with the Tahsildar desiring to purchase the land under section 43 of the Act. The tenant was then entitled to purchase so much of the leased land as would make his total owned holding no more than three family holdings in area. If, however, the tenant failed to make such a request within three months of the termination of management, the land was to be dealt with as land surrendered by the tenant.

3.31. It is difficult to understand the reason behind these elaborate provisions about the management of surplus land arising out of the implementation of the Tenancy Act in the Vidarbha region. As it turned out, very little land was declared surplus under the Tenancy

Act. In the opinion of the Committee the simpler and more reasonable approach would be for the Government to purchase the surplus land outright at the prices laid down for purchase by tenants, and lease it out or sell it to the landless and the small farmers, etc., as is provided for in the Tenancy Act for Western Maharashtra.

3.32. To sum up, the provisions of the Vidarbha Tenancy Act of 1958 were similar to those of the Act for Western Maharashtra. Soon after the passage of the law in 1958 all tenants-occupancy, protected or ordinary—were registered. For a period of two and a quarter years after this, the Act permitted voluntary surrender by tenants, resumption for personal cultivation by landlords, and optional purchase of leased land by the tenants. At the end of this period, with effect from 1st April 1961 all tenants were to become owners of the leased lands in their possession subject to certain ceiling. Since there were certain shortcomings in the original Act in this connection, a second Tiller's Day was fixed on the 1st April 1963. As the new tenancies created after this date were to be of only one year's duration, it was reasonable to presume that the Act would discourage further tenancy in land. Therefore, the task of implementation of the Act consisted mainly of verifying cases of voluntary surrender or resumption, ascertaining the tenants who were to become owners of the leased land on the Tiller's Day, and fixing the price for the compulsorily transferred leased lands to tenants. This task of settling all tenancy cases of 1958—61 period was quite voluminous. The Act not only laid down the procedure to be followed in carrying out its provisions but also created special administrative agencies like the Agricultural Lands Tribunal for the purpose. The Rules framed under the Act provided for the details in regard to the procedure to be followed in implementing the Act.

3.33. Nearly 13 years have passed since the implementation of the Vidarbha Tenancy Act of 1958 has started. In order to assess the impact of the Act, the Committee decided to conduct a special investigation in some villages, on the same lines as in Western Maharashtra. Subsequent to this enquiry, complete data on some aspects of all the recorded tenancy cases from each of the 8 districts of Vidarbha were made available to the Committee by the Government. The next section is devoted to a discussion of the impact of the implementation of the Act, with the help of these official data as well as the information collected during the special survey made by the Committee.

### Section III.

3.34. In order to evaluate the implementation of the Tenancy Act in Vidarbha it was necessary to find out the extent of tenancy in the region prior to the Tillers' Day, the relative strength of the owners and the tenants, the amount of leased land the ownership of which finally vested in the tenants, and the extent of land that the lessors could retain. It was also thought necessary to find out the characteristics of the class of lessors as well as of tenants, in terms of their size of land holdings and the classes of owners and tenants who came to own or retain leased land. And finally it was considered relevant to assess the impact of the Act on the pattern of landholding among the khatedars involved in tenancy.

3.35. In order to get the relevant statistical information on many of these aspects the Committee conducted a special investigation in 16 villages of the 8 Vidarbha districts, 2 from each district selected in the manner described in the previous chapter relating to Western Maharashtra. Practically the same schedules and questionnaires were used as in Western Maharashtra and the data were similarly processed. One of the selected villages in Yeotmal district had no tenanted land in 1958-59; therefore, the special investigation for Vidarbha is based on the data for 15 villages.

3.36. The data were collected separately for such village but they are analysed in this report in two groups one relating to the eight selected villages in the old C. P. districts, namely, Bhandara, Chandrapur, Nagpur and Wardha, and the other relating to the seven selected villages in the old Berar districts, namely, Akola, Amraoti, Buldhana and Yeotmal. It is useful to make this two-fold division of the Vidarbha region since the old C. P. districts were characterized by the Malguzari system until recently, and have paddy as a more important crop, while the old Berar districts were mainly raiyatwari areas from the beginning and form an important jowar-cotton growing region of the State.

3.37. The extent of tenancy in the villages of the old C. P. as well as the Berar districts was quite significant prior to the Tillers' Day. It will be seen from Table 3.1 that about one-fifth of the total area occupied for cultivation had been leased out in these villages—(21.4)

Extent of tenancy prior to  
the Tillers' Day

per cent in the old C. P. districts and 17.5 per cent in the old Berar districts:—

TABLE 3.1

*Percentage of leased land to total land area occupied for cultivation in the selected villages of the Vidarbha in 1958-59.*

Region	Percentage of total cultivated land in the villages leased out in 1958-59
(1)	(2)
(A) Old C. P. villages .. .. .	21.4
(B) Old Berar villages .. .. .	17.5
C) All Vidarbha villages .. .. .	19.0

3.38. In the discussion that follows, as well as in the enquiry, attention is confined only to those Khatedars or landlords who had either leased out or leased in some land in the surveyed village. The landowners not involved in tenancy have been left out of this account. Though the landlords and the tenants surveyed were only those that had some owned or leased in land in the surveyed villages, information was collected about their entire owned or leased land, whether located in the surveyed villages or outside. As a result of this, the landlords and the tenants who owned or cultivated land in more than one village get an undue emphasis in the analysis involving distributions of owned or leased land of all surveyed khatedars in the villages taken together. Therefore, in the course of the analysis that follows the owned or leased lands located only in the surveyed villages have been taken into account wherever appropriate.

3.39. The Khatedars involved in tenancy were divided into two more or less equal groups, the landlords or the lessors, and the tenants. In both the old C. P. and the Berar villages the tenants were only slightly more in number than the lessors. As in Western Maharashtra, very few khatedars had both leased in and leased out land for cultivation (Ref. Table 3.2). The lessors and tenants formed,

by and large, two distinct groups. We have examined below their characteristics separately:—

TABLE 3.2

*Percentage of Lessors and Tenants amongst Khatedars involved in tenancy in Vidarbha.*

Type of Khatedar  (1)	Percentage of Khatedars in	
	the old C.P. villages (2)	the old Berar villages (3)
(A) Only lessors .. .. .	44.24	47.02
(B) Only tenants .. .. .	51.21	52.04
(C) Lessors-cum-tenants .. .. .	4.55	0.94
(D) All Khatedars involved in tenancy (Items A+B+C)	100.00	100.00
Sub-total (A+C) All lessors ..	(48.79)	(47.96)
Sub-total (B+C) All tenants .. .. .	(55.76)	(52.98)

#### *Lessors:*

3.40. The lessors, i.e., the Khatedars who had leased out any land, owned on an average more land than the tenants. The average area owned per lessor was 24.6 acres in the old C. P. villages, whereas the average owned land per tenant was 9.8 acres only. Many of these tenants did not own any land; if they are excluded, even then the average owned area per land-owning tenant came to only 16.7 acres. The situation was similar in the old Berar districts where the average owned area per lessor was 37.3 acres, whereas the average owned area per tenant was 8.4 acres, and per land-owning tenant 18.1 acres only.

3.41. However, all lessors were not large land owners. Indeed it is interesting to notice that in the old C. P. villages nearly 26 per cent of the lessors owned 5 acres or less each.

The small landlords formed 40 to 50 per cent of all lessors

These may be called the very small owners. Another equal percentage of lessors owned between 5 to 10 acres each. If all those owning less than 10 acres are called small landowners (including the very small), then more





3.42. Of course, the small landowning lessors owned an even smaller proportion of the total land owned by all lessors. In the old C. P. districts the small landowners, owning 10 acres or less each, owned only 16.4 per cent of all the land located in the surveyed villages owned by the lessors, although they were more than half the total number of lessors. The large owners with more than 20 acres, on the other hand, owned 69 per cent of the total land owned by the lessors, in the villages, although they were less than a third of all lessors.

In the old Berar districts the inequality in the distribution of owned land amongst the lessors was even more glaring. The large landowners, forming nearly 40 per cent of all lessors owned nearly 75 per cent of all land, while the small owners, with 10 acres or less each, forming more than 41 per cent of all lessors owned only 11.6 per cent of all land.

3.43. Since the small landlords owned a very small proportion of the land owned by all lessors, they also accounted for a small proportion of the total leased land. In the old C. P. villages the very small owners who formed nearly 26 per cent of all lessors owned 8.5 per cent of all land leased in the surveyed villages. (Ref. Table 3.3) The small owners, including the very small ones, who were more than half of all lessors owned 28 per cent of all leased land. On the other hand the 31 per cent lessors who were large landowners owned more than half (52.8 per cent) of all leased land located in the surveyed villages. Similarly, in the old Berar villages, the 42 per cent lessors who were small holders owned only 16.4 per cent of the total leased land while the 40 per cent large lessors owned 66.2 per cent of all leased land located in those villages.

3.44. Of course, not all land owned by the lessors had been leased out. Let us consider only the owned land in the surveyed villages leased out, and exclude all land owned by these lessors in other villages, from the account, so that the pattern of distribution of leased land will not be unduly weighed by the latter. It then appears that in the old C. P. villages the lessors had leased out a little over half (52.0 per cent) of their owned land, and in the old Berar villages about two-thirds (65.7 per cent) of their owned land. However, in

But the small lessors owned a very small proportion of the total leased land

both the regions the small landlords as a class had leased out most of their owned land, while the medium and the large landlords, a much smaller proportion of their total owned land. Thus, it appears from Table 3.4 that the small landlords as a group had leased out between 85 and 90 per cent of their total owned land in both parts of Vidarbha. The medium land owners in Berar had also leased out 88 per cent of their owned land. In the C. P. villages the medium lessors had leased out about two-thirds of their owned land. The large landowners, on the other hand, had leased out about half or somewhat less of their owned land in both regions.

**TABLE 3.4**  
*Percentage of leased out land to the owned land in different size class of lessors.*

Size class of lessors	Percentage of leased out land to owned land					
	A—Old C. P. villages			B—Old Berar villages		
	Leased out	Person-ally cul-tivated	Total owned	Leased out	Person-ally cul-tivated	Total owned
(1)	(2)	(3)	(4)	(5)	(6)	(7)
A. Very small .. .. .	90.1	9.9	100.0	91.7	8.3	100.0
B. Small (including very small)	85.2	14.8	100.0	89.3	10.7	100.0
C. Medium .. .. .	65.9	34.1	100.0	84.0	12.0	100.0
D. Large .. .. .	42.6	57.4	100.0	54.0	46.0	100.0
All (within and outside surveyed village land).	49.3	50.7	100.0	58.6	41.4	100.0
All (within surveyed village land only).	(52.0)*	(48.0)*	(100.0)*	(65.7)*	(34.3)*	(100.0)*

\*These percentages refer to the land located in the surveyed village while all other percentages refer to the total land within and outside surveyed villages.

3.45. Therefore, it appears that in the old C. P. and Berar regions of Vidarbha the small landlords by and large tended to lease out all the land they owned and become non-cultivators, whereas most of the large landlords leased out only a part of their holdings and cultivated the remaining on their own. Table 3.5

The small lessors were mostly non-cultivators

shows this clearly. It appears that nearly 80 per cent of the very small lessors in the old C. P. villages and 85 per cent in the old Berar villages had leased out all their owned land and had become non-cultivating rentiers. The proportion of non-cultivators was also quite high—more than 70 per cent among the small landlords. The same was the position among the medium landowners in the Berar villages. In the C. P. villages, however, only about 45 per cent of the medium landlords had become non-cultivators. On the other hand, a much smaller proportion of the large landlords in both regions—18 per cent in the C. P. and 27 per cent in the Berar village—had become non-cultivating rentiers; the bulk of them cultivated a part of their owned land. Since they had larger owned holdings, most of them had enough land left for worthwhile personal cultivation, even after leasing out the larger part of it.

The large lessors were mostly cultivating lessors

TABLE 3.5

*Percentage distribution of lessors (i) who leased out all their owned land (non-cultivating), (ii) who leased out part of their owned land (cultivating) according to the size class of their owned land holdings.*

Size class of (owned lands) Lessors	Type of lessors					
	A—Old C. P. villages			B—Old Berar villages		
	Non-cultivating	Cultivating	All lessors	Non-cultivating	Cultivating	All lessors
(1)	(2)	(3)	(4)	(5)	(6)	(7)
A. Very small .. .. .	41.1 (78.7)	10.9 (21.3)	25.8 (100.0)	25.6 (84.6)	6.0 (15.4)	17.0 (100.0)
B. Small (including very small)	73.3 (70.2)	30.4 (29.8)	51.7 (100.0)	57.0 (76.6)	22.4 (23.4)	41.8 (100.0)
C. Medium .. .. .	15.6 (45.2)	18.5 (54.8)	17.0 (100.0)	24.4 (72.6)	11.9 (26.6)	17.0 (100.0)
D. Large .. .. .	11.1 (17.5)	51.1 (82.5)	31.3 (100.0)	18.6 (26.7)	65.7 (73.3)	37.2 (100.0)
E. All lessors (B, C, D) .. .. .	100.0 (49.5)	100.0 (50.5)	100.0 (100.0)	100.0 (56.2)	100.0 (43.8)	100.0 (100.0)

Note.—Percentages in brackets refer to the percentages of non-cultivating and cultivating lessors to the lessors in each size-class of lessors.

3.46. Attention may also be turned to another characteristic of the lessors. Was it mainly people who lived far away from their land that leased it out for cultivation? In the old C. P. villages nearly 64 per cent of the lessors lived in the surveyed villages, and another 20 per cent within 5 miles of these villages (Ref. Table 3.6). Only about 16 per cent of the lessors lived more than 5 miles away from the villages and may be called non-residents. Three-fourths of all lessors owned land only in the surveyed villages. And nearly 88 per cent of these lessors were resident in or near the surveyed villages; only 12 per cent of them were non-residents. Similarly, out of the total leased land located in the surveyed villages only about one-fourth (25.8 per cent) was owned by the non-resident lessor; nearly 53 per cent of the leased land was owned by those who lived in the surveyed villages and the rest by those living in the adjacent villages. Therefore non-residence in or near the surveyed villages was not the main reason why the bulk of the lessors in the old C. P. villages had leased out land.

Only about half of the total land owned by the lessors in the surveyed villages had been leased out; and the proportion was the same in the case of all lessors except those who lived very near the surveyed villages. It means that even a large proportion of the non-resident lessors were also cultivating a part of their owned holding in the surveyed villages. The fact that they normally lived away from the villages did not appear to have prevented them from cultivating the land under their own supervision.

Most of lessors in the old C. P. villages lived in or near the villages where they had their lands

And they owned the bulk of the leased land

TABLE 3.6

*Percentage distribution of (i) lessors, (ii) the leased land, and (iii) owned land according to the place of residence and location of land in the Old C. P. villages.*

Items	Residence of lessors				
	Within surveyed village	Within 5 miles of surveyed village	Beyond 5 miles of surveyed village	All lessors	
(1)	(2)	(3)	(4)	(5)	
<b>A. Percentage distribution of lessors according to the place of residence.—</b>					
(i) Lessors owning land only in the surveyed villages	72.5	15.2	12.3	100.0	
(ii) Lessors owning land within and outside surveyed village.	36.4	34.1	29.5	100.0	
(iii) All Lessors .. .. .	63.7	19.8	16.5	100.0	
<b>B. (i) Percentage of lessors owning land only in the surveyed village to the total lessors.—</b>					
(a) Lessors owning land only in the surveyed village	86.2	58.3	56.7	75.8	
(b) Lessors owning land within and outside village	13.8	41.7	43.3	24.2	
(c) All lessors .. .. .	100.0	100.0	100.0	100.0	
<b>B. (ii) Percentage of owned land of the lessors located in the surveyed to the total owned land for each type of residence.—</b>					
(a) Owned land located in the surveyed village	85.5	57.3	38.3	59.9	
(b) Owned land located outside the surveyed village	14.5	42.7	61.7	40.1	
(c) Total owned land .. .. .	100.0	100.0	100.0	100.0	
<b>C. Percentage of leased to the owned land—</b>					
(i) Land located in the surveyed village.	(a) Land leased out ..	49.0	73.1	47.1	52.1
	(b) Land cultivated personally.	51.0	26.9	52.9	47.9
	(c) Total owned land	100.0	100.0	100.0	100.0
(ii) Land located outside surveyed village.	(a) Land leased out ..	28.7	10.8	57.1	45.1
	(b) Land cultivated personally.	71.3	89.2	42.9	54.9
	(c) Total owned land ..	100.0	100.0	100.0	100.0
<b>D. Percentage distribution of the leased land located in the surveyed village and outside surveyed village.—</b>					
(i) Leased land located in the surveyed village ..	52.8	21.4	25.8	100.0	
(ii) Leased land located outside surveyed village.	9.0	4.1	86.9	100.0	

3.47. Most of the lessors living in the surveyed villages (86.2%) owned land only in those villages. But more than half (56.7%) of all non-resident lessors also owned land only in the surveyed villages. The proportion of non-resident landlords owning land in more than one village was quite small amongst all lessors.

3.48. It was pointed out earlier that 51.7 per cent of the lessors in the Old C. P. villages were small landlords owning 10 acres and less each, and half of them were very small landlords owning 5 acres or less each. Table 3.7 shows that all the very small lessors were living in the surveyed villages or nearby. Nearly 55 per cent of the lessors living in the village were small landlords owning 10 acres or less each; 50 per cent of the landlords living near the surveyed villages were also small landlords. Amongst the non-resident lessors also 40 per cent were small landowners owing mostly between 5 and 10 acres each. On the other hand, large landlords were more numerous among the non-resident lessors—nearly 57 per cent of them were large landowners while only about 25 or 30 per cent of the resident lessors were large landowners.

TABLE 3.7

*Percentage distribution of lessors according to their place of residence and size class of owned land holdings.*

Class of lessors					Percentage of lessor's residence			
					Within surveyed villages	Within 5 miles of surveyed villages	Beyond 5 miles of surveyed villages	All lessors
(1)					(2)	(3)	(4)	(5)
<i>A—Old C. P. Villages</i>								
A.	Very small	..	..	..	32.8	25.0	00.0	25.8
B.	Small	..	..	..	55.2	50.0	40.0	51.7
C.	Medium	..	..	..	19.8	19.4	3.3	17.0
D.	Large	..	..	..	25.0	30.6	56.7	31.3
	All	..	..	..	100.0	100.0	100.0	100.0
<i>B—Old Berar Villages.</i>								
A.	Very small	..	..	..	20.2	11.1	16.7	17.0
B.	Small	..	..	..	44.0	44.4	29.2	41.8
C.	Medium	..	..	..	23.8	15.6	8.3	19.0
D.	Large	..	..	..	32.2	40.2	62.5	39.2
	All	..	..	..	100.0	100.0	100.0	100.0

3.49. The pattern was more or less similar in the old Berar villages surveyed (Ref. Table 3.8). Only about 16 per cent of the lessors did not live in or near the surveyed villages.

Similar pattern in the old Berar villages  
 Nearly 75 per cent of the lessors owned land only in the surveyed villages and 90 per cent of them lived in or near the surveyed villages. Out of the total leased land located in the villages the non-residents owned only 19 per cent. Thus non-residence was not the major reason why most landlords leased out land. Nearly two-thirds (65.9%) of the land owned by the lessors in the surveyed villages had been leased out. The non-residents had leased out more than 82 per cent of their owned land in the villages while the resident lessors only about half of their total land.

3.50. Nearly 90 per cent of the lessors living in the villages owned land only in those villages. Even 46 per cent of the non-resident lessors owned land only in the surveyed villages.

3.51. Nearly 42 per cent of all lessors in the Berar villages were small landlords owning 10 acres or less; 19 per cent were medium landlords and nearly 39 per cent large owners. The proportion of large land-owners was, however, much higher among the non-resident lessors; nearly 63 per cent of them were large owners while only about 32 per cent of the resident lessors were large landowners (Ref. Table 3.7).

3.52. The picture about the class of lessors in Vidarbha on the eve of the Tenancy Act may now be summarised. The landlords could be broadly divided into two groups—the small owners and the others. The small owners formed between 40 and 50 per cent of all lessors. But since they owned a small part of the total land owned by all lessors they also accounted for a comparatively small proportion of the total area leased out by all lessors. The bulk of the leased land belonged to the medium and the large lessors. Most of the small owners had leased out all their land. But most of the big lessors had leased out only a part of their land and were cultivating the rest. This picture broadly held good for those lessors who were not living in or near the villages as well as for those who lived in the villages. Most of the lessors were resident in or near the villages where they had their land, and most of the leased land also belonged to such people. The non-residents among whom the large landlords were proportionately many more, did not also lease out all their land. Most



of them cultivated a part of the land owned by them in the surveyed villages even if they were not residents in or near these villages. This was a little more pronounced in the old C. P. villages than in the old Berar villages.

TABLE 3.8

*Percentage distribution of (i) Lessors, (ii) the leased and (iii) owned land, according to the place of residence and location of land in the Old Berar villages.*

Items (1)	Residence of lessors				
	Within surveyed villages (2)	Within 5 miles of surveyed village (3)	Beyond 5 miles of surveyed village (4)	All lessors (5)	
<b>A. Percentage distribution of lessors according to their place of residence.</b>					
(i) Lessors owning land only in the surveyed village.	65.2	25.2	9.6	100.0	
(ii) Lessors owning land within and outside surveyed village.	23.7	42.1	34.2	100.0	
(iii) All lessors. . . . .	54.9	29.4	15.7	100.0	
<b>B. (i) Percentage of lessors owning land only in the surveyed village to the total lessors.—</b>					
(a) Lessors owning land only in the surveyed village.	89.3	64.4	45.8	75.2	
(b) Lessors owning land within and outside surveyed village.	10.7	35.6	54.2	24.8	
(c) All lessors . . . . .	100.0	100.0	100.0	100.0	
<b>B. (ii) Percentage of owned land of lessors located in the surveyed village to the total owned land.—</b>					
(a) Owned land located in the surveyed village.	77.1	39.4	29.3	51.3	
(b) Owned land located outside surveyed village.	22.9	60.6	70.7	48.7	
(c) Total owned land of lessors. .	100.0	100.0	100.0	100.0	
<b>C. Percentage of leased land to the owned land.—</b>					
(i) Land located in the surveyed village.	(a) Land leased out.	56.4	77.4	82.3	65.9
	(b) Land cultivated personally.	43.6	22.6	17.7	34.1
	(c) Total owned land.	100.0	100.0	100.0	100.0

TABLE No. 3.8—*contd.*

Items	Residence of lessors			
	Within surveyed villages	Within 5 miles of surveyed village	Beyond 5 miles of surveyed village	All lessors
(1)	(2)	(3)	(4)	(5)
(ii) Land located outside village.				
{ (a) Land leased out.	56.1	39.7	60.5	50.9
{ (b) Land cultivated personally.	43.9	60.3	39.5	49.1
{ (c) Total owned land.	100.0	100.0	100.0	100.0
D. Percentage distribution of leased out land located in the surveyed village and outside surveyed village according to the type of residence.—				
(i) Leased land located in the surveyed village.	50.0	30.7	19.3	100.0
(ii) Leased land located outside surveyed village.	20.1	33.2	46.7	100.0

### Tenants :

3.53. Attention may now be turned to the characteristics of the class of tenants on the eve of the Tenancy Act in 1958. The tenants generally were people with smaller land area of their own. Table 3.9 gives the distribution of all tenants in both regions of Vidarbha according to the size of their owned land-holding as well as the distribution of the total owned and leased lands amongst them. From this table it appears that in the old C. P. villages 41 per cent of all tenants were pure tenants, i.e., they did not own any land. Another 36 per cent were small tenants, that is, they owned less than 10 acres each. Only 23 per cent of the tenants owned more than 10 acres each and a little less than half of these were large tenants owning more than 20 acres.

3.54. Similarly, in the Berar villages 54 per cent of the tenants did not own any land. Another 21 per cent were small land-owners. Nearly a quarter of all tenants owned more than 10 acres each, and two-thirds of them were large tenants owning more than 20 acres each.

Thus in the old C. P. as well as Berar villages the landless as well as the small land-owners constituted 75 per cent of all tenants.

3.55. The landless and the small tenants also accounted for the larger proportion of the total leased in land. In the old C. P. villages they had leased in nearly two-thirds (66.9%) of all leased land, while in the Berar villages they controlled 71 per cent of all leased land.

TABLE 3.9

*Distribution of the total number of tenants, the area owned by them and the area leased in by them according to the size of their owned landholdings.*

Size of owned land holding (acres)	Old C. P. villages (Percentage distribution of)			Old Berar villages (Percentage distribution of)		
	No. of tenants	Area owned	Area leased	No. of tenants	Area owned	Area leased in
(1)	(2)	(3)	(4)	(5)	(6)	(7)
(A) 0.00 (Pure tenant)	41.3	00.0	36.2	53.8	00.0	54.8
(B) 0.01—5.00 (Very small tenants)	20.7	5.6	14.8	10.7	3.6	9.0
(C) 0.01—10.00 (Small tenants).	35.6	17.7	30.7	20.7	12.7	16.4
(D) 10.01—20.00 (Medium tenants)	13.0	18.8	19.2	8.9	15.8	9.0
(E) 20.01 and above (Large tenants).	10.1	63.5	13.9	16.6	71.5	19.8
(F) All tenants (A+C+D+E)	100.0	100.0	100.0	100.0	100.0	100.0

3.56. In the old C. P. districts nearly 75 per cent of the tenants had leased in 10 acres or less each and less than half of them (33.2%) had leased in only 2.5 acres or less each. Only

Tenants had mostly  
leased small areas in  
the C. P. villages

about 7 per cent of all tenants had leased in more than 20 acres each. (Ref. Table 3.10).

This was more or less true of all types of tenants—those who did not own any land and those who did own some land. Thus, nearly 80 per cent of the landless tenants had leased in 10 acres or less, and nearly 8 per cent of them had leased in more than 20 acres each. The landless tenants as well as others had leased in different amounts of land. It was not as if the landless could lease in only small areas while the land owning tenants larger chunks.

TABLE 3.10

Percentage distribution of tenants and area leased in according to the size of leased in areas.

Type of tenants	Size of area leased (acres)					
	Upto 2.50	2.51 to 5.00	5.01 to 10.00	10.01 to 20.00	20.01 and above	All
(1)	(2)	(3)	(4)	(5)	(6)	(7)
<i>Old C. P. Villages</i>						
(A) Pure tenants—						
(i) Number ..	45.4	17.4	17.5	11.6	8.1	100.0
(ii) Area leased in	7.2	10.7	20.0	24.9	37.2	100.0
(B) Land owning tenants—						
(i) Number ..	24.6	17.2	28.7	22.9	6.6	100.0
(ii) Area leased in	3.8	8.4	26.3	37.5	24.0	100.0
(C) All tenants—						
(i) Number ..	33.2	17.3	24.0	18.3	7.2	100.0
(ii) Area leased in	5.0	9.2	24.0	33.0	28.8	100.0
<i>Old Berar Villages</i>						
(A) Pure tenants—						
(i) Number ..	8.8	16.5	22.0	27.4	25.3	100.0
(ii) Area leased in	1.0	4.9	12.4	31.7	50.0	100.0
(B) Land owning tenants—						
(i) Number ..	5.1	16.7	29.5	32.0	16.7	100.0
(ii) Area leased in	0.8	5.3	17.3	37.1	39.5	100.0
(C) All tenants—						
(i) Number ..	7.1	16.6	25.4	29.6	21.3	100.0
(ii) Area leased in	1.0	5.1	14.5	34.2	45.2	100.0

3.57. In the old Berar villages leasing in small areas of land was less common than in the old C. P. region. Thus hardly 7 per cent of all tenants had leased in 2.5 acres or less each and 49 per cent of all tenants had leased in 10 acres or less each. The other half of the tenants had leased in more than 10 acres each and nearly 21 per cent had leased in more than 20 acres each. This pattern held true for the landless tenants as well as for those tenants who owned some land. The tenants leasing in large lots naturally possessed the bulk of all leased land.

TABLE 3.11

*Percentage distribution of tenants according to the size of their cultivated landholdings.*

Size of cultivated landholding (acres)	Percentage of tenants in	
	Old C.P. villages	Old Berar villages
(1)	(2)	(3)
(A) 0.01—2.50 .. .. .	20.2	4.7
(B) 2.51—5.00 .. .. .	12.5	10.1
(C) 5.01—10.00 .. .. .	20.2	16.0
(D) 10.01—20.00 .. .. .	20.7	28.4
(E) 20.01 and above .. .. .	26.4	40.8
Total .. .. .	100.0	100.0

3.58. By leasing in land the tenants were able to increase the size of their cultivated holdings. All the same the data in Table 3.11 shows that nearly one-third of the tenants in the old C. P. villages had cultivated holdings of 5 acres or less each. In the Berar villages they formed nearly 15 per cent of all tenants. Tenants with 10 acres or less of cultivated land formed 53 per cent of all tenants in the C. P. villages and 31 per cent of them in the old Berar villages. It was noted earlier that nearly equal number of the lessors in these villages owned such small areas and had leased out their land. What could have led such a large percentage of tenants to try to cultivate small holdings when so many small lessors were leasing out their holding. The circumstances leading to leasing could be many and varied. It was possible that in most cases a landowner leased out land when he had some alternative source of employment and income. The tenants tried to lease in small holdings because quite often they had

no such alternatives open to them. Nor were the small tenants always small; they also increased their cultivated holding wherever they could lease in more land. Besides some of the small cultivated holdings were permanently held by permanent farm servants of the large land owners who might have given them these small holdings as a part of their wage or salary.

3.59. It may be of some interest to enquire if there was something like a class affinity among owners and tenants. Did small owners tend to lease out land to small tenants and large owners to large tenants? It was noticed earlier that though the small lessors were more numerous than the larger ones, they owned only a small part of the total lessed land; the large lessor accounted for the larger part of all leased land. On the other hand, the landless and the small tenants accounted for between two-thirds to three-fourths of the total leased in land. This suggests that by and large most lessors, large or small, leased out to the landless and small tenants. In fact, in the old C. P. districts 88 per cent of all land leased out by the lessors with 2.5 acres or less, was to equally small tenants. Those owning between 2.51 and 5.0 acres had also leased out nearly 80 per cent of their land to tenants owning 5 acres or less including the landless. Similarly the large lessors owning more than 20 acres each had also leased out three-fourths of their leased land to small tenants, mostly to landless tenants. Only the middle group of lessors, i.e., those owning between 5.01 and 20.0 acres each had leased out between 25 to 40 per cent of their leased land to tenants owning more than 10 acres each.

The pattern is very similar in the old Berar districts. The landlords owning 5 acres or less had leased out more than 85 per cent of their land to tenants owning 10 acres or less including the landless. The landlords owning more than 5 acres each, including the large lessors, had leased out between one-fourth and one-third of their total leased land to tenants owning more than 10 acres each.

Thus it is found that the small landlords as well as the medium and the large leased out mostly to small tenants including the landless. But the medium and the large tenants, i.e., tenants owning more than 10 acres each leased in mostly from medium and large landowners.

*Effect of Implementation of the Act:*

3.60. The Vidarbha Tenancy Act came into force in December 1958. 1st April 1961 was designated as the Tillers' Day. Within the two and a quarter years intervening, the owners were allowed to resume land for self-cultivation subject to the limit prescribed in the Act, and the tenants were permitted either to voluntarily surrender the land to the owners or to purchase the leased land, if they so wished. All such resumptions, surrenders and optional purchases were to be verified by the appropriate revenue authority. After the Tillers' Day, all cases of automatic transfer of ownership were to be enquired into by the Agricultural Lands Tribunals who were to fix the purchase price for the land. Each recorded tenancy arrangement prior to the Tillers' Day was for this purpose considered as a tenancy case. All representations by the concerned landlords and tenants in regard to these cases were to be heard by the Tribunal or Tahsildar was to finally decide the cases. All tenants were deemed to have become owners of the leased lands in their possession on the Tillers' Day, but the fixation of price by the A. L. T. took time.

3.61. In the whole of the Vidarbha region several thousands of cases had to be decided by the revenue officers and the Tribunals. However, the official returns for all the districts show that by the end of September 1970, i.e., more than 11 years after the promulgation of the Act and more than 9 years after the Tillers' Day in April 1961, out of the total number of tenancy cases recorded soon after the passing of the Act in 1958, about 12 per cent of cases involving nearly 9 per cent of the leased land in the old C. P. districts and about 22 per cent cases involving nearly 30 per cent of all leased land in the old Berar districts the A. L. T.'s had yet to decide the resumption applications or fix the price.

3.62 The time taken for the disposal of tenancy cases in Vidarbha, though comparatively less than in Western Maharashtra, has been quite long. An examination of the time pattern of disposal of tenancy cases, based on the survey data, shows that in the old Berar districts the work of disposal of cases gathered momentum only since 1964-65. For the old C. P. districts information about the time of

disposal of almost half of the surveyed cases was not available the remaining 20 per cent cases had been decided before the Tillers' Day since these were mostly cases of surrender by tenants, and nearly 13 per cent had been decided after 1966-67. One reason why the A. L. T. began deciding tenancy cases mainly after 1964-65 in Vidarbha region was that the legal ground for implementation was cleared by the amendment of the Act in 1962 fixing second Tillers' Day in 1963. However, a sizable proportion of tenancy cases involving equally large proportion of leased land was still to be decided, particularly in the Berar districts, by the end of 1970. In many of these cases the steps to be taken by one or other of the parties involved or by the revenue authorities had not been completed.

3.63. The implementation of the Tenancy Act measured in terms of the leased land covered, could have been considerably speeded up if attention had first been concentrated on the leased land of the big and the medium lessors. As it was, by the end of 1969 nearly three-fourths of the leased land involved in the undecided tenancy cases in the old C. P. villages and nearly 90 per cent of the leased land involved in the undecided tenancy cases in the old Berar villages belonged to the medium and the large landowners. This was not because of any deliberate design by the A. L. T's. The A. L. T. took up cases without any reference to the leased area involved in each case. Appropriate instructions would have however, avoided the accumulation of undecided cases involving large areas of leased land. It was noted earlier that though the small landowning lessors formed quite a substantial proportion of all lessors, they accounted for very small proportion of the total leased land. Exclusion of these cases from consideration in the first stage would have reduced the number of tenancy cases considerably while keeping the bulk of the leased land within the scope of the implementation of the law. This would have resulted in the cases involving the bulk of the tenanted land being decided speedily.

3.64. What were the results in the tenancy cases that had already been decided? Official data for all the recorded tenancy cases in each of the 8 districts of Vidarbha were made available to the committee and in the following paragraphs the findings are based on these

Result of implementation  
of the Act



official returns. The official returns\* are summarised in Table 3.12 separately for the 4 old C. P. districts and the 4 old Berar districts.

3.65. The data in Table 3.12 for the old C. P. districts show that out of the 88 per cent tenancy cases involving nearly 91 per cent of the leased land that had already been decided, only in about 12 per cent cases involving 7 per cent of the leased area did the tenants become owners. In another 2.5 per cent cases involving 1.3 per cent of leased land the Tillers' Day was postponed because the owners were minors or widows, etc. In 8 per cent tenancy cases involving 5.4 per cent of the leased land the major provisions of the Tenancy Act were not applicable as the lands belonged to Trusts or Bhoodan Samities or were of exempted categories, and therefore the tenants were to continue to cultivate the land. Thus, the tenants became owners of 7 per cent of the total leased land and on another 6.7 per cent land they were for the time being to continue as tenants. In the remaining 77.5 per cent leased land involving 65.3 per cent tenancy cases, tenancy was terminated and the leased land returned to the owners.

In the old C. P. districts tenants became owners of hardly 8 per cent of the leased land

3.66. Decisions were still to be taken in regard to 8.7 per cent of the total leased land. If we assume that this area will be distributed among the owners and tenants in the same proportion as the area about which decisions had already been taken then it may be said that in the old C. P. districts the tenants came to own only about 8 per cent of the land leased in 1958 when the Tillers' Day legislation was passed. On another 7 per cent the tenants were to continue at least temporarily, because the lands were owned by minors or widows, or were in the exempted categories like Trust or Bhoodan land or sugarcane or fruit-growing land. The remaining 85 per cent leased land returned to the owners, and the tenants lost the right to cultivate this area.

They lost the right to cultivate 85 per cent of the leased land as a result of the Act

\*The findings of the sample survey in this respect were not very different from the total picture given by the official returns. But where the comprehensive data are available, the sample survey results have not been presented in the report.

TABLE 3.12

*Percentage distribution of recorded tenancy cases and total leased land according to the effect of decisions by the revenue authorities in the Vidarbha region.*

Effect of decision (1)	Old C. P. districts		Old Berar districts	
	No. of tenancy cases (2)	Area (3)	No. of Tenancy cases (4)	Area (5)
<b>A. Ownership of leased land transferred to tenants—</b>				
(i) Price fixed by A.L.T. .. ..	5.3	3.0	13.7	13.9
(ii) Price fixed by mutual agreement before Tillers, day.	4.4	2.6	5.5	4.6
(iii) Price fixed by mutual agreement after Tillers Day.	2.1	1.5	4.0	4.4
(iv) Total of A .. .. .	11.8	7.1	23.2	22.9
<b>B. Leased land retained by owners :</b>				
(i) Resumed for personal cultivation ..	13.6	7.0	3.3	4.9
(ii) Surrendered by tenants .. ..	31.6	58.3	7.3	6.8
(iii) Tenant not in possession on Tiller's Day.	13.2	8.1	19.8	14.4
(iv) Tenancy not proved .. .. .	3.3	2.1	5.7	4.4
(v) Tenancy denied by tenants .. ..	3.6	2.0	6.3	4.2
(vi) Purchase declared ineffective ..	Negl.	Negl.	..	..
(vii) Total of B. .. .. .	65.3	77.5	42.4	34.7
<b>C. Tillers' Day postponed (owners were minors, widows, etc.).</b>	2.5	1.3	4.5	3.8
<b>D. Tenancy Act not applicable—</b>				
(i) Land is exempt from the major provisions of the Act.	2.9	1.1	3.1	2.5
(ii) Land belonging to trusts, etc. ..	0.2	0.1	1.2	1.1
(iii) Bhoodan Land .. .. .	0.4	0.3	0.7	0.7
(iv) Others .. .. .	4.6	3.9	3.3	3.8
(v) Total of D. .. .. .	8.1	5.4	8.3	8.1
<b>E. Tenancy cases undecided—</b>				
(i) Resumption applications pending ..	0.4	0.2	2.4	1.9
(ii) Others .. .. .	11.9	8.5	19.2	28.6
(iii) Total of E. .. .. .	12.3	8.7	21.6	30.5
<b>F. Grand total .. .. .</b>	100.0	100.0	100.0	100.0
<b>G. Total No. of registered tenancy cases ..</b>	1.85 lakhs	..	2.0	..
<b>H. Total leased area involved .. .. .</b>	..	14.04	..	19.17
		(lakh acres)		

Source: Department of Revenue, Government of Maharashtra.

Negl. Negligible less than 0.5.

3.67. The picture was somewhat different in the 4 old Berar districts. In these districts, nearly 22 per cent of the cases involving the old Berar districts 30 per cent of the leased land remained to be finally decided by the A. L. Ts. Out of the 78 per cent cases involving 70 per cent leased land, the tenants became owners of nearly 23 per cent land in as large a proportion of cases. In 4.5 per cent tenancy cases involving 3.8 per cent leased land, the Tillers' Day was postponed as owners were minors or widows. In another 8.3 per cent cases involving 8.1 per cent land the Tenancy Acts provisions were not applicable and the tenants continued to cultivate the lands. Thus the tenants had come to own 23 per cent of the leased land, and were continued as tenants on another 12 per cent leased land. In the remaining half (i.e., 35 per cent) of the leased land on which decision had been taken, tenancy was terminated and the owners got back the land.

3.68. If it is assumed that the decisions in the undecided cases will be in the same proportions as in the tenancy cases already decided, then it can be said that in the 4 old Berar districts the tenants came to own about one-third of the total leased land; they continued as tenants, for the time being, on another 17 per cent leased land. The remaining 50 per cent leased land was retained by the owners, and tenancy on such land was terminated.

The tenants came to own one-third of all leased land, and lost the right to cultivate half of the leased land

3.69. Thus in the old C. P. districts the tenants became owners of hardly 8 per cent of the leased land, while in the old Berar districts the tenants acquired ownership of at least one-third of the leased land. This difference in the regional pattern calls for further examination of the circumstances leading to such a situation.

3.70. In both the old C. P. and the Berar districts, the A. L. Ts. fixed the purchase price in roughly about half the cases in which the tenants became owners of the leased land. In the other half of the cases the price was mutually decided upon by the owner and the tenants.

3.71. Nearly three-fourths of the leased land in the old C. P. districts and 35 per cent in the Berar districts remained with the owners. But in both the regions only a small proportion of it had been resumed by the owners for personal cultivation. In the C. P.

Reasons why owners could retain large part of leased land, particularly in C. P. districts

districts 7 per cent and in the Berar districts 5 per cent of the leased land had been resumed by the owners.

3.72. The most important reason why leased lands returned to the owners in such large proportion in the old C. P. districts was that the tenants had surrendered the land to the owners before the Tiller's Day in about 32 per cent cases involving more than 58 per cent of the total leased area. In addition to this in 13 per cent tenancy cases involving 8 per cent leased land in the old C. P. districts the tenants were not in possession of the leased land on the Tiller's Day. Nearly two-thirds of the leased area had thus been voluntarily or otherwise surrendered by the tenants. This is rather unexpected and needs some explanation. According to the Act, tenancy could be voluntarily surrendered by the tenant by filling an application to that effect with the Tahsildar. The surrender could be considered legal only when the Tahsildar had verified its genuineness. In the case of unlawful eviction the tenant had to move the revenue authority for restoration of possession. In the old C. P. districts which were not long ago characterised by the malguzari system and where most tenants being ordinary tenants with no legal protections until 1958, were at the beck and call of the landlords, it is not surprising that they were often not aware of the legal provisions and in any case could not exercise their legal rights because of their inferior socio-economic position. In fact annual tenancy was widely practised in the C. P. districts, and it appears that many tenants being ignorant of the legal provisions had voluntarily surrendered their leased land to the owners soon after the Tenancy Act was promulgated. If the tenants had not filed applications with the Tahsildars at the time of surrender of lands, they made a declaration of voluntary surrender before the Tahsildar or A. L. T. when the list of tenants holding leased land came to be prepared after the Tillers' Day. Under the circumstances there was very little that law could do to help these tenants to retain their lands. Law could possibly have remedied the situation only where the tenant failed to get the leased land because he was not in possession of it on the Tiller's Day. This could have been done if the Act had provided that only such termination of tenancy as had been legally verified shall be recognised on the Tiller's Day and that in all other cases, the tenant will be presumed to be in possession of the leased lands on that day. This would have helped the tenants at least to stake his claim to a certain extent. But

in a large majority of cases in which the tenants had surrendered long before the Tillers' Day through ignorance of their rights, there was a limit to what the official implementation agency could do to help the tenants even if it was highly motivated to do so. To what extent the implementing revenue officials at the taluka level in an *ex-malguzari* area like the old C. P. districts were so motivated, is an open question. What was needed in the prevailing situation in the C. P. districts was organised public and political effort at the village level right from the beginning to explain to the tenants their rights under the Act and help them present their claims before the appropriate revenue authorities. The absence of any such activity in a region like the old C. P. districts, particularly handicapped by general socio-economic backwardness, appears to have resulted in the tenants willy-nilly losing whatever benefits they could have obtained under the Act.

3.73. In the old Berar districts surrenders accounted for a comparatively smaller proportion of the leased land that remained with the owners. The more important reason was that the tenants were not in possession of the land on the Tillers' Day. It is not easy to say in how many of these cases the termination of tenancy was due to voluntary surrenders by tenants and in how many it was due to unauthorised evictions and/or undue socio-economic pressures. The information gathered in the special survey conducted by the Committee may however throw some indirect light on the matter. The survey shows that in the old Berar villages (as also in the old C. P. villages) the bulk of the leased land which was not in possession of the tenants on the Tillers' Day belonged to medium and large landlords, and the concerned tenants were mostly landless or small landowners. Under the circumstances it is likely that many of these tenants had surrendered leased land to their landlords under pressure soon after the Act was passed, though of course the exact incidence of this cannot be inferred from the data. Such an eventuality could have been avoided at least partially had the law been differently framed, as suggested in the previous paragraph.

3.74. There were a few other circumstances leading to the return of leased land to the owners. In both the old C. P. and Berar districts either the tenants denied tenancy or failed to prove the existence of tenancy in some 4 to 8 per cent of the total leased land. In most of these cases the landlords were large landowners and the

In the old Berar districts there is room for suspicion that many tenants had been pressurised to surrender leased land

tenants were landless people. Therefore, the fact that no owner-tenant relation between them could be proved when the records had mentioned such relation, leaves ground for suspicion that at least in some of these cases undue pressure might have been used by the owners to prove the records wrong.

3.75. What class of lessors could retain leased land and what class of tenants lost leased land as a result of the Act? For evidence on this we have to turn to the data collected during the survey. In the old C. P. districts since very little land was lost by the owners to the tenants, it is obvious that most owners retained their leased land. The small and the medium landlords lost very little land; most of the leased land acquired by the tenants belonged to the large landlords. But among the small number of lessors who lost land to tenants, the small owners more numerous (Ref. Table 3.13).

TABLE 3.13

*Percentage of lessors in each size class who lost ownership of leased land to tenants, and the percentage of their total leased land lost in Vidarbha.*

Size class of lessors	Old C. P. Villages		Old Berar villages	
	Percentage of leased area lost by lessors	Percentage of lessors who lost land	Percentage of leased area lost by lessors	Percentage of lessors who lost land
(1)	(2)	(3)	(4)	(5)
A. Very small	5.8 (1.81)	10.6 (22.7)	10.8 (0.5)	19.2 (9.6)
B. Small	8.5 (10.31)	13.8 (59.1)	18.4 (4.0)	20.3 (25.0)
C. Medium	0.7 (0.6)	3.2 (4.5)	12.5 (3.2)	17.2 (9.6)
D. Large	19.2 (89.1)	14.0 (36.4)	49.2 (92.8)	56.7 (65.4)
All	14.9 (100.0)	12.1 (100.0)	42.4 (100.0)	34.0 (100.0)

3.76. Hardly 9 per cent of the tenants could acquire ownership of leased land. Most of them were landless or small landowners (Ref. Table 3.14). All but a few of the other tenants whether owning land or landless ceased to cultivate the leased lands which reverted to the owners.

3.77. In the old Berar villages nearly 93 per cent of the land lost by owners to tenants belonged to the large landlords who owned more than 20 acres each and formed nearly two-thirds of the lessors that lost some of their leased land to the tenants (Ref. Table 3.13). These large landlords also had lost nearly half of their total leased land. The small and the medium lessors lost a much smaller percentage of their leased land to the tenants. Thus it is mostly the large landlords who lost ownership of their leased land; those owning 20 acres or less could retain the ownership of the bulk of their leased out land.

TABLE 3.14

*Percentage distribution of (i) tenants who became owners of leased land and the leased land so acquired, and (ii) tenants who continued as tenants and leased area so continued according to the size class of owned holding of tenants.*

Size class of tenants (1)	Old C. P. villages				Old Berar villages			
	Tenants became owners		Tenancy continued		Tenants became owners		Tenancy continued	
	Tenants	Area	Tenants	Area	Tenants	Area	Tenants	Area
	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
(A) Pure tenants	44.4	25.0	50.0	42.6	45.4	47.0	57.1	69.4
(B) Very small tenants.	11.1	7.4	8.3	11.1	10.6	6.2	7.1	3.7
(C) Small tenants	27.8	32.3	33.3	31.5	16.7	10.3	14.3	10.5
(D) Medium ..	11.1	1.5	8.4	7.4	18.2	18.8	..	..
(E) Large ..	16.7	41.2	8.3	18.5	19.7	23.9	28.6	20.1
Total (A+C+D+E)	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0

3.78. The landless and the small tenants between them came to own nearly 57 per cent of all the land which was acquired by the tenants in the old Berar villages but then they had also leased in the bulk of the total leased land. The small and the pure tenants did not fare as well; they could acquire ownership of 30 per cent or less of the total land leased in by them. The tenants with medium or large sized owned holding became owners of more than half the total land leased in by them.

3.79 Thus it appears that in Vidarbha most of the leased land that went to the tenants was owned by the large lessors owning more than 20 acres each. The small lessors could retain most of their leased land. Since the landless and small tenants accounted for the

bulk of the total leased land, they also accounted for the larger proportion of the land the ownership of which was transferred to the tenants. At the same time, it was seen that in the Berar districts the medium and the large tenants could acquire ownership of a much larger proportion of their leased land than the small and landless tenants. Most tenants particularly the small and landless suffered a reduction in the size of their cultivated holdings because of the termination of their tenancy as a result of the implementation of the Act.

3.80. Did the place of residence of the lessor affect his ability to retain the ownership of his leased land? In the old C. P. districts, the ownership of the very little land that was transferred to the tenants belonged to both resident and non-resident lessors (Ref. Table 3.15, col. No. 2). In the old Berar villages the non-resident lessors, i.e., those who lived more than 5 miles away from the villages, lost more than half of their leased land to their tenants, while the lessors who lived in or near the villages lost only about a quarter of their leased land (Ref. Table 3.15, Col. 4). As in Western Maharashtra, in the Berar villages the non-resident lessors were displaced by their tenants to a greater extent. But since unlike in Western Maharashtra in Vidarbha the lessors who resided in or near the villages owned the larger part of the total leased land, they also accounted for the larger part of the land transferred to the tenants.

TABLE 3.15

*Percentage of leased land transferred to tenants classified by the location of land and the residents of the lessor.*

Residence of lessors (1)	Percentage of leased land transferred to tenants			
	Old C. P. village		Old Berar villages	
	Land in the village (2)	Land outside the village (3)	Land in the village (4)	Land outside the village (5)
A. In the village .. .. .	3.3	..	25.9	71.8
B. Within 5 miles of the village .. .. .	6.7	15.9	34.5	34.2
C. Beyond 5 miles of the village .. .. .	1.9	35.6	54.6	61.2

3.81. A few other points of interest may be noted here. Was it that the tenants became owners of only inferior type of leased land while the superior lands remained with the owners? The point may be examined by

Quality of leased land acquired by tenants



considering the rate of assessment of the lease land as an indicator of quality. The Survey showed that in the old C. P. villages the owners retained all leased lands with an assessment of Rs. 1.5 or more per acre. The small area acquired by the tenants had assessment rates of less than Rs. 1.50 an acre. This proportion gradually declined for leased lands with higher rates of assessment. It means the tenants by and large could acquire ownership of comparatively poorer lands.

3.82. Were the owners and tenants in possession of the lands which they retained or came to own as a result of the Act or had they sold or leased away the lands subsequently? In order to answer this question information was collected during the special survey about the possession of the leased land at the time of survey, i.e., end of 1969. The data show that in the old C. P. villages (Ref. Table 3.16), the owners were in possession of nearly 58 per cent of the land which they had been able to retain. They had sold out or leased out to others the remaining 42 per cent of this. Only about 5 per cent of this 42 per cent land had been sold to their old tenants.

TABLE 3.16

*Percentage of leased land according to the actual possession of land at the end of 1969 separately for each type of decision in the villages of old C. P. districts.*

Possession at the end of 1969	A. L. T.'s decision					All
	Land transferred to tenants	Land retained by owner	Tiller's day postponed	Tenancy Act not applicable	Cases pending	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
(A) In possession of tenant as owner.	74.5 (5.3)	5.3 (4.2)	..	22.8 (1.2)	12.3 (1.1)	(11.8)
(B) Tenant sold the land to other.	11.9 (0.8)	..	..	..	..	(0.8)
(C) Tenant in possession as tenant.	..	..	..	34.2 (1.9)	34.0 (3.0)	(4.9)
(D) In possession of owner.	0.3 (0.1)	58.0 (44.9)	58.5 (0.8)	..	31.4 (2.7)	(48.5)
(E) Sold by owner to other.	8.6 (0.6)	27.8 (21.5)	20.0 (0.2)	22.8 (1.2)	12.3 (1.1)	(24.6)
(F) Leased out by owner to others.	2.0 (0.1)	8.9 (6.9)	..	20.2 (1.1)	..	(8.1)
(G) Leased out by tenant to other.	2.7 (0.2)	..	21.5 (0.3)	..	10.0 (0.8)	(1.3)
All	100.0 (7.1)	100.0 (77.5)	100.0 (1.3)	100.0 (5.4)	100.0 (8.7)	(100.0)

Note.— Figures in bracket indicate the percentage to the total leased land.

Similarly in the old Berar villages (Ref. Table 3.17) the owners were in possession of only 55 per cent of the land. They had sold or leased out some 31 per cent of their land to others, including 5 per cent to their old tenants. Besides the old tenants were still in possession of 14 per cent of the leased land which was to revert to the owners. These may be cases of concealed tenancies or of unwillingness on the part of tenants to surrender leased lands to owners. The more important fact is that in both regions a large proportion of the area which the owners should have cultivated had actually been sold or leased away subsequently. This lends some strength to the suspicion that the owners had in fact managed in many cases to retain the ownership of the leased lands through lawful or unlawful surrenders by the tenants, so that they could sell the land later without difficulty.

TABLE 3.17

*Percentage of leased land according to the actual possession of the land at the end of 1969 separately for each type of A. L. Ts' decision in the villages of Old Berar districts.*

Possession at the end of 1969	A. L. Ts' decision					All
	Land transferred to tenant	Land retained by owner	Tillers' Day postponed	Tenancy Act not applicable	Cases pending	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
(A) In possession of tenant as owner.	84.7 (19.4)	5.0 (1.7)	.. (..)	.. (..)	9.1 (2.8)	(23.9)
(B) Tenant sold the land to other.	6.1 (1.4)	.. (..)	4.5 (0.2)	.. (..)	7.5 (2.3)	(3.9)
(C) Tenant in possession as tenant.	.. (..)	13.8 (4.8)	40.5 (1.5)	84.0 (6.8)	59.3 (18.1)	(31.3)
(D) In possession of owner.	0.8 (0.2)	55.0 (19.1)	39.6 (1.5)	.. (..)	15.4 (4.7)	(25.5)
(E) Sold by owner to other.	0.5 (0.1)	14.9 (5.2)	11.8 (0.4)	10.6 (0.8)	8.3 (2.5)	(9.0)
(F) Leased out by owner to other.	2.0 (0.4)	6.8 (2.3)	3.6 (0.2)	4.6 (0.4)	.. (..)	(3.3)
(G) Leased out by tenant to other.	0.8 (0.2)	.. (..)	.. (..)	.. (..)	0.4 (0.1)	(0.3)
(H) Acquired by Government.	5.1 (1.2)	4.5 (1.6)	.. (..)	.. (..)	.. (..)	(2.8)
All	.. (22.9)	100.0 (34.7)	100.0 (3.8)	100.0 (8.1)	100.0 (30.5)	(100.0)

*Note.*—Figures in bracket indicate the percentage to the total leased land, A-609—9-B.

3.83. The situation was much better in the case of lands which had been transferred to the tenants. In the old Berar villages about 85 per cent of this land was in the possession of these new owners in 1969 (Ref. Table 3.17). In the old C. P. villages also the tenants who became owners continued to possess about 75 per cent of the land (Ref. Table 3.16). They had however, sold or leased out nearly 15 per cent of the land transferred to them under the Act. Another 10 per cent of the land transferred to tenants had been sold or leased out by the old owners.

3.84. A large proportion of the leased land about which the A. L. T's. had not taken final decision by 1969 had also changed possession. Tenants were in possession of only 46 per cent of such lands in the old C. P. districts and nearly 68 per cent in the old Berar districts. The remaining lands had meanwhile been sold away by the owners to other or taken possession of by the landlords. These irregularities could have been minimised if the decisions on these cases had been expedited.

3.85. It would be interesting to note the changes in the pattern of ownership of land as a result of the implementation of the Act among the Khatedars who were involved in land leasing. Assuming that in all the undecided cases the ultimate decisions will be in favour of landlords, it is found that in the old C. P. villages the pattern of distribution of owned

land among the Khatedars changed little as a result of the Act. Only about 12 per cent of the lessors lost some land and only a few of them their entire holdings. On the other hand, less than 9 per cent of the tenants gained some land. Consequently the pattern of owned land holding among these Khatedars did not register any significant change. If in the undecided cases the decisions go in favour of tenants, the proportions of the landless would marginally decline and that of the small owners would register a corresponding increase. On the whole, in the C. P. districts the Tenancy Act had very little impact on the distribution of owned land among the Khatedars. The pattern of distribution of cultivated land, however, changed in that most tenants were deprived of their leased land. The reduction in the inequality in distribution of agricultural land under cultivating possession brought about by tenancy was undone by the Act.

The change in the pattern of ownership of land as a result of the Act, in the old C. P. districts

3.86. In the old Berar villages nearly 34 per cent of the lessors had lost some land to the tenants. Most of them were large owners. And in the old Berar districts Nearly 30 per cent of the lessors who lost land became landless in the process. As against these 40 per cent of tenants gained some land, and nearly 60 per cent of them were landless or small tenants. In fact nearly 33 per cent of the landless tenants came to own some land. The pattern of land ownership among these Khatedars consequently changed somewhat. The proportion of the landless among these Khatedars decreased from 29 to 24 per cent and all other classes of landowners including the large increased in proportion. This picture is drawn assuming that the undecided cases will ultimately be decided in favour of owners. If they are decided in favour of tenants, then also the emerging pattern of holdings will be the same as above. But some more owners will have become landless while some landless will come to own land. In either case, the new pattern of distribution of owned holdings will be somewhat nearer to the earlier pattern of distribution of cultivated landholdings. The main result will be a little decline in the proportion of the landless Khatedars.

3.87. The effects of the implementation of the Vidarbha Tenancy Act of 1958 may now be summed up. As a result of the Act Summing up tenancy system in land came almost to an end. Only about 11 per cent of the leased land in the C. P. districts and 17 per cent in the Berar districts were still tenant cultivated, excluding of course the land under the possession of tenants pending decision by the A. L. T's. Since nearly 20 per cent of all agricultural land in Vidarbha was under tenancy on the eve of the Act in 1958, it means that as a result of the Act tenancy was reduced to about 3 per cent of the total cultivated area in Vidarbha. In the C. P. districts tenants became owners of hardly 8 per cent of the leased land; in the Berar districts barely a third of the leased land was acquired by tenants. The owners continued to own and cultivate or had subsequently sold the land to new owners who cultivated nearly two-thirds of the leased area in the C. P. districts and about half of the area in Berar including some cases in which the unauthorised possession of the land by the former tenants was continuing as late as 1969. Mainly the large landowners

lost leased land to tenants, though quite a few of the small landlords also became landless in the process.) Though the non-residents owners lost a larger part of their leased land, they were not as important in Vidarbha as they were in Western Maharashtra. Therefore, the resident lessors, who often were cultivating lessors, mostly lost land to the tenants. The tenants acquired leased land comparatively poor quality. The pattern of owned landholding did not change very much, particularly in the old C. P. districts as a result of the Act. But at the same time most tenants lost the opportunity of increasing their cultivated holding through leasing.

3.88. The Vidarbha Tenancy Act thus succeeded in promoting cultivation by those who also own the land. But this came about

Conclusion largely by the leased land returning to the owners for self-cultivation. This is not surprising for the Act made explicit provisions for resumption by the owners and surrenders by the tenants as a result of which the land could be retained by the owners. If, however, there was any expectation that the ownership of a large part of the leased land will be acquired by the tenants as a result of the Act it has been fulfilled only to some extent in the old Berar districts. In the 4 eastern most districts of Vidarbha this hope has been completely belied. The feudal traditions in land in the C. P. districts, the complete lack of protection of the tenants until 1958, the general backwardness and ignorance of the people and the complete absence of any political infrastructure to educate and help the tenants exercise their rights under the Act were the main reasons for this failure. The law also could have been somewhat differently formulated on some points to guard against the disadvantages flowing from ignorance and socio-economic backwardness of the tenants. But in the ultimate analysis both law and the official agency, however well framed and well intentioned, have their limitations. Vigilant public opinion and political organisation are the price that must be paid for the fulfilment of all legitimate rights.

## CHAPTER IV

### IMPLEMENTATION OF TENANCY ACT

#### (3) MARATHWADA

##### Section I

4.1. The third region of the State in which a separate tenancy law is in operation is the Marathwada region consisting of the five districts of Aurangabad, Osmanabad, Parbhani, Bhir and Nanded, which until 1956 formed a part of the former Hyderabad State. Hyderabad Tenancy Act is also in operation in the present Rajura Taluka which is attached to Chandrapur district for administrative purposes. The major part of this region was under raiyatwari land tenure, though *jagirdari* and *inam* tenures also were quite significant. The jagirdars were not owners of estates but were mere collectors of revenue which they were allowed to retain in entirety without any heritable rights. However, in course of time they had usurped the ownership right and in many areas treated the occupants of the jagir lands as their tenants. The jagir tenure was abolished in 1949 and almost the entire region was uniformly brought under the raiyatwari tenure. The *inam* tenures, excluding religious inams, were abolished by law in 1955.

4.2. Until 1945, the raiyatwari areas in Marathwada had no laws to protect the tenants. The peasant proprietors were called by different names: 'raiyyat', 'pattedar', 'registered occupant' or 'Khatadar'. Interestingly enough the inheritance to occupancy rights was usually granted on a seniority basis to one person only. The other inheritors were recognized as Shikmidars. They held their share under the occupant and paid him their share of the land revenue. They enjoyed all the other rights in regard to their land as occupants. In addition to these Shikmidars there were the ordinary tenants, called *asami-shikmis*. Until 1945, there were no laws to protect their interests and they were virtually tenants-at-will. The only legal provision for them laid down that if an *asami-shikmi* could prove his continuous possession of any land for at least 12 years, he was deemed to be a Shikmidar. But, of course, this was well-nigh impossible in practice.

4.3. The problem of tenancy in both raiyatwari and Jagir areas of the State was examined by the Hyderabad Tenancy Committee in 1940, and, on its recommendation, the first tenancy Act was passed in 1945 called the Asami-Shikmi Act of 1354 F. This Act created a class of protected tenants (or protected asami-shikmis). All asami-shikmis who were holding leased land continuously for at least a period of six years between 1933—1943 were to be registered as protected tenants. Their right was non-transferable. They could not be evicted except for specific reasons like requirement of land by the owner for personal cultivation, non-payment of rent, or sub-letting, etc. For all other asami-shikmis or ordinary tenants the period of lease was fixed at 10 years, and the Government undertook to announce the quantum of rent payable by them from time to time.

Security of tenure for tenants for the first time in 1945

4.4. The implementation of this Act was not very satisfactory. After the take-over of the administration of the State by the Government of India, an Agrarian Reforms Committee was set up against the background of considerable agrarian discontent and disturbance particularly in the Telangana region of the State. The report of this Committee and the simultaneous abolition of jagir tenures in 1949 led to the enactment of a comprehensive Tenancy Act in 1950. This Act, called the Hyderabad Tenancy and Agricultural Lands Act, 1950, has been extensively amended during the subsequent years, and is at present applicable to the Marathwada region.

4.5. The Hyderabad Tenancy and Agricultural Lands Act of 1950 was a very comprehensive piece of legislation. It was modelled on the original Bombay Tenancy Act of 1948, though in certain matters it went farther than the Bombay Act. The main objectives of the Act were three-fold: (1) Security of tenure to the tenants against evictions and fixation of maximum rent payable; (2) prevention of new tenancies in future except under special circumstances; and (3) provision of right for certain class of tenants to purchase leased land up to a limit at a price prescribed by the Act.

The Hyderabad Tenancy Act of 1950

4.6. The Act recognized a class of protected tenants. It included all protected tenants under the Asami-Shikmis Act of 1945. In addition, it declared as protected tenants all tenants who were in

possession of leased lands on the date of commencement of the Tenancy Act and had continued to hold them for a year thereafter, provided no other persons had been recognized earlier as protected tenants on the same lands or the landowners had not made a declaration before the Tahsildar that the existing tenants were not protected tenants. For this purpose a separate register of protected tenants was to be maintained. All other tenants were called ordinary tenants. But all ordinary tenancies, whether existing or newly created, were necessarily to be of 10 years' duration. No new tenancies could be created after three years from the date of commencement of the Act, i.e., after 1953, except where the owner was a minor, a disabled person, or a member of the armed forces. This was a more stringent provision than anything in the original Bombay Tenancy Act of 1948. All tenants, of course, had the right to surrender their leased land to the owner in full or in part. The owner however could terminate tenancy only for non-payment of rent, or misuse of land, or sub-letting, or in case he was returning from service in the armed forces and wanted to resume the leased land for personal cultivation. In the case of an ordinary tenant, tenancy was of course to terminate after the expiry of the 10 year lease. The protected tenant was given a special right to purchase his leased land at a price which was not to exceed four times the value of the gross produce of the land in a normal year. However, the protected tenant could not buy all his leased land, but only so much of it as could make his total owned holding no more than an economic holding in area. An 'economic holding' was defined in the Act differently for different parts of the State. If the protected tenant wished to buy the leased land he had to make a written offer to the owner as well as an application to the Tahsildar for the purpose. The maximum rent on leased land was not to exceed one-third and one-fourth of the crop on wet and dry lands respectively.

4.7. The protected tenants were registered under the provisions of this Act in the years 1951-52 and 1952-53 and each protected tenant was given certificate to that effect. But at the same time there were complaints about eviction of tenants by landlords on a large scale. The Government, therefore, sought to prevent this until the registration of the tenants was over by promulgating an ordinance in 1952. This ordinance lapsed in 1953.



4.8. The procedure for registration of protected tenants required the tenants to take the initiative under certain circumstances. If a person entitled to a protected tenancy status was not in possession of the land at the commencement of the Act, he was expected to put up his claim in writing before the landowner and the Tahsildar in order that he might be so registered. This might not have been always possible owing to the prevailing ignorance of tenants and their weak socio-economic status in the village. In regard to the ordinary tenants, the 10 years' clause was likely to be evaded for similar reasons. These circumstances were likely to result in the eviction of tenants and the consequent reduction in the incidence of tenancy.

4.9. A sample survey conducted in Hyderabad State under the auspices of the reasearch Programmes Committee of the Planning Commission in regard to the implementation of this legislation \*showed that by 1954-55 in the *ex-Jagir* villages of Marathwada nearly 52 per cent of the protected tenants had been illegally evicted, mostly in the very first year after the promulgation of the Act. The proportion in the raiyatwari villages was much less; it was about 7 per cent for the whole state, though it was likely to be higher for Marathwada. In addition, nearly 22 per cent of the protected tenants in the jagir villages had voluntarily surrendered their land, though according to the survey this was at least partly due to direct or indirect pressure exerted by the landlords. In the raiyatwari villages surrenders were much less. In the whole, in the Marathwada region a large proportion of protected tenancies had been terminated quite early in the day. Evictions and surrenders continued all through the years. In this sense the Act may be said to have failed to achieve its purpose to a large extent.

4.10. The right of purchasing leased lands granted to the protected tenants was also not very widely used. In the *ex-Jagir* villages of Marathwada hardly two per cent of the protected tenants had exercised their right to purchase leased lands. Though nearly one-fifth of all the tenants in the raiyatwari villages in the whole State had exercised this right, the proportion was likely to be much less in Marathwada which was relatively a backward region of the State.

\*A. M. Khusro, *Economics and Social Effects of Jagirdari Abolition and Land Reforms in Hyderabad*.

Hyderabad: University of Osmania, 1958, P. 40.

4.11. The experience of the working of the Hyderabad Tenancy Act of 1950 was, therefore, not very different from that of the Bombay Tenancy Act of 1948 after which it had been modelled. Therefore an extensive revision of this Act was made by the then Hyderabad Government in 1954. The Act was again amended in 1956 before the Marathwada region was merged in the then bilingual Bombay State. Further amendments were made in the Act in 1958 and in 1961. At each stage new provisions were introduced. It would, therefore, be appropriate to give the salient features of the Act as amended since 1954 in order to assess its implementation.

## Section II

4.12. The Hyderabad Tenancy Act of 1950 was amended several times between 1954 and 1958, and these amendments made significant changes in the provisions relating to protected as well as ordinary tenants. A stage by stage account of the changes brought about in the Act will clarify the various steps in the implementation of the Act and the present position in regard to tenancy.

4.13. The Act as amended in 1954 kept up the distinction between protected and ordinary tenants, and the definition of protected tenancy remained unchanged. The rights of the protected tenants and their lessors were further extended and significantly amended. A protected tenancy could be terminated either by a tenant voluntarily surrendering the leased land to his landlord or by an owner terminating the tenancy under certain specified conditions. In so far as the voluntary surrender was concerned, the original Act had put no limit to the extent of the surrendered land which the landlord could retain. The 1954 amendment did not alter this provision but required that a surrender in order to be legal should be verified by the Tahsildar. Subsequently, by an amendment in 1958 the landlord was allowed to retain for personal cultivation only so much of the surrendered leased land as would make his total cultivated holding no more than 3 family holdings in area.

4.14. Under the original Act the landlords could evict protected tenants in case of non-payment of rent or misuse of land. The 1954 amendment introduced a new provision which permitted any lessor

to resume land, with the permission of the district collector, for personal cultivation to such an extent as would make his total cultivated holding no more than 3 family holdings in area. The amendment introduced in Act the concept of family holding in place of the earlier concept of 'economic holding', and defined family holding as the area which "a family of five persons including the agriculturist himself cultivates personally according to local conditions and practices and with such assistance as is customary in agricultural operations, and which area will yield annually a produce the value of which after deducting 50 per cent, therefrom, as cost of cultivation is Rs. 800 according to the price level prevailing at the time of determination". Naturally this area was to be determined for different classes of soil in different parts of the region. But the Act laid down limits for different classes of soils, within which the 'family holding' in any area must lie. These limits varied from 6 acres of better type wet land to 36 acres of black-cotton soil and to 72 acres of inferior type of *chalka* soil. Since a large part of the agricultural land in Marathwada was of the type of black cotton soil, the family holding ranged mostly between 6 and 36 acres. Therefore, a landlord was entitled to resume so much of his leased land as would make his total operated holding no more than 108 acres if all his land was of inferior black-cotton soil (and 216 acres if all his land was of inferior *chalka* soil). A 'basic holding' was defined as one-third of a family holding.

4.15. The 1950 Act also had permitted a protected tenant to purchase leased land subject to an upper limit, if he so desired. The 1954 amendment retained this basic approach while revising it in details. The protected tenant was permitted to purchase so much of his leased land as would make his total owned holding no more than one family holding in area. At the same time, such purchase was not to reduce the owned holding of his landlord to less than two family holdings in area. The price of the land, to be determined by the revenue officer concerned, was not to exceed 15 times the rent for dry land, 8 times the rent for land irrigated by a well and 6 times the rent for land irrigated from any other source. Since the maximum reasonable rent had been fixed by the Act at 4 to 5 times the land revenue for dry lands and 3 to 4 times the land revenue for wet lands, the maximum price of land came to 60 to 75 times the

Right of resumption by lessors

Right of protected tenant to purchase leased land

land revenue for dry lands and 18 to 32 times the land revenue for wet lands. This appears to be comparable to the prices fixed later in Vidarbha, but lower than those in Western Maharashtra.

4.16 The Government was, however, aware of the fact that not many tenants had taken advantage of the right of optional purchase under the 1950 Act. Therefore, while putting ceiling to the area that a tenant could purchase and a corresponding floor to the holding of the owner, the amendment of 1954 introduced a new provision whereby the Government was empowered to fix a date on which all protected tenants in possession of leased lands were to be deemed to have become owners of so much of the land as they were entitled to purchase under any other provision of the Act. As a result of this, those protected tenants who had failed to avail themselves of their right to optional purchase of leased land were to be automatically made owners of such of their leased land on the appointed day as they were entitled to purchase under the provisions relating to optional purchase. The Government subsequently fixed 26th January 1956 in Aurangabad district, 1st of February 1957 in Bhir and Osmanabad districts and 25th of May 1957 in Parbhani and Nanded districts of Marathwada as the dates on which such compulsory transfer of ownership of leased land to tenants was to take place. These may be called the first series of the Tillers' Days in Marathwada. The Agricultural Lands Tribunal (i.e. the Tahsildar) in every taluka was required to issue a certificate to the tenant declaring him the owner of the land and to notify the landlord accordingly. The landlord was required to apply to the Tribunal within 3 months of the Tillers' Day for fixation of the price of the land transferred to the tenant. Otherwise, the Tribunal was required to fix, on its own initiative, the price of the land in the same manner as in the case of an optional purchase by the tenant. If the price due to the landlord could not ultimately be recovered from the tenant as arrears of land revenue, the purchase was to be declared ineffective and the landlord was to get back the ownership of the land. The protected tenant, however, was to continue as the tenant of such land.

4.17. The implementation of this provision of the Act began soon after the dates fixed for the purpose. Simultaneously the landlord's right to resume the remaining leased land for personal cultivation continued. Further changes were made in this right of the landlord

Right of resumption expired at the end of 1958

by an amendment to the Act in 1956. Those landlords whose leased land was their major source of income were permitted to resume so much of it as would make their total cultivated holding no more than 3 family holdings in area. All other landlords were permitted to resume so much as would make their cultivated holding equal to one family holding in area. The resumption was not necessarily to take place immediately on the commencement of the amendment. The landlords were permitted to reserve such land for resumption in future by making an application to that effect within 18 months of the commencement of the amendment. As a result of these provisions there was not only a spate of applications for resumption but family holdings also tended to be partitioned among the family members in order to evade the provision about the ceiling on cultivated holding for purposes of resumption. The 1956 amendment made the protected tenants virtually tenants-at-will on the leased lands that had been reserved for resumption by the lessors. In 1958 therefore the Act was further amended and all lessors were required to file their applications for resumption before the end of 1958, after which no resumption was to be permitted. In addition to the condition for resumption specified above, a few others were also laid down. If a lessor had one basic holding (i.e. one-third of a family holding) or less land under his ownership or cultivation, he was free to resume all his land for personal cultivation. All other lessors were permitted to resume so much as would leave their tenants with a total cultivated holding equal to one basic holding in area. If this were not feasible because of the comparatively small area of the leased land, then the tenant was permitted to retain half the leased land as a tenant. The objective was to leave the tenants with some land for cultivation while permitting the landlords to resume land for personal cultivation. One likely result of this, however, was the further sub-division of the cultivated holdings of tenants having only small holdings. As a result of the amendments, therefore, very small landlords holding less than one 'basic holdings' were permitted to resume all leased land before the end of 1958 and the landlords already cultivating land more than 3 family holdings in area were not permitted to resume any land. All other landlords were permitted to resume only partly. The protected tenants were to continue to cultivate the unresumed land as tenants without the further possibility of resumption by the owners. Their tenancy was thus secured against eviction in future.

4.18. The protected tenant's right of optional purchase of leased land, provided for in Section 38 of the Act, was extended by the amendment in 1958 to ordinary tenants. At the same time, the extent of the land which the landlord could retain was lowered by one family holding. While the Act is not explicit or clear on the point, it is possible to interpret the revised section to imply a fresh right of optional purchase by protected tenants, after the Tillers' Day for them. The matter is discussed subsequently in this Section in connection with the legal provisions relating to ordinary tenants, and therefore need not detain us here.

4.19. A new group of tenants was added to the class of protected tenants by an amendment to the Act in 1956. According to it, all tenants who on the day the amendment came into effect, were in possession of land leased from landlords who owned land more than 3 family holdings in area were deemed to be protected tenants. For these new protected tenants a new Tillers' Day was fixed in Aurangabad district as July 11, 1958. On this day all these protected tenants became owners of so much of their leased land as would not make their total owned holding more than one family holding in area and at the same time would not reduce the owned holdings of their landlords to less than 2 family holdings in area. In the case of the other four districts the Tillers' Day for these new protected tenants was the same as for the old protected tenants.

4.20. Besides the right of optional purchase of leased lands by the tenant and compulsory transfer of ownership to him the Act provided for the tenant's right of pre-emption whenever the landlord wanted to sell the leased land. The Act had originally provided that the price for the land sold in excess of the area under optional or compulsory purchase, would be its market price. In 1965, this provision was amended and it was laid down that the price of the kind shall be the reasonable price as prescribed in the Act. If, however, the tenant failed to purchase the leased land when the landlord offered to sell it, then the landlord would not only be free to sell it to any other person, but also to evict the tenant and put the purchaser in possession. The maximum reasonable price of the land involved in optional purchase by or compulsory transfer to tenants was revised by an amendment to the Act in 1958. As a result the price was put at 12 times the maximum reasonable rent for all types of lands.

4.21. Thus, unlike in Western Maharashtra and Vidarbha protected tenancy was not altogether abolished in Marathwada. Between 1954 and 1958 ownership of a part of the leased land under the possession of the protected tenants was compulsorily transferred to the tenants. The landlords were allowed to resume, till the end of 1958, leased land for personal cultivation upto a limit. The tenants were to continue to cultivate the remaining leased land as tenants, unless they voluntarily decided to surrender the land to their landlords, or declined to purchase the land when the landlord offered to sell it and in which case the land was sold to others and their tenancy was to be terminated./

4.22. While implementing the provisions of the Tenancy Act with respect to the Tillers' Day for the protected tenants one particular shortcoming was noticed by the Government.

Special provision for dispossessed protected tenants      In a number of instances protected tenants had before the Tillers' Day, ceased to possess the leased lands shown against their names in the records, without the required legal procedure for surrender or resumption having been followed. So, in law, all these were cases of unlawful dispossession of tenants. But when protected tenants in these circumstances were declared as owners of the leased lands, the High Court ruled that such transfers were illegal since the tenants were not in actual possession of the lands on the appointed day. The Act had laid down the procedure to be followed in seeking restoration of possession by tenants who had been illegally evicted. But many tenants had not moved in the matter. Therefore, to enable such dispossessed protected tenants to become owners of the leased land the Act was amended in 1961, whereby such tenants were first of all to be restored into possession of the relevant area by the Tahsildars on their own initiative, and then the transfer of ownership of those lands was to take place. It would be useful to know in how many cases this provision succeeded in conferring ownership on the tenants.

4.23. Attention may now be turned to the provisions about the ordinary tenants. All tenants who were not protected tenants in 1950 or who were not tenants of landowners owning more than 3 family holdings in 1957 (under Section 37-A) were ordinary tenants under the Act. Thus all tenancies created after 1951 (except those under section 37-A) were

ordinary tenants. Under the original Act all ordinary tenancies were to be for a period 10 years. But what was more important, was that the creation of new tenancies had been prohibited after 1953. Subsequently this total prohibition was found unhelpful in practice and difficult to enforce. So the 1954 amendment permitted owners owning less than three family holdings to lease out lands under certain conditions. These tenancies were to be for a period of five years and were renewable for another five years period. But even this limitation on leasing out lands was thought inconvenient and difficult to regulate. What was more, these ordinary tenants could be automatically evicted at the end of the 5 or 10 years period as the case might be. The 1958 amendment, therefore, did away with all these restrictions and permitted any owner to lease out land, but the tenants could no longer be evicted merely on the ground that the period of contract was over. At the same time, landlords of ordinary tenants were given a final right to resume before the end of 1958 leased land for personal cultivation up to the same extent, as landlords of protected tenants. As a result, the ordinary tenants under the new amendment in 1958 came to enjoy all the rights that the protected tenants were enjoying under the Act except the compulsory transfer of ownership of a part of the leased land.

4.24. The right of optional purchase of leased lands was given to ordinary tenants by suitably amending section 38 of the Act in 1958. The amended provision laid down that any tenant, protected or ordinary, could opt to purchase so much of his leased land as would not increase his owned holding to more than one family holding in area and would not reduce the owned holding of his landlord to less than one family holding in area. The latter proviso put a lower limit than was the case earlier when only protected tenants had the right of optional purchase. This limit was lowered presumably because the landlords of ordinary tenants were often comparatively smaller owners, and if the two family holding limit had been maintained, only a few tenants could have been able to purchase any of the leased land. But subsequently when, on the appointed day, i.e., the Tillers' Day, ownership of leased land was compulsorily transferred to the ordinary tenants the limit for the landlord's holding was refixed by the Act as two family holdings. This weakens the presumed justification for the fixation of a lower



limit for optional purchases. Further, since tenancy was not to end altogether after the Tillers' Day, it is possible to interpret that the law compulsorily transferred only a part of the leased land which the ordinary tenant was entitled to own under the provision of optional purchase, and left the purchase of the remaining land to the option of the tenant. For, no explicit time-limit to the right of optional purchase has been put in the Act, and therefore, one may presume that this right could be exercised even after the Tillers' Day. Since the 1958 amendment applies to protected tenants as well, it may be interpreted that the protected tenants also got a fresh right of optional purchase after the Tillers' Day. The Act however is not very clear on this point, and a different interpretation can be put on its provisions. Sub-section (7) of Section 38 lays down that "in the case of land remaining with the tenant as tenant after such purchase the first preference to purchase land at the prevailing market value in the local areas shall vest in the tenant". Therefore it may be said that once the compulsory transfer of leased land has taken place, the tenant is left only with a right of pre-emption, and no right of optional purchase. Furthermore, it may be argued that when the amendment made to the Act in 1965 provided that all such preemptive sales should be 'reasonable prices' instead of at market prices, the advantage in terms of price of any possible residual right of optional purchase became available to all purchases by the tenant. The Committee wished to note that as either of these two interpretations is possible, the matter needs to be clarified at the earliest. But at the same time it may be pointed out that this entire exercise is academic inasmuch as the Committee has been given to understand that there were no applications for optional purchase of leased land by either the ordinary or the protected tenants after their respective Tillers' Day though a large number of sales by mutual agreement between the owner and the tenant has taken place those days.

4.25. The 1958 amendment also empowered the Government to fix a day any time after three years from the date of commencement of the amended Act, i.e., any time after August Partial Tillers' Day for ordinary tenants 1961, on which any ordinary tenant occupying leased land on that date was to be deemed to have become owner of so much of the leased land as would make his total owned holding no more than the area of one family

holding, without simultaneously reducing the landlord's owned land holding below the area of two family holdings. The remainder of the leased land was to continue to be cultivated by the ordinary tenant. The Government subsequently declared 26th January 1965 as what may be called the Tillers' Day for the ordinary tenants.

4.26. Landowners were free to create new tenancy under the law. But in the case of all new tenancies created after 26th January 1965 the tenant was given the right to purchase within one year from the commencement of the tenancy, so much of the leased land as would make his total holding no more than one family holding in area, without at the same time reducing the owned holding of the landlord to less than 2 family holding. However, in these cases as in the cases of new tenancies in Western Maharashtra, there was no automatic transfer ownership of leased land; the tenants were required to apply to the Tahsildar within a specified period for that purpose. But in any case, a tenant once inducted on the land could not be evicted except for non-payment of rent or misuse or subletting of the leased land or for his failure to purchase the leased land when the landlord wanted to sell it.

4.27. The exercise of the right of the landlord to resume land, and that of the ordinary tenant to purchase it, either at his option or compulsorily on the Tillers' Day, was required to be postponed to a later date in some circumstances. While all lessors were required to file claims for resumption of land leased out to ordinary tenants for personal cultivation by 31st December 1958, owners who were minors, widows, disabled persons or members of the armed forces were allowed to do so within a year after their disabilities ceased. This exception however was not made in the case of protected tenants. Similarly, the ordinary tenant's right of optional purchase had to be postponed to a later date if the landowner happened to belong to one of the above four exceptional categories. Further, on the Tillers' Day for ordinary tenants, if a tenant belonged to any of these four exceptional categories, then the Tillers' Day had to be postponed to a date on which the Tenant's particular disability ceased. Similar facilities were, however, not provided to protected tenants and their landlords.

4.28. The provisions about the ordinary tenants may now be summed up. Till 1958 the ordinary tenants had security for only a specified period of 10 or 5 years, after which such tenancy could lapse. Since 1958 ordinary tenancy also could not lapse through efflux of time. All owners of land leased to ordinary tenants were given time till the end of 1958 to resume leased land for personal cultivation up to a limit. After this such resumption was not allowed. Nothing in law prevented a landowner from creating new tenancy after 1958, but the leased lands could not be resumed for personal cultivation. The tenant of course was free either to surrender land to the owner at any time or to purchase so much of it as would make his total owned holding no more than one family holding without at the same time reducing the owner's owned holding to less than one family holding in area. Then on 26th January 1965 all ordinary tenants existing on that day were deemed to have become owners of so much of the leased land in their possession as would make their total owned land equal to no more than one family holding, without at the same time reducing the owner's holding below two family holdings. The ordinary tenants were to continue as tenants on the remaining land. If the landlords subsequently desired to sell any part of the leased land, the tenant had a right of pre-emption and by amendment of 1965 the price had to be the reasonable price prescribed by the Act. In case, however, the tenant failed to purchase, and the landlord sold it to a third party, the tenant's rights on the land terminated. This was also the provision for all new tenancies created after 1965.

4.29. Under the Hyderabad Tenancy Act, therefore, compulsory transfer of ownership of a part of the leased land of protected tenants took place in 1956, 1957 and 1958, and that of the ordinary tenants in 1965. The tenancy on the remaining leased lands could not be terminated by the landlord. But the tenant could either surrender the land any time or purchase the land at 'reasonable price' if the landlord wanted to sell it. New tenancies could also be created under similar condition.

4.30. Provisions similar to those in the Vidarbha Tenancy Act were made for the acquisition and management of the surplus land by the Government. The Government was to take over the management of such land and could appoint a manager for the purpose or

Provision about Management of surplus land

could lease it out to co-operative farming societies, or to members of such societies, or to cultivators with less than one family holding, or to landless persons. These tenants could, on their part, offer to purchase such lease land, in which case the various provisions in the Act for optional purchase of leased land by tenants were to apply. This implies that the tenant could not buy so much of the leased land as would reduce the landlord's owned landholding below the area of one family holding. But of course surplus land was acquired only if the owner's holding was likely to rise above 3 family holdings as a result of the surrender of leased land by the tenant. But if following the take-over of management by the Government, the owner's owned holding became less than one family holding in area either through sale or partitions of property, then the tenant's right to purchase the surplus land was again limited. It is quite likely that the bigger landowners who had such surplus land were aware of this provision in the law and had taken advantage of it to the extent possible. When state management terminated the tenants were to continue as tenants of the landlords under the usual terms and conditions. As long as state management of surplus land was to continue, the owner was to receive one and half times the reasonable annual rent of such land. Of course, the Act provided that the Government might any time decide to buy such land outright and sell it to others in the order of priority mentioned earlier. But this enabling clause, has so far, not been made use of in Marathwada.

4.31. Certain categories of lands were exempted from the scope of the Hyderabad Tenancy Act as has been done in the Tenancy Act for the other two regions. Thus the Act was not applied to service inam lands, lands transferred to or by a Bhoodan Samiti, lands belonging to trusts for educational, medical, goshala or religious purposes, lands leased out by Government, University, etc., and finally lands leased to industrial and commercial undertakings using the land *bona fide* for such purposes. Unlike in the Tenancy Acts in Western Maharashtra and Vidarbha, exemption was not given to sugarcane and fruit growing lands in Marathwada since there was very little cultivation of such crops in the region.

4.32. The Act also put restrictions on future transfer or sale of agricultural land. No transfer was to take place without the permission

Restriction on transfer  
of agricultural land in  
future

of the District Collector, except when the buyer was a tenant of the seller. The Collector was not to sanction transfer if the landowner thereby was to be left with land which is less than the area of one basic holding (i.e., one-third of a family holding). The owner could, of course, transfer *all* his land. Besides, under certain exceptional circumstances the Collector could even waive this condition. Land could not be transferred to a non-agriculturist unless the Collector was satisfied that he intended to undertake cultivation, or it was for exclusively non-agricultural purposes. These provisions were more or less common to all the three Tenancy Acts in force in Maharashtra.

4.33. Such were the major provisions of the Hyderabad Tenancy Act applicable to the Marathwada region of the State. The Act having been enacted in many stages for different groups of tenants was complex and the provisions for implementation had to be equally staged. Unlike the other two Acts, the Hyderabad Act does not aim at abolishing tenancy altogether but at regulating it while giving rights of ownership of only a part of the leased land to the tenants. The implementation of the Act became more complex because some protected tenants who had unlawfully been dispossessed of their leased lands, were to be restored into possession thereof for the purpose of transfer of ownership. Similar was the case with ordinary tenants who had been illegally dispossessed. Therefore, special provisions described earlier were made for restoring the dispossessed tenants to possession of at least that part of their leased land which they were entitled to purchase under the provisions relating to compulsory transfer.

4.34. Special records had to be prepared for the implementation of the Act. A list of protected tenants in each village had been prepared in 1951-52. This list with subsequent corrections, provided the basis for the implementation of the Tillers' Day provisions in 1956 and 1957. A list of the new protected tenants under section 37A was prepared in 1958 for their Tillers' Day in 1958. Similarly, a list of ordinary tenants was prepared for each village for the partial transfer of ownership of leased land to them in 1965. For this purpose the Tahsildar was required to prepare a provisional list of the tenants who were deemed to have purchased the land and the concerned owners, involved area, with the help of the available records and to

post this list in the village *chavdi*. The villagers were required to send in their objections to this list. After an examination of these objections the Tahsildar was to prepare the final list of tenants. This final list was, of course subject to continuous correction as a result of enquiry following any subsequent representation.

4.35. Since the village records were the basis for the preparation of the list of tenants, all recorded tenancy cases unlawfully terminated before the Tillers' Day had been recorded as tenancy cases by the Agricultural Lands Tribunal. But since most of these dispossessed tenants were not in possession, they had first of all to be restored to possession of the land that they were entitled to purchase and then the certificate of ownership was to be issued to them. This became a major task of the Agricultural Lands Tribunal in Marathwada.

4.36. The Committee, therefore, decided to enquire into the disposition of the lands under protected and ordinary tenancies according to the list prepared by the Agricultural Lands Tribunals for the implementation of the Act. Since tenancy was to be continued on all the leased lands that had not been lawfully resumed by the landlords or purchased by the tenants, the Committee felt it necessary to ascertain particularly about the actual possession of the leased land at the end of 1970. This, it was thought, would give some idea about the nature of subsequent transfers of the leased land and the reasons therefor.

4.37. The Committee decided to confine the special enquiry only to 2 villages in each of the five districts of Marathwada. The selection of villages was done in the same manner as explained in Chapter II relating to Western Maharashtra. However, the enquiry had to be conducted in two parts in view of the different timing of the implementation of the Act for protected and ordinary tenants. In the selected villages, one enquiry relating to the protected tenants, their landlords, the nature of transfers in 1956-57 and 1958, and the actual occupants of the remaining leased lands in 1969. For this purpose the ordinary tenants in the villages in 1956-57 or 1958 were not taken into account. A second enquiry was instituted in regard to the ordinary tenants recorded in 1963-64 in the surveyed villages, the results of the Tillers' Day for them in 1965, and the occupants in 1969 of the land on which tenancy was to continue after the Tillers' Day. In the next section these two parts of the enquiry are discussed separately.

## Section III

*Protected Tenants:*

4.38. On the eve of the Tillers' Day for protected tenants in Marathwada (in Aurangabad district in January 1956 and in the remaining 4 districts in February and May 1957) the revenue agency at the village and the taluka levels had with it a list of protected tenants originally prepared during the years 1951—53 and brought up-to-date from time to time. In addition to this, a list of new protected tenants, under section 37-A of the Act, was prepared during 1957. The Committee decided to study these tenants and their landlords and the disposition of the leased lands held by the tenants as a result of the implementation of the various provisions of the Act over the years. While the official statistics gave complete information about the final disposal of all the cases of protected tenancy as a result of the Act, on all other aspects of tenancy the sample survey was the only source of information available to the Committee. Both these sources of data have been used in appropriate contexts in the discussion that follows.

4.39. On the eve of the Tillers' Day for protected and newly protected tenants in Marathwada, the register of protected tenants showed that nearly 26 per cent of the total land occupied for cultivation in the 10 surveyed villages was being cultivated by protected tenants. Besides, some more land was also under ordinary tenancy, but complete information about it was not available in all cases for the year 1956-57. Compared to Western Maharashtra and Vidarbha regions, the proportion of land under tenancy in the Marathwada villages around 1956-57 was somewhat larger.

4.40. Of all the khatedars involved in land leasing a little over half (56.7 per cent) comprised lessors and about 45 per cent their protected tenants. (Ref. Table 4.1). There were very few khatedars in the surveyed villages who were both lessors as well as tenants. The landlords and the tenants were as in the rest of Maharashtra, largely distinct groups.

TABLE 4.1

*Percentage of Lessors and protected Tenants amongst Khatedars involved in tenancy in Marathwada on the eve of the Tillers' Day.*

Type of khatedars (1)	Percentage to the total (2)
(A) Only Lessors .. .. .	54.9
(B) Only Protected Tenants .. .. .	43.4
(C) Lessor-cum-Protected Tenants .. .. .	1.8
(D) All Khatedars (A+B+C) .. .. .	100.0
(E) Total lessors (A+C) .. .. .	(56.7)
(F) Total Protected Tenants (B+C) .. .. .	(45.2)

*Lessors:*

4.41. The average area owned per lessor was 73.60 acres taking into account the total area owned by lessors whether in or outside the surveyed villages. This average was much larger than that in Western Maharashtra and Vidarbha. Nearly 55 per cent of the lessors owned more than 20 acres each and may be called large lessors. Among them the big lessors, owning more than 40 acres each, formed a little over 24 per cent of all the lessors. In fact, those owning more than 60 acres formed about 17 per cent of all lessors; they were very big landlords owning on an average 340 acres each. The medium and the small landowners among the lessors were however not insignificant. The small landowners i.e., those owning 10 acres or less each, formed over one-fifth (22.1 per cent) of all lessors, and the medium landlords owning between 10 and 20 acres each formed about the same percentage (23.0 per cent). The small landlords, though comparatively smaller in proportion among the lessors in Marathwada than in the rest of Maharashtra, formed not an insignificant proportion of all lessors.



TABLE 4.2

*Percentage distribution of the lessors and the land owned and leased by them within the village according to the size-class of their total owned land holdings in Marathwada.*

Size-class of owned land holding (Acres)		Percentage distribution of		
		Number of lessors	Area owned	Area leased out
(1)		(2)	(3)	(4)
(A) Small (0.01—10.00)	(i) Very small (0.01—5.00)	(6.9)	(0.9)	(1.2)
	(ii) Other small (5.01—10.00)	(15.2)	(4.2)	(5.2)
	(iii) Total small (0.01—10.00)	22.1	5.1	6.4
(B) Medium (10.01—20.00)		23.0	12.4	14.5
(C) Large	(i) Not so big (20.01—40.00)	(30.5)	(28.5)	(32.1)
	(ii) Big (40.01 and above)	(24.4)	(54.0)	(47.0)
	(iii) Total large	54.9	82.5	79.1
(D) All [(A) (iii) + B + C (iii)]		100.0	100.0	100.0

4.42. There was of course a great inequality in the distribution of the total owned as well as the leased land among these lessors. For this purpose we shall consider only the land owned as well as leased out by these lessors in the surveyed villages, and exclude their owned and leased lands located outside these villages, in order to avoid over-representation of lessors owning land in more than one village. It can be seen from Table 4.2 that the 22 per cent small lessors owned only 5 per cent of the land owned by all lessors. The medium lessors also accounted for another 12 per cent. The large lessors forming nearly 55 per cent of all lessors accounted for more than 82 per cent of the land owned by all lessors. The big lessors, owning more than 40 acres each owned 54 per cent of the land owned by all lessors. The very big lessors amongst them owning more than 60 acres each accounted for nearly 42 per cent of the land owned by all lessors though they were only about 17 per cent of all the lessors.

4.43. What was true of owned land was also true of leased land. Table 4.2 shows that the small lessors owned 6.4 per cent, the medium

The large lessors owned nearly 80 per cent of all land leased to protected tenants 14.5 per cent and the large over 79 per cent of all the leased land, while the very big lessors owning more than 60 acres each owned nearly 38 per cent of all the leased land in the surveyed villages. Thus land leasing in Marathwada was mainly by large landowners and particularly by the very big landowners in the sense that they owned the bulk of the land leased out to protected tenants. But at the same time the small landlords while accounting for a very small proportion of the total leased land formed quite a significant proportion of the total number of lessors.

4.44. The lessors had leased out the bulk (though not all) of their owned land to tenants. Considering only the land owned by them in the surveyed villages, it appears that nearly three-fourths (73.7 per cent) of it had been leased out according to the village records. Table 4.3 shows the proportions of the total owned land leased out by various classes of lessors to their protected tenants. The very small lessors had leased out practically all their land, the small lessors 90 per cent of their owned land, the medium lessors nearly 85 per cent and the large lessors 75 per cent of their total owned area. This implies that most of the small landlords had leased out all their land and become non-cultivators. The same however cannot be said about the medium and particularly the large lessors.

TABLE 4.3

*Percentage of leased out land to the owned land of the lessors of the protected tenants.*

Size-class of lessors	Land leased out to protected tenants	Other owned land	Total owned land
(1)	(2)	(3)	(4)
(A) Very small .. .. .	98.2	1.8	100.0
(B) Small (including very small) .. .. .	90.4	9.6	100.0
(C) Medium .. .. .	85.1	14.9	100.0
(D) Large (including big) .. .. .	75.8	24.2	100.0
(E) Big .. .. .	75.1	24.9	100.0
(F) All Lessors .. .. .	76.5	23.5	100.0
	(73.7)*	(26.3)*	(100.0)*

\*This is the percentage of the leased out land to the owned land located in the surveyed village while all other percentage referred to the total land within and outside the village.

4.45. The figures in Table 4.4 show that according to the village records, nearly 60 per cent of the lessors had leased out all their lands and become non-cultivators. The small landlords formed nearly 32 per cent of these non-cultivators, the medium lessors 25 per cent and the large lessors nearly 43 per cent. Most of the small landlords had leased out their entire owned holding. About 85 per cent of the small lessors had leased out their entire holding and were non-cultivators, while only two-thirds of the medium and nearly one-half of the large landlords were non-cultivators. Among the big lessors only one-fourth were non-cultivators. The big landlords often leased out only part of their owned holdings and personally cultivated the rest. As they owned large holdings, they were left with land reasonably sufficient for personal cultivation, even after leasing out a large part of their holdings.

TABLE 4.4

*Percentage distribution of lessors leasing out all of their owned land (Non-cultivating) and part of their owned land (Cultivating) according to the size-class of owned land holdings.*

Size-class of owned land Lessors	Percentage of lessors		
	Non-culti- vating	Cultivating lessors	All lessors
(1)	(2)	(3)	(4)
(A) Very small .. .. .	10.0 (86.7)	2.3 (13.3)	6.9 (100.0)
(B) Small .. .. .	31.5 (85.4)	8.0 (14.6)	22.1 (100.0)
(C) Medium .. .. .	25.4 (66.0)	19.5 (34.0)	23.0 (100.0)
(D) Large .. .. .	43.1 (47.1)	72.5 (52.9)	54.9 (100.0)
(E) Big .. .. .	10.0 (24.5)	46.0 (75.5)	24.4 (100.0)
(All B+C+D) .. .. .	100.0 (59.9)	100.0 (41.1)	100.0 (100.0)

*Note.*— Figures in the bracket indicate the percentage of non-cultivating and cultivating lessors within each size-class of lessors.

4.46. Could it be said that non-residence in the village was the major reason for the leasing of land by the landlords? This does not appear to have been the case in Marathwada. (Reference Table 4.5). In the first place, 71 per cent of all the lessors lived in the surveyed villages and another 14 per cent

Most of the lessors lived in or near the villages where they had their lands, and they owned the bulk of the leased land

lived within 5 miles of these villages. Thus 85 per cent of the lessors lived in or near the villages in which they had their land. Only 15 per cent of the lessors lived more than 5 miles away from the surveyed villages.

Secondly, out of the total land leased in the surveyed villages, only about 25 per cent was owned by the non-resident landlords. Those who lived in the surveyed villages owned nearly 58 per cent of the total leased land, and those who lived near these villages owned 17.6 per cent. Of course those who lived far away from the villages had leased out more than 92 per cent of their owned land located in the surveyed villages. But even those who lived in or near the villages had also leased out nearly 70 per cent of their land. Therefore, neither in terms of the proportion of lessors nor in terms of the proportion of the leased area could it be said that non-residence was the main reason for leasing of land in the surveyed villages of Marathwada.

TABLE 4.5

*Percentage distribution of lessors, and the leased land in the surveyed village according to the residence of the lessors.*

Items	Residence of lessors			All lessors
	In the village	Within 5 miles of the village	Beyond 5 miles of the village	
(1)	(2)	(3)	(4)	(5)
(A) Percentage of lessors .. .. .	71.0	13.0	15.2	100.0
(B) Percentage of the leased land in the surveyed villages owned by lessors.	57.6	17.6	24.8	100.0
(C) Percentage of the leased land to the owned land.				
(a) Leased out land .. .. .	68.0	72.7	92.4	73.7
(b) Other owned land .. .. .	32.0	27.3	7.6	26.3
(c) Total owned land .. .. .	100.0	100.0	100.0	100.0

4.47. Most of the non-resident lessors were large lessors (See Table 4.6). Nearly 73 per cent of them owned more than 20 acres each; in fact, nearly 45 per cent of the non-resident lessors owned more than 60 acres each. The small lessors formed hardly 12 per cent of the non-resident lessors. On the other hand, among the resident lessors the small landlords were more than 26 per cent, while the large were a little less than 50 per cent. Thus among the lessors in Marathwada villages, the non-resident small landlords were not very significant. The small and medium lessors were mostly resident in or near the villages in which they had their land. Only the large lessors were equally numerous among the residents and the non-residents. They were mostly persons who owned lands in more than one village, and had leased out a larger part of their owned land in the villages in which they were not living.

TABLE 4.6

*Lessors of protected tenants classified according to place of residence and size of owned holdings.*

Size class of lessors	Residence of lessors		
	In the village	Within 5 miles of the village	Beyond 5 miles of the village
(1)	(2)	(3)	(4)
(A) Very small .. .. .	7.1	6.7	6.1
(B) Small .. .. .	26.6	10.0	12.1
(C) Medium .. .. .	25.3	20.0	15.2
(D) Large .. .. .	48.1	70.0	72.7
(E) Big .. .. .	16.2	43.3	45.4*
All (B+C+D) .. .. .	100.0	100.0	100.0

\*All these owned more than 60 acres each.

4.48. Such were the characteristics of the lessors of the protected tenants as revealed by the village records on the eve of the Tillers' Day for protected tenants in Marathwada. But the village records also showed that in many cases the recorded protected tenants had been unlawfully dispossessed sometime prior to the Tillers' Day, and

Lessors whose protected tenants had been dispossessed

such lands were being cultivated either by the landlords themselves or by new (ordinary) tenants to whom they had been leased out. The law required that in such a case the aggrieved tenant should make an application for restoration of possession within 2 years of dis-possession. But few tenants had taken any such steps. It would be interesting to examine the available data in order to ascertain the extent of leased land in respect of which protected tenancies had been unlawfully terminated, and the classes of the landlords involved in such cases.

4.49. Table 4.7 shows that, on the eve of the Tillers' Day for protected tenants in Marathwada, out of all the lessors recorded as having leased out land to protected tenants, only 27 per cent had still some leased land with their protected or newly protected tenants. The remaining 73 per cent lessors, had terminated protected tenancy on their leased land some time before, the Tillers' Day without the necessary verification by the Tahsildar. In fact protected tenancies had partially or fully been terminated, on the leased lands of a somewhat larger proportion of the lessors, because in the case of some landlords only a part of the recorded leased land was under the control of the protected tenants. On the appointed day, nearly 59 per cent of the lessors were cultivating the leased land themselves and nearly 22 per cent of the lessors had leased out land to new ordinary tenants after the termination protected tenancy of on their land.

4.50. The landlords whose protected tenants had been unlawfully dispossessed of their leased land belonged to all classes—small, medium and large. Nearly 63 per cent of the small lessors and more than 56 per cent of the medium as well as the large lessors were cultivating lands on which protected tenancies had been terminated. Besides, about one-fourth of all small and medium lessors had leased out land to new ordinary tenants after dispossessing their protected tenants. Protected tenants continued to hold land from only about one-sixth of the small lessors, 26 per cent of the medium lessors, and nearly one-third of the large lessors. Thus protected tenants of a much larger proportion of the small and the medium lessors had been dispossessed than that of the large lessors.

4.51. The proportion of the total leased area on which protected tenancies had been terminated was almost equally large. Only about

30 per cent of the recorded leased area was under the possession of the protected and the new protected tenants on the Tillers' Day. The small landlords had only 13 per cent of the recorded leased land with protected tenants, the medium landlords 23 per cent and the large landlords 33 per cent. The protected tenants of the small and even of the medium lessors had been dispossessed to a greater extent than those of the larger lessors.

TABLE 4.7

*The percentage distribution of lessors in different size-class of owned holdings and the total lands recorded as leased to protected tenants, according to the actual possession of such lands on the eve of the Tillers' Day for protected tenants.*

(1)	Size of owned holding (acres)					All lessors (7)
	0.01— 5.00	5.01— 10.00	10.01— 20.00	20.01— above	40.00 + and above	
(Percentage of number of lessors.)						
(A) Leasing out to protected or new protected tenants.	26.7	16.7	26.0	31.9	41.5	27.2
(B) Leased out to ordinary tenants after dispossessing protected tenants.	26.7	25.0	28.0	21.0	16.9	22.1
(C) Cultivating personally after dispossessing protected tenants.	53.3	62.5	56.0	58.0	58.7	58.5
Total ..	100.0	100.0	100.0	100.0	100.0	100.0
(Percentage of area of recorded leased land.)						
(A) Leased area with protected or newly protected tenants.	20.8	13.2	22.5	32.6	40.2	29.9
(B) Leased area given to ordinary tenants after dispossessing protected tenants.	20.8	22.6	24.2	16.7	12.1	18.2
(C) Leased area cultivated personally by lessors after dispossessing protected tenants.	58.4	64.2	52.3	50.7	47.7	51.9
Total ..	100.0	100.0	100.0	100.0	100.0	100.0

(Figures in each column need not add up to 100 since the same lessors may have partly dispossessed the protected tenants and will thus be counted more than once.)

4.52. Attention may now be turned to the characteristics of the khatedars recorded as protected tenants in Marathwada. Almost

Characteristics of protected tenants. Two-thirds of the tenants were landless or small landowners

all the surveyed tenants were residing in or near the surveyed villages. And at least 98 per cent of their leased land was also located in these villages. The tenants were mostly landless people, i.e., those who owned no land, or were small landowners. Table 4.8 shows that nearly 53 per cent of the tenants were landless or pure tenants. Another 16 per cent of the tenants were small landowners owning less than 10 acres each. Thus more than two-thirds of all the protected tenants (including new protected tenants) were either landless or small landowners. Nearly 14 per cent of the tenants were medium and 17 per cent large landowners.

TABLE 4.8

*Percentage distribution of the (a) total number of protected tenants, (b) the total area owned by them and (c) the total area leased in by them according to the size of the tenants' owned landholdings.*

Size-class of owned land-holding (Acres)	Percentage distribution of—		
	No. of protected tenants	Area owned	Area leased
(1)	(2)	(3)	(4)
(A) 0-00 (Pure tenants) .. .. .	52.6	00.0	49.7
(B) 0.01—5.00 (Very small) .. .. .	8.1	1.4	7.9
(C) 0.01—10.00 (Small) .. .. .	16.2	7.9	16.4
(D) 10.01—20.00 (Medium) .. .. .	13.9	20.8	12.1
(E) 20.01 and above (Large) .. .. .	17.3	71.3	21.8
(F) 40.01 and above (Big) .. .. .	5.2	35.8	4.8
All tenants (A+C+D+E) .. .. .	100.0	100.0	100.0

4.53. According to the village records, the landless protected tenants had leased in nearly half of the total leased land; the small tenants accounted for 16 per cent, of the medium 12 per cent and the large tenants for 22 per cent of the total leased land.



4.54. Very few protected tenants had leased in small areas of land. (Ref. Table 4.9) Fifty per cent of the tenants had leased in more than 20 acres each; another 26 per cent had leased in between 10 and 20 acres each. Thus more than three-fourths of the tenants had leased in more than 10 acres each. Hardly 8 per cent of the tenants had leased in 5 acres or less.

Most protected tenants had leased in sizeable area for cultivation

This pattern was more or less the same for all classes of tenants landless as well as those having some land. For example, almost half of the landless tenants had also leased in more than 20 acres each. Thus most protected tenants, particularly the landless, had been able to secure through leasing reasonable areas of land for cultivation.

TABLE 4.9

*Percentage distribution of the total number of protected tenants according to the size of leased in area separately for each type of tenants.*

Type of tenant	Size of leased in area (Acres)					All
	0-00— 5-00	5-01— 10-00	10-01— 20-00	20-01 and above		
(1)	(2)	(3)	(4)	(5)	(6)	
A. Pure tenants .. ..	8.8	13.2	29.7	48.3	100.0	
B. Land owning tenants ..	7.3	18.3	22.0	52.4	100.0	
C. All .. ..	8.1	15.6	26.0	50.3	100.0	

4.55. But by the time of the Tillers' Day for protected tenants in Marathwada, a large proportion of these protected tenants had been unlawfully dispossessed of their leased land. Table 4.10 shows that 67 per cent, of the protected tenants had been dispossessed of all or some of their leased land. Only about 8 per cent had a part of the leased area still in their possession the remaining 59 per cent had been completely dispossessed. These tenants had also lost possession of an equally large proportion—65 per cent—of the total leased area and were in possession of only 35 per cent of the total leased land.

Dispossessed protected tenants were many and they were in possession of only 35 per cent of recorded leased land

TABLE 4.10

*Percentage distribution of the protected tenants dispossession before the Tillers' Day and the tenants in possession of the leased land on that day, as well as the percentage distribution of the leased land involved according to the size of owned holding of the protected tenants.*

	0-00	0-01— 5-00	0-01— 10-00	10-01— 20-00	20-01 and above	40-01 and above	All tenants
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
	<i>(Percentage of number of tenants.)</i>						
(A) Tenants in possession of leased land.	36.3	35.7	35.7	58.3	46.7	33.3	41.0
(B) Tenants dispossessed of leased land.	68.1	71.4	71.4	58.3	66.8	66.7	67.1
(C) All tenants*	100.0	100.0	100.0	100.0	100.0	100.0	100.0
	<i>(Percentage of area of leased land.)</i>						
(A) Leased area with protected or newly protected tenants.	32.3	37.6	36.6	29.4	41.9	48.2	34.7
(B) Area from which protected tenants had been dispossessed by the owners.	67.7	62.4	63.4	70.6	58.1	51.8	65.3
(C) Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0

\*The percentage in each column may not add up to 100 since a tenant may be possessing a part of the leased land and have been dispossessed of the rest and would therefore be counted twice.

4.56. All tenants—landless, small, medium and large—had been dispossessed, more or less, to the same extent, i.e., between 60 and 70 per cent. The large tenants, that is those owning more than 20 acres, however, had been dispossessed of a somewhat lesser proportion of their leased lands (58 per cent) than all others who had been dispossessed of nearly two-thirds of their leased lands. Thus, on the eve of the Tillers' Day for protected tenants in Marathwada only about 41 per cent of the recorded protected tenants were in possession of about 35 per cent of the recorded leased lands. The rest had been dispossessed without following the procedure laid down in the law.

Such was the position with regard to protected tenancy in Marathwada on the eve of the Tillers' Day.

*Effects of the implementation of the Tenancy Act with regard to protected tenants:*

4.57. The Tenancy Act did not permit the creation of new protected tenants excepting those who were qualified under section 37-A of the Act. The main task of implementation, therefore related to verifying voluntary surrender of tenancies by tenants, deciding applications for resumption by the landlords, notifying the owners and the tenants about the areas of the leased lands the ownership of which was to be compulsorily transferred to the tenants on the Tillers' Day and subsequently fixing the price of such lands. Besides, the revenue agency had, under the law, an additional responsibility of restoring to any unlawfully dispossessed tenant so much of the leased land as he was entitled to own on the Tillers' Day. After restoring of possession to such a tenant, the ownership of land was to be formally transferred to him and its price was to be fixed.

4.58. Statistical information relating to the implementation of the Act up to the end of September 1970 was made available to the Committee by the Revenue Department of the Government of Maharashtra. Since the statements provided information about all the tenancy cases as well as the area involved in them, the Committee decided to use these statements for the assessment of the overall impact of the Act.

4.59. As the Hyderabad Tenancy Act laid down the procedure for the compulsory transfer of ownership of the leased land to the protected tenants there was no great delay in declaring the protected tenants as owner. A provisional list of such tenants was to be prepared and published in the village. After holding a summary enquiry about the accuracy of this list, a final list was to be prepared. All tenants appearing in the final list were to be immediately issued ownership certificates. The publication of the final list of protected tenants whereby they were declared as owners of the leased lands and the ownership certificates to them constituted one stage of the implementation programme. This stage was completed within a year of the Tillers' Day. By 1953 more than 90 per cent of the work was over, and the remainder was completed subsequently.

4.60. The tasks of price fixation on the one hand, and of restoration of dispossessed protected tenants into possession of the leased lands on the other were, however, more time consuming. To what extent these tasks were completed will be examined in the course of the following discussions.

4.61. Table 4.11 gives the percentage break up of the total number of recorded cases of protected tenancies and the land area involved in all the 5 districts of Marathwada, according to cases of legal surrender and resumption, transfer of ownership to tenants, and fixation of price of such land. The table shows that

About 16 percent of the leased land was declared as transferred to the protected tenants

TABLE 4.11

*Distribution of all recorded cases of protected tenancy and the area involved in Marathwada, on the eve of the Tillers' Day according to the decisions by the Agricultural Lands Tribunal.*

Result of A. L. T. decisions (1)	Percentage distribution of	
	All cases of protected tenancy (2)	Total leased land (3)
A. (i) Leased land resumed by owners .. .. .	2.7	2.3
(ii) Leased land surrendered by tenants .. .. .	7.6	7.1
Sub-total of A .. .. .	10.3	9.4
B. (i) Protected tenants finally declared owners of leased land.	21.4	15.9
(ii) Protected tenants declared as owners who had been dispossessed before Tillers' Day.	10.3	6.9
(iii) Dispossessed protected tenants restored to possession and given ownership right of land.	5.7	3.7
(iv) D. P. Ts. about whom declaration of ownership subsequently cancelled.	1.3	N.A.
(v) D. P. Ts. who declined to be restored into possession of leased land or did not respond to A. L. T.'s notice.	2.3	N.A.
(vi) D. P. Ts. about whom appeals are pending or who are still to be restored.	1.0	N.A.
(vii) Price fixed by the A. L. T. .. .. .	12.9	N.A.
C. Ownership of leased land retained by the owner (excluding cases in A and B (i)).	N.A.	74.7
Grand total .. .. .	100.0	100.0
Total number of recorded cases of protected tenancy on the eve of the Tillers' Day.	1,69,604	
Total area leased in by protected tenants (acres) .. .. .		26,15,302

N.A.=Not available.

on the Tillers' Day for Marathwada the protected tenants were declared to have become owners in 21.4 per cent of recorded cases and that ownership, of 15.9 per cent of the total leased lands was to be transferred to them. Considering the fact that the provisions of compulsory transfer of land under the Hyderabad Tenancy Act were more restrictive in so far as the tenants were concerned than the provisions in the corresponding Acts in Vidarbha and Western Maharashtra, this extent of transfer of leased land to the tenants would appear quite significant.

4.62. However, as the work of implementation progressed, it became clear that in nearly 48.2 per cent of the cases in which tenants had been declared owners, i.e., in 10.3 out of 21.4 per cent cases, the tenants had already been dispossessed from their leased lands. In terms of area, 43.2 per cent of the leased land which was to be transferred to the tenants (i.e., 6.9 of the 15.9 per cent land) was not in the possession of the tenants on the Tillers' Day. The termination of tenancies in these cases could have been due to surrender by the tenants or evictions of tenants by the owners, but as the processes prescribed in the Act had not been followed in these cases, the fact of termination had not been recorded. According to the Act all these tenants were first to be restored into possession of just so much of the land as they were entitled to own under the law, and then ownership in respect of that land was to be transferred to them. The table shows that by the end of September 1970 in more than half the cases of dispossessed tenants (i.e., in 5.7 per cent out of 10.3 per cent dispossessed tenancy cases), involving more than half the leased (i.e., 3.7 per cent out of 6.9 per cent area) the tenants had been restored into possession of the land. Thus out of the 21.4 per cent tenancy cases in which the tenants were deemed to have become owners on the Tillers' Day, in 16.8 per cent cases the tenants had been given ownership by the end of September 1970. Similarly, out of the 15.9 per cent leased land the ownership of which was to be transferred to the tenants 12.7 per cent leased land had in fact been transferred to them. Out of the remaining 4.6 per cent cases of dispossessed protected tenants, in 1.3 per cent cases the declarations of transfer of ownership to the tenants were subsequently cancelled because of Court decisions. In 2.3 per cent cases the protected tenants declined to be restored into possession of the land they were entitled to possess,

either because they had surrendered the land to the owners of their own accord or because they had lost interest in the land by the time the restoration was to take place. Only in one per cent of the cases either the appeals by owners were pending before the tribunals and courts, or the Tahsildars were still to take up the cases for restoration. It is unlikely that in all these cases the tenants will be restored into possession of the leased land from which they had been dispossessed. Thus, it would be fair to conclude that in about 17 per cent of the cases of recorded protected tenancies involving about 13 per cent of the total leased area ownership of land could be compulsorily transferred to the tenants.

4.63. By the end of 1970 all the tenants entitled to become owners of leased land had been declared to be owners and the task of restoring the dispossessed tenants into possession for this purpose had been almost completed. Price of the lands transferred to the tenants had also been fixed in 95 per cent of the cases. The remaining 5 per cent cases were those of the dispossessed protected tenants who had been restored into possession of leased lands.

4.64. Thus the ownership of only about 13 per cent of all the land shown in the records in 1956-57 as leased to protected tenants had been compulsorily transferred to them by September 1970. The landlords continued to own the remaining 87 per cent of the leased land. The law also had permitted resumption of leased land by the landlords before the end of December 1958 and voluntary surrenders by the tenants at any time. However, figures were not available separately for protected and ordinary tenants about the extent of their respective resumptions and surrenders. If however, all the land resumed by owners as well as that surrendered by tenants is assumed to be the land originally held only by the protected tenants, then it appears that the landlords had legally resumed for personal cultivation only 2.3 per cent of the total land leased out to the protected tenants. Besides, 7.1 per cent of the land had been voluntarily surrendered by the protected tenants, mostly after the Tillers' Day. Thus, tenancy had been lawfully terminated on 9.4 per cent of the leased land.

Resumption and voluntary surrender of leased land was to a very small extent

4.65. What class of lessors lost land to their tenants as a result of the Act? The Act laid down that compulsory transfer of ownership of leased land should not result in the tenant's owned holding becoming more than one family holding in area and the lessor's owned holding being reduced to less than 2 family holdings in area. It is therefore obvious that all small and even most medium landlords were not likely to lose any of their leased land to the tenants. The data collected during the special survey in the selected Marathwada villages showed (Ref. Table 4.12) that no small landlords and very few medium landlords lost any land to their tenants. All the land acquired by the tenants belonged to large, particularly the big landlords. In fact, landlords owning more than 60 acres each owned more than 97 per cent of the leased land that was transferred to the tenants.

TABLE 4.12

*Percentage of lessors in each size class of owned landholdings who lost ownership of leased land to protected tenants and the percentage of leased land lost by them in the surveyed villages of Marathwada.*

Size-class of lessors	Percentage of lessors who lost land to tenants	Percentage of leased land lost by lessors
(1)	(2)	(3)
(A) Very small	0.0	0.0
(B) Small	2.5	0.1
(C) Medium	12.3	1.2
(D) large	85.2	98.7
(E) Big	75.2	97.7
(F) Total (B+C+D)	100.0	100.0

4.66. Of the land voluntarily surrendered by the tenants 88 per cent was owned by large landlords, but the tenants who surrendered the lands were mostly landless people. So was the case with what little land had been resumed for personal cultivation.

4.67. The non-resident lessors lost a somewhat larger proportion of their leased land than the lessors who lived in the villages where their land was leased. But in view of the provisions laid down in the law for the compulsory transfer of ownership to tenants, it is unlikely that residence could have any particular relevance in explaining such transfers. The big lessors were proportionately more among the non-resident lessors and therefore lost a larger proportion of the leased area to their tenants. (See Table 4.13).

TABLE 4.13

*Percentage of leased land lost to protected tenants in each group of lessors classified according to the place of their residence.*

Lessor's place of residence	Percentage of leased land		
	Transferred to tenants	retained by landlords	Total
(1)	(2)	(3)	(4)
(A) Within the surveyed village .. ..	7.4	92.6	100.0
(B) Within 5 miles of the surveyed village ..	38.1	61.9	100.0
(C) Beyond 5 miles of the surveyed village ..	32.5	67.5	100.0

4.68. The larger part of the leased land transferred to the tenants was under the possession of the tenants on the Tillers' Day. Only a smaller part consisted of land from which tenants had been dispossessed and were subsequently restored into possession. This is not unexpected, in view of the fact noted earlier that in the case of the latter most of the lessors were small or medium landlords and their protected tenants, therefore, were not entitled under the Act to become owners of any of the leased land.

4.69. What class of protected tenants could become owners as a result of the Act? It was pointed out earlier that the landless tenants had leased in nearly half of all the leased land. As a result of the Act, they became owners of nearly 74 per cent of the land that was transferred to the tenants. The small landowning tenants acquired 17 per cent of the leased land; very little land was transferred to the large landowning tenants. (Ref. Table 4.14).



TABLE 4.14

*Percentage of leased land compulsorily transferred to tenants, classified according to the size of owned holding of the tenants.*

Size class of owned holding of protected tenants	Percentage distribution of leased land transferred to them
(1)	(2)
(A) Pure tenants .. .. .	74.2
(B) Very small .. .. .	0.7
(C) Small .. .. .	12.6
(D) Medium .. .. .	3.5
(E) Large .. .. .	9.7
(F) Big .. .. .	0.0
(G) Total (A+C+D+E) .. .. .	100.0

4.70. The tenants became owners of over 48 per cent of the leased lands with a rate of assessment of 50 paise or less. For leased lands with higher rates of assessment the proportion of the land transferred to the tenants declined. If the quality of the leased land is judged by the rate of assessment of land revenue thereof, then it can be said that the tenants became owners of comparatively poorer leased lands.

4.71. Thus it can be said that in the Marathwada region as a result of the Tenancy Act, the protected tenants had become owners of about 13 per cent of the land leased to them. Tenancy had also been legally terminated on about 9 per cent area because of resumption by the owners or voluntary surrenders by the tenants. The landlords who lost land were mostly large landlords owning more than 20 acres each, while the tenants who gained were mostly the landless or pure tenants. On 78 per cent of the total leased land protected tenants were expected to continue. But it was noted earlier that, before the Tillers' Day for protected tenants, tenancy on nearly 65 per cent of the leased land had been terminated, without verification by the Tahsildar, subsequently only a small part of this land was restored to the tenants in order to confer on them the ownership of such land. Therefore, information was collected during the survey in the selected villages about the actual possession of the land which had been declared as transferred to tenants, as well as of the lands on which tenancy was supposed to continue.

4.72. Table 4.15 shows that in the surveyed villages, out of the total leased land declared as transferred to the protected tenants on the Tillers' Day, about 85 per cent was actually under the ownership of the erstwhile protected tenants at the end of 1969, and that they had sold only one per cent of the land after becoming its owners. The remaining 14 per cent of the land was never acquired by the tenants but was either in the possession of the landlords or had been sold or leased out by them to third parties. If we apply these proportions to the total leased lands of the protected tenants in all the Marathwada districts, then we can obtain an estimate of the total leased land that the protected tenants came to own in the whole region as a result of the Act. It may be recalled that according to official returns 15.9 per cent of the land recorded as under protected tenancy before the Tillers' Day was declared as transferred to the tenants. Nearly 85 per cent of this 15.9 per cent land, that is, only about 14 per cent of all the leased land was under the ownership of the protected tenants at the end of 1969. This estimate agrees very well with the estimate of leased land finally transferred to tenants as reported in the official returns.

TABLE 4.15

*The actual possession at the end of 1969 of (i) all land the ownership of which was compulsorily transferred to the protected tenants and (ii) the land retained by the owners.*

Possession at the end of 1969	A. L. T. decision		All
	Land transferred to tenant	Land retained by landlord	
(1)	(2)	(3)	(4)
(A) Tenant in possession as owner .. .. .	84.5 (13.5)	13.2 (11.1)	(24.6)
(B) Tenant sold away land to others .. .. .	1.5 (0.2)	1.4 (1.2)	(1.4)
(C) In possession of protected tenant as tenant .. .. .	Nil (..)	23.8 (20.0)	(20.0)
(D) In possession of landlord .. .. .	7.8 (1.2)	35.5 (29.8)	(31.0)
(E) Sold by owner to other .. .. .	3.6 (0.6)	14.0 (11.8)	(12.4)
(F) Leased by owner to other .. .. .	2.6 (0.4)	14.0 (10.2)	(10.6)
All .. .. .	100.0 (15.9)	100.0 (84.1)	(100.0)

*Note.*—Figures in bracket indicate percentage to the total leased land.

4.73. The more interesting question related to the actual possession of the remaining 84 per cent of the leased land the ownership of which was to be retained by the landlords. The survey shows that in the survey villages, the protected tenants continued to cultivate only 24 per cent of this land. The landlords had inducted new tenants on 12 per cent of this land. Thus on 36 per cent of the leased land retained by the owners there were tenants old and new at the end of 1969. The landlords were themselves cultivating 36 per cent of the land. They had sold 14 per cent of the land to third parties, and 13.2 per cent of the land to their former protected tenants. The sale of leased land by the landlords to their protected tenants was particularly in keeping with the requirements of the Tenancy Act. Applying these percentages to the 84 per cent leased land retained by the owners as a result of the Agricultural Lands Tribunals' decisions, we find that out of the 84 per cent leased land, 11.1 per cent was owned by the former protected tenants, about 30 per cent was under tenant cultivation (20 per cent by the protected tenants, and 10 per cent by the new tenants), 30 per cent was under the possession of the landlords and another 11.8 per cent had been sold to third parties. Adding the 11.1 per cent leased land which the landlords sold to the protected tenants after the Tillers' Day to the 14 per cent leased land which the tenants acquired as a result of the compulsory transfer on the Tillers' Day, we find that by the end of 1969 the protected tenants had become owners of over 25 per cent of the land that was recorded as leased to them before the Tillers' Day. The protected tenants also continued to cultivate as tenants nearly 20 per cent of the area, and a little over 10 per cent of the land was with the new tenants. Thus one can say that over 30 per cent of the total area recorded as leased to protected tenants before 1958 was actually under tenant cultivation at the end of 1969. As mentioned earlier that about 26 per cent of the land occupied for cultivation in Marathwada was under protected tenancy in 1956-57. We can therefore say that about 8 per cent of the total cultivated land was under this type of tenancy at the end of 1969. As a result of the Tenancy Act, the protected tenants were in possession, either as owners or tenants of about 45 per cent of the lands which they had held as tenants before the Tillers' Day. They had lost the right to cultivate the remaining land.

4.74. Attention may now be drawn to the two particular aspects of the implementation of the Act as revealed by the above situation. In the first place, it appears that leased land had been sold by the landlords after the Tillers' Day to their protected tenants as well as to other parties, without the knowledge and permission of the Agricultural Lands Tribunal or the Tahsildar concerned as required by the Act. This is evident from the fact that neither the official statements nor the survey reported these sales as sales under the relevant provisions of the Act. This is possible because any two parties can register a transaction of sale of agricultural land in the Registrar's office without a formal permission from the revenue authority and the transaction can be invalidated only if it subsequently comes to the notice of the proper revenue authority. In a case where the tenant happens to be the buyer of the land there is no possibility of such objections being raised. And if the tenant chooses to pay a higher price than what is prescribed in the Act, the Agricultural Lands Tribunal or the Tahsildar cannot prevent it even if he were in the know of the transaction. In the case of a sale of leased land to a person other than the protected tenant, the tenant concerned could raise an objection if he desired, but it is possible that the tenant may not be interested in the land or may sometimes be ignorant of the sale until after it had taken place and he may hesitate to make an appeal because of his weaker socio-economic position. Though this may not always happen, the possibility cannot be denied. In order that such a possibility may be minimised and the provisions of the Act in regard to the sale of the leased land may be fully enforced, the Committee would like to suggest the following procedure. The law relating to the registration of sale-deeds of agricultural land should be appropriately amended so as to require that no sale-deed should be registered without the production of a no-objection certificate from the appropriate revenue authority. Before issuing such a certificate the revenue authority should first find out if the land involved was a leased land, and if so, whether the landlord has gone through all the procedure laid down in the Tenancy Act for such a sale. Only after satisfying himself on these points, should the revenue authority issue such a certificate. This will help the weaker tenants in some cases, besides helping to keep the village records up-to-date.

4.75. The second aspect of implementation that needs attention relates to unlawful dispossession of tenants. Before the Tillers' Day

almost 65 per cent of the leased land protected tenants had been unlawfully dispossessed. By 1968 the proportion of the original leased land of which the protected tenants had been dispossessed stood at least at 55 per cent. The reduction was possible partly because of voluntary surrenders, lawful resumptions, and transfer of ownership of land to tenants under the Tillers' Day provisions as well as voluntary sales by the landlords. It is likely that this proportion will increase over the coming years. Because nearly 20 per cent of the leased land was still under protected tenancy in 1959, and these tenancies may be terminated in course of time without recourse to the procedures laid down in the Act. Not all such unlawful transactions may be *mala fide*, in that they would be against the interest of the tenants concerned. But so long as there is no verification of such termination by an authorised revenue agency the possibility of action injurious to the interest of a weak and ignorant tenant cannot be ruled out. There is a reason to believe that this has happened to some extent in the case of the leased lands from which tenants had already been dispossessed in Marathwada by 1956, as in the other two regions of the State. Unlike in the other two regions, however, protected tenancy in Marathwada is continuing and the possibility of further unlawful dispossession is always open. To reduce the possibility of such unlawful dispossessions of tenants the Committee considers the following amendments to some of the existing measures useful.

4.76. According to the present provision in the Act if a tenant has been illegally evicted from the leased land, he can apply to the Tahsildar, within 2 years of the date of eviction, for the restoration of his right. The Committee thinks that this should be amended and that the time-limit be removed so that a tenant may be free to apply for restoration at any time after such eviction. This will create a greater uncertainty for the landlord about his rights. To help him reduce such uncertainty the law should enable him to file, within a year of the termination of tenancy, an intimation to the Agricultural Lands Tribunal or the Tahsildar that the leased land has come under his possession. Failing this, the landlord's right of cultivation of the land should not be enforceable. If the landlord files such an intimation the Agricultural Lands Tribunal or the Tahsildar should proceed to ascertain whether the change of possession was because of surrender, resumption or eviction and then move in the matter as

required by a law. These steps, the Committee feels, will greatly reduce the possibilities of unlawful terminations of tenancy, though not eliminate them altogether. In the ultimate analysis of course a vigilant class of tenants can be the best protector of its legitimate interests and rights.

*Ordinary Tenancy:*

4.77 The provisions relating to ordinary tenancy in the Hyderabad Tenancy Act had undergone many changes in the course of years as described earlier. As a result, it is reasonable to assume that by the beginning of 1958 not only had the extent of ordinary tenancy been reduced, but the lessors of the ordinary tenants were mostly people owning land less than 3 family holdings in area. While the 1958 amendment to the Act abolished all restrictions on the creation of new tenancies by landowners, it made certain provisions that were designed to discourage the creation of such tenancies, like the termination of the lessor's right to resume land for personal cultivation after 1958, and the provision of a Tillers' Day for ordinary tenants. It would therefore be interesting to know what was the extent of ordinary tenancy in land at the time of this amendment and what were the characteristics of the lessors as well as of their ordinary tenants.

4.78. It was unfortunately not possible to ascertain the number of ordinary tenants and the leased area held by them in 1958. The list of ordinary tenants was prepared by the revenue agency in the village in 1963-64 prior to the Tillers' Day for ordinary tenants. However, since resumption of leased land from ordinary tenants was to cease after 1958, it is possible that the list of ordinary tenants prepared in 1963-64 included all those who were lawfully expected to continue as ordinary tenants after 1958. The special survey conducted by the Committee in the 10 selected villages of Marathwada shows that in 1963-64 nearly 9 per cent of the total area occupied for cultivation in these villages had been leased to ordinary tenants.

4.79. Ordinary tenants, according to the survey, were only marginally more in number than their landlords. Out of the total Khatedars involved in ordinary tenancy, nearly 46.8 per cent were lessors and 54.9 per cent ordinary tenants. Khatedars who had both leased in and leased out land were small in number; they formed only 1.7 per cent of all the Khatedars involved in ordinary tenancy. (Ref. Table 4.16).

TABLE 4.16

*Percentage of lessors and ordinary tenants amongst Khatedars involved in ordinary tenancy in Marathwada before Tillers' Day.*

Type of Khatedars (1)	Percentage to total (2)
(A) Only lessors .. .. .	45.1
(B) Only ordinary tenants .. .. .	53.2
(C) Lessors-cum-ordinary tenants .. .. .	1.7
(D) All Khatedars .. .. .	100.0
Total lessors (A+C) .. .. .	(46.8)
Total ordinary tenants (B+C) .. .. .	(54.9)

*Lessors:*

4.80. Two-thirds of all the landlords leasing out land to ordinary tenants were small or medium owners; 36 per cent were small and another 30 per cent were medium landowners. Large owners owning more than 20 acres each were one-third of all the lessors. The big owners owning more than 40 acres each formed 14.5 per cent of all lessors, and the very big ones owing more than 60 acres each were 7.3 per cent of all the lessors. (Ref. Table 4.17). Thus, unlike in protected tenancy, the lessors of ordinary tenants were mostly small and medium landowners.

TABLE 4.17

*Percentage distribution of lessors, land owned and leased out to ordinary tenants by them within the surveyed villages according to the size-class of their owned landholdings in Marathwada.*

Size-class of the owned land holdings (Acres) (1)	Percentage distribution of		
	Number of lessors (2)	Area owned (3)	Area leased out (4)
A. Small (0.01—10.00) .. (i) Very small (0.01—5.00) ..	(19.1)	(2.5)	(4.0)
.. (ii) Other small (5.01—10.00) ..	(17.3)	(5.5)	(8.2)
.. (iii) Total small (0.01—10.00) ..	36.4	8.0	12.2
B. Medium .. (10.01—20.00) .. .. .	30.0	20.1	28.8
C. Large .. (i) Not so large (20.01—40.00)	(19.1)	(17.8)	(22.7)
(20.01 and above) .. (ii) Big (40.01 and above) ..	(14.5)	(54.1)	(36.3)
.. (iii) Total large .. .. .	33.6	71.9	59.0
[All lessors —A (iii)+B+C (iii)] .. .. .	100.0	100.0	100.0

4.81. The small lessors however owned only about 12 per cent, the medium 29 per cent and the large 59 per cent of the total area leased to ordinary tenants. The big landlords owned 36 per cent, and the very big owners, i.e. those owning more than 60 acres, owned 27 per cent of the total leased land. This shows that the substantial land owners were less important among the lessors of ordinary tenants than amongst those of protected tenants. This was largely due to the various restrictions before 1958 on the creation of new tenancies particularly by those who owned land more than 3 family holdings in area.

4.82. The lessors as a group had leased out to ordinary tenants nearly 61 per cent of the land owned by them in the surveyed villages (Table 4.18). Some more land had also been leased out to protected tenants, particularly by the big landlords. The small landlords, who had almost all their owned land in the surveyed villages had leased out 94 per cent of it. The medium landlords had also leased out 86 per cent of the land owned

**TABLE 4.18**  
*Percentage of land leased out to ordinary tenants to the total owned land by lessors according to the size-class of owned landholdings of lessors.*

Size-class of lessors (1)	Percentage of leased out to owned land		
	Land leased out (2)	other owned land (3)	Total owned land (4)
(A) Very small .. .. .	100.0	..	100.0
(B) Small (Including very small) .. .. .	93.8	6.2	100.0
(C) Medium .. .. .	85.9	14.1	100.0
(D) Large (Including big) .. .. .	30.7	69.3	100.0
(E) Big .. .. .	22.0	78.0	100.0
All Lessors .. .. .	41.6 (61.5)*	58.4 (38.5)*	100.0 (100.0)*

\*Note.— This is percentage of leased out to owned land within the surveyed village. Other percentages refer to the total owned land located within and outside surveyed villages.



by them to ordinary tenants. It is only the large and especially the big lessors who had leased out a smaller proportion of their owned land (31 and 22 per cents, respectively) to ordinary tenants. A large part of their remaining owned land was under the possession of protected tenants. Thus while the small and the medium landlords had leased out almost all their owned land to ordinary tenants, the large and particularly the big lessors had leased out comparatively a small proportion of their owned land to ordinary tenants and a larger proportion to protected tenants.

4.83. Seventy per cent of the lessors had become non-cultivators as a result of leasing all their owned land to ordinary or protected tenants. Almost all the small lessors, nearly 80 per cent of the medium lessors, but only about 38 per cent of the large lessors had become non-cultivators in the process (Table 4.19).

TABLE 4.19

*Percentage of lessors leasing out all the owned land (Non-cultivating) and leasing out part of the owned land, (cultivating) according to the size-class of the owned landholdings.*

Size-class of Lessors (owned land)	Percentage of lessors		
	Non-culti- vating	Cultivating	All lessors
(1)	(2)	(3)	(4)
(A) Very small .. .. .	26.0 (95.2)	3.0 (4.8)	19.1 (100.0)
(B) Small .. .. .	48.0 (92.5)	9.1 (7.5)	36.4 (100.0)
(C) Medium .. .. .	33.8 (78.7)	21.3 (21.3)	30.0 (100.0)
(D) Large .. .. .	18.2 (37.8)	69.6 (62.2)	33.6 (100.0)
(E) Big .. .. .	2.6 (12.5)	42.4 (87.5)	14.5 (100.0)
All Lessors .. .. .	100.0 (70.0)	100.0 (30.0)	100.0 (100.0)

*Note.*— Figures in bracket show percentage of Non-cultivating and cultivating lessors in each size-class of lessors.

4.84. As in the case of protected tenancy, in ordinary tenancy also residence of the lessors was not an important factor responsible for the leasing of land. Lessors living in the village had leased out nearly 70 per cent of their owned land in the surveyed village to ordinary tenants. (Ref. Table 4.20). On the other hand, lessors living within 5 miles of the surveyed villages as well as those living more than 5 miles away from these villages had leased out about half of their owned land in the surveyed villages. But some of them were large owners and had protected tenants as well. If all their leased land in the village is taken into account, then these lessors also had leased out 55 and 85 per cents of their owned land respectively.

TABLE 4.20

*percentage distribution of lessors and their total leased out land to ordinary tenants according to the residence of the lessors.*

Items	Percentage of lessors			All Lessors
	In the village	Within 5 miles of the village	Beyond 5 miles of the village	
(1)	(2)	(3)	(4)	(5)
(A) Percentage of lessors .. .. .	60.0	21.8	18.2	100.0
(B) Percentage of land leased out to ordinary tenants in the village owned by lessors.	58.8	22.6	18.6	100.0
(C) Percentage of (a) Land leased out leased land to ordinary tenants. the owned land (b) Other owned in the village. land.	70.5	50.0	54.2	61.5
(c) Total owned land	29.5	50.0	45.8	38.5
	100.0	100.0	100.0	100.0

#### *Tenants:*

4.85. The ordinary tenants leased in land located in or very near the villages in which they lived. They were mostly landless people or small landowners who had leased in land from others to increase their cultivated holdings. The landless or pure tenants were nearly 49 per cent of all ordinary tenants and the small landowning tenants formed another 18 per cent (Table 4.21). Nearly two-thirds of the ordinary tenants, therefore, were landless or small landowners. Almost one-fourth of the tenants were large landowners

Two-thirds of the ordinary tenants were landless or small owners

but most of them owned between 20 and 40 acres each; only 7 per cent tenants were big land owners.

TABLE 4.21

*Percentage distribution of the total number of ordinary tenants and the total land leased in by them according to the size of owned holding of the tenants.*

Size of owned holdings (Acres)	Percentage distribution of	
	No. of tenants	Area leased in
(1)	(2)	(3)
(A) 0·00 (Pure tenants) .. .. .	48·8	55·6
(B) 0·01—5·00 (Very small) .. .. .	9·3	4·8
(C) 0·01—10·00 (Small) .. .. .	17·8	8·5
(D) 10·01—20·00 (Medium) .. .. .	9·3	10·7
(E) 20·01 and above (Large) .. .. .	24·1	25·2
(F) 40·01 and above (Big) .. .. .	7·0	6·3
(G) All tenants .. .. .	100·0	100·0

The pure tenants had leased in 56 per cent, the small tenants 8 per cent, the medium 11 per cent and the large 25 per cent of the total leased land.

4.86. But unlike the protected tenants, the ordinary tenants had on an average leased in a small area of land. The average area of the land leased in by the ordinary tenants was 11.7 acres. 15.5 per cent of the tenants had leased in 2.5 acres or less each, and about 12 per cent had leased in between 2.5 and 5 acres each. (Table 4.22). Thus about 28 per cent of the ordinary tenants had leased in less than 5 acres each. Nearly one-fourth of the tenants had leased in between 5—10 acres each, one-third of the tenants between 10 and 12 acres each, and the remaining 15 per cent more than 20 acres each. A somewhat larger proportion of the landless tenants—nearly 60 per cent—had leased in 10 acres each, whereas the landowning tenants had mostly leased in comparatively smaller

Landless and small tenants leased in comparatively larger area

area. As a result of such leasing arrangements most tenants, particularly the landless and the small landowners, had at least a medium sized holding for cultivation. Small cultivated holdings of the tenants were comparatively few. Although 49 per cent of the tenants were landless and another 18 per cent were small landowners, less than 30 per cent of the tenants had cultivated holding of 10 acres or less, including 13 per cent with cultivating holdings of 5 acres or less. Seventy per cent of the cultivated holdings of the tenants were more than 10 acres in area.

TABLE 4.22

*Percentage distribution of the total number of ordinary tenants according to the size of leased in area separately for each type of tenant*

Type of tenant	Size of leased in area (acres)					All
	0.01— 2.50	2.01— 5.00	5.01— 10.00	10.01— 20.00	20.01— and above	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
(A) Pure tenants .. ..	12.7	11.1	15.9	42.8	17.5	100.0
(B) Land owning tenants .. ..	18.2	12.1	34.8	22.8	12.1	100.0
(C) All .. ..	15.5	11.6	25.6	32.6	14.7	100.0

#### *Implementation of the Tenancy Act:*

4.87. Such were the characteristics of the ordinary tenants and their landlords in Marathwada around 1963-64. How did the implementation of the Tenancy Act affect these tenants and their lessors? Official statistical information about all the recorded cases of tenancy in 1963-64 was made available to the Committee. These data supplemented by the data collected by the Committee in the course of the special survey in 10 selected villages of Marathwada will be used in the analysis that follows.

4.88. It is necessary to note here that the official returns did not report the cases of resumption and surrender separately for the protected and the ordinary tenancies. We have earlier treated all reported cases of resumption and surrender as if they related to protected tenancy only, though it is obvious that a part of it did in fact relate to ordinary tenancy. Ignoring the figures of surrenders and resumptions in respect of the ordinary tenancy is however not likely to be a

serious handicap, because as was noted earlier the total area involved in this was hardly 10 per cent of the total land leased to protected tenants, and this proportion might not be much more in the case of land under ordinary tenancy if separate figures were available in their case. Therefore the effects of the implementation of the Tenancy Act on all the recorded cases of ordinary tenancy in Marathwada are summarised in Table 4.23, ignoring those of resumption and surrender.

TABLE 4.23

*Distribution of all recorded cases of ordinary tenancy and the area involved in Marathwada, according to the decision of the ALT's till the end of September 1970.*

Result of A. L. T. decision	Percentage distribution of	
	All cases of ordinary tenancy	Total leased land
(1)	(2)	(3)
A. Ordinary tenants finally declared owners of leased land.	10.5	8.3
(i) Price fixed by the A.L.T. .. .. .	7.0	5.1
(ii) Price fixed by A.L.T. prior to the Tillers' Day. ..	0.3	0.3
B. Tenancy to continue .. .. .	N. A.	91.7
Total .. .. .	100.0	100.0
C. Total number of recorded Tenancy cases .. ..	24,426	..
D. Total area leased in these cases (acres) .. ..	..	1,35,238

*Source* :—Department of Revenue, Government of Maharashtra.

4.89.—The Table shows that out of the total number of recorded ordinary tenancies in Marathwada, only in 10.5 per cent cases the ownership of leased land was fully or partly transferred to the tenants mostly on the Tillers' Day. The area of the leased land transferred to them formed only 8.3 per cent of the total leased area with ordinary tenants. The ownership of the remaining 91.7 per cent leased land remained with the landlords. Information about the cases of postponement of the Tiller's Day on grounds of the landlord's physical or mental disability, or widowhood or his being a minor, as well as about the cases in which Tenancy Act was not applicable, was not readily available. However,

Only about 8 per cent of the land leased by ordinary tenants was acquired by them

the survey data (which are fairly comparable with the official returns) suggest that such cases were negligible.

4.90. Separate information was not available about the extent of optional purchase of leased land by the tenants. But if the reported cases of purchase of leased land in which the price had been determined by the Agricultural Lands Tribunals, before the Tillers' Day are considered as the cases of optional purchase then it appears that such cases were negligible. It signifies that ordinary tenants did not take advantage of the provision of optional purchase to any extent. This had been the experience about optional purchase not only in Marathwada in regard to the protected tenants but in Western Maharashtra and Vidarbha as well.

4.91. It is not surprising that such a small percentage of the leased land 8.3 per cent should have passed into the hands of the ordinary tenants. The Act required that as a result of the compulsory transfer of ownership of leased land to the tenants, the tenant's owned land holding should not exceed one family holding and the landlord's owned holding should not be reduced below two family holdings in area. Most of the lessors who had lessed out land to ordinary tenants owned less than 60 acres each, and their owned holdings in most cases were not more than 2 family holdings in area. The very big landlords owning more than 60 acres each owned only about 27 per cent of the land leased to the ordinary tenants. It was, therefore, natural that under the law only such landlords would lose a part or whole of their leased land to their ordinary tenants. This could only result in a comparatively small portion of the total leased land being transferred to the tenants.

**TABLE 4.24**  
*Percentage distribution of leased land transferred to ordinary tenants according to the size of owned land of the lessors*

Size class of lessors (owned land in acres)	Percentage of leased land sold to tenants under the Act
(1)	(2)
(A) 0.01—40.00 .. .. .	0.0
(B) 40.01—60.00 .. .. .	6.7
(C) 60.01 and above .. .. .	93.3
All .. .. .	100.00

4.92. The data collected during the survey show that this was what actually happened. The lessors who lost any leased land to ordinary tenants were almost exclusively the very big landlords owning more than 60 acres each. (Reference Table 4.24). Only a very small proportion of the leased land transferred to tenants belonged to owners owning between 40 and 60 acres each. Two-thirds of the leased land were retained by the owners because they owned less than two family holdings. Nearly 10 per cent of the leased land could not be transferred to the tenants because the tenants owned more than one family holding. Another 11 per cent leased land remained with the owners because only a part of the leased area could be transferred to the tenants. The big resident and non-resident owners lost equal proportions of the land leased by them to the ordinary tenants. If the big resident owners accounted for the bulk of the land transferred to the tenants, it was because they also owned the bulk of the leased land.

4.93. The survey showed that ordinary tenants who became owners of some leased land formed only about 13 per cent of all the tenants. Most of them were landless or pure tenants and accounted for almost 90 per cent of the leased lands transferred to the tenants. Only 10 per cent of the land was transferred to the tenants owning some land who were mostly medium tenants. All other tenants were to continue to cultivate the leased land which could, of course, no longer be resumed by the owners for personal cultivation.

4.94. Since the declaration of ownership of tenants was to take place simultaneously with the publication of the final list of the ordinary tenants entitled to purchase leased land, there was no delay in this matter. The work began in 1965 and was practically over by 1966-67. But the task of fixing price in all these cases of compulsory transfer of ownership had, still to be completed by September 1970. The official returns about the cases in which tenants were finally declared as owners and the case in which the Agricultural Lands Tribunals had fixed the price, show that price had yet to be fixed in one-third of the cases. It has to be remembered that the declaration of final transfer to tenants was almost completed by 1967. In the subsequent 3 years, price had been fixed in two-thirds of the cases. The remaining cases were not too many and a little extra effort by the administration in this direction could have expedited their disposal.

4.95. There was no evidence to the effect that the land acquired by ordinary tenants was poorer than most of other leased land. If a large part of the land transferred to the tenants had particularly low assessment, that was because the villages in which this transfer took place had particularly poor leased lands.

4.96. Did the ordinary tenants who became owners of leased land continue to own them? Similarly, did the ordinary tenants who Possession in 1969 could not become owners continue to cultivate the leased lands that could not in any case be resumed by the owners for personal cultivation? These questions were asked and answers obtained in the surveyed villages. The data show that of the total land the ownership of which had been transferred to the tenants about 86 per cent was under their ownership and possession and 8 per cent land had been sold by them to others. On the remaining 6 per cent land the tenants had not been able to retain control or ownership and the landlords were still in possession of the land or had sold it to others despite the decision of the revenue authorities. The tenants were supposed to be in cultivating possession of the leased land the ownership of which could not be transferred to them. But by the end of 1969 it appeared that in the surveyed villages, the tenants were in possession of only about 55 per cent of this area. Tenancy had been terminated on the remaining 45 per cent of the leased area on which the tenants were supposed to continue. This area was either being personally cultivated by the landlords or they had been leased out or sold by them to others. If the tenants in these cases had voluntarily surrendered lands they did not appear to have notified the Tahsildar about it as required by the Act. If the tenants had been illegally evicted, there had been no representations against it, and the Act says that if no representation is made to the Tahsildar the eviction will cease to be illegal after the lapse of two years. Out of the 55 per cent of the land on which the tenants had possession, they had become owners of 11 per cent of the land as a result of voluntary sales by the concerned landlords. On the remaining 44 per cent land their tenancy continued.

4.97. These proportions about the disposition of the leased land in 1969 may be applied to the aggregate official statistics given in Table 4.23. We find that of the 8.3 per cent leased land which had been declared to have been transferred through sale to tenants

Estimate of total area under tenancy in Marathwada at the end of 1969



94 per cent i.e., 8 per cent of all the leased land had in fact been sold. (See Table 4.25). Of the 91.7 per cent land on which tenancy was to continue nearly 11 per cent, i.e., 10 per cent of all the leased land had subsequently been sold to the tenants by the owners voluntarily. Thus ordinary tenants had become owners of about 18 per cent of the land leased to them in 1958. They had sold a small part of this land subsequently to others and Tenancy continued on about 52 per cent of the total leased land. If the ordinary tenants had been able to acquire ownership of 18 per cent of the leased land by 1969, the reason was chiefly voluntary sales by the owners to their tenants, thanks largely to the provisions of the Act in this regard. The prices

TABLE 4.25

*Percentage of land in actual possession at the end of 1969 for (i) the leased land transferred to ordinary tenants and (ii) the lands which had been retained by the landlords.*

Possession at the end of 1969	A.L.T. decisions		All
	Land transferred to tenants	Land retained by owners	
(1)	(2)	(3)	(4)
(A) Tenants in possession as owner .. .. .	85.6 (7.1)	11.1 (10.2)	(17.3)
(B) Tenancy continued .. .. .	..	44.2 (40.5)	(40.5)
(C) Tenant sold away land to others .. .. .	8.3 (0.7)	..	(0.7)
(D) Land leased to other than original tenant .. .. .	..	12.2 (11.2)	(11.2)
(E) Land in cultivating possession of landlords .. .. .	2.2 (0.2)	19.7 (18.1)	(18.3)
(F) Land sold by landlords to others .. .. .	3.9 (0.3)	11.9 (10.9)	(11.2)
(G) Land acquired by Government .. .. .	..	0.9 (0.8)	(0.8)
All .. .. .	100.0 (8.3)	100.0 (91.7)	(100.0)

*Note.*— Figures in the bracket refer to the percentage to the total leased land.

however had not been fixed in most of these cases by the Tahsildars because the matter had not been brought to their attention, and it is reasonable to believe that in most of these sale transactions the prices paid were in excess of what the Act prescribes. In view of the voluntary nature of such transactions, the best that the revenue authority can do is to register these sales under appropriate provisions of the Act.

Only about 52 per cent of the land leased to the ordinary tenants in 1958 was being cultivated by the tenants at the end of 1969, 41 per cent by the old tenants and 11 per cent by new tenants. This amounts to about 4 per cent of the total area occupied for cultivation in the villages. If we add to this the 8 per cent area under cultivation of protected tenants at the end of 1969 we get an estimate of the proportion of the total area under tenancy in Marathwada at the end of 1969, at about 12 per cent in all. This was considerably higher than the extent of tenancy in either Vidarbha or Western Maharashtra.

## CHAPTER V

### IMPLEMENTATION OF CEILING ON LAND HOLDING ACT

5.1 Imposition of a ceiling on land held by individuals for cultivation was the third and final stage in the three-stage programme of land reforms in the State; the first two being the abolition of intermediaries and the regulation of tenancy with the object of ultimately converting all tenant-operated lands into owner-operated lands. The great inequality in the ownership as well as the cultivation of land in rural India had all along attracted the attention of all concerned. The Congress Agrarian Reforms Committee set up before Independence had drawn pointed attention to the need for a ceiling on the holding of agricultural land by a person. The First Five-Year Plan recommended the imposition of a ceiling on land holdings in the States. The Planning Commission did not expect that the imposition of ceiling and the redistribution of surplus land could significantly affect the pattern of land holdings in the country. It said, "If it were the sole object of policy to reduce the holdings of the larger owners with a view to providing for the landless or for increasing the farms of those who now have uneconomic fragments, the facts at present available suggest that these aims are not likely to be achieved in any substantial measure. The question whether some limit should not be placed on the amount of land that an individual may hold has, therefore, to be answered in terms of general principles rather than in relation to the possible use that could be made of land in excess of any limit that may be set. It appears to us that, in relation to land (as also in other sectors of the economy), individual property in excess of any norm that may be proposed has to be justified in terms of public interest, and not merely on grounds of individual rights or claims. We are therefore in favour of the principle that there should be an upper limit to the amount of land that an individual may hold." The Second Five-Year Plan endorsed this approach. At the same time, it added, "Nevertheless, it is important that some effective steps should be taken in this direction during the Second Five-Year Plan so as to afford opportunities to landless sections of the rural population to gain in social status and to feel a

Approach to Ceiling  
in the Five-Year Plans

sense of opportunity equally with other sections of the population." It is against this background of thinking that the first step towards legislation for ceiling on land holdings was taken in the then Bombay State.

5.2. The first legislative provisions for ceiling in the State were incorporated in the respective Tenancy Acts for Vidarbha, Marathwada and Western Maharashtra when they were enacted or amended during the middle of the 50's. However, there was no uniformity in these laws either in the matter of the quantum of the ceiling or of the provisions for the acquisition and disposal of surplus lands. In Vidarbha and Marathwada regions ceiling under the Tenancy Acts had been fixed in terms of a 'family holding' which varied from one local area to another, while in Western Maharashtra Tenancy Act had fixed a uniform ceiling without regard to differences in soil, rainfall, crop pattern, average yields of crops, etc. Besides, in the Act for Western Maharashtra, the ceiling provisions were not applicable to lands if they were held by a person in a compact block or in one village or if all the lands were located within a specified short distance. The Committee was given to understand that it was for these reasons that the then Government of Bombay decided in 1958 to have a uniform law for imposing a ceiling on land holdings in the State. The provisions relating to ceiling in the three Tenancy Acts were never put into operation and were subsequently repealed when the new Ceiling Act was passed. A draft Bill was published on 4th August 1959. However, due to the impending reorganisation of the then State of Bombay consideration of this Bill was postponed. The Bill was subsequently revised by the Government of Maharashtra and was passed by both the Houses of Legislature in April, 1961. The new Act, called the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961 was brought into force with effect from 26th January 1962. The Committee proposes to review the implementation of this Act in the following paragraphs.

5.3. The Maharashtra Ceiling Act puts a ceiling on cultivated or operated land holding (or as the Act puts it, on the total land held by a person either as owner or as tenant), and not on owned land holding as is done in similar legislation in some other States. In so far as the Tenancy Acts in the State led to the virtual abolition of the older tenancies and

permission for creation of new tenancies only for one year, the owned and the operated holding became in most cases the same and it was immaterial whether the ceiling was defined in terms of owned or operated holding. However, certain types of lands like lands growing sugarcane, fruits, etc., had been excluded from the scope of the major provisions of the Tenancy Act. In some parts of the State persons and companies had leased in from all classes of land owners large areas falling in these exempted categories and were cultivating them as tenants. This concentration of land holding could be set right only by putting a ceiling on the cultivated holding ✓

5.4 The Ceiling Act laid down that with effect from the appointed day, i.e., 26th January 1962, no person shall hold land for cultivation in excess of the ceiling area. The ceiling for different local areas in each district of the State was specified in the First Schedule to the Act. For purposes of fixing the ceiling, all agricultural land in the State was classified under 4 broad groups:—

Ceiling areas for different classes of land

- (a) land irrigated, seasonally as well as perennially, by flow-irrigation from any source constructed by Government ;
- (b) land irrigated—

- (i) seasonally, by flow-irrigation from any source constructed by Government, being land which gets irrigation water for two seasons (that is, for eight months) in a year,

*or*

- (ii) Perennially, by a well, situated within the irrigable command of an irrigation project constructed by Government ; provided that lands irrigated by such a well shall be deemed to fall in this class of land after the expiry of ten years from the date of completion of the project, which completion whether before or after the appointed day, shall be notified by the State Government in the Official Gazette,

*or*

- (iii) Perennially, by lift irrigation from any source constructed by Government ;
- (c) land irrigated—

- (i) seasonally, by flow-irrigation from any source constructed by Government, being land which gets irrigation water for one season (that is, for four months) in a year,

*or*

(ii) Perennially, either by flow or lift irrigation, from any natural source of water, that is to say, a river, stream, lake or other natural collection of water, or a natural drainage-channel;

Land which is irrigated by a well sunk in the bed of a river, stream, lake, or other natural collection of water, or a natural drainage, channel, shall not be deemed to be land falling within this sub-clause if such river, stream-lake or other natural collection of water or the natural drainage-channel, is not a perennial source of water;

(d) dry crop land, that is to say, land other than that falling under sub-clause (a), (b) or (c);

Land which is irrigated from any source of irrigation specified in sub-clause (a), (b) or (c), and which is used for horticulture, shall be deemed to be land falling under sub-clause (d), until the 4th day of August 1979;

Thus all lands irrigated whether perennially or seasonally from a source constructed by Government or perennially from a natural source were classified under groups (a) (b) or (c). All lands irrigated by wells were to be treated as unirrigated or dry lands falling in group (d), except certain lands irrigated by wells specified in (b) (ii) above.

5.5. In the case of lands falling in groups (a), (b) and (c), the ceiling limits were fixed uniformly for all areas of the State at 18, 27 and 48 acres respectively. For dry lands the ceiling limit was put differently for different local areas. It varied between 66 and 126 acres. In the 4 coastal districts the ceiling limit was either 126 or 66 acres depending upon whether the land was *warkas* or other land. In the non-coastal districts of Western Maharashtra the ceiling limit varied between 66 and 114 acres—mostly between 84 and 108 acres. Only in a few areas in Kolhapur district the ceiling limit for dry lands was 66 acres and in Sholapur and Dhulia districts it was 114 acres. The level of ceiling for dry lands was generally somewhat higher in Marathwada and Vidarbha; in Marathwada districts as well as in the four former C. P. districts, it varied between 96 and 126 acres, and in the four Berar districts between 78 and 126 acres.

5.6. The ceiling was to be applied to the land held by a person. There was no requirement that if a member of a family held any land

separately such land was to be pooled together with the land of the family for the application of the Ceiling Law. However, if a land holder had more than 5 members in his family, then the ceiling limit was to be increased by  $\frac{1}{8}$ th of the ceiling area for every additional member of the family, subject to the outside limit of twice the ceiling area. But no individual who held land separately could be regarded as a member of the family for that purpose.

5.7. The following types of land were exempted from the provisions of the Ceiling Act, Land held by Government, or Government-owned or controlled corporations; land belonging to or held by a local authority or a University, land held by a public trust established for the purposes of a *panjrapole* or *goshala* functioning before the appointed day, land held by public trusts for educational or medical purposes; lands held by regimental farms and stud farms; lands held by dairy farms on 27th November 1964; lands awarded to any person for gallantry in the first or the second world war, lands held by a joint farming society provided the lands held by any member did not exceed the ceiling area on 4th August 1959 or on the day the society came into being, whichever was later; lands leased by a Land-Development or Central Co-operative Bank or Co-operative Society; lands held by an industrial undertaking for *bona fide* industrial or other non-agricultural purposes. If a person held both exempted and non-exempted lands, he was permitted to hold so much of the non-exempted land as together with the exempted land did not exceed the ceiling area. In case he held exempted land in excess of the ceiling area he was not allowed to hold any non-exempted land.

5.8. All land held by a person in excess of the ceiling area was to be declared as surplus land. Provision was made in the Act to ensure that the objectives of the ceiling law were not defeated by effecting transfers and partition of land in anticipation of it. No landholder holding land in excess of the ceiling area on the appointed day was entitled to transfer or partition such land until the surplus area had been determined by the Collector. To prevent transfers or partitions in anticipation of the Act, the Act provided that all transfers and partitions made between 4th August 1959 (i.e., the day on which the original ceiling bill was published) and the appointed day were to be deemed to have been made to circumvent the Act, unless the holder proved to the contrary.

The year from which Ceiling is to be applied

In case such presumption was not disproved, these transfers and partitions were to be ignored while arriving at the surplus. Besides, if it was proved that a person had acquired land deliberately in contravention of the law, then as a penalty the right, title and interest of the purchaser or transferee in the land were to be forfeited, and were to vest in the Government.

5.9. The ceiling limit was to be applied not only to the lands held by a person on the appointed day but also to all new acquisitions. The Act said that if any person came to acquire, after the appointed day, so much land as would make his total land held for cultivation more than the ceiling area, or if his land was converted into one or the other of the 3 groups by irrigated land because of irrigation from a source constructed by Government thereby increasing the holding above the ceiling limit then also such excess land was to come within the pervuew of the ceiling provisions.

5.10. Some restrictions on the new acquisition of agricultural land above two-thirds of the ceiling limit were provided in the three tenancy Acts in force in the three regions of the State. The Tenancy Acts, among other things, laid down \*that no transfer or alienation of agricultural land for agricultural uses shall take place without the permission of the Collector, if the holding of the alienee together with the land to be purchased exceeds two-third of the ceiling area. Thus, an agriculturist (including an agricultural labourer) was not to be normally allowed to acquire new land through purchase or transfer if, as a result of such acquisition of his operational holding was to increase above two-thirds of the ceiling area specified in the Ceiling Act, unless the Collector found that no agriculturist in the village where the land was located was available and willing to lease in this land.

5.11. The land declared surplus was to be acquired by the Government for distribution among specified categories of people. But where the land to be declared surplus was a leased land in possession of a tenant, the Collector was to ascertain whether his landlord was entitled to resume any part of that land for personal cultivation under the Tenancy Act. If so, the Collector was to

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\*Note.—Vide section 63 of the Bombay Tenancy Agricultural Lands Act. Section 89 of the Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, and Section 47 of the Hyderabad Tenancy and Agricultural Lands, Act, and the relevant rules thereunder.



restore to the landlord so much of the land as he was entitled to resume and declare the rest as surplus. Restoration of such surplus leased land to their owners, and distribution of the remaining surplus land to various categories of people was considered inadvisable in the case of lands held by industrial undertaking or lands held and operated in large compact blocks. It was considered advisable to maintain the integrity of the surplus area of these farms. The Act therefore made special provisions about it as described separately in para 5.14 below.

5.12. Compensation for the acquisition of surplus land was to be paid by the Government at the price expressed as multiple of the assessment of the land per acre of dry crop land in each local area specified in the First Schedule to the Act. The multiple varied between 55 to 195. In the four coastal districts it was between 55 and 65; in the rest of Western Maharashtra it varied between 70 and 140 and mostly between 105 to 125 except in the districts of Sholapur where it was 140 and in some areas of Kolhapur where it was 70; in the Marathwada region it was generally 140; in the districts of Nagpur and Wardha it was between 110 and 115, and in Chanda and Bhandara it was between 190 and 195; in the former Berar districts it varied between 100 and 110 excepting in Yeotmal district where it was 150. The price for surplus irrigated land falling under group (a), (b) and (c) in para 5.4 was, respectively, put at 100, 50 and 25 per cent higher than the price of the corresponding dry crop land. Lower rates were fixed for lands uncultivated for three consecutive years preceding the appointed day, as well as for lands under less than full occupancy tenures. In case the surplus land was under tenant cultivation, three times the assessment was to be paid to the tenant and the rest to the landlord if the tenancy was not terminable after the expiration of the period for which it was granted. In all other cases the tenant was to receive a higher share as compensation. Compensation was payable in bonds carrying interest at 3 per cent per annum, redeemable either in 20 annual instalments or at par at the end of 20 years.

5.13. The surplus land was to be distributed among people according to a list of priorities laid down in the Act. If the surplus land belonged to a person who, by resuming land from his tenant before 26th January 1962 had rendered the tenant landless, such surplus land was first to be

Distribution of surplus land

offered to the tenant. In case the surplus land was situated in a irrigation project area, it was to be offered to a person who had been rendered landless or whose land was reduced to less than one-sixth of the ceiling by reason of acquisition of any of his land for the project. Next came those who had become landless or whose land was reduced to less than one-sixth of the ceiling because of acquisition for public purposes. After this the remaining surplus land could be offered to tenants in the village rendered landless as a result of the tenancy Act, serving members of the armed forces or *ex-servicemen*, joint farming society of servicemen, agricultural labourers, landless persons and small holders, etc. As far as possible the total land held by an individual after the grant of land was not to exceed one-sixth of the ceiling area. The price payable by the grantee for the land was to be the same as the compensation calculated for that land, and was to be paid at the most in 15 annual instalments. The surplus land granted to individuals or societies could not be sold or otherwise transferred or partitioned, without the permission of the Collector, except for purposes of mortgage with Government or a Co-operative Land Mortgage Bank for securing a loan.

5.14. Special provisions were made in the Act for the land in the possession of industrial undertakings and used by them for growing raw material. So also special provisions were made relating to the disposal of lands declared surplus from the farms in compact blocks. The industrial undertakings which operated large areas of agricultural land were a number of joint stock sugar factories in the State. In all such cases the Act required the Government to ensure that the acquisition of surplus land did not adversely affect the production and supply of raw material from the land to the undertaking. For this purpose the Act had originally provided for the creation of one or more joint farming societies for managing the surplus lands of the industrial undertakings, *viz.*, the Joint Stock Sugar Companies. The members of the joint farming societies were to be the persons who had leased the lands to the undertakings, labourers working on the farms, adjoining small holders, landless labourers, etc. Until such farms were formed, the Government was authorised to manage the lands by forming one or more state farms or by entrusting the land to State Controlled Farming Corporation. A sizable area of the surplus land had been leased in by the industrial undertakings from

Special provision for farms of industrial undertakings

private land owners. The law, as it stood prior to 1970, required that these owners should be restored ownership of so much of the surplus land as would not increase their total holding to more than the ceiling-area, provided they agreed initially to lease out the land to the State Farming Corporation and later on became members of joint farming societies when such societies were set up. A time limit of 5 years had been fixed within which the joint farming societies were to be formed to manage the surplus lands. Subsequently in 1968 by an amendment to the Act this limit was extended by two years. Since within this extended period also no joint farming societies could be formed, the State Farming Corporation was required by an amendment in 1970 to manage the farms so long as no such joint farming societies came up. An important change was made in the provisions by the amendment made in 1970. As a result of considerable agitation by many of the landlords, who had previously leased their lands to the sugar factories, to get back some of their land for personal cultivation, the amendment authorised the Government to grant some part of their surplus land to these landlords. Each such landlord could be given such land up to  $4\frac{1}{2}$  acres, and if he had a large family the maximum area to be given to him was to be 9 acres. Where, however, the leased area was itself less than  $4\frac{1}{2}$  acres or 9 acres, grant was to be limited to the extent of the leased area. The other condition applicable in this behalf was that the income of the landlord from all sources should not exceed Rs. 4,000 per annum. Therefore the exact area that could ultimately be granted to landlords was to depend upon the Government's assessment of the situation. The remaining area of the farms of the industrial undertaking was to be managed by the State Farming Corporation on a permanent basis. Necessary order in that behalf were issued by Government in August 1971.

5.15. Detailed administrative procedures were laid down in the Act for calculation of ceiling, determination of surplus, distribution of surplus and payment of compensation. The enquiries under the Act were to be held by the Collector or officers not below the rank of a Deputy Collector authorised by the Government. In the case of landholders holding land in more than one district the Divisional Commissioner was to designate one of the Collectors in the division as the enquiry officer. When the land was

Administrative procedures  
for declaration of  
surplus

situated in more than one division the enquiry officer was designated by the Government.

5.16. The Act required all surplus holders to submit returns in the prescribed forms giving details of their land holdings, within six months of the appointed day. In the case of new acquisitions of land or of a conversion of dry land into irrigated land, leading to an increase in the size of holding above the ceiling area, the time limit for the submission of return was put at 3 months from the date of such acquisition or conversion. Failure to submit the return in time, or a submission of a false return by a person was liable to be penalised by imposing a fine. In addition, the Collector was required to issue a notice to him to submit a true and correct return within a month. Failure to comply with this directive was to result in the forfeiture of his surplus land.

5.17. Soon after the submission of the return, the Collector was required to hold an enquiry for determining the surplus area. For holding the enquiry notices were to be served on all the concerned parties to appear before the Collector and make their submission in the matter. On completion of this enquiry, the Collector was to determine the area of the surplus lands, specify and declare it as surplus. The declaration was to be notified in the Gazette. After such declaration the landlord was not to sell or transfer or partition the surplus land. The Collector was empowered to take possession of the land declared surplus any time after the expiry of sixty days from the date of publication of the notification.

5.18. Holders of surplus land were allowed to appeal to the Maharashtra Revenue Tribunal against the decision of the Collector. But in the cases in which no land was declared surplus by the Collector there was no reason for an appeal by the land holder. In the case of more than 2700 out of the 3600 returns examined by the Collectors during the first 3 years after the appointed day, no land was declared surplus. As this number was disturbingly large, the Act was amended in 1965 authorising the Government *suo-motu* to call for the records of decided cases from the Collector for review. The Government delegated this power to the Commissioner who have been scrutinizing all decided cases since 1965.

5.19. The work of implementation started soon after the appointed day. The land cultivated by the 14 joint stock sugar factories in the

Implementation of the Act relating to sugar factory farms

State formed a sizable area of land liable to be declared surplus. For this work the Government appointed 13 Special Officers of the rank of Deputy Collectors (1 each in

TABLE 5.1

*Surplus land acquired from Joint Stock Sugar Factories in the State and at present under the management of the Maharashtra State Farming Corporation and the area out of this proposed to be returned to the lessors for personal cultivation.*

Name and district of location of the Sugar Factory	Total Farm area declared surplus	Out of (2) area leased in by the Factory	Number of lessors of the Factory	Number of lessors to whom some leased land is to be returned for personal cultivation	Area involved in case of (5)
(1)	(2)	(3)	(4)	(5)	(6)
1. Walchandnagar, Poona ..	15,713	7,864	463	371	1,996
2. Sakharwadi, Phaltan, Satara	9,113	7,733	1,315	797	2,874
3. Ravalgaon, Nasik .. ..	7,621	2,036	128	54	295
4. Changdeo, Ahmednagar ..	3,536	3,394	382	233	899
5. Maharashtra, Ahmednagar	9,695	8,129	888	734	2,593
6. Belapur, Ahmednagar ..	10,740	4,069	280	201	1,082
7. B. M. S. S., Shirampur, Ahmednagar.	6,937	2,139	231	86	415
8. Belwandi, Ahmednagar ..	1,810	732	37	23	124
9. Sakarwadi Godawari, Ahmednagar.	7,375	5,424	518	361	1,586
10. Laxmiwadi, Ahmednagar ..	2,932	2,612	293	144	662
11. Chitalenagar, Ahmednagar	3,450	3,018	241	146	717
12. Kolhapur, Kolhapur ..	1,176	1,047	263	111	286
13. Saswadmal, Sholapur ..	146	83	12	8	29
14. Gangapur, Aurangabad ..	3,939	..	..	..	..
Total .. ..	84,183	48,280	5,051	3,269	13,558

Nasik, Poona, Satara, Kolhapur and Aurangabad, and 8 in Ahmednagar districts) as enquiry officers. As a result of this special officers, the work of declaration of surplus land with the sugar factories was completed by the end of 1963. The total area declared surplus was 84,183 acres. (see Table 5.1). Out of this total area, 48,280 acres belonged to the ex-lessors of the sugar factories numbering 5051 in all. It was estimated that under the 1970 amendment the total area grantable to them for personal cultivation would be about 14 thousand acres. The work of granting the land had been completed for 7 of the 13 farms by the end of March 1972, and 4938 acres had been regranted to 1,426 ex-lessors for personal cultivation.

5.20. A State Farming Corporation was formed in 1963 to manage those lands and keep the supply of sugarcane to the factories uninterrupted. The area with the State Farming Corporation is likely to be reduced to about 16 thousand acres because of some grant of land to the ex-lessors for personal cultivation.

5.21. Fourteen big farms in Ahmednagar district, cultivating in compact blocks and having lands in excess of the Ceiling were notified under the provisions of the Act. (see Table 5.2) They were also to be managed by the Maharashtra State Farming Corporation pending the formation of joint farming societies for them. But it was subsequently found that many of these farms were held in partnership, and if the claim of each partner that he was entitled to hold land upto the ceiling area was accepted, very little land could be declared surplus. In some cases due to partitions effected by the holders prior to August 1959, only a small area could ultimately be declared surplus. Such small area could not be meaningfully cultivated as big compact forms. Furthermore, taking over of these farms would have created problems about irrigation as well as problems relating to ex-lessors because some of the farms had leased in land. In view of these considerations Government recently denotified these farms. The result of this denotification will be that the ex-lessors of these farms (in respect of which appeals are pending before the M. R. T. or enquiry is still to be completed) will be able to exercise their right of resumption under section 19 of the Ceiling Act if they have any right subsisting under the Tenancy Law.

TABLE 5.2

Name of the Farm	Total area	Area declared or liable to be declared surplus	Remarks
(1)	(2)	(3)	(4)
	A. G.	A. G.	
1. N. B. Jagtap Farm at Ghogargaon	404 12	124 00	Appeal pending in M. R. T.
2. M. G. Vidhwans Farm at Kopargaon.	169 33	..	Nil
3. B. G. Vidhwans Farm at Kopargaon.	189 17	..	Nil
4. S. S. Lonkar Farm at Kopargaon	194 36	14 06	..
5. R. H. Girme Farm at Kopargaon	362 02	23 01	..
6. N. B. Jagtap Farm at Takalibhan	119 37	119 37	Enquiry is yet to be completed.
7. Borawake Farm at Kopargaon ..	191 28	191 28	Inquiry is in progress.
8. Borawake Farm at Rahata ..	484 16	412 00	Do.
9. Borawake Farm at Puntamba and Gondavani.	565 28	565 00	Do.
10. C. R. Dhakle Farm .. ..	1,064 35	1,045 00	Stay granted by the High Court.
11. Khatod Farm, Taluka Shrirampur.	1,825 25	1,196 05	Case remanded by M. R. T.
12. K. B. Gujarati Farm, Taluka Kopargaon.	574 12	526 00	Pending in Supreme Court.
13. Somaiya Farm at Lakh .. ..	869 02	812 32	Judgment is recently passed by High Court.
14. Somaiya Farm at Khanapur ..	427 08	358 35	Case pending in M. R. T.

5.22. The main object of the Ceiling Act was to put a limit to landholding by individuals all over the State. When the draft Bill of this Act was presented to the Legislature, the Government had no firm statistical basis available to it for estimating the existing number of holdings that might be above the ceiling limit and the area that might be declared surplus. The only available district-wise statistical information about the total number of holdings of different sizes and the total area under them related to the year 1951. On the basis of these data the surplus area for the State as a whole came to 22 lakh acres. However this figure was subject to a number of serious limitations.

Expected surplus from individual holdings

The basic data relating to owned land holdings were for the year 1951. Thanks to the land-to-the-tiller legislation, some lands of the large holders had been transferred to the tenants. Many large holders had partitioned their holdings because of the provisions of the tenancy Act as well as in anticipation of the Ceiling Act. Besides there were, of course, the normal transfers and partitions during the intervening years. In view of all these, it was thought that no more than half of this calculated surplus (i.e., 11 lakhs acres) might in fact be available as a result of the implementation of the Act. However, the actual surplus declared till December 1971 has been of the order of 3.25 lakh acres. This is not surprising in view of the very inadequate statistical basis on which Government had earlier anticipated the surplus area and in view of the provisions for higher ceiling limit for larger families made in the final version of the Act.

5.23. By the end of December 1971, the Collectors in all districts of the State had received 16,297 returns filed by the landlords under section 12 and as a result of action under section 13 of the Act. Out of this 431 (i.e., 2.64 per cent) returns were pending examination with the Collectors. In only 4,599 cases lands were declared surplus. In the remaining 11,267 cases the holdings were not found to be above the ceiling limit.

5.24. The fact that 10 years after the appointed day for the implementation of the Ceiling Act and with hardly 16 thousand returns to scrutinise, about 3 per cent of the returns should still be pending with the enquiry officers does not give a very satisfactory impression about the speed of implementation of the Act. An examination of the progress of implementation as seen from Table 5.3 presents an unsatisfactory rate of progress during the first 3 years ending 1964. During this period, out of the 10,611 returns received till then the enquiry officers had scrutinized and decided only 3,602 i.e., about one-third of all the returns. This slow progress of implementation was disturbing, and therefore the Government issued circulars in 1965-66 urging the enquiry officers to speed up the work of scrutiny. As a result, the work was speeded up, and in the 2 years period ending 1966 nearly 6 thousand returns were scrutinised and decided. But thereafter the scrutiny work again slowed down for two years. Since 1969, thanks to the renewed prodding by the Government, the work of scrutiny has gathered some momentum.



TABLE 5.3

*The yearwise progress made regarding the Implementation of the Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961.*

Year	Total No. of returns received under Sec. 12 (including those received as a result of action under Sec. 13)	Total No. of enquiries out of Col. 2 completed			Total No. of enquiries pending	Total acreage of land declared surplus	Total acreage of surplus land taking into account the modifications of the declarations by the M. R. T. or the Commissioner.	Acreage of land distributed
		No. of enquiries in which no land was found surplus	No. of enquiries in which land was declared surplus	Total of columns (3) and (4)				
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
1964 ..	10,611	2,741	861	3,602	7,009	37,686	Not available	Not available.
1965 ..	12,481	4,971	1,776	6,747	5,734	93,393	Not available	1,316.
1966 ..	13,800	6,928	2,792	9,720	4,080	147,788	Not available	11,716.
1967 ..	14,281	7,665	3,185	10,850	3,431	158,993	104,401	19,955
1968 ..	14,329	8,089	3,212	11,301	3,028	171,943	149,914	31,865
1969 ..	15,156	9,082	3,800	12,882	2,274	189,479	174,968	42,174
1970 ..	15,741	10,117	4,449	14,566	1,175	222,337	206,400	59,651
1971 ..	16,297	11,267	4,599	15,866	431	254,574	240,381	78,932

5.25. The main reason for the delay in scrutinising the returns, the Committee was told, was that the Government had not sanctioned any special staff for the work. The District Collectors and the Sub-Divisional Officers were expected to do this as a part of their routine duties. The Government, it appears, had anticipated no more than a thousand returns in any district. With the District Collector and at least three sub-divisional officers as the enquiry officers in each district, the number of returns which each enquiry officer was expected to handle was no more than 250 in all. On this basis the Government estimated that the work of scrutinising the returns would be over in about 3 or 4 years from the appointed date.

5.26. The Government's estimates of the speed of disposal turned out to be grossly optimistic. In the first place, the enquiry officers at the district level, who were required to do the work of scrutiny as a part of their routine duties, did not give any special importance to this work except when specially urged by Government to do so. This is borne out by the speeding up of the work of scrutiny during the two years 1965-66 following the repeated urgings by Government. Secondly, scrutinising the returns for ensuring their accuracy and completeness was a time-consuming job. This work involved references to records in all the villages in which the landholder held lands, collection and verification of details about sales, partitions and other transfers since August 1959 and enquiry into their genuineness. The parties concerned were also to be examined. They sometimes wanted postponement of the date of enquiry. All in all, the work was sure to take time.

5.27. Another aspect of the work of the enquiry officers was at least equally important and delay in that matter was even more pronounced. The Act required all surplus landholders to file returns within six months of the appointed day, failing which they are liable to be fined and ultimately their surplus lands were liable to be forfeited. For this purpose, the Collector was to serve notices under section 13 of the Act, on all landholders who *prima facie*, held land in excess of the ceiling areas, but had failed to file the returns within the prescribed period. The greater the delay in locating the defaulting surplus holders and serving notices on them, the greater would be the delay in

scrutinising their returns. Therefore, this task of locating the defaulting surplus holders was an important part of the work of implementation entrusted to the enquiry officers in the district. The progress of this work during the first 3 years had been very unsatisfactory. By the end of 1964 about 10.6 thousand returns had been filed, but most of them had been filed voluntarily under section 12 of the Act. Between 1964 and 1970 another 5 thousand returns were filed and these were mostly the result of notices served by the Collectors on the defaulting landholders. Indeed, by the end of 1970 the Collectors had served notices on 7,595 defaulting landholders, and 5,567 of them had filed returns by that time. Most of these notices were served and returns were filed after 1964. In 1971, a further drive was launched to detect surplus holders, if any, who might have escaped notice earlier, and, as a result, another 600 returns were filed during that year. Had this work been vigorously pursued during the early years, delay in the scrutiny of returns and the declaration of surplus land could have been avoided to some extent.

5.28. The Committee is of the opinion that the task of determination of surplus land under the Ceiling Act would have been expedited had adequate special staff been set up in each district, with a full-time supervisory authority at the state level, right from the beginning or at least when it was discovered that the work was making very slow progress at the district level.

5.29. The scrutiny of the returns and the declaration of surplus land by the Collector did not constitute the final stage in the process of the determination of surplus area, though it was the most important. The Act as amended in 1965 required all decisions by the Collector to be examined by the Divisional Commissioner in revision. Some cases were also remanded by the Commissioner for re-enquiry and decision. Besides, the landholder was allowed a period of two months after the declaration by the Collector during which he could appeal to the Maharashtra Revenue Tribunal against the decision of the Collector. Some landholders also chose to file writ petitions in the High Court or the Supreme Court. The surplus land involved in all these cases of revision and appeal pending with the Commissioner or the Maharashtra Revenue Tribunal or the Courts could not be considered as land finally declared as surplus land available for distribution. By the end of 1971 the Collectors in all the districts had

declared nearly 2.55 lakh acres of land as surplus in the case of 4,599 landholders with whom surplus land was found. (Ref. Table 5.4 given at the end of the chapter). But in some of these cases the Commissioners, the Maharashtra Revenue Tribunal and the Courts had given different decisions. Therefore the area declared as surplus by the Collectors, as modified by the decision in these appeal cases, was about 2.40 lakh acres at the end of 1971. But this was not the final area of surplus land. Out of this total surplus there were still large areas in regard to which appeals were pending with the Commissioners, Maharashtra Revenue Tribunal and the Courts. Table 5.5 given at the end of the chapter gives the detailed classification of the surplus area, involved in appeals and revisions. Out of 2.40 lakh acres declared as surplus nearly 31 thousand acres were involved in scrutiny or revision by the Divisional Commissioners and another 21 thousand acres in the cases remanded by the Commissioners to the enquiry officers for re-examination. Thus over 21 per cent of the land declared as surplus was involved in the cases under revision by the Commissioners or had been remanded by them for re-examination, and therefore were not yet finally available. Similarly, nearly 43 thousand acres of land declared surplus were involved in appeals pending with the Maharashtra Revenue Tribunal, and nearly 25 thousand acres in petitions pendings before the High Court or the Supreme Court. Thus out of the total land declared surplus, at the end of 1971 nearly 40 per cent was involved in revision or appeal before the Commissioner and the Maharashtra Revenue Tribunal, and 10 per cent was involved in petitions before the Courts. In the case of less than 3 per cent of the land the period allowed for appeals after the declaration of surplus by the Collector was still to expire. Thus, less than half (47%) of the land declared surplus (i.e. 1.14 lakh acres out of 2.40 lakh acres) were finally available for distribution. There was very little that the Government could ~~not~~ do to expedite the cases pending in the High Court or the Supreme Court. But fortunately that involved only about 10 per cent of the total area declared surplus. The Government, however, could and, in the opinion of the Committee, should devise special administrative measures to expedite the disposal of the cases pending before the Maharashtra Revenue Tribunal, and the Commissioners as well as the cases remanded which together accounted for 40 per cent of the total area declared by the Collectors as surplus by the end of 1971.

5.30. It may be interesting to note here that the percentage of surplus land involved in petitions and revisions pending with the various authorities and the Courts was more in Aurangabad (78 per cent) and Poona (57 per cent) divisions than in Bombay or Nagpur division. The bulk of this surplus land was locked in appeals pending before the Maharashtra Revenue Tribunal and the Commissioners. This reflects a slower pace of disposal of cases by the enquiry officers in these two divisions as a result of which the appeal and the revision cases piled up in recent years. In Nagpur Division, on the other hand, only about 37 per cent of the land declared surplus was involved in appeals pending before the various authorities.

5.31. In the whole State of Maharashtra only 4,599 landholders (excluding the 14 joint stock sugar factories) out of the 15,866 landholders examined were holding land above the ceiling. Out of these, a little less than half (2,177, i.e., about 47 per cent) was in the Nagpur division mostly in the four districts of Akola, Amraoti, Yeotmal and Wardha. Nearly 28 per cent of the surplus holders (1,273) were in Aurangabad division, 19 per cent (i.e., 885) in Poona division and only 6 per cent (i.e., 264) in Bombay division. Out of the 265 surplus holders in Bombay division, only 70 were in the 3 coastal districts of Thana, Kolaba and Ratnagiri and the remaining in the districts of Nasik, Dhulia and Jalgaon.

5.32. The total area declared as surplus in the case of the 4,599 surplus holders was 2.40 lakh acres. This area may change somewhat, possibly downwards, when all the pending appeals, revision and petitions are decided. The average surplus area per surplus holder came to about 52 acres. Of course, this average does not reveal the wide range of surplus area obtained from different surplus holders. Comparison of the average surplus area per surplus holder in the four divisions, however, shows interesting differences. The average surplus area per surplus holder was the highest (i.e., about 256 acres) for the 3 coastal districts of Thana, Kolaba and Ratnagiri. As against this, the surplus area per surplus holder varied between 40 and 60 acres in the other three divisions as well as in the 3 non-coastal districts of Bombay division. The average surplus area in Poona division was 67

acres, in Nagpur division 46 acres and in Aurangabad division 43 acres. The high average surplus in the coastal districts was mostly due to the large holdings of the former *khots* in the region.

5.33. While the average surplus area per surplus holder was not very high in Nagpur division the bulk of the land declared surplus in the State was in that division. (This, of course, excludes the surplus land acquired from the sugar factories). Out of the total area declared surplus, nearly 42 per cent was in Nagpur Division, mostly in the 4 districts of Akola, Amraoti, Yeotmal and Wardha, 22 per cent in Aurangabad division, 25 per cent in Poona division and 11 per cent in Bombay Division.

5.34. How much of the area declared as surplus has been distributed to people? As was noted earlier, by the end of 1971, only about 1.14 lakh acres of surplus land out of the 2.40 lakh acres declared surplus, were finally available for distribution. The remaining 1.26 lakh acres were involved in appeals, etc., which were pending. Out of the 1.14 lakh acres available for distribution, a little over 4 thousand acres were reserved for distribution to persons who might lose their land in the execution of irrigation projects in various parts of the State. Of the remaining 1.10 lakh acres of surplus land about 79 thousand acres had been distributed to individuals and co-operative farming societies by the end of 1971. Nearly 6 thousand acres of land were not suitable for distribution and another 8 thousand acres were involved in some technical difficulties for the time being. The remaining 17 thousand acres were available for distribution, but were still to be distributed.

5.35. The work of distribution of surplus land had made comparatively greater progress in Nagpur Division, where nearly 81 per cent of the land available for distribution had been distributed by the end of 1971. In the other 3 divisions between 50 and 60 per cent of the surplus land available for distribution had been distributed.

5.36. Before we turn to the examination of the question of distribution in some detail, a point about the extent of surplus land found unsuitable for distribution may be in order. It was noted earlier that nearly 6 thousand acres of land available for distribution were found

unsuitable for the purpose. Out of this, nearly 4,800 acres were just unfit for cultivation. The remaining 1,200 acres were not available for distribution either because they were going to be submerged under irrigation dams, or were fit only for grazing. It is, however, difficult to infer from this the total area of surplus land that might ultimately turn out to be unfit for cultivation. More than half the surplus land was not yet available for distribution. Of the land available for distribution nearly 20 per cent was still to be distributed. The fitness of a piece of surplus land for cultivation is found out by the authorities only when it is considered for distribution to someone. Despite these limitations, it may not be improper to guess, on the basis of the data available, that about 6 per cent of the total land declared surplus will be found unfit for cultivation. In fact the proportion might turn out to be higher. For example, in the coastal districts most of the surplus land, the Committee was given to understand, was *Warkas* land.

5.37. Attention may now be turned to the question of distribution of surplus land to the people. The Ceiling Act laid down priorities for the distribution of land to co-operative farming societies and individuals. Unfortunately, information was not available about the number of persons who were given land and the land area given to them, classified according to the list of priorities. However, information was separately available about the number of co-operative societies and of individuals who were given land, classified according to the class to which they belonged like scheduled tribes, scheduled castes, backward classes, service and ex-servicemen and others. The information is presented in Table 5.6 given at the end of the chapter. It shows that hardly 4 thousand acres out of the 79 thousand acres of surplus land distributed was given to co-operative farming societies. Most of these societies were in the Nagpur Division. These were also mostly societies of persons other than servicemen, scheduled castes, scheduled tribes and other backward classes. The bulk of the surplus land, about 75 thousand acres, was distributed among more than 10,571 individuals. 30 per cent of these individuals belonged to scheduled castes and scheduled tribes about 11 per cent to other backward classes, nearly 30 per cent were servicemen, and about 29 per cent were others. The total land distributed amongst these groups was more or less in the same proportions as their numbers in the total.

5.38. The average surplus area distributed per person came to a little less than 8 acres. If the remaining surplus land still to be distributed is ultimately distributed in the same manner as the land already distributed, then it can be said that no more than 28 thousand individuals (or families) in rural Maharashtra will benefit by getting, on an average, a little less than 8 acres of surplus land each. Information about the extent of landholding of the individual recipients of the surplus land was not readily available. However, if all of them are assumed to be landless then it can be seen that hardly one per cent of the landless rural families in Maharashtra will benefit from the redistribution of the surplus land obtained under the Ceiling Act.

5.39. On the whole, therefore, the extent of the land available as surplus as a result of the Ceiling Act has been disappointingly small.

Possible reasons for the small area of surplus land

The total area declared surplus, inclusive of the surplus lands acquired from the sugar factories, forms hardly half of one per cent (0.5 per cent) of the total area occupied for cultivation in the State. Under the circumstances, the question arises: why could only such a small number of holdings be finally declared as holdings with surplus land? The reasons are many and varied. Indication of some of these reasons and their relative importance could have been obtained if it were possible to classify the 11 thousand holdings which had after scrutiny been declared to contain no surplus land, according to the reasons for such declaration. Unfortunately this was not possible as the relevant data were not readily available. Partial information on these lines (not presented in this report), however, suggests the following reasons:

(a) Under section 6 of the Ceiling Act a holder with more than 5 members in his family is allowed to retain additional land at the rate of one-sixth of the ceiling area for every member in excess of 5, subject to the outside limit of twice the ceiling area. In such cases enquiry had to be closed without declaring any surplus.

(b) The Act requires all partitions and transfers effected after 4th August 1959 to be ignored for the purpose of applying the ceiling limit, unless the party is able to prove that such transfer or partition was genuine. In a number of cases it was found that transfers and partitions had actually taken place prior to 4th August 1959, but no note had been taken of this in the record-of-rights, and therefore these had *prima facie* been considered surplus



holders. The correct position was established in the enquiry and therefore no surplus could be declared in their cases.

(c) In some cases, the land shown to be cultivated by the owner, turned out to be under the possession of tenants. Therefore no surplus land could be declared in these cases. This was particularly so in the Aurangabad division where the Tenancy Act permitted continuance of tenancy.

The above three were the more important reasons why many holdings which apparently had surplus areas turned out to be within ceiling limits. Besides, the following reasons were also relevant in some cases :

(d) The law provides that in the case of a transfer or a partition made after 4th August 1959, the power of scrutiny can be exercised by the enquiry officer where such a transfer is made by the act of parties *inter vivos*; that power does not extend to cases where a partition or a transfer is effected in pursuance of a court decree. In some instances the landholders did obtain court decrees and thereby escaped from being declared surplus holders.

(e) Where a landholder died pending completion of the ceiling enquiry, the enquiry had to be dropped or stayed, as the High Court held that in such a case the heirs of the deceased succeed to a definite share of the property. Therefore in a case of this nature the question of instituting a ceiling enquiry can arise only if any heir is found to be in possession of land in excess of the ceiling. Against this decision of the High Court the State Government has filed an appeal which is still pending.

(f) Transfer or partition of land effected before 4th August 1959 had to be accepted by the Enquiry Officer under the Act.

There were also a few other minor reasons for non-declaration of some holdings as surplus holdings.

5.40. The question of removing some of these lacunae was discussed by the Committee. One of the escape routes could have been closed if the date from which the scrutiny of transfers and partitions was to be made had been put as far back as possible, say, to the time when the first provisions for ceiling were incorporated in the Tenancy Acts. The Committee was given to understand that the Government itself had considered such a possibility at the time of the preparation of the Ceiling Bill, but the legal advice was against such a step.

5.41. Another lacuna discussed in (d) above could, however, have been anticipated and a provision could have been made to ensure that the processes of Court were not exploited to defeat the object of the ceiling law. Such a provision already exists in, for example, the U. P. Ceiling Act. A provision similar to that could have been made in the Maharashtra Act so as to provide that partition or transfer under court decree would also be subject to scrutiny of the enquiry officer unless it was made in a suit filed before 4th August 1959.

5.42. A major escape route was noted in (a) above, permitting higher ceiling for a large family. The Committee was given to understand that the underlying idea of fixing a ceiling on agricultural holding was to allow so much land as would permit an average agricultural family a 'reasonable standard of living'. Therefore, in the case of large families it was considered necessary to provide some additional land. If this concession had not been given, it was argued, it would have amounted to putting a premium on partitions, particularly partitions made in anticipation of the law. Under the circumstances, this may not perhaps be regarded as a lacuna but all the same, it resulted in less area becoming available as surplus.

5.43. It is reasonable to assume that a majority of the partitions of land amongst family members had taken place before 4th August 1959. Therefore many of these lacuna in the way of enforcing the Ceiling Act would have been obviated had the law treated the family instead of the individual landholder as the unit for enforcement of ceiling. If for purposes of enforcing the ceiling and determining the surplus, the total land holding of all family members (however defined) had been pooled together, then the difficulties arising out of the various methods of partitions and transfers would have become irrelevant. But this involves a basic change in the approach to ceiling on land holdings in the State.

5.44. The implementation of the Ceiling Act has, so far, been concerned mostly with the determination of surplus land in holdings on or before the appointed day, i.e., 26th January 1962. No attention has yet been given to the task of enforcing ceiling on holdings that subsequently come to exceed the ceiling limit as a result of new acquisitions or conversion of dry crop land irrigated from sources constructed by Government. It was noted

Problems of the implementation of the Act in future for newly emerging surplus holders

earlier that in the case of new acquisitions through purchase of land, the ceiling as per the Tenancy Act is  $\frac{1}{3}$ rd of the ceiling limit specified in the Ceiling Act. In the case of conversion of dry lands into irrigated the ceiling area in the Ceiling Act is to apply. The real problem is to keep a continued track of the new cases which emerge in order that the provisions of the Ceiling and the Tenancy Acts are enforced. The Government does not appear to have given any attention so far to the administrative aspects of this question. Where dry land is converted into irrigated land by a source constructed by Government, the Ceiling Act requires that these areas should be notified before the Government can proceed to enforce the Ceiling Act. It was pointed out to the Committee that a notification is to be made only when the lands actually get water from the sources. This might lead to some delay in notification after the completion of an irrigation project. The Committee, however, understands that though some irrigation projects have been ripe for notification during the last 10 years since the commencement of the Ceiling Act, no areas have so far been notified by the Government. Consequently, the question of determining the new surplus holdings in these areas has not arisen so far. It is necessary that this is expedited. No administrative processes have so far been devised to locate the surplus holders in these areas. This, however, should not be difficult. The revenue officials may be required to prepare a list of landholders in the notified area whose lands are irrigated and the total land possessed by each one of them. This list should be the prime-source for determining the surplus holders in the notified areas. For all other situations, some administrative procedure has to be devised. The Tenancy and Agricultural Lands Act in the three regions of the State require that agricultural land shall not be transferred without the prior permission of the Collector. This provides an administrative basis for the Collector to detect possible surplus holders and indeed to prevent their emergence. But it is difficult to ensure the strict enforcement of this provision by administrative process. Registration of sales as well as other types of transfers do take place without the knowledge of the Collector. Such transfers if contrary to law, will be declared invalid only when they come to the attention of the Collector. It has therefore been suggested to the Committee that the Registration Act may be suitably amended to make such permission from the Collector a prior condition for registration of sales and other

transfers of land. This blanket provision may, however, create difficulties for the large body of land owners and prospective buyers whose holdings may be far below the ceiling limit. This is a serious objection to the suggested procedure. Alternatively the Registration Officer may be required to ascertain the size of the total land holding of the transferee before registering the transfer. In case the holding is above a certain specified limit, the holder should be asked to produce a clearance certificate from the Collector before registration of the transfer. Some such device may be necessary to detect cases of surplus holders in future.

5.45. Besides this, it would be useful to prepare every year a list of landholders in each village with holdings above a certain area and get this list checked and verified by the Revenue Officers, and in *prima facie* cases send notices to landholders for submission of returns under the Ceiling Act. The list can be further checked once in every 5 years at the time of the Agricultural Census which, the Committee is given to understand will hereafter be a quinquennial feature. Unless some such routine administrative procedure is devised for checking and counter checking, cases of emerging surplus holders, the effective implementation of the Act on a continuing basis will become well-nigh impossible.

**TABLE 5.4**

*Statement showing the position of returns received and disposed and the surplus land declared under Ceiling Act as on 31st December 1971.*

(Area in Acres)

District/Division	Total No. of returns filed	Total No. of enquiries completed by Collector	Total No. of cases in which no land was declared surplus	Total No. of cases in which land was declared surplus	Total area declared surplus by Collector	Total area declared surplus after review, etc. by M. R. T. and the courts of law
(1)	(2)	(3)	(4)	(5)	(6)	(7)
1. Thana .. ..	223	216	184	32	8,873	8,873
2. Kolaba .. ..	67	67	46	21	8,264	7,879
3. Ratnagiri .. ..	87	86	69	17	1,179	1,179
<b>I. Coastal Districts of Bombay Division (1+2+3).</b>	<b>377</b>	<b>369</b>	<b>299</b>	<b>70</b>	<b>18,316</b>	<b>17,931</b>
4. Nasik .. ..	472	472	413	59	2,977	2,977
5. Dhulia .. ..	304	299	256	43	1,801	1,801
6. Jalgaon .. ..	243	238	146	92	3,371	3,371
<b>II. Non-Coastal Districts of Bombay Division (4+5+6).</b>	<b>1,019</b>	<b>1,019</b>	<b>815</b>	<b>194</b>	<b>8,149</b>	<b>8,149</b>
<b>III. Bombay Division (I+II)</b>	<b>1,396</b>	<b>1,378</b>	<b>1,114</b>	<b>264</b>	<b>26,465</b>	<b>26,080</b>

TABLE 5.4—*contd.*

							(Area in Acres)
District/Division	Total No. of returns filed	Total No. of enquiries completed by Collector	Total No. of cases in which no land was declared surplus	Total No. of cases in which land was declared surplus	Total area declared surplus by Collector	Total area declared surplus after review, etc. by M. R. T. and the courts of law	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	
7. Ahmednagar .. ..	1,274	1,247	923	324	14,281	13,055	
8. Poona .. ..	1,411	1,404	1,280	124	9,533	9,570	
9. Satara .. ..	153	153	73	80	11,872	11,872	
10. Sangli .. ..	424	397	303	94	4,267	4,394	
11. Kolhapur .. ..	277	272	197	75	10,974	11,354	
12. Sholapur .. ..	1,026	942	754	188	9,366	9,474	
<b>IV. Poona Division (7 to 12)</b>	<b>4,065</b>	<b>4,415</b>	<b>3,530</b>	<b>585</b>	<b>60,293</b>	<b>50,719</b>	
13. Aurangabad .. ..	1,089	1,079	573	506	19,437	16,062	
14. Bhir .. ..	836	823	652	171	10,393	10,917	
15. Parbhani .. ..	744	707	461	246	15,126	14,837	
16. Nanded .. ..	530	530	423	107	4,422	4,268	
17. Osmanabad .. ..	943	917	674	943	8,673	8,673	
<b>V. Aurangabad (13 to 17) ..</b>	<b>4,142</b>	<b>4,056</b>	<b>2,783</b>	<b>1,273</b>	<b>58,051</b>	<b>54,757</b>	

18.	Nagpur	..	..	379	373	202	171	7,977	7,428
19.	Chandrapur	..	..	323	315	207	108	8,941	4,677
20.	Bhandara	..	..	139	138	80	58	3,599	2,379
21.	Wardha	..	..	738	720	425	295	15,414	14,772
22.	Akola	..	..	1,641	1,607	1,152	455	20,912	20,326
23.	Yeotmal	..	..	1,041	1,024	583	441	27,220	25,914
24.	Buldhana	..	..	744	736	559	177	6,283	5,725
25.	Amraoti	..	..	1,189	1,104	632	472	19,419	18,604
<b>VI.</b>	<b>Nagpur Division (18 to 25)</b>			<b>6,194</b>	<b>6,017</b>	<b>3,840</b>	<b>2,177</b>	<b>1,09,765</b>	<b>99,825</b>
<b>VII.</b>	<b>State (III+IV+V+VI)</b>			<b>16,297</b>	<b>15,866</b>	<b>11,267</b>	<b>4,599</b>	<b>2,54,574</b>	<b>2,40,381</b>

TABLE

Statement showing the surplus land pending disposal due to various reasons and the

District/Division	Total area declared surplus after review, etc., by M. R. T. and Courts	Out of (2) area of pending cases with M. R. T.	Out of (2) area of pending cases with Courts	Out of (2) area of cases under scrutiny revision, etc., with Commr.
(1)	(2)	(3)	(4)	(5)
1. Thana .. ..	8,873	604	..	77
2. Kolaba .. ..	7,879	..	79	504
3. Ratnagiri .. ..	1,179	..	95	634
<b>I. Coastal Districts of Bombay Division (1+2+3).</b>	<b>17,931</b>	<b>604</b>	<b>174</b>	<b>1,215</b>
4. Nasik .. ..	2,977	300	357	..
5. Dhulia .. ..	1,801	348	516	..
6. Jalgaon .. ..	3,371	64	735	..
<b>II. Non-Coastal Districts of Bombay Division (4+5+6).</b>	<b>8,149</b>	<b>712</b>	<b>1,608</b>	<b>..</b>
<b>III. Bombay Division (I+II).</b>	<b>26,080</b>	<b>1,316</b>	<b>1,782</b>	<b>1,215</b>
7. Ahmednagar .. ..	13,055	2,857	3,852	184
8. Poona .. ..	9,570	69	38	7,076
9. Satara .. ..	11,872	1,308	..	3,302
10. Sangli .. ..	4,894	54	..	3,193
11. Kolhapur .. ..	11,854	1,285	1,315	3,376
12. Sholapur .. ..	9,474	1,490	1,231	1,488
<b>IV. Poona Division (7 to 12).</b>	<b>59,719</b>	<b>7,063</b>	<b>6,435</b>	<b>18,619</b>
13. Aurangabad .. ..	16,062	9,638	1,339	..
14. Bhir .. ..	10,917	4,277	1,328	575
15. Parbhani .. ..	14,837	2,644	4,042	5,946
16. Nanded .. ..	4,268	2,542	229	939
17. Osmanabad .. ..	8,673	1,343	456	847
<b>V. Aurangabad Division (13 to 17).</b>	<b>54,757</b>	<b>20,444</b>	<b>7,394</b>	<b>8,307</b>
18. Nagpur .. ..	7,428	309	1,290	342
19. Chandrapur .. ..	4,677	1,265	402	107
20. Bhandara .. ..	2,379	280	442	88
21. Wardha .. ..	14,772	2,149	904	15
22. Akola .. ..	20,326	2,562	2,514	..
23. Yeotmal .. ..	25,914	1,502	1,485	1,536
24. Buldhana .. ..	5,725	44	391	110
25. Amraoti .. ..	18,604	5,992	1,642	674
<b>VI. Nagpur Division (18 to 25).</b>	<b>99,825</b>	<b>14,103</b>	<b>9,070</b>	<b>2,872</b>
<b>State (III+IV+V+VI)</b>	<b>2,40,381</b>	<b>42,926</b>	<b>24,682</b>	<b>31,013</b>



No. 5.5

land actually distributed as on 31st December 1971.

(Area in Acres)

Out of (2) area of remanded cases	Out of (2) area of cases in which appeal period is not over	Sub-Total Cols. 3 to 7	Surplus area available for distribution (Col. 2-Col. 8)	Area out of (9) reserved for project affected persons	Surplus land distributed
(6)	(7)	(8)	(9)	(10)	(11)
2,614	..	3,295	5,578	..	1,946
5,447	44	6,074	1,805	..	395
116	..	845	334	..	82
8,177	44	10,214	7,717	..	2,423
..	..	657	2,320	99	963
..	158	1,022	779	55	665
231	..	1,030	2,341	255	1,843
231	158	2,709	5,440	409	3,471
8,408	202	12,923	13,157	409	5,894
..	..	6,893	6,162	..	4,454
..	..	7,183	2,387	149	2,175
62	..	4,672	7,200	..	4,937
..	..	3,247	1,147	..	601
380	474	6,830	4,524	752	1,342
193	814	5,216	4,258	222	2,198
635	1,288	34,041	25,678	1,123	15,707
1,556	..	12,533	3,539	2,176	1,130
1,660	13	7,853	3,064	282	1,551
733	214	13,579	1,258	142	885
..	..	3,710	558	..	366
2,133	..	4,779	3,894	70	2,423
6,082	227	42,454	12,303	2,670	6,355
145	..	2,086	5,342	..	4,992
..	..	1,774	2,903	..	1,848
..	198	1,008	1,371	20	918
973	1,107	5,148	9,624	..	7,795
944	2,150	8,170	12,156	..	11,084
1,908	735	7,166	18,748	..	13,872
175	249	969	4,756	..	4,059
1,810	221	10,339	8,265	..	6,408
5,955	4,660	36,660	63,165	20	50,976
21,080	6,377	1,26,078	11,43,03	4,222	78,932

TABLE 5.6

*Distribution of surplus land among different classes of persons and co-operative farming societies till the end of 1971.*

District (1)	(Area in Acres)											
	Scheduled Castes				Scheduled Tribes				Backward Classes			
	Ind. (2)	Area (3)	Soc'y. (4)	Area (5)	Ind. (6)	Area (7)	Soc'y. (8)	Area (9)	Ind. (10)	Area (11)	Soc'y. (12)	Area (13)
(1) Thana .. ..	2	6	..	..	565	1,856	..	..	19	72	..	..
(2) Ratnagiri .. ..	..	..	..	..	..	..	..	..	..	..	..	..
(3) Kolaba .. ..	..	..	..	..	..	..	..	..	..	..	..	..
(4) Nasik .. ..	6	34	..	..	45	336	..	..	6	35	..	..
(5) Dhulia .. ..	13	93	..	..	51	245	..	..	17	68	..	..
(6) Jalgaon .. ..	7	49	..	..	15	20	..	..	11	142	..	..
Total .. ..	28	182	..	..	676	2,457	..	..	53	317	..	..
(7) Ahmednagar .. ..	141	814	..	..	70	254	..	..	77	385	..	..
(8) Poona .. ..	7	53	..	..	..	..	..	..	20	117	..	..
(9) Satara .. ..	54	N.A.	..	..	135	..	..	..	15	..	..	..
(10) Sangli .. ..	10	50	..	..	..	..	..	..	11	78	..	..
(11) Sholapur .. ..	27	255	..	..	6	44	..	..	45	436	1	42
(12) Kolhapur .. ..	..	..	..	..	..	..	..	..	..	..	..	..
Total .. ..	239	1,172	..	..	221	298	..	..	168	1,016	1	42

(13) Aurangabad	..	..	..	..	..	..	..	..	..	..	..	..	..
(14) Parbhani	..	..	..	..	..	..	..	..	..	..	..	..	..
(15) Bhir	..	..	72	527	1	121	1	11	..	..	6	38	..
(16) Nanded	..	..	..	..	..	..	..	..	..	..	..	..	..
(17) Osmanabad	..	..	36	376	..	..	2	17	..	..	20	229	..
<b>Total</b>	..	..	108	903	1	121	3	28	..	..	26	267	..
(18) Buldhana	..	..	178	788	..	..	12	53	..	..	5	28	..
(19) Akola	..	..	165	1,174	..	..	19	134	..	..	185	762	..
(20) Amraoti	..	..	178	1,161	..	..	29	145	..	..	106	320	..
(21) Yeotmal	..	..	205	2,007	..	..	277	2,773	1	82	235	2,336	..
(22) Wardha	..	..	189	1,450	..	..	156	1,167	..	..	107	914	1
(23) Nagpur	..	..	110	694	..	..	65	507	..	..	91	519	..
(24) Bhandara	..	..	104	212	..	..	94	292	..	..	88	252	..
(25) Chandrapur	..	..	81	271	..	..	36	186	..	..	41	226	..
(26) Rajura	..	..	11	107	..	..	18	90	..	..	20	158	..
<b>Total</b>	..	..	1,221	7,864	..	..	705	5,447	1	82	878	5,515	1
<b>Grand total</b>	..	..	1,596	10,126	1	121	1,605	8,230	1	82	1,125	7,115	2

TABLE 5.6—cont.

*Distribution of surplus land among different classes of persons and co-operative farming societies till the end of 1971.*

(Area in Acres)

District (1)	Servicemen				Others				Total			
	Ind. (14)	Area (15)	Socy. (16)	Area (17)	Ind. (18)	Area (19)	Socy. (20)	Area (21)	Ind. (22)	Area (23)	Socy. (24)	Area (25)
(1) Thana .. ..	..	..	..	..	4	12	..	..	590	1,946	..	..
(2) Ratnagiri .. ..	..	..	..	..	..	..	..	..	..	82*	..	..
(3) Kolaba .. ..	..	..	..	..	..	..	..	..	170	395*	..	..
(4) Nasik .. 8	8	100	..	..	54	459	..	..	119	963	..	..
(5) Dhulia .. 19	19	54	..	..	27	205	..	..	127	665	..	..
(6) Jalgaon .. 13	13	142	..	..	34	335	..	..	..	1,843	..	..
Total .. 40	40	296	..	..	119	1,011	..	..	1,006	5,894	..	..
(7) Ahmednagar.. 47	47	373	..	..	191	2,596	..	..	526	4,421	2	33
(8) Poona .. 1	1	12	..	..	187	1,969	..	..	215	2,175	..	..
(9) Satara .. ..	..	..	..	..	279	..	..	..	483	4,937	..	..
(10) Sangli .. 18	18	190	..	..	16	180	1	101	55	499	1	102
(11) Sholapur .. 31	31	318	..	..	96	1,092	2	11	205	2,145	3	53
(12) Kolhapur .. ..	..	..	..	..	150	1,342	..	..	150	1,342	..	..
Total .. 96	96	893	..	..	919	7,179	3	112	1,634	15,519	6	188

(13)	Aurangabad..	12	..	..	..	194	..	..	..	206	1,131	..	..
(14)	Parbhani ..	47	521	..	..	19	364	..	..	66	885	..	..
(15)	Bhir ..	67	524	..	..	44	330	..	..	190	1,430	1	121
(16)	Nanded ..	..	..	..	..	77	366	..	..	77	366	..	..
(17)	Osmanabad ..	98	1,217	..	..	57	584	..	..	213	2,423	..	..
	Total ..	224	2,262	..	..	391	1,644	..	..	752	6,235	1	121
(18)	Buldhana ..	264	1,985	..	..	217	924	2	281	676	3,779	2	281
(19)	Akoia..	532	3,988	..	..	278	2,874	43	2,152	1,179	8,932	43	2,152
(20)	Amraoti ..	824	3,325	..	..	523	1,298	9	259	1,660	6,149	9	259
(21)	Yeotmal ..	215	2,125	..	..	405	4,154	2	395	1,337	13,336	3	477
(22)	Wardha ..	609	3,716	..	..	47	415	1	61	1,108	7,662	2	132
(23)	Nagpur ..	296	1,823	..	..	113	1,017	9	431	595	4,561	9	431
(24)	Bhandara ..	18	115	..	..	15	47	..	..	319	918	..	..
(25)	Chandrapur ..	5	35	..	..	58	322	..	..	221	1,040	..	..
(26)	Rajura ..	8	122	..	..	27	330	..	..	84	808	..	..
	Total ..	2,771	17,134	..	..	1,683	11,381	66	3,579	7,179	47,245	68	3,732
	Grand Total ..	3,131	20,585	..	..	3,112	21,215	69	3,691	10,571	74,893*	74	4,041

\*Break up of this area is not available hence total of Cols. Nos. 2, 6, 10, 14 and 18 will not agree with Col. No. 22.

## CHAPTER VI

### IMPACT OF THE TENANCY ACT ON AGRICULTURAL PRODUCTION.

6.1. The objective of the Tenancy Act was firstly to do justice to the tenant by regulating the rent payable by him, securing his tenure on the leased land against evictions-at-will and ultimately by transferring to him the ownership of the leased land tilled by him. A second objective of the Act was to help increase the agricultural production on leased lands.

Conversion of leased land into owner-operated land was expected to lead to greater efficiency of cultivation of the land

It was generally believed that the cultivation of land by owners was more efficient than that by tenants. Tenants with no security of tenure on their leased land were not likely to be interested in making long-term investments in the form of new irrigation sources, or land improvements like reclamation, levelling, etc. Indeed, it was difficult for them to obtain loans for such investments since the leased lands could not be used as security for the purpose. In the matter of current agricultural operations also, tenanted lands were considered to be under certain disadvantages. Even if the cultivators were aware that improved methods of cultivation like application of manures and fertilisers in larger quantities, more labour intensive operations and attention, would yield a larger output of crops, the owner-cultivators were more likely to adopt these methods to a greater extent than the tenant cultivators, particularly if the tenants had leased in land on a share-rent basis. While the tenant was often required to bear the entire cost of the additional material and labour inputs, he had to share a part of the increased output with the landlords. This would naturally discourage the tenant from cultivating the leased land to the same level of efficiency or productivity as he would if he were the owner of the land. These considerations relating to the economics of tenancy, particularly share-tenancy, led the policy-makers to hope that the regulations of rent, security of tenure, and, finally, encouragement of owner-cultivation on the erst-while leased lands by either making the tenant owner of the lands, or by requiring the owner to cultivate them personally, would lead to better cultivation of such lands and increased agricultural production.

6.2. Unlike the Tenancy Act, the major objective of the law relating to ceiling on agricultural land holdings was securing social justice and reduction of extreme inequality in the distribution of property in land. There has, however, been some debate about the impact of this measure on production from the surplus land distributed to the economically weaker sections of the rural community. On the one hand, it has been contended that the surplus land available from the very big landholders is likely to be comparatively poor in cultivation and any small cultivator given this land could not do worse; rather he can be expected to improve the level of husbandry on it. On the other hand, it has been said that as a result of the break-up of large farms under the ceiling law and the distribution of the surplus land to the landless or small cultivators the level of husbandry would suffer inasmuch as the new cultivators are unlikely to be able to put the same level of resources and expertise into the land that the big cultivators had. Even when the surplus land is of poor quality, it has been contended that the new owners are unlikely to have the capacity to invest the large resources that may be required to bring the lands to a better level of productivity, while the big landowners with their better resource position would have been able to do so.

6.3. One of the terms of reference of the Committee is to evaluate the impact of the Land Reform Legislation in the State on the

Agricultural production. For this purpose it would be necessary to consider the lands affected by the Tenancy Act as well as the Ceiling Act. However, it was noted in Chapter V that the actual surplus land distributed till 1971 as a result of the Ceiling

Comparatively small area declared surplus under Ceiling Act. Therefore, no useful enquiry into its impact on agricultural production is possible

Act was only 77 thousand acres in the State as

a whole, excluding 85 thousand acres of sugarcane land acquired from the sugar factories. These sugarcane lands are being farmed at present by the State Farming Corporation, and judging on the basis of the per acre yield of cane there is no reason to believe that the production on these lands has suffered as a result of the transfer of the lands from the Companies to the Corporation, both being large-scale cultivators. No information is available about the level of husbandry in the remaining surplus land actually distributed to people so far in the villages. Since the total area involved is very small and thinly spread over a large number of villages, it was not considered

feasible to make a special enquiry about them. Ownership of a much larger area of land was transferred to the tenants under the Tenancy Act than under the Ceiling Act in the State. It was, therefore, considered advisable to confine attention to the impact of the tenancy reform on agricultural production on the leased lands.

6.4. The Committee feels that any empirical verification of the expected impact of the virtual abolition of tenancy in most parts of

Impact of Tenancy Act on production can be meaningfully studied in terms of its impact on long term investment in the former leased lands

the State on Agricultural production can at best be an extremely difficult exercise. Agriculture in the State is overwhelmingly dependent on rainfall, and almost all the land involved in tenancy at the time of the Tillers' Day in different parts was unirrigated. Under the circumstance agricultural production is liable to fluctuation from year to year more due

to variations in rainfall and other uncontrollable factors than due to variations in controlled inputs. The comparison of two point data on yield from lands involved in tenancy on the eve of Tillers' Day and now owner-cultivated, even if available, would be subject to this severe limitation and, therefore, may not be helpful in making meaningful comparisons. There is an additional difficulty. Information on the yield of crops can be obtained from the cultivators who have to report from memory. This is not always very accurate particularly when one seeks information from a farmer about the yield from a particular plot that might have been involved in tenancy. The task becomes almost impossible when the farmer is required to recollect the yield on that plot of land a decade or more ago on the eve of the Tillers' Day when it was being tenant-cultivated. One possible way out of this extreme difficulty would be a comparison of the yield rate on lands at present tenant-cultivated with the yield rate on lands that were under tenancy till the Tillers' Day and are at present being owner-cultivated. There are a number of difficulties associated with this procedure, but some of these could be minimised if a large sample of lands presently tenant-cultivated could be available. However, as was noted in Chapter II to IV, except in Marathwada, very little land was under tenant cultivation in the State in 1969-70. Most of these were tenancies under exceptional circumstances, very thinly distributed over whole regions. This alternative method therefore was not open to us.



6.5. The Committee, therefore, decided to use variations in inputs—i.e., long term investments in the land as well as changes in some important current inputs like manure, fertilizer, improved seeds, etc., as stable indicators of changes in the productive endeavour on the erstwhile tenanted lands.

6.6. The Committee decided to collect information on these aspects for all the plots of land that were involved in tenancy on the eve of the Tillers' Day, in a few selected villages in the three regions of the State. Since the enquiry involved visiting every tenant and landlord and obtaining detailed information from him, it would have been both expensive and time-consuming if a very large number of villages were to be selected for the enquiry. Therefore, the Committee selected only six villages, two from each of the three regions—Western Maharashtra, Vidarbha and Marathwada—at random from among the fifty villages selected for the special survey on tenancy. (Ref. Appendix E). In each of these villages all plots of land involved in tenancy on the eve of the Tillers' Day were taken up for investigation. The landlords and tenants were interviewed to get information on different aspects of agricultural operation at the time of the Tillers' Day as well as at the time of this special survey in 1970. The questionnaire used for this survey is reproduced in Appendix F of this report.

6.7. Information was obtained on sinking of new wells on the plots, investments in bunding and terracing as well as land reclamation, levelling, etc., after the implementation of the Act. In addition to these, information was also obtained on changes in use of some major inputs like manures, fertilizers, insecticides, new hybrid and high-yielding varieties of seeds, and other improved agricultural practices.

6.8. The plots of land for which the above data were collected have been grouped into four categories: (1) plots which reverted to the landlords for cultivation after termination of tenancy, (2) Plots which came to be owned as well as cultivated by the tenants, (3) Plots on which tenancy continued because the Tillers' Day had either been postponed or the lands belonged to exempted categories, or in the case of Marathwada, tenancy was legally continued; (4) In addition to these three categories of land which had been involved in tenancy

on the eve of the Tillers' Day, similar data were also collected from all these landlords and tenants about their plots which was not involved in tenancy. Besides, data were collected about the plots belonging to a random sample of 10 per cent of the khatedars in the selected villages whose holdings had not been involved in tenancy. Comparison of changes in investment and current inputs in the latter two types of plots with those involved in tenancy would provide a basis for judging the differential effect of abolition of tenancy on productivity in agriculture. In all, 494 Khatedars involved in leasing operations on the Tillers' Day and 91 Khatedars not involved in tenancy were contacted for this study in the six villages. The classification of the surveyed plots and their area belonging to these Khatedars is given in Table 6.1.

TABLE 6.1

*Total number of plots and their area selected in the survey according to the type of possession on Tillers' Day and Survey Day.*

Type of possession (1)	Number of plots (2)	Area (in acres) (3)
I. Tillers' Day leased plots. Ownerable remained with the Lessor.	127	892
II. Tillers' Day leased plots. Ownership transferred to the tenant	296	980
Sub-Total-Tillers' Day leased plots. Ownership Cultivation (I and II).	423	1,872
III. Tillers' Day leased plots. Tenancy continued .. .. .	89	381
Sub-Total (All Tillers' Day leased plot). (I and II, III) ..	512	2,253
IV. Owned and operated on Tillers' Day and Survey Day ..	1,286	5,764

6.9. Did greater investment in new sources of irrigation and land improvement take place as a result of the abolition of tenancy and promotion of ownership cultivation? Canals form an important source of irrigation in the State. Extension of canal irrigation however does not depend upon farmer's initiative but on the decision of the State and therefore tenancy and its abolition can have little to do with it. The farmer's initiative and decision about investment is involved mainly in sinking irrigation wells, which are also the major sources of irrigation in the State. Table 6.2 shows that only 8 out

TABLE 6.2

*Percentage of plots with irrigation wells and the area irrigated on the Tillers' Day and Survey Day.*

Type of possession					Tillers' Day		Survey Day	
					Plots	Area	Plots	Area
	(1)				(2)	(3)	(4)	(5)
I .. .. .					1.6	0.2	2.4	0.5
II .. .. .					1.0	1.6	2.7	1.6
Sub-Total (I—II)					1.2	0.9	2.6	1.1
III .. .. .					3.3	3.6	5.6	4.6
Sub-Total (I—II—III)					1.6	1.4	3.1	1.7
IV .. .. .					4.7	1.1	6.6	2.2

*N.B.*—For details of Type of possession I to IV please refer to Table 6.1.

of 519 plots, i.e., about 1.6 per cent of the plots involved in tenancy had irrigation wells on the Tillers' Day; two of these were dilapidated wells unfit for irrigation. On the other hand, out of the plots owner-cultivated all along, 4.7 per cent had wells, though a little over half of these were dilapidated and therefore not in use on the Tillers' Day. By the time of the survey, the number of plots with wells had doubled among those that were originally involved in tenancy: there were 16 of these plots with wells in 1970 as against 8 at the time of the Tillers' Day. On the plots cultivated by owners all along the number of wells increased by only 39 per cent. Very few of the unused wells had been renovated. Thus generally there was no great increase in the number of wells in these surveyed villages after the Tillers' Day. But considering the great risk and uncertainty involved in sinking wells for irrigation in most parts of Maharashtra, this was not surprising. What is noteworthy, however, is the fact that the number of wells increased most by about 167 per cent on those plots of land which the tenants come to own as a result of the Act. The other two categories of erstwhile leased lands—those now cultivated by the landlords and those still under tenancy, had also registered some increase in wells. But out of the 8 new wells sunk on the former

leased lands, 5 were on the plots which had been sold to the tenants. It will not be incorrect to say that had tenancy continued on these lands as in earlier years, neither the tenants nor the owners would have made any investments in sinking new wells on them.

6.10. Construction of new wells would help increase the area under irrigation. Extension of area under irrigation was reported for all the categories of plots except for category II, i.e., for plots which were being cultivated by tenants who had become owners. This was so because all the new wells sunk by them had been just completed, or were about to be completed when our investigation was conducted, and therefore, no extension of irrigated area could be reported in their case.

6.11. Differences similar to those in regard to investment in wells may be noticed in other types of medium and long-term investments in land. Table 6.3 shows the percentage of plots and of area in which land improvement measures, like bunding, terracing, reclamation

Impact on investment  
in land reclamation etc

TABLE 6.3

*Percentage of plots and areas brought under different land improvement after Tillers' Day.*

Type of possession		Reclamation	Levelling	Bunding	Terracing
(1)		(2)	(3)	(4)	(5)
I	P	..	..	2.4	0.8
	A	..	..	3.5	0.3
II	P	..	5.4	1.0	0.3
	A	..	9.3	0.6	0.1
Sub-Total (I+II)	P	..	3.8	1.4	0.5
	A	..	4.9	2.0	0.2
III	P	..	1.1	2.2	13.3
	A	..	0.3	0.3	16.0
Sub Total (I+II+III)	P	..	3.3	1.6	2.7
	A	..	4.1	2.1	2.9
IV	P	..	0.2	1.2	0.8
	A	..	0.1	1.5	0.6

N. B.—P—Plots. A—Areas.

For details of type of possession I to IV please refer to Table 6.1.

and levelling had taken place after the Tillers' Day in each of the four categories of land. All categories of land reported increased bunding activity to the same extent. But then bunding in Maharashtra is undertaken by the Government on a village basis and the expense is recovered from the cultivators concerned. Therefore no difference between owner-operated and tenanted lands need be expected in this regard. Very few plots were terraced during this period except some still under tenant cultivation, but these were rather exceptional cases. The real significant change reported was about reclamation of land. Almost all plots reportedly reclaimed after the Tillers' Day belonged to the tenants who had become owners of the lands. Nearly 5.4 per cent of the plots involving 9.3 per cent of the total area had been reclaimed by the tenants after they became owners of the land. Very few owner-operated plots had been reclaimed. It is quite possible that some of the plots that were worth reclaiming had been reclaimed earlier by their owners. But it is unlikely that owner-cultivators had no more land worth reclaiming. The real point is the tenants who in many cases became owners of the poorer type of leased land spent considerable resources on reclaiming and developing these lands for cultivation, something they naturally had not considered worth doing when they were tenants. Even if they had found it worthwhile, they would not have been able to muster adequate resources for the purpose. Conferment of ownership provided both the basis and the incentive for such long-term investment of resources and labour in the land.

The picture about levelling of land was less clear, the differences among the four classes in this matter were not very significant.

6.12. The information collected in the six surveyed villages of the State therefore reveals on the whole only a small effort at long terms investments on land during the decade or more since the Tillers' Day. But what is more significant for our purpose is the fact that the limited increase in sinking of wells, land-reclamation and other land-improvement activities was reported more on the lands that were formerly cultivated by tenants. This was particularly noticeable on the lands which the tenants had come to own as a result of the Tenancy Act.

Impact of Tenancy Act on long term investment in the erstwhile leased land was marginal but positive

The evidence, though small, was positive that as a result of the conferment of ownership of the leased land on the tenants long term investment in such land had increased.) This should lead to increased agricultural production on such lands.

(6.13. The evidence about the impact of the Tenancy Act on the improvements in current inputs and agricultural practices was less

The evidence about its impact on current agricultural practices and application of improved inputs is less clear

clear and positive.) Information obtained about the changes in the use of manures and chemical fertilizers, improved seeds and other improved agricultural practices on the four different types of plots are summarised in Tables 6.4 to 6.6 given at the end of the chapter. The data show that before the Tillers' Day more

than 60 per cent of all the plots were receiving some manure. By the time of the survey in 1970 there had been an increase of 15 to 20 per cent in the number of plots on which manure was applied and this was so for all types of plots. Very little land was treated with chemical fertilizer before the Tillers' Day. By the time of the survey, fertilizer was being applied to 10 to 14 per cent of the plots. (The least increase was on those plots which the former tenants had acquired. Extension of application of fertilizer has been a result of a basic change in the technology of agriculture known to the farmers. But it is conditioned among other factors by the availability of timely and adequate water supply.) Since this was not uniformly the case among the four different types of plots, no great significance can be attached to the differences among them in the matter of application of fertilizers. The same can be said about the changes in the application of insecticides.

(6.14. Similarly, with regard to the use of improved seeds, it appears that very little land in the surveyed villages was being sown with whatever improved seeds were known to the cultivators at the time of the Tillers' Day. By 1970 the proportion of plots sown with improved seeds had increased to about 14 per cent in case of plots formerly cultivated by tenants and to about 24 per cent in case of plots owner-cultivated all along. As in the case of fertilizer, use of improved seed is also to some extent conditioned by the availability of adequate water and fertilizers. Water, seed, fertilizer and insecticides go in a package, so to say. Therefore it is difficult to attribute significance to differences among the various groups of plots in the use of improved seeds without reference to those circumstances. While the increase in the extent of

the formerly tenanted land sown with improved seeds has not been insignificant, it is difficult to say on the basis of the available evidence, that the Tenancy Act had led to a greater use of such seeds on the formerly tenanted lands.

6.15. The farmers in the six surveyed villages were also asked if they had used any improved sowing practices on their plots, like line sowing, spacing, dribbling, etc. The greatest increase was reported on plots cultivated by the ex-tenants who had come to own those plots. This does not necessarily mean that on the other plots improved sowing practices were being followed to a lesser extent; it may be that on owner-operated plots such practices had been followed even before the Tillers' Day. Even if that be the case, the fact remains that such practices came to be followed to a large extent on the former leased lands when the tenants became the owners of such lands.

6.16. The evidence relating to the application of improved current inputs and agricultural practices may now be summed up. There was some increase in the application of improved seeds and fertilizers. However, there was no definite evidence that a greater use of such inputs had taken place on the lands formerly under tenancy. But then it has to be remembered that these improvements are highly conditioned by the availability of assured water supply which was very limited in the villages studied. There is some evidence to the effect that improvements in agricultural practices took place significantly on plots which the former tenants had come to own as a result of the Tenancy Act. This may be the result of the ownership conferred on the tenants.

6.17. Before considering the final assessment of the indirect evidence on the impact of the Tenancy Act on agricultural production presented

Production on the very small farming formerly leased out, might have suffered somewhat as a result of the Act

above, attention may be turned to another aspect of the question that has been brought to our notice. As a result of the land-to-the-tiller legislation in the State many small land-owners who had leased out land and migrated to urban areas for work and earning, either terminated the tenancy arrangements for fear of losing the land altogether, or got back their land as a result of voluntary surrender by the tenants. Since the creation of new tenancy is risky, such a small

owner tried to get the land cultivated through his wife and children in the village with the occasional help of a friend or a relation. This has naturally led to rather perfunctory cultivation of the land without adequate bullocks, implements and labour, and resulted in poorer total production than was the case when the land was being cultivated by a rent-paying tenant. To the extent this is true, agricultural production has suffered as a result of the Act. But it is necessary to remember that while such landholders might not be insignificant, in number in the State, the land owned by them forms an insignificant part of the total cultivated land in the State. Therefore any marginal decline in production on such lands cannot cause a meaningful change in the total.

6.18 The available indirect evidence about the impact of the tenancy Act on the agricultural production in the State reveals only small or marginal changes. In the first place, there was no great increases in the total number of irrigation wells or in various land improvement measures, as well as in the extension of the use of chemical fertilizers, new improved seeds, etc., in these villages during the decade

The indirect evidence on impact of Act on agricultural production shows original but positive results

or so since the Tillers' Day. But this may be due to many circumstances that have nothing to do with the legal institutional frame of agriculture. Sinking of irrigation wells in the State with its unfavourable geo-hydrological characteristics is still a very uncertain and expensive venture. So is land development like reclamation and levelling which in many situations might require heavy investments and some additional water supply to pay off. Propagation of new fertilizers and seeds is comparatively recent, and both require minimum assured water supply. In view of all these, if there has been no spectacular growth in large and short term investments following the implementation of the Tenancy Act, it would not be proper to attribute the failure to the Act. It was noted earlier that, within these basic limitations, long-term improvements like construction

Institutional reform can achieve only as much as the techno-economic basis of agriculture permits

of wells, reclamation and levelling, took place to a greater extent on the lands which were under tenancy at the time of the Tillers' Day and were now owner-operated, particularly by the tenants who had become owners of their leased lands as a result of the



Act. The change in the legal-institutional structure of landholding in their case helped them exploit the known technical potentialities of agricultural development. In the absence of a proper legal-institutional structure in land holding the techno-economic possibilities in agriculture cannot be fully exploited. But changes in institutional structure by themselves cannot deliver the goods if the techno-economic basis of agriculture is not favourable. This is the lesson of the limited experience in tenancy reform examined in this chapter. It implies that the legal-institutional changes in agriculture brought about in the State through the implementation of the tenancy Act would pay greater dividends as the technological basis of our agriculture gets more and more transformed and strengthened in the years to come.

TABLE 6.4

*Percentage distribution of plots and area under chemical and all fertilizers on Tillers' Day and Survey Day separately for leased and unleased plots.*

Type of Possession	Tillers' Day				Survey Day			
	Plots		Area		Plots		Area	
	Chemical	All	Chemical	All	Chemical	All	Chemical	All
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
I .. ..	0.1	51.2	0.1	29.2	11.3	65.3	11.9	53.8
II .. ..	0.7	70.9	0.2	49.0	3.1	86.2	0.7	56.6
Sub-Total (I+II)	0.7	65.0	0.5	39.2	5.6	80.0	6.4	55.2
III .. ..	1.1	61.1	0.5	27.9	33.3	92.2	14.1	63.8
Sub-Total (I+II+III)	0.8	64.3	0.6	37.2	10.5	82.1	7.6	56.6
IV .. ..	2.7	60.5	3.7	50.4	14.2	70.2	11.6	59.9

N.B.—For details of Type of Possession I to IV please refer to Table 6.1.

TABLE 6.5

Percentage of plots and area under improved seeds on Tillers' Day and Survey Day.

Type of Possession (1)	Tillers' Day		Survey Day	
	Plots (2)	Area (3)	Plots (4)	Area (5)
I .. .. .	2.4	1.2	16.1	14.0
II .. .. .	0.4	0.2	13.1	18.9
Sub-Total (I+II)	0.9	0.7	14.0	16.5
III .. .. .	3.3	2.2	7.8	10.9
Sub-Total (I+II+III)	1.4	1.0	12.9	15.6
IV .. .. .	1.8	2.5	23.8	22.4

Note.—For details of Type of Possession I to IV please refer to Table 6.1.

TABLE 6.6

Percentage of plots and area where change was reported after the Tillers' Day in the adoption of different improved techniques of cultivation.

Type of possession (1)	Improved sowing practices (2)	Use of improved implements (3)	Use of Insecticides (4)	All Techniques (5)
I	P .. .. .	8.7	5.3	11.0
	A .. .. .	19.6	13.7	23.0
II	P .. .. .	48.2	7.1	56.4
	A .. .. .	12.8	9.5	25.1
Sub-Total (I+II)	P .. .. .	33.6	7.6	42.8
	A .. .. .	6.7	14.3	24.1
III	P .. .. .	16.8	5.6	24.7
	A .. .. .	8.4	6.4	20.7
Sub-Total (I+II+III)	P .. .. .	30.6	7.2	39.6
	A .. .. .	7.0	12.9	23.4
IV	P .. .. .	3.1	7.1	14.5
	A .. .. .	1.2	15.4	22.6

N.B.—P=Plots.

A=Area.

For details of the types of possession I to IV please refer to Table 6.2.

## CHAPTER VII.

### ABOLITION OF INAMS AND INTERMEDIARY TENURES

7.1. The dominant form of land tenure in the present State of Maharashtra has all along been raiyatwari. However, certain types of intermediary tenures in land as well as various forms of inam tenures were significant in certain parts of the State. The coastal districts of Kolaba and Ratnagiri were characterized by the khoti type of land tenure. In the four former C. P. districts of Bhandara, Chandrapur, Nagpur and Wardha, malguzari form of land tenure was prevalent. In the Berar districts Jagirdari and Izardari tenure were quite significant, though not dominant. In the Marathwada districts Jagirdari form of tenure was quite significant. The various types of inam tenures were found all over the State, particularly in the districts of Western Maharashtra and Marathawada.

7.2. The intermediary tenures were characterized by almost of absolute control of the intermediaries on the lands, whether cultivated or otherwise, in their estates. They paid stipulated revenue to the Government, and extracted rents as well as a variety of cesses and levies, legal or otherwise, from the under-right holders. They had under them many under-right holders, with varying rights in the land, and not all of these were actual cultivators. After independence in 1947, it became the national policy to bring the actual cultivators into direct contact with the Government. For this purpose, it was necessary as a first step to abolish all intermediary rights in land. Some of the inam tenures were also characterized by such a separation of ownership from cultivation. In other cases, the inamdars were enjoying the lands rent-free (i.e., revenue-free) or on concessional or fixed rents for a variety of reasons that had ceased to be relevant in the post-independence period. The then Governments of Madhya Pradesh, Hyderabad, Bombay and the Government of the present State of Maharashtra therefore passed a series of laws beginning in 1948 to abolish these various intermediary and inam tenures. The relevant information relating to the progress of implementation of the various Tenuure Abolition Laws is given in Appendix G. We shall deal with each of the individual tenures, the laws enacted to abolish them and the implementation of the laws up-to-date, in what follows. The intermediary tenures will be discussed first and the Inam tenures subsequently.

*Abolition of Khoti and related tenures:*

7.3. Khoti system of land tenure was prevalent in Ratnagiri and Kolaba districts as well as in parts of the merged States of Bhor and Janjira. Khoti was in vogue during the pre-British period. The British regularised this system of tenure in Ratnagiri district by passing the Khoti Settlement Act in 1880. By this Act the Khot was recognized as the superior holder who settled with the Government for the land revenue of his estate, had full rights over all lands in his estate, excepting those with the holders of subsidiary rights, had reversionary right over all Khoti lands including those encumbered by rights of subsidiary holders. The rights of certain holders like *dharekaris* and *quasi-dharekaris*, defined in the Act, were protected against eviction and the rent payable by them was fixed at a customary level. The Khots were not to recover any extra cesses from the tenants in their estates, but were allowed to retain a specified part of the assessment of the estate payable to Government. Despite these stipulations the Khots in many instances had continued not only to exact all sorts of cesses but also to charge rents without passing receipts therefor. There was thus no security of tenure of the inferior holders. The law of 1880 was not applied to Kolaba district and Khoti tenure then was governed by customary rules. In the former Janjira and Bhor States the then rulers had followed the Bombay Act of 1880 for regulating their Khoti tenure.

7.4. Khoti tenure in Ratnagiri and Kolaba districts was abolished by the Bombay Khoti Abolition Act, 1949 which was brought into force in 1950. An Act on similar lines, called the Bombay Merged Territories (Janjira and Bhor) Khoti Abolition Act, 1953, was subsequently passed to abolish khoti in these two former princely States. The Act of 1949 laid down that the khot was to become the occupant (peasant proprietor) of Khasgi (private) Khoti land and of Khoti Nisbat land which was not in possession of a tenant. Similarly the Act provided that in the case of dhara land, a dharekari or quasi-dharekari and in the case of other land a permanent tenant were automatically to become occupants of those lands without being required to pay any amount as occupancy price. But a tenant, other than a permanent tenant in possession of Khoti nisbat land, in the districts of Ratnagiri and Kolaba was entitled to the rights of an occupant on paying respectively to the Khot and to the Government

occupancy price equal to six times the assessment. So also a khot in actual possession of Khoti nisbat land in Kolaba district had to pay similar occupancy price to Government in order to acquire occupancy rights. The Khots in Ratnagiri had reversionary rights in the Khoti land, while those in Kolaba had no such rights. In Bhore, the 1953 Act conferred occupancy rights on the Khot in the case of Khoti Khasgi land and of Khoti nisbat land which was not in possession of an occupancy tenant, on the dharekari in the case of dhara land and on the occupancy tenant in the case of Khoti Nisbat land in his possession. In Janjira the Khot and the occupancy tenant in a Khoti village held on farokta Isafat Khoti Tenure became the occupants of the lands in their respective possession under the provisions of the Act. Both in Bhore and Janjira a dharekari in the case of dhara land acquired occupancy rights. The khots, the occupancy tenants and the dharekaris were not required to pay anything for the acquisition of the occupancy rights. Other tenants and holders in these former States had to pay occupancy price prescribed in the Act. All other lands such as uncultivated lands, village common lands, forest lands, etc., were to vest in the Government.

7.5. A quasi-dharekari, a permanent tenant or a tenant of Khoti Nisbat land in the districts of Ratnagiri and Kolaba and an occupancy tenant of Khoti nisbat land in the former State of Bhore and Janjira had to pay to the Khots the Commuted Value of the Khot's dues not exceeding three and five times of such dues respectively. The Khots in Kolaba were also to be compensated by the Government for the loss of their income from forests in these States from which they were earlier entitled to one-third of the net revenue or profits.

7.6. The implementation of the Khoti Abolition Acts involved a number of consequential actions to be taken:

- (a) deciding questions about the continuance or the conferment of occupancy rights in khoti lands,
- (b) setting disputes about the vesting of lands in Government,
- (c) determining the commuted values of the khot's dues,
- (d) enquiring into and deciding the claims of compensation,
- (e) bringing the revenue administration of the former khoti villages on a par with that of the raiyatwari villages.

7.7. A special staff of 2 Deputy Collectors, 8 Mamlatdars, 36 clerks and 33 peons had to be appointed for this purpose in Ratnagiri and Kolaba districts. Besides, the regular revenue staff had to be strengthened by the appointment of 24 and 13 additional talathis in Ratnagiri and Kolaba districts. New revenue Patels were not appointed as the existing police patels were also entrusted with the work of revenue patels. By 1960 the special staff was disbanded after the completion of the work. But when subsequently the question of compensating the khots in Kolaba for the loss of their income from forest was raised and the legal position about it was clarified by the Government a special officer was again appointed. He completed the work by May 1966. Thus all special work relating to the implementation of the Khoti Abolition Acts has already been completed. In the khoti villages the land records were in an unsatisfactory state at the time of the abolition of the tenure. In fact, in 1946, the Government had ordered a special survey to bring the records up-to-date in the villages. This work proved very expensive and therefore its speed had been slowed down after 2 years. The work continued even after the abolition of khoti, and has by now been completed.

7.8. There were in all 1,466 khoti villages in the State at the time of the khoti abolition. The following table gives the district-wise break up:—

TABLE 7.1

District	No. of Khoti villages	No. of Khots	Total area in Acres	Total assessment in Rupees
(1)	(2)	(3)	(4)	(5)
Ratnagiri .. .. .	954	25,333	12,77,428	6,70,393
Kolaba .. .. .	463	3,393	3,79,240	26,54,540
Janjira .. .. .	18	356	42,528	2,97,600
Bhor .. .. .	31			
Total ..	1,466	29,082	16,99,196	36,22,533

As a result of the process of partition over generation, the number of khots was atleast 20 times the number of khoti villages in Ratnagiri and Kolaba.

7.9. Following the implementation of the Khoti Abolition Act more than 96 per cent of the khoti lands became lands of occupants. Nearly 32 per cent of the lands became occupancy lands of the former khots, dharekaris and quasi-dharekaris without their having to pay any occupancy price. Nearly 64 per cent of the khoti lands became occupancy lands of the khots and tenants with a liability on their part to pay the prescribed occupancy price within the prescribed period. Only about 4 per cent of the khoti land consisting partly of culturable waste, unculturable waste and common land and partly of land under forests vested in Government.

TABLE 7.2

(Area in '000 Acres)

District or area (1)	Koti land which became occupancy land of former holders		Khoti land vested in Government (4)	Total (5)
	Without any liability (2)	On payment of occupancy price (3)		
Ratnagiri and Kolaba .. ..	544	1,069	68	1,681
Janjira and Bhor .. ..	12	28	3	43
Total .. ..	556 (32%)	1,097 (64%)	71 (4%)	1,724 (100%)

Note.—Figures in brackets give percentages.

7.10. Complete Statistical information about the number of khots and tenants who became occupants is not available. The following Table 7.3 gives only a partial picture for Kolaba and Ratnagiri districts:

TABLE 7.3

(Number in '000s, area in '000 acres)

District or region	Khots who became occupants		Dharekaris and tenants who became occupants			
			Without paying O. P.		By paying O.P.	
	No.	Area	No.	Area	No.	Area
Ratnagiri and Kolaba .. ..	14	309	39	583	11	329
Janjira and Bhor .. ..	1	7	3	32	1	2

7.11. There was no change in the amount of land revenue received by the Government from the khoti areas, since the assessment continued as before. Most of the occupancy price paid by the tenants other than that of khoti nisbat lands in Kolaba was received by their former khots. However, the information for Kolaba is not available since the price was ultimately to be recovered alongwith the land revenue, and separate statements have not been maintained by the collectorate about it. There were applications from 5,130 khots for the grant of compensation for the abolition of their rights or incomes, etc. They were all enquired into. In 1,600 cases the claims of the khots were admitted and compensation of Rs. 2.98 lakhs was awarded to them. The compensation awarded has since been paid.

7.12. The process of abolition of the Khoti which was finally completed by 1960 (except for minor items), converted the land tenure system in the two coastal districts into the raiyatwari system that prevails in the rest of Western Maharashtra. A large number of intermediaries and a still larger number of tenants became occupants in the process. But there still remained tenants on the khoti khasgi lands, the dhara lands and the lands held by permanent or occupancy tenants. They were governed by the provisions of the Tenancy Act.

7.13. Some holders of estates consisting of villages or parts thereof granted by the East India Company in the island of Salsette were also described as khots, but they were khots of quite a different sort. They held lands, amounting to 16,942 acres in 51 villages, 21 in Thana district and 30 in Bombay Suburban district. These lands were granted for a variety of purposes and were held in *fee simple* or on very long leases. Some of them were under the actual occupation of the permanent holders who paid only assessment to the estate-holders. In respect of these lands the estate-holders had no right other than the right to receive their land revenue which they did not have to pay to the Government. This exemption from the payment of land revenue on all the lands in the estates was abolished in 1951 by the Salsette Estates (Land Revenue Exemption Abolition) Act. Consequently, the State Exchequer came to collect annually 1.83 lakhs of rupees as assessment from these lands. The permanent holders and the estate-holders became the occupants of the lands which were under their possession at the time of the passing of the Act, without paying any occupancy price. Only the lands which were not appropriated including village common, roads, etc., and forest lands were



resumed and vested in the Government. Such lands formed 5.8 per cent of the total lands in the estates in these villages. As a very large part of the lands which vested in Government was very valuable, the former estate-holders contested the resumption of the lands by the Government in the High Court and have won their point. Hardly 500 rupees had to be paid as compensation for the abolition of rights of the estate-holders.

7.14. Other tenures similar in origin to the khoti tenure were the Kauli and Katuban Tenures, prevalent in 33 villages of the pre-1948 Kolaba district, 14 villages of the pre-1948 Ratnagiri district and in 162, 22 and 3 villages of the former states of Janjira, Sawantwadi and Kolhapur, respectively; 'Kaul' means a lease and 'Katuban' fixed rent or assessment. In both the cases the lands were held on payment of fixed rent or assessment. The total area under these tenures was 10,833 acres assessed for 38,970 rupees. The tenures were abolished in 1953 by the Bombay Kauli and Katuban Tenures Abolition Act, 1953. In effect this meant that all the holders of Kauli and Katuban lands and permanent holders became occupants thereof and liable to pay full assessment thereon. The annual collection of land revenue from these lands increased as a result of the abolition of the tenures. No lands vested in the Government.

#### *Abolition of Malguzari, etc., in the Vidarbha Region:*

7.15. The emergence of the Malguzari system of land tenure in the old Central Provinces districts and of the Izardari and the Jahagirdari systems in the Old Berar districts of the Vidarbha Region, has been briefly stated in section I of Chapter III. Besides Malguzari, there was a sizable area under the Zamindari tenure which was in all material aspects similar to the Malguzari tenure. Malguzars, Zamindars, Izardars and Jahagirdars were superior holders under whom there was a whole range of inferior holders with varying rights briefly described earlier in Chapter III.

7.16. Many of the Malguzari villages were granted by the pre-British Rulers free of land revenue and came to be known as Maufi villages. There were also individual plots given by the *ex-rulers* which came to be known as Maufi plots. Besides this, in the Berar districts the Jahagir and Palampat villages and certain plots of land were held as inam and enjoyed partial or full exemption from the payment of

land revenue. As a prelude to the abolition of intermediaries, the then Government of Central Provinces and Berar passed the Central Provinces and Berar Revocation of Land Revenue Exemptions Act, 1948, whereby the right of exemption from the payment of land revenue, full or partial, enjoyed by the proprietors of Maufi villages, holders of Maufi plots and alienated villages and lands (Inams) was abolished.

7.17. No compensation was paid on account of the revocation of land revenue exemption. This question had been decided by the Federal Court in a Judgment in 1944, wherein it was held that the exemption of land revenue implied inherent right of the State to impose land revenue and therefore such re-imposition of land revenue on lands exempt from the payment of land revenue did not amount to any curtailment of the right of land holders.

7.18. Government next proceeded to abolish the proprietary rights of the various intermediaries which were quite extensive and which, besides the right to create tenancies and recover rents, included the right to waste and unoccupied lands, grazing lands, village forests, tanks, bandharas and the right to levy and recover taxes and fees from various sources such as Jalkar, Bankar, Phalkar, Nats, Bazars, Melas. Grazing and village forests etc., nazarana or premium for sales of house sites etc. The income derived from these sources other than rent was known as Siwai Income. By the Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) Act, 1950 (1 of 1951), these proprietary rights were abolished from the 14th March 1951 in Berar districts and from 31st March 1951 in C. P. districts. The dates were so fixed as not to disturb the collection of Land Revenue and Cesses of the first kist viz., Kharif Kist. As stated earlier, the Malguzars, Zamindars and other superior holders became Malik-makbuzas (in Central Provinces districts) and occupants (in Berar districts) of their home-farm lands. All tenants holding from the proprietors other than the tenants at will of home-farm land became tenants (lessors in Berar districts) of the State. In the Central Provinces districts where proprietary rights held by under-tenure holders such as thekedars, or protected thekedars or protected headman vested in the State, the Deputy Commissioner could reserve to such proprietors the rights of an occupancy tenant in the whole or part of the home-farm land. As a result of this, they became the

occupancy tenants of the State. All Malik-Makbuzas and occupants paid land revenue on the home-farm land directly to the State; whereas the erstwhile tenants, who now became the direct tenants (lessees in Berar) of the State paid annually to the Government the same amount of rent as they were paying to the ex-proprietors. Certain classes of tenants viz., absolute occupancy tenants and occupancy tenants were given the privilege of securing the Malik-makbuzas rights in ex-Central Provinces districts in their tenancy land on payment of a premium equal to three times the annual rent in the case of absolute occupancy tenants and four times the annual rent in the case of occupancy tenants. In ex-Berar districts the specified tenants (ante-alienation tenants, permanent tenants and the tenants of antiquity) were allowed the privilege of securing occupant's rights on payment of a premium on a sliding scale (varying between an amount equal to the fair assessment and an amount equal to six times the fair assessment or three times the amount of difference between the lease money annually payable and the fair assessment whichever was greater). On the conferment of Malik-makbuza rights the tenants in Central Provinces districts were given a further concession by way of reduction of their present rent by one-eighth and the reduced amount was assessed as land revenue with respect to the land for which the Malik-makbuza rights were secured. For the erstwhile intermediaries in the ex-Central Provinces districts, the rental value of the home-farm land was determined and seven-eighth of this was assessed as land revenue. In ex-proprietary villages of Berar districts, the home-farm lands were already assessed to land revenue, and the full assessment was now to be recovered from the occupants.

7.19. Besides the settlement of the land held by the absolute occupancy and occupancy tenants and such other tenants and the home-farm lands of the ex-proprietors, provision was made for settling with the ex-proprietors and persons concerned certain other properties in the village as follows—

(a) all open enclosures used for agricultural or domestic purposes and in continuous possession for twelve years immediately before 1948-49; all open house-sites purchased for consideration; all buildings; places of worship; wells situated in and trees standing on lands included in such enclosures or house-sites or land appertaining to such buildings or places of worship, within the limits of a village site, belonging to or held by the outgoing proprietor or

any other person were settled with the outgoing proprietor or other person, as the case may be, on conditions prescribed by Government.

(b) all private wells and buildings on occupied land belonging to or held by the outgoing proprietor or any other person were to continue to belong to or be held by such proprietor or other person ;

(c) all trees standing on land comprised in a home-farm or homestead and belonging to or held by the outgoing proprietor or any other person were to continue to belong to or be held by such proprietor or other person ;

(d) all trees standing on occupied land other than land comprised in home-farm or homestead and belonging to or held by a person other than the outgoing proprietor were to continue to belong to or be held by such person ;

(e) all tanks situate on occupied land and belonging to or held by the outgoing proprietor or any other person were to continue to belong to or be held by such proprietor or other person ;

(f) all tanks, belonging to or held by the outgoing proprietor which were situate on land other than village site or occupied land and in which no person other than such proprietor had any right of irrigation were to belong to or be held by such proprietor ;

(g) all tanks and embankments (bandhans) belonging to or held by the outgoing proprietor or any other person which were situate on land other than village site or occupied land and the beds of which were under cultivation of such proprietor or such other person were to belong to or be held by such proprietor or such other person and the land under such tanks and embankments was with such proprietor or such other person on terms and conditions determined by Government.

(h) all groves wherever situate and recorded in the village papers in the name of the outgoing proprietor or any other person continue to belong to or be held by such proprietor or such other person and the land under such groves was settled with such proprietor or such other person by the State Government on term and conditions determined by it.

7-20. The M. P. Abolition of Proprietary Rights (Estates, Mahals, Alienated Lands) Act provided for payment of compensation for the acquisition of proprietary rights on the basis of the net income which the ex-proprietor realised from his estate as well as for any investment he might have made on tanks, wells or other works used for irrigating agricultural lands. Outstanding debts incurred by the proprietor on the security of the estate were to be deducted from the compensation amount and the balance paid to him in lump sum or in annual instalments not exceeding thirty or in negotiable or non-negotiable bonds carrying interest at  $2\frac{1}{2}$  per cent. The compensation payable was determined by the Compensation-cum-Claims Officer specially appointed for this work. The calculation of the amount of compensation payable to the ex-proprietor, in the C. P. districts was made by determining, firstly, the average annual gross income of the estate which took into account the aggregate of the rents receivable from the tenants, Siwai (a miscellaneous) income calculated at two times the income recorded in the current settlement, consent money on transfer of tenancy lands and in the case of village where mineral rights vested in the proprietor, the gross income on account of royalties calculated on the basis of returns filed for the purposes of income-tax. The net income of the estate was calculated by deducting from the gross income, the sum assessed as land revenue on the estate less that part of the rental value of the home-farm land which bore the same proportion to the rental value as the amount of land revenue assessed on the estate bore to the malguzari assets, sum payable by the ex-proprietor on account of cesses and local rates on all lands except home-farm lands in the previous agricultural year, average annual income tax (based on the average of last 30 years) paid on the income received from forests, expenditure on working the mines (wherever mineral rights vested in the proprietor) and cost of management varying between 8 to 15 per cent of the gross annual income. In the proprietary villages of ex-Berar districts, the gross annual income of the alienated land was determined by taking the average of the income derived from such villages during the ten agricultural years immediately preceding the agricultural year 1950-51, the aggregate of rent payable by tenants for lands other than home-farm lands in the preceding agricultural year, income from village sites, grazing lands and village forests etc. The net annual income was calculated by deducting from the gross income the amount of land revenue on land

other than home-farm land, local cesses payable by the superior holders in respect of all lands other than home-farm lands, annual emoluments payable to Patels and Patwaris, one-tenth of the average amount which may have been paid as income tax annually and cost of management at the rate of 8 to 15 per cent of the gross annual income. The amount of compensation payable to ex-proprietors was determined at ten times the net income determined in the above said manner. Additional compensation was also paid in respect of lands lying in Municipal or cantonment areas and vesting in the state varying between 5 to 15 times the agricultural assessment on the unoccupied area depending upon the importance of the towns and also for expenditure incurred after the 11th March 1949, on tanks, wells or other works, used for irrigating agricultural lands where they vested in the State.

7.21. The implementation of this Act involved a number of administrative steps that had to be taken:

(a) assessment of compensation payable to the outgoing proprietors;

(b) sanctioning rehabilitation grants to some of them;

(c) determination of the secured debts of the estates and their payment from out of the compensation amount;

(d) payment of the balance of compensation to the proprietors,

(e) settlement of home-farm and other lands;

(f) taking over lands and other assets which vested in the state and which were not settled with the ex-proprietors or other persons;

(g) appointments of patels for village administration under the new system;

(h) preparation of assessment list of land revenue and cesses for each individual Raiyat and setting up a machinery for the collection of rents and land revenue at the village level;

(i) administration of village nistar or management of lands assigned for public purposes.

(j) ascertaining and recording of customs on unoccupied lands vesting in the State.

7.22. A large staff at the State, district and tahsil level was appointed for the first stage of the implementation of the scheme of Abolition of Proprietary Rights. The Deputy Commissioner of the

district, with the assistance of the normal staff of the revenue and land records departments, was responsible for ushering in the new system of raiyatwari administration. The functions entrusted to the normal staff were as follows:—

- (a) taking charge of the property on the dates of vesting ;
- (b) preparation of assessment lists of land revenue and cesses for each individual Raiyat ;
- (c) appointment of patels for village administration under the new system.

For the implementation of the remaining stages of the scheme, a Special staff of 5 Deputy Commissioners (Land Reforms) (in Collector's grade), 16 Compensation-cum-Claims Officers (in Deputy Collectors grade), 15 Assistant Superintendents of Land Records (in Circle Officer's grade), 38 Revenue Inspectors (in Circle Inspector's grade), 345 Amins (in Talathi's grade) was appointed for a period of 2 years for the eight districts of Vidarbha. The staff was mainly concerned with the determination of compensation and the settlement of claims of the ex-proprietors. It was realised by the Government that although the abolition of intermediary rights constituted the completion of one important phase of the Land Reforms it had to discharge equally important obligations relating to waste land, forests, fisheries and other miscellaneous rights, so as to provide the fullest scope for the all round development of the village community. Organisation had to be set up to enable the people to enjoy their existing and necessary rights, and privileges in a more systematic manner and in more enlarged spheres. For this purpose, Nistar Officers in the Deputy Collector's grade were appointed for every taluka of the ex-C. P. districts and one for the four ex-Berar districts.

7.23. The ex-Central Provinces districts of Nagpur, Wardha, Chanda and Bhandara had 8,087 villages. Out of these 7,534 villages were Malguzari and Zamindari villages. Thus they formed nearly 93% of all the villages in the old Central Provinces districts, while in near Berar they formed only about 9%. (627 out of 6,895 villages were ex-Jagir and ex-Izara villages). In the ex-Central Provinces Districts 2,993,214 acres and in the ex-Berar districts 277,438 acres of land vested in the State. Out of this 193,289 acres in the ex-Central Provinces districts and 136,271 acres in the Berar districts were forest. Where the blocks of forest were sizable, their

management was taken over by the Forest Department, and the petty forests were made over to the Village Panchayats for management through Revenue Department. It is significant to note that during the nistar enquiry, 79,144 acres of land in the ex-Central Provinces districts and 19,910 acres in the ex-jagir and ex-izara villages of Berar districts was available as cultivable land which, in course of time, was distributed to landless persons. The proprietary rights involved in the estates affected 38,000 proprietors of the Central Provinces districts and 2,000 in Berar districts. The total amount of compensation awarded to the proprietors amounted to Rs. 1,13,51,100. The work of payment of compensation is almost complete.

7.24. With the abolition of all the intermediary tenures and of exemption of Land Revenue, there are now no non-raiyatwari tenures or inams in the Vidarbha Region. Following the introduction of the raiyatwari system of land tenure in all the areas of the region, the regulation of the landlord-tenant relation was taken up by the Vidarbha Tenancy Act in 1958.

*Inam Tenures in Western Maharashtra and Marathwada:*

7.25. Besides the intermediary types of land tenures like Khoti, Malguzari, Izardari, etc., a second broad class of tenures was Inam tenures, prevalent in the State. 'Inam' means a gift, from a ruler to a subject. Traditionally the superior political authority made gifts or 'inams' mainly of land to be held rent-free and in perpetuity or for the duration of the ruler's pleasure. Some inams consisted of only the State assessed revenue from specified lands; and some others only of a regular cash payment.

7.26. Broadly speaking, the inam grants made in pre-British days and continued by the British were of the following categories:—

- (a) grants made originally on political considerations and continued on the same terms and conditions, e.g., Saranjams and other political inams.
- (b) inam grants which were not held for any service or for some political considerations and which were settled and converted into enfranchised private properties of the holders subject to the payment of the amounts of judi, which included the amounts of the ancient or mamul judi and the amounts of the settlement judi, imposed at the time of the settlement of the grants by the British;



- (c) service inams, i.e., inam grants which were made for providing remuneration for the service which the inamdars were required to render to Government or the village community or to both; and
- (d) inam grants which constituted endowments to religious or educational or charitable or such other public institutions.

Grants of the first type, i.e., type (a) were resumable at will by the rulers.

Grants of the second type, (b), had become enfranchised private properties of the holders, and the inam element that continued to exist in respect of the lands constituting the grants was the right to exemption from the payment of the land revenue in excess of the prescribed amounts of judi, which the holders of the inam lands enjoyed.

Grants of the third category were of two kinds: those which constituted remuneration for service that continued to be required and rendered, and those which though originally granted for service to Government or community or both were relieved from obligation to render the service because in the changed context of administration such service was no longer required, but which were continued subject to other restrictions applicable to service inams, viz., prevention of alienations, succession according to special rules, etc.

Inam grants falling under the fourth category were grants made to or for the benefit of religious, educational or charitable institutions, and these grants still continue to exist in all parts of the State except the former Berar and the C. P. districts.

#### *Jagir and Inam Abolition in Marathwada:*

7.27. Tenures similar to the inams prevalent in the old Bombay Presidency also existed in Marathwada which was formerly a part of the State of Hyderabad, where Pattadari tenure, very similar to raiyatwari tenure, was the dominant form of land tenure. We shall first discuss the jagir and Inam abolition laws in Marathwada and then turn to the implementation of similar laws in Western Maharashtra.

7.28. The Nizam's administration had created a large number of jagirs which were a sort of political inams resumable at will. The important characteristics of the jagir were that, subject to certain

payments which the jagirdar was required to make to Government, he was granted not only the land revenues of the jagir villages, but also judicial powers of Government, and was entrusted with the general administration of the village. While the jagirdar was no more than a revenue farmer he had been appropriating proprietary rights to himself over the years, and there were complaints on a large-scale of illegal and excessive extractions of all sorts from the actual cultivators.

7.29. As a first step towards the abolition of this system the Hyderabad Government enacted the Hyderabad (Abolition of Jagir) Regulation of 1358-F by which the administration of these Jagirs was taken over by the Government in 1948, and the jagirdars were converted into mere recipients of non-proprietary grants, i.e., of the net income of their jagir villages. After this take-over the Government passed the Jagirs (commutation) Regulation, 1359-F as a result of which all the rights of the jagirdars including their right to the revenue of the jagir villages were abolished on and with effect from 1st April 1950. As a result of these laws, the jagirdars became occupants of their 'Gharkhed' or home-farm lands and were liable to pay land revenue in respect of these lands. The pattedars in the former jagirs were made liable to pay land revenue direct to Government. All waste, uncultivated, unoccupied lands and lands under public roads, paths, etc., vested in Government according to the provisions in the Hyderabad Land Revenue Act, 1317-F, which became automatically applicable to the ex-jagir villages. The jagirs had been surveyed and settled earlier. Creation or confirmation of the occupancy rights, therefore, did not require any fresh settlement. The relation of the occupant and the tenants on his holding, however, was left to be regulated by the Hyderabad Tenancy Act.

7.30. The Jagir (commutation) Regulation, 1359-F provided for the payment of compensation to the ex-jagirdars for the loss of their jagir rights more or less on the same lines as compensation paid to the proprietors of estates, mahals, etc., in Madhya Pradesh. The procedure laid down for determining the net annual income from the jagirs was however simple. The compensation was to be 10 to 30 times the basic annual revenue or the net annual revenue of the jagir. The net or basic annual revenue being two-thirds of the gross annual revenue of the jagir, except in the case of Jamait jagirs where it was 32 per cent of the gross annual revenue. Under the compensation

amount was to be paid in 20, 35 or 40 half yearly instalments. The settlement of the compensation amount was expected to take time, as in fact it actually did. To obviate hardship that might be caused to jagirdars, provisional payments were authorised, on the Jagirdars agreeing to have these payments adjusted against the amounts that were to be finally awarded. The compensation was to be determined by the Collector.

7.31. In Marathwada, 1,607 villages, forming about 21 per cent of all the villages, were under Jagirdari tenure. The total area under the jagirdari tenure was 3,865 thousand acres. The implementation of the two Acts relating to them involved three major administrative steps: (a) Taking over the administration of the jagirs, (b) determining and paying the compensation, and (c) settlement of jagirdar's debts. The take over of administration of the jagirs, though a heavy task, did not involve any serious administrative problems. For, unlike the Madhya Pradesh intermediaries, the jagirdars were not proprietors of the estates but were assignees of the land revenue of the jagir villages and the administrators of such villages in accordance with Government's directives. They had no right to alienate any of their rights. The administration of the jagirs was, therefore, on lines similar to those of Dewani areas of the State. The take over of administration involved, however, not only taking over control of the jagir staff and records, but also stopping all sorts of malpractices indulged in by the jagirdars and their relations like levy of high rates of assessment, denial of Government concession in regard to assessments, recovery of unlawful taxes and nazaranas, and illegal dispossession of the pattedars.

7.32. For this work a Jagir Administrator and a number of Assistant Jagir administrators were appointed. They had not only to take over the staff and records and put an end to all unlawful extractions, but also to prepare separate accounts of the net revenue of the jagir payable to the jagirdars until their rights were abolished. On the abolition of the jagirs in 1950, this administrative staff was also entrusted with the work of determining the outstanding debts of the jagirdars and the amount of compensation payable to them.

7.33. By 1956, when Marathwada became a part of the bilingual Bombay State, the task of taking over the administration and all associated steps had been almost completed. But very little progress

had been made in the work of determining the commutation or compensation amount. The Assistant Jagir Commissioners had replaced the Jagirdars as routine administrators, and most of their time was taken up in setting administration in the *ex-jagir* areas in order. After merger, the then Bombay Government appointed a Special Assistant Jagir Administrator under the Divisional Commissioner who was also designated as the Jagir Administrator to complete the work of determination of the compensation in each case. By 1960, a large part of the work was over ; so the special post was abolished, and the remaining work was handled by one of the Assistant Commissioners. Commutation amounts have by now been fixed in the case of most of the jagirdars except those who also had jagirs in the other parts of the former Hyderabad State which are now partly in Andhra Pradesh and partly in Mysore State. In these cases, for the purpose of administrative convenience, the work of fixing the compensation has been transferred to the Government of Andhra Pradesh. The Committee feels that this work of determining the commutation amount of these Jagirdars has dragged on far too long for more than two decades while similar work in regard to the Malguzars, etc., in Vidarbha was completed in less than a decade.

7.34. Besides Jagirs, there were inams granted to a variety of people by the Nizam's Government. In 1954 an Act had been passed abolishing these inams, but this was not implemented fully. In 1959, after the merger of Marathwada, the then Government of Bombay passed an amending Act which covered these Inams along with some others in Western Maharashtra. The abolition of these inams in Marathwada will be discussed along with the related provisions for Western Maharashtra in what follows.

*Inams abolition in Western Maharashtra:*

7.35. All the four broad types of inams described in para 7.26 were to be found in one part of the Western Maharashtra or the other. All but the last type of inam, i.e., inam grants constituting endowments to religious, educational, charitable or such other institutions, have been abolished in the Western Maharashtra as well as in Marathwada by a series of Acts and Regulations passed since 1950.

*Political Inams:*

7.36. There were 932 Political inams granted to individuals by the former muslim or maratha rulers and subsequently confirmed by

the British for political expediency. These were mostly called Saranjams, though there were also a few jagirs and inams of other political character among them. These were grants either of land with or without exemption from land revenue or mere grants of land revenue. The inams were life estates resumable by the Government at will. They were technically resumed on the death of the inamholder, and could be regranted by Government to any successor. Consequently, the estates could not be sub-divided and alienated.

7.37. All these political inams were finally resumed with effect from 1st November 1952 under the Bombay Saranjams, Jagirs and other Inams of Political nature, Resumption Rules, 1952. The total area under such inams was about 3.8 lakhs acres comprised in 189 entire villages and on lands spread all over the region. Where the grants were of the soil, the villages and the lands comprised therein were resumed and vested in Government. Where the saranjamdars had proprietary rights in the lands and the inams consisted only of exemption from land revenue, the inamdars became the occupants of all the lands in their possession with the liability to pay full revenue assessment. The inferior holders who were in possession of the inam lands and were paying to the Inamdars only the land revenue were made occupants of the lands without having to pay any occupancy price. All waste and common lands vested in Government.

7.38. As a result of the implementation of these provisions nearly 48 per cent of the land under this form of inam became occupancy land of the former saranjamdars and their inferior holders. The Government resumed over 52 per cent of the land. A part of it was subsequently regranted as occupancy land to the indigent *ex-saranjamdars* and most of the remaining cultivated land was settled with the persons who were actually cultivating it.

7.39. No compensation was payable for the resumption of grant of land revenue. But some compensation was payable for the abolition of cash allowance at the rate of three or seven times of the amount. The cash allowance according as it was held for the life of the holder or was hereditary. Besides, as the Resumption Rules did not provide for the regrant of any land to the Saranjamdars whose original grant was of the soil, it was thought that hardship might be caused to some of these Saranjamdars, and therefore rehabilitation grants were given to them. The number of saranjams which were

grants of the soil was not large, and after considering all the relevant facts in each case, Government granted to all the Saranjamdars and their near relations some of the resumed lands on concessional terms and conditions. In the case of some Saranjamdars, resumption was postponed till the minor holders attained majority. In the case of the Chhatrapati Saranjam of Satara, it was decided to continue the Saranjam for the life of the present holder in view of its unique historical character. The total amount of compensation awarded to the Saranjamdars amounted to 8.1 lakh rupees. The task of implementation of the Rules was relatively easy and has been completed but for the exceptions mentioned above.

*Personal Inams:*

7.40. Personal inams had varied origins. Most of them were of the pre-British origin but had been confirmed by the British, and some had been created by the British themselves. Of all the inams, personal inams formed the largest category covering over 17 lakhs acres of land and involving 31,745 inamdars. These inam grants consisted of entire villages as well as of small or large areas of land spread over the whole of Western Maharashtra. There were some personal inams in the form of assignment of land revenue and fixed cash allowances. All these inams had been enfranchised and were, therefore, freely transferable, subject to the payment of 'Judi' or a fixed amount which was less than the assessment for the land. These inams were abolished by the Bombay Personal Inam Abolition Act, 1952, with effect from 1st August 1953, and the Government resumed the right of recovering full assessment on these lands. The inamdars and the inferior holders were not dispossessed of the lands they had held, but became occupants thereof. Only the lands which were waste or uncultivated or village common vested in Government. Nearly 72 per cent of the land originally held under the personal inam tenure thus became occupancy land of the holders or the permanent tenants. Almost all the inamdars (nearly 31,000) as well as about 27 thousand inferior holders became occupants in the process.

7.41. As in other cases, no compensation was paid to the inamdars for the loss of exempted land revenue. Compensation was paid to them only for the loss of any right or interest in the lands that ultimately vested in Government. Besides, in the case of an inamdar who owned whole villages but could not get any land as occupancy

land as the lands were with the inferior holders, and could not get compensation in excess of Rs. 2,000 and who held land under personal cultivation not exceeding the ceiling area under the Tenancy Act, provision was made for payment of some sort of rehabilitation grant, calculated on the basis of the assessment of the land they had lost. But this was by way of grace, and not as a matter of right. Those inamdars who were not grantees of soil but only of land revenue were granted compensation after the original Act had been amended in 1961 clarifying certain points about it. The total compensation sanctioned to holder of personal inams amounted to Rs. 18.5 lakhs.

7.42. The implementation of the Act proved arduous because: (a) the precise nature of some of the inam grants was often difficult to decide and in several cases controversies arose as to whether they were grants of soil or land revenue; (b) in most cases action for vesting unoccupied and uncultivated land in Government was resisted; (c) unexpectedly a large number of claims for compensation was preferred. The first arose mainly because the compensation provided for in the Act was much larger in the case of revenue grants than in the case of soil grants. The Act had been challenged in the law Courts, and its implementation could proceed smoothly only after the Supreme Court's decision in October 1960, clarified the legal position. However there are still quite a few cases left in which compensation claims have to be finally decided upon. In so far as the conversion of the personal inam lands to occupancy lands paying full land revenue assessment was concerned, the work had been completed before the amended Tenancy Act came into force in the Western Maharashtra towards the latter part of 1956.

7.43. In the former princely States merged in the then Bombay State, particularly in the State of Kolhapur, the rulers had created a large number of jagirs granted either to the members of the royal family or to others for services rendered to the State or valour in war. There were 541 such jagirs in the *ex-State* areas of the Western Maharashtra, covering a total area of nearly 10 lakh acres. All these were abolished in 1953 by the enactment of the Bombay merged Territories and Areas (Jagirs Abolition) Act. All the lands became liable to pay full assessment. The Jagirdars became occupants of their home-farm (Gharkhed) lands, the permanent holders paying only the land revenue

to the jagirdars became occupants of their lands, and the other tenants became occupants by paying occupancy price—at six times the land revenue to the jagirdars or the Government depending on whether the jagir was proprietary or non-proprietary one. The waste, unoccupied and public lands vested in the Government. Compensation was paid to the Jagirdars for the loss of their income as well as for the abolition of their rights or interest, if any, in waste, etc., land that had vested in Government. Implementation of the Jagir Abolition Act was delayed by more than a year because of the suits filed against it by some Jagirdars in law Courts. A Special Officer was appointed in the Kolhapur district for the purpose of its implementation. The work involved classification of the Jagirs, taking over of the administration of villages where this was under the jagirdars, settlement of the occupancy rights on lands resumed, settlement of disputes between the jagirdars and their inferior holders in regard to the precise status (Kadim or Jadid) and rights of the latter, settlement of the disputes about the forest and other rights claimed by the Jagirdars and enquiry and settlement of the claims for compensation. The work has by now been completed. Nearly 26.5% of the total jagir land became occupancy land of the former jagirdars, 64.5% land of the inferior holders and tenants and 9% land vested in Government. A total compensation of about Rs. 16.2 lakhs was sanctioned to the Jagirdars.

#### *Servise Inams:*

7.44. Besides, political and personal inams, there was a large variety of inams created for services rendered either in the past or currently to the State or the community. Like most other Inams, these were grants of whole villages or patches of lands revenue free or otherwise grants of mere land revenue or cash grants. All these inams were abolished one by one by a series of Acts passed between 1950 and 1961.

#### *Pargana and Kulkarni Watans:*

7.45. The Pargana and Kulkarni Watans were created under the muslim and the maratha rulers and continued under the British, for the collection of revenue in the villages. The British later found the system unnecessary and so relieved all the pargana watandars from their services except in the case of the Deshpande watan of the Nimbayat Mahal in Nasik district and of the Deshmukh watan of the Borpada



village in West Khandesh district, and all the Kulkarni Watandars except those in Sholapur district, as a result of the Gordon Settlement. They were however granted the Watan lands under the condition that the lands were inalienable and were subject to the payment of 'Judi'.

7.46. In 1951 these Watan were abolished and the lands were resumed by the Government. But the law required the Government to regrant these lands to the former watandars on payment of occupancy price equal to six times the assessment of the lands if they had not been assigned for the emoluments of the officiator and twelves the assessment in the case of other lands. The regrant was to be subject to the condition that the occupancy shall not be transferable or partible. This condition was to be relaxed if a Nazarana equal to 20 times the assessment was paid. The Act did not provide for the retention of the waste, uncultivated, etc., watan lands by the Government and therefore, they were to be regranted to the *ex*-watandars. But by an amendment of the Act 1956 such lands were vested in the Government. The Act had put a two-year time-limit within which the *ex*-watandars were to pay the occupancy price if they were to become the occupants of their former watan lands. After some extensions, the time-limit expired on 30th April 1956, and these former watandars who had not paid the price by then lost their right and the lands vested finally in the Government.

7.47. There were over 37 thousand Pargana and Kulkarni Watandars in the State holding over 4 lakh acres of land. Nearly 63 per cent of this area had been regranted to the Watandars, a small area was given to the permanent tenants on such lands without their paying any occupancy price, and nearly 37 per cent of the land vested in the Government. In about 11,700 cases the Government paid the Watandars compensation amounting to Rs. 32.95 lakhs for the abolition of other rights in the land. At the same time Government came to collect annually 3.3 lakhs rupees more as land revenue from the former watan lands. Only in the district of Sholapur did the abolition of kulkarni watan involve the appointment of Talathis to discharge the functions of the former Kulkarnis. The implementation of the Abolition Act is now complete.

7.48. *Bhil-Naik Inams*.—Like the Pargana-Kulkarni Watan which were inams for the services rendered to the Government in the past,

the British Government had granted inams to some Bhil-Naiks in 22 villages in the jungle and hill tracts of the Dhulia and Nasik districts for no particular service except that they should remain loyal to the Government and not be guilty of plunder or assaults on travellers. The Inams were subject to the payment of Judi and were inalienable and inheritable only by the male-line of descendants. There were 1,318 holders of inams holding in all 45,587 acres of land. These inams were abolished by the Bombay Bhil-Naik Inams Abolition Act, 1955, and were subjected to the payment of land revenue. The inamdar became occupant of the land in his possession or in the possession of a person holding through him. So also an inferior holder became occupant of the land on his possession. The inamdar in respect of the land in possession of a person holding through him and the inferior holder had to pay to the Government occupancy price not exceeding six times the assessment of the land. The forest, waste and uncultivated lands vested in the Government. This area was 43 per cent of the total land; the remainder was regranted to the Bhil-Naiks or the inferior holders. A small sum was paid as compensation to the *ex-inamdars*. The State's annual land revenue collection also increased by a few thousand rupees.

7.49. The above two types of watans or inams were for services which were useful to the Government in the past. But there were more important watans in the State currently useful to the Government which were also abolished, after the abolition of the watans or inams granted for the services useful to the village community.

*Inams for services useful to community:*

7.50. In Maharashtra persons rendering certain useful services to the village community called Bara-Balutedars had been provided with inam since pre-British days. They were such village artisans and servants as Sutars, Lohars, Nitavi, Maulavis, Joshis, Kazis, etc. Their inams consisted of scattered pieces of land exempted from the payment of land revenue as remunerations for these services. These inams were inalienable but inheritable. Whenever there was a breach of the service conditions or an unauthorized alienation of the land, these inams were customarily resumed by the levy of full assessment only.

7.51. With the disintegration of the comparatively self-sufficient village community, the migration of the balutedars for work outside, and the import of cheaper manufactured goods from outside, the usefulness of these types of inams declined. They were therefore abolished in the Konkan districts by the Bombay Service Inams (useful to community) (Gujarat and Konkan Resumption Rules, 1954) and in the rest of the Western Maharashtra by the Bombay Village Service Inams useful to Community Abolition Act, 1953. Both the laws came into force in 1954. In Konkan the soil grants to inamdars were fully resumed by the Government except those held by inferior holders who were paying only assessment to the inamdars. In the case of the revenue exemptions, the inamdars and the inferior holders became occupants by paying the full assessment thereon in respect of lands in their actual possession. In the rest of Western Maharashtra, in some cases the inferior holders of inam land who had been paying only assessment became occupants of the lands subject to the payment of assessment. In other cases the inam-holders were to become occupants by paying occupancy price at the rate of six times the assessment to the Government within the prescribed period. The occupancy right was inalienable unless the occupant obtained the right of alienation by paying a Nazarana equal to 20 times the assessment. Those receiving only cash allowances as inam were paid compensation at 7 times the amount of the allowance.

7.52. There were nearly 12 thousand Balutedars holding inams in the Western Maharashtra at the time of abolition. They held nearly 58 thousand acres of land or less than five acres on an average, per Balutedar. Only about 3,954 acres of this were in Konkan and 54,117 acres in the rest of the Western Maharashtra. Of the total lands in Konkan, the former inam-holders and their inferior-holders had come to occupy only 36 per cent; the remaining 64 per cent vested in the Government, mostly because the *ex-balutedars* had not paid the required occupancy price within the prescribed period—which in the aggregate was 5 years after 1954. In the rest of the Western Maharashtra nearly 84 per cent of the former inam land had been regranted to the *ex-inam-holders* or the inferior-holders; only about 16 per cent remained with the Government mostly because the balutedars had not paid the occupancy price in time. The Government has instructed the Collectors that this remaining land may be granted to the present possessors as their occupancy land. If some of them happen to be

former Watandars then they should be made occupants on their paying the same occupancy price as they would have paid had they exercised their right in time. This work is in progress. Only in the case of Halkaris (i.e., those who filled water trough in the villages) in Dhulia, Nasik, Jalgaon and Ahmednagar districts, the abolition of this inam caused inconvenience to the people. Therefore, by a subsequent order the Government directed the Collectors that the land vesting in the Government as a result of the default of the Halkaris in paying the occupancy price should be granted to the grampanchayats on condition that they provide for this service in their villages.

7.53. In the old State of Hyderabad, the Government had created a whole host of inams, some of which were personal inams, some religious, charitable inams and some service inams like those for carpenters, blacksmiths, etc. All these inams were held at the pleasure of the Ruler, and were not heritable private property. These inams were abolished by the Hyderabad Abolition of Inams and Cash Grants Act, 1954. As a result, the *ex-inamdars* became occupants of the land in their possession and their tenants of the lands in their possession. The conferment of occupancy right on the ordinary tenants of the inamdars was peculiar to this Act. All the uncultivated, waste, grazing and village common land and the land under of forests, etc., vested in the Government. All occupants had to pay a premium for acquiring occupancy rights. This law was however not fully implemented in the beginning due to considerable agitation concerning the regrant of lands. In 1959 the Bombay Government amended the Act in so far as it applied to Marathwada region. It brought the law in line with the similar laws in the former Bombay State. Under the amended Act in the cases in which inams were freely alienable and were to continue in perpetuity, occupancy price to be recovered from the permanent and the ordinary tenants, was made payable to the inamdars; and *Kabid-e-Kadims* were given occupancy rights in land in their possession without payment of any occupancy price. In the case of inams which were not alienable, although the occupancy rights were vested in the inamdars, *Kabiz-e-Kadims* or tenants who were in possession of the lands were all required to pay to Government an occupancy price equal to 6 times the assessment. The permanent and the ordinary tenants were required to pay occupancy price at a higher rate, and the amount in excess of six times the assessment was to be handed over to the inamdars as compensation for the loss of their

rights in the land. Besides, a scheme similar to that in the Western Maharashtra for providing rehabilitation grants to inamdars who were hard hit by the abolition of inams was also made applicable in the case of the Marathwada inamdars. Furthermore, the amended Inam Abolition Act extended the scope of the Act to the (1) Patwari Watans, (2) Community Service Inams and (3) Cash grants (except for religious or charitable purposes) not abolished under the original Act.

7.54. There were 9,667 inam-holders holding nearly 1.46 lakh acres of land affected by this Act in Marathwada. Though the number of inam-holders was not too large, the volume of work involved in the implementation of the Act was considerable, because it involved replacement of the system of hereditary patwaris by the stipendiary Talathis. On the coming into force of the abolition Act, the State Government had to sanction posts of Talathis and evolve suitable methods for the absorption of the hereditary patwaris in these posts at the same time, as the law provided for the conferment of occupancy rights in resumed lands on tenants in actual possession, in a large number of cases disputes were raised in regard to the status of the persons in possession of the resumed inam lands. Enquiring into and settling the disputes took considerable time of the local revenue officers. This burden of work was increased due to changes in the actual possession before the amended Act came into force and the inaccurate village records in the matter. There were many appeals against the officers' decisions, including 160 cases in law Courts. In order to cope with the work a special staff in each district, consisting of one Deputy Collector for Inam Abolition and ancillary personnel, was created. Out of the total inam lands, all but 1.4 per-cent had been regranted to the former inamdars or tenants 52.6 per-cent on payment of occupancy price and 46 per-cent without such payment. Almost 50 lakhs of rupees were paid as compensation to the Inamdars for the loss of their rights.

7.55. An Act to abolish various types of inams, excepting religious or charitable inams prevailing in the former princely states merged in the then Bombay State, the Bombay merged Territories Miscellaneous Alienations Abolition Act, 1955 was passed in 1955 and came into effect on 1-8-1955. This Act dealt with service and non-service inams of the types that had been abolished in the other

parts of Bombay State, and had, therefore, to provide for the resumption of inam lands of certain categories and their regrant on payment of the prescribed occupancy price within the prescribed period. In view of the representations received from the inam-holders, the period allowed for the payment of the prescribed occupancy price, had to be extended from time to time, and this delayed the implementation considerably. The volume of work involved was however substantial in Kolhapur district and the Jagir abolition officer there also attended to the implementation of this Act. There were 74,551 inam-holders covered by this Act, holding 239,697 acres of land. Nearly 58 per cent of this land has been regranted to the former inam-holders and their inferior holders, while about 42 per cent has finally vested in the Government. Nearly Rs. 18.45 lakhs have been sanctioned as compensation, and in some cases compensation is still to be determined.

*Abolition of inferior village watans:*

7.56. The final stage in the abolition of the inams in Maharashtra related to the abolition of inferior village watans, mostly Mahar watans, and then the Revenue Patel (Patil) watans. Almost all the villages in Western Maharashtra and Marathwada had a class of inferior watandars, mostly Mahars, rendering service to the state in the villages. These watans were mostly grants of the soil with or without exemption of land revenue and with inheritable but non-transferable rights. The Bombay Government passed the Inferior Village Watans Abolition Act in 1959, by which these inams were abolished. The inam holders or other lawful possessors of the inam land were to be made occupants of the inam land subject to the payment of an occupancy price equal to the full assessment or three times the assessment of the watan lands depending on whether such lands were unassigned or assigned for the emoluments of the officers. The rest of the resumed inam land was to vest in the Government.

7.57. In Vidarbha no such watans had existed, but there were service lands assigned to village Mahars and Jaglias, and these were distinguishable from the lands held on the occupancy tenures. These were converted into Bhumidhari tenures by suitably amending the M. P. Land Revenue Code in 1962.

7.58. The largest number of inam holders of any class in Western Maharashtra belonged to this class. There were more than 1 lakh 22 thousand inferior watandars in Western Maharashtra and Marathwada, holding more than 7 lakh acres of land, which makes it less than 5 acres per watandar. Thanks to the inheritance over generations, many watandars had in fact ridiculously small areas in their possession as watan land in the village.

7.59. Although the Bombay Inferior Village Watans Abolition Act, 1958, became law on 20-1-1959, it was brought into force in the various districts of the Western Maharashtra and Marathwada in stages on the following dates:—

<i>Districts</i>	<i>Date on which the Abolition Act was brought into force.</i>
Sangli, Kolhapur, Nasik and Parbhani. ...	1-2-1959
Aurangabad, Poona, Satara, Kolaba. ...	1-8-1959
Sholapur, Dhulia, Nanded, Thana and B.S.D. ...	1-8-1960
Jalgaon, Ahmednagar, Bhir, Rajura, Osmanabad and Ratnagiri. ...	1-2-1962

This phasing of the implementation was found necessary because simultaneously with the abolition of these watans, Government had to make alternative arrangements for the performance of the duties in the villages which the watandars were performing. The scheme of stipendiary Kotwals had, therefore, to be evolved and brought into force gradually because of its heavy cost. There was also the question of rehabilitation of a large number of watandars who were to be relieved of their occupation for which they were getting some remuneration. Implementation of the abolition law had, therefore, to be accompanied by the introduction and working of the scheme of stipendiary kotwals and this work was heavy in all districts.

7.60. The law classified the holders of the watan lands into—

- (a) watandars or persons holding through or from the watandars,
- (b) authorized holders, i.e., persons to whom ownership rights in respect of the lands had been lawfully transferred by the watandars, and

(c) unauthorized holders, i.e., persons who had unauthorizedly occupied the watan lands or who had acquired any rights in respect of the lands in their possession from the watandars in contravention of the provisions of the watan law regulating transfer, alienation, lease, etc., of the watan lands.

7.61. In the Marathwada districts the extent of watan lands held by the watandars was not large, because during the regime of the Nizam although hereditary officers of Patils and Patwaris and Inferior village servants were allowed to continue, with a few exceptions, the watan lands attached to these officers had been subjected to the payment of land revenue and converted into Patta lands. But in the Western Maharashtra, inferior village watan lands existed in most of the villages, and in many cases the lands were in the possession of unauthorized holders. The work of making enquiries in regard to the status of persons, other than watandars, who were in possession of resumed watan lands and of disposing of such of these lands as were found to be in the possession of unauthorized holders was heavy in all the districts in Western Maharashtra except the Ratnagiri and B. S. D. districts. In disposing of the lands, care had to be taken to ensure that no hardship was caused to the unauthorized holders and that the interests of the watandars were also properly safeguarded. It was not, therefore, until September 1963, that the Government could lay down the principles to be followed for the disposal of the lands in the possession of the unauthorized holders and issue orders in that behalf.

7.62. Lands in the possession of watandars and authorized holders were to be regranted to them provided they paid the prescribed occupancy price within the prescribed period. Although the quantum of occupancy price required to be paid by the watandars was small, it being one or three times the assessment as stated above, many of the watandars did not care to pay the prescribed occupancy price in time and the period allowed to them for the payment of the occupancy price had from time to time to be extended by the Government. The total period that was allowed was of 6 years. The work of regrant of these lands or their disposal as Government lands in the cases in which the watandars or the authorized holders failed to pay the prescribed occupancy price could not be taken up till the expiry of this period. The work of determining



the amount of compensation payable to the watandars and of making their payments was also heavy in almost all the districts in Western Maharashtra. The number of watandars applying for compensation was large. In many cases there were sub-sharers, and the payment if compensation was to be made in cash. On and from 1-1-1963 simultaneously with the implementation of the inferior village watan Abolition Act of 1958, the revenue officers had to attend to the implementation of the Maharashtra Revenue Patels (Abolition of office) Act, 1962, and this work also was heavy in almost all the districts of the Western Maharashtra and Marathwada. Government, therefore, appointed additional staff for ensuring quick and smooth implementation of this work.

7.63. By the beginning of 1971, 65.4 per cent of the resumed watan land had been regranted mostly to the former inferior watan-holders and some to other lawful-holders of these lands after they had paid the occupancy price. About 34.6 per cent of the land had vested in the Government. The Government proposes to dispose of this land by granting it to the former watandars at the same price at which they could have acquired it before the expiry of the specified date. Compensation amounting to Rs. 52 lakhs to be paid to these former Watandars has been sanctioned in about 1 lakh 9 thousand cases. There are still some cases in which this is to be decided. Since the holders of the watans are people in the lowest run of the economic ladder, it is highly necessary to expedite and finish the work of paying compensation to them.

7.64. The service watans held by Revenue Patels in Western Maharashtra were abolished by the Maharashtra Revenue Patels (Abolition of office) Act, 1962 which came into force on 1-1-1963. With this was abolished the last vestige of the age old system of hereditary Government servants from all areas of Maharashtra, except the former Hyderabad enclave villages. In these enclave villages of the former Hyderabad State, patwari watans continued till 1st April 1965 on which date the Maharashtra Miscellaneous Alienation (the Hyderabad enclaves) Abolition Act, 1965, came into force.

7.65. The terms and conditions of resumption of the Watan land and its regrant were similar to those for the inferior village watans. There were more than 70 thousand holders of Patel Watans in Western Maharashtra who held about 4 lakh acres.

7.66. The abolition of the patil watans entailed arrangements for the appointment of the stipendiary Police Patils in the villages. But it did not necessitate the appointment of the revenue Patils, because their posts, which were no longer considered necessary for the purposes of the revenue administration, had been abolished and provision for the transfer of their duties and functions to the talathis was made in the abolition law.

7.67. The work involved in the regrant of the resumed patel watan lands was not as heavy as the work of regrant of the resumed inferior watan lands, because in the case of the patil watan lands, most of which are alienable for the life-time of the watandars, there were few cases of unauthorized holders. The work continued for a pretty long time, because the Government had to allow an aggregate period of 6 years to the watandars for paying the prescribed amounts of occupancy price, and action for the regrant of the resumed watan land was to be taken on payment of the prescribed amount of occupancy price by the watandar and on receipt of an application for the regrant of the land from him. The earlier laws had presumed that the payment of the prescribed occupancy price by the watandar implied his willingness to have the land regrant to him. But as it was found that in many cases although the watandars paid the necessary occupancy price in time, they were not anxious to have the lands regrant to them, the law providing for the abolition of Patel watans required that besides paying the prescribed occupancy price in time the watandars or the authorized holders should apply for the regrant of the lands and this additional requirement delayed in many cases action for the regrant of the resumed watan lands.

7.68. Practically all the land has been regrant to the former patils or their permanent tenants. Hardly 3.5 per cent of the land now vests in Government. Compensation amounting to Rs. 96 lakhs has been sanctioned in about 29 thousand cases so far. The work of fixing the compensation is yet to be completed in the remaining cases.

## CHAPTER VIII

### CONCLUSIONS AND RECOMMENDATIONS

8.1. In Maharashtra, land reform laws and their implementation are largely the phenomena of the post-Independence period. The laws may be divided under three heads; abolition of various types of intermediary tenures in land, including different types of *inams*; regulation of tenancy; and fixation of a ceiling on agricultural land holdings.

8.2. Consolidation of holdings is also sometimes considered as an Act of land reform. The Committee considers that land reform signifies reform in the legal and customary rights in land of landholders and actual cultivators. Consolidation of holding, on the other hand, is concerned with its physical location and layout, though incidentally it involves exchange of plots of land belonging to different owners. The Committee, therefore, decided to confine its enquiry to the abolition of the intermediary tenures, tenancy reform and ceiling on landholdings.

8.3. The abolition of intermediary tenures began, soon after the independence, with the abolition of the *khoti* tenure in the coastal districts, *malguzari* and *izardari* tenures in the Vidarbha districts, and *jagirdari* tenure in the Marathwada districts, and came to an end with the abolition of the Revenue Patel *Watans* in Western Maharashtra in 1962 and *Patwari Watans* in the former Hyderabad enclaves in 1965. The only intermediary tenures that are being continued today in the Western Maharashtra and Marathwada regions are the *inam* grants which constituted endowments to religious, educational or charitable or such other public institutions.

8.4. The land area under the various intermediary tenures, now abolished, was quite large. In Western Maharashtra the total area was over 61 lakh acres. In Vidarbha, nearly 93 per cent of all the villages in the four former C. P. districts were under intermediary tenures and only about 9 per cent of the villages in the four former Berar districts were under *jagir* or *izara* tenure. Separate figures about the extent of *jagir* lands in Marathwada were not readily available but it was also quite large.

8.5. The larger proportion of the land was under tenures like malguzari, izardari, jagirdari, khoti and certain political inams in which the intermediaries were personally occupying for cultivation only a small part of their total estates; on the rest there were tenant cultivators with varying rights. All the intermediary tenures in the Vidarbha region were of this type. In Marathwada also, the bulk of the land under the intermediary tenures was under jagir or inam tenures. In Western Maharashtra, nearly two-thirds of the total under various forms of the intermediary tenures, were under tenures like Khoti, jagir, political and personal inams. The abolition of these tenures resulted in the intermediaries becoming revenue-paying occupants of only such lands as were under their personal occupation, While the proportion of such land in the total land under the tenure varied from one tenure to another, by and large it formed a comparatively smaller proportion of the total. On the larger proportion of the land the tenants secured occupancy rights. Some land mostly forest and uncultivated waste and village common land vested in the Government. In Vidarbha nearly 33 lakh acres of land of this type vested in Government. Separate figures are not available for Marathwada. In Western Maharashtra about 7.5 lakh acres of land vested in Government as a result of the abolition of jagir and inam tenures.

8.6. A second group of intermediary tenures consisted of various types of service tenures, like the Pargana and Kulkarni Watans, the service inams useful to the community, the inferior village watans, and the village patel and patwari service inams. These intermediaries were mostly small inamdars holding lands at concessional land revenue in return for certain services to the village community or the State. On the abolition of the tenures, the tenure holders became occupants of the land and began paying the full revenue assessment. Only uncultivated waste lands and lands not claimed by the ex-inam or watan holders vested in the Government.

8.7. The implementation of the Tenure Abolition Act has in most cases been completed. However, compensation is still to be determined and paid in some cases of jagirdari in Marathwada abolished more than two decades ago, as also in some cases of personal inams in Western Maharashtra. This work should be completed at the

earliest. In the case of abolition of the Patwari Service Inams while occupancy right has been conferred on all the former watandars, the payment of compensation has still to be completed. This should be expedited. In regard to the abolition of inams useful to the village community and the inferior service inams, the work of regranteeing the inam land vesting in Government is still incomplete. The delay has been due to the failure of the former inam or watan-holders in paying the small occupancy price in order to become occupants. Similarly, the occupancy right on nearly 35 per cent of the land formerly under inferior village watans (mainly mahar watans) has not yet been acquired by the former watandars on paying the small occupancy price, despite extension of the time-limit for the purpose. Since these watandars had held very small areas of land and were by and large on the lowest rung of the economic ladder, the Government has decided to regrant the lands to the concerned watandars at the same small occupancy price even after the expiry of the time-limit. The Committee is of the view that in the case of all the above three types of holders of inams or watans, it would be preferable to confer occupancy rights on those who have not yet paid the occupancy price, and recover that price along with land revenue in easy instalments. Amendment of the relevant Acts may be necessary for the purpose. If however, the Government ultimately fails to recover the occupancy price, the land should be granted either to the actual tenant on that land, if any, or to another watandar of the same category in the village, who is already in possession of a small holding, so that his holding may be raised to reasonably minimum area.

8.8. Most of the land vesting in the Government was uncultivated land or land under forests. Only in Western Maharashtra did some cultivated land vest in Government, but this was due to the failure of the intermediaries to pay the occupancy price in time. In Vidarbha, out of the 33 lakh acres vesting in Government, 22 lakh acres were forest land, and the rest of the land was either waste or grazing land or land under non-agricultural uses. The Government subsequently conducted enquiry to locate culturable waste lands, if any. So far, about one lakh acres of such land have been distributed for cultivation. Similar break up of the 14 lakh acres of land vesting in the Government in Western Maharashtra and Marathwada is not available.

8.9. By and large, abolition of the intermediaries resulted in the conferment of occupancy right on a very large body of under-right holders and some tenants in all the parts of the State. Making the intermediaries and their under-right holders the occupants of the land in their possession, was essentially a reform in revenue administration. However, to the extent their tenants became the occupants, it was a step in keeping with the objective of the Tenancy Act in the State. It also put an end to all uncertainties about the rights of the landholders, as well as to the extraction of illegal dues, which were often the features of the large intermediary estates. Finally, the vesting of all uncultivated and forest land of the intermediaries in Government reduced the gross inequality in the distribution of land, and removed a major source of feudal patronage in rural areas. Indeed, the abolition of the intermediary tenures like malguzari, izardari, jagirdari and Khoti may be considered as an important step in the progress of our rural society from a feudal towards a democratic social order.

8.10. The amended Tenancy Acts now in force in different parts of the State were enacted around the middle of the fifties. These affected the largest number of persons in the State and brought about the transfer of ownership of a very large area of agricultural land from the owners to their tenants. More than 26 lakhs of tenancy cases had to be examined in the process of the implementation of the three Tenancy Acts. The total number of tenants involved in these tenancy cases is not available; but it would not be much less than 25 lakhs. The number of landlords involved was of course much smaller.

8.11. The Tenancy Acts in Western Maharashtra and Vidarbha regions required the termination of all the recorded tenancy arrangements, with only some exceptions. Landlords were permitted to resume land under certain circumstances; tenants were also free to voluntarily surrender land to their landlords; and finally on an appointed day called the Tillers' Day the tenants in possession of the leased land were declared as owners of the land, subject of course to

the payment of a price. In Marathwada the law did not require termination of all the existing tenancies. Tenants were made owners of only a part of their land on the dates fixed for the purpose and the remaining land was to continue under their tenancy as long as they did not choose to surrender it.

8.12. The administrative task of implementing these Acts was quite massive. The revenue agencies at the village and the taluka levels were required by law to examine everyone of the 26 lakhs of cases of tenancy, verify the cases of resumption and surrender, and fix the price in cases in which the ownership of land was transferred to the tenants.

8.13. The Committee found that by the end of September 1970, i.e., more than 13 years after the Tillers' Day in Western Maharashtra and between 9 to 12 years after the Tillers' Day in Vidarbha and Marathwada, nearly 17 per cent recorded tenancy cases in the coastal region and 14 per cent in the non-coastal region of Western Maharashtra, 12 per cent in the former C. P. Districts, 22 per cent in the former Berar districts and about 5 per cent of the cases in Marathwada were still to be decided by the Agricultural Lands Tribunals. The progress of implementation had, therefore, been far from satisfactory, particularly in Western Maharashtra and Vidarbha.

8.14. The reason for the long time taken for the disposal of the recorded tenancy cases appears to be two fold. In the first place, preparation of the Holding Registers and extraction and compilation of information from the village revenue records necessary for the implementation of the Acts, took at least two to three years in the beginning. In Bombay and Poona revenue divisions of Western Maharashtra between 6 and 8 hundred special Talathis were appointed in the years 1957 to 1959 for the preparation of these records. In the Nagpur revenue division even a larger number of special Talathis (more than 1,700) was appointed in 1961 and they were able to complete their work by about 1964-65.

8.15. Secondly, the number of special officers, particularly the Agricultural Lands Tribunals and the special Tahsildars, appointed during the first 4 or 5 years, was inadequate for speedy implementation of the Acts. The A. L. Ts. could take up the tenancy cases for disposal only after the records had been prepared. Therefore, the appointment of the special Tahsildars and A. L. Ts. in Western Maharashtra began only in 1958. However, during the first two years there were not even hundred A.L.Ts. in the whole of Western Maharashtra. Their number increased by 1960-61 to more than 150 and it exceeded 200 only since 1964. The increase was particularly noticed in Bombay Division because of the very large volume of work in Ratnagiri district. The A. L. Ts. needed a variety of other supporting staff as well as supervisors and these were also provided. In Nagpur Division the strength of the A. L. Ts. and special Tahsildars was increased from 46 in 1961 when they were first appointed, to 57 since 1966 when the work was speeded up. Appendix H-1 and H-2 give details of the special staff position in each year since 1956 till 1971.

8.16. While the special staff was quite large, it was inadequate. This may be seen by examining the position in Western Maharashtra. There were more than 20 lakh tenancy cases to be decided by the A.L. Ts. If there had been 200 A. L. Ts. right from the beginning, then in order to complete the work in 10 years each A. L. T. would have been required to dispose of one thousand tenancy cases every year. This was rather difficult to attain. As it was, in the first six years there were hardly 100 or 150 A. L. Ts. Consequently, the rate of disposal of the tenancy cases was slow in the beginning. In Vidarbha the position was better. Considering the total number of tenancy cases in that region there were proportionately more A. L. Ts. right from the beginning and the strength was further increased during 1966. Despite this, at the end of 9 years since the Tillers' Day, 12 to 22 per cent of the cases remained undecided. The Committee was given to understand that the special staff appointed for the purpose was also drafted for other urgent administrative work as and when the necessity arose. This further aggravated the inability of the special administrative staff to complete the work in reasonable time. The Committee, therefore, finds that development of a larger body of implementing officers right from the beginning and a purposeful drive to



complete the task at the maximum speed possible was necessary to reduce the time taken for the implementation of the Tenancy Acts. It was to be realized that speedy and proper implementation of land reforms measures like the Tenancy Act, affecting the interest of a vast mass of people in rural areas, requires a sizable and full time qualified staff. The difficulty of mobilising a large body of trained staff as well as budgetary limitations were, no doubt, partly responsible for the inability of the Government to do so. But at the same time it appears that the Government was, in the early years of implementation, not fully aware of the dimensions of the task in hand; consequently the staff strength was increased only when the progress of work was found to be rather slow. In fact, as soon as the necessary records were prepared, the dimensions of the work became evident. If at that time the Government had set a time-limit for the completion of the work, ways and means would have been devised to meet the requirement.

8.17. If the work relating to tenancy reform made a considerable draft on the trained administrative personnel at the taluka level, it also required large sums of money. Separate estimate of the total expenditure incurred in implementing the Tenancy Acts is not available. But rough estimates suggest that the payment of salary to the special staff engaged for the purpose during the last 14 years alone must have cost the state at least Rs. 10 crores. (Ref. Appendix H-3). The actual cost is sure to be larger.

8.18. The Committee would like to draw attention to another feature of tenancy in the state that has some relevance to the task of implementation. It was noticed that contrary to the popular notions the landlords who leased out land were not all big landowners. In fact, more than one-third of the lessors in the coastal region and about three-fourths of the lessors in the non-coastal region of Western Maharashtra, between 40 to 50 per cent of the lessors in the Vidarbha region, and about one-fifth of the lessors in the Marathwada region were small landowners owning 10 acres or less land (except in the coastal region where a small lessor is one who owns 5 acres or less). But they accounted for hardly 5 per cent of the total leased land in the coastal region and Marathwada, and about one-fifth of all leased land in the rest of the State. If the implementation of the Tenancy Acts had been confined to the medium and large lessors in the first

phase the total number of cases to decide and consequently the time required for the purpose would have been significantly less. At the same time, the bulk of the leased land would have been disposed of in accordance with the Acts and thereby the major objective of the Acts could have been achieved much earlier.

8.18-A. As a result of the implementation of the Tenancy Acts, by the end of September 1970, ownership of leased land was partly or wholly transferred to the tenants in about 8.75 lakh tenancy cases out of a total of about 26 lakh recorded tenancy cases in the State. The total area of leased land transferred to the tenants was around 26 lakh acres. Since some cases still remained to be decided, it can be safely said that in the final analysis, the ownership of more than 26 lakh acres of leased land would be transferred to the tenants who were mostly landless or small landowners as a result of the implementation of the three Tenancy Acts. This amounts to over 5 per cent of the total area occupied for cultivation in the State.

8.19. In absolute terms this is, of course, a large area. But only in about one-third of the recorded tenancy cases could the tenant become owner of leased land, and about an equal proportion of the leased land became his. In most of the remaining cases the tenants lost the right to cultivate the leased land which returned to the owners. The pattern was, however, not uniform in all the parts of the State. In the coastal region tenants became owners of 70 per cent of the total leased area; in the non-coastal region of Western Maharashtra ownership of only 24 per cent of the leased land was transferred to the tenants. In the former C. P. Districts tenants came to own only about 8 per cent of the total leased land; in the former Berar districts about one-third of all leased land. In Marathwada region about 13 per cent of the leased land had been transferred to the tenants. Thus judged in terms of the transfer of ownership of the leased land to tenants, the effect of the Tenancy Act was most satisfactory in the coastal region of the State, and the least so in the old C. P. districts. Elsewhere the result was not encouraging. It is necessary to remember that in the Marathwada region the Tenancy Act did not require termination of all the existing tenancies.

8.20. The reasons for the failure of the tenants to acquire ownership of the leased land under the provisions of the Act were many

and varied. One interesting feature was that not much leased land was legally resumed by landlords for personal cultivation. This was partly because the legal provisions regarding resumption were rather stiff—only a small fraction of the total number of applications for resumption was granted by the revenue authorities. ~~The reasons why the bulk of the leased land returned to the landlords were three:~~ Tenants voluntarily surrendered land to the landlord; tenants were not in possession of leased land on the Tillers' Day or the existence of tenancy could not be proved; the relation between the owner and the cultivator was not that of landlord and tenant. The last circumstance is unexceptionable. After all, many 'tenants' were close family relations of the landlords and, therefore, the question of transfer of ownership to such tenants did not arise. This was the most important reason in the coastal districts and to a lesser extent in the non-coastal districts of Western Maharashtra but comparatively minor in Vidarbha.

8.21. Termination of tenancy prior to the Tillers' Day or lack of proof of the existence of tenancy was an important reason for the failure of tenants to get the leased land. It could be owing to voluntary surrenders by tenants without notice to the A.L.Ts., or owing to faulty records, or due to ignorance of tenants about their rights, or owing to direct or indirect socio-economic pressures on them by their landlords. It was not possible for the Committee to ascertain the magnitude of each of these reasons. However, as discussed at length in paragraphs 2.94 to 2.97 and 3.72 to 3.74 of this report, the Committee had indirect evidence to believe that the tenants had been dispossessed from a significant part of the leased land under undue socio-economic pressure. Ignorance of the law and apprehension of future consequences were the reasons for their failure to stake their claims before the authorities. The Committee therefore is of the view that some of this leased land could have gone to the tenant, if the Act had from the very beginning provided that all tenants should be considered to be in possession of the leased land on the Tillers' Day, unless they were dispossessed in accordance with the provisions of the Tenancy Act. But there is very little that can be done about it now. An attempt was made in 1969 to give a fresh chance to such dispossessed tenants to claim back their land, but it was too late in the day.

8.22. Voluntary surrenders of land or declaration of unwillingness to buy the leased land by tenants was the third important reason why large proportion of leased land returned to the owners. The possibility that some of these were brought about by inducements and threats cannot be ruled out. The extraordinarily large scale surrender of the leased land by small tenants in the former C. P. districts was in the opinion of the Committee due to the prevailing socio-economic backwardness of the tenants, the hang-over of feudal traditions and ignorance about the law. It only goes to show that the law, however, well framed, and the administrative agency, however well-oriented, (this cannot always be presumed, particularly, at the lower levels in the regions that are socially and economically less developed and have recently emerged from a feudal system) cannot succeed in the absence of a vigilant public opinion and an active socio-political organization to help the tenants assert their rights in land.

8.23. The Committee has observed that on account of the provisions in the Tenancy Act regarding purchase price being payable in instalments ranging from Rs. 12 to 15, in the case of a large body of tenants the purchase has not been completed. If the instalments cannot be recovered at any time the purchase becomes ineffective and the land goes back to the landlord subject to the limits of the Ceiling Law. In many cases this provides an inducement to the landlord to bring pressure on the tenant to make a default so that the land may revert to him. Thus the present system does not make a statutory right of purchase conferred by law completely secure, and makes it liable to be rendered ineffective due to undue socio-economic pressures. The Committee would, therefore, recommend that in cases in which the purchase price has not been fully recovered, Government should provide for payment of the remaining purchase price directly to the landlord in the form of bonds payable in suitable instalments with interest, and for the recovery of the same from the tenants directly in suitable instalments along with land revenue. In this way the right of the tenant purchaser would be secured. In the event of his failure to pay the amount, the land would revert to Government and not to the landlord. The land so coming to Government can be distributed according to prescribed priority. This recommendation may also be borne in mind while conferring ownership on the existing tenants in Marathwada as suggested hereafter.

8.24. In about 8 to 10 per cent recorded tenancy cases in Western Maharashtra and in about 3 to 4 per cent cases in Vidarbha region, the Tillers' Day had been postponed because the landlords were minors or widows or physically or mentally disabled persons. The present legal provision requires that within one year after the landlord becomes a major or the widow property passes to a successor or the landlord's disability ceases, the landlord should make an application for the resumption of land for personal cultivation and on his failure to do so the tenant should within one year apply for the transfer of ownership of the leased land. Failure to apply within one year amounts to ineffective purchase by the tenants. The Committee is of the opinion that this provision may lead to the loss of tenant's right in many cases, since the tenant may not come to know when these changes in the owner's status or condition take place. In view of the tenant's unfamiliarity with the details of legal provisions and his inability to take advantage of these in time, the Committee is of the view that this provision may be modified. The law should instead, provide that in all the cases in which the Tillers' Day had been postponed, the tenant will automatically become the owner of so much of the leased land as he is entitled to purchase under the Act. The landlord must notify the A. L. T. of any change in his status or condition. The A. L. T. on receipt of this intimation or *suo-motu* should proceed to enforce the Tillers' Day provisions of the Act.

8.25. Very little land vested in the State as a result of the implementation of the Tenancy Act. The legal provision for the disposal of this surplus in Western Maharashtra is straight and simple; the landowner is compensated by the State for the loss of the land, and the State distributes this land according to priorities laid down in the Act. In the Tenancy Acts for Vidarbha and Marathwada, however, there are rather cumbersome provisions for the management of surplus land by the State. The Committee is of the view that the relevant provisions in the Tenancy Acts for Vidarbha and Marathwada regions be amended and brought in line with those in the Tenancy Act for Western Maharashtra. This will both cease the task of implementation and be more in keeping with the basic objective of the law.

8.26. The Tenancy Acts do not entirely prohibit creation of new tenancy, but the legal provisions for the creation of such tenancy are

quite discouraging. It is feared that the Tenancy Acts would lead to the creation of concealed tenancies in one form or the other. It was not practicable for the Committee to ascertain the extent of concealed tenancy, if any, in the 50 villages surveyed by it. An enquiry to this end has to be conducted by an agency to which the tenant concerned would be willing to reveal the real nature of his arrangement with the landowner. The official revenue agency at the village and taluka level through which the investigation was conducted was not suited for the purpose. The Committee, however, would like to refer to two other sources of information on this score, for what they are worth. In the first place, while conducting an investigation in 6 villages of the State about the impact of the Tenancy Acts on agricultural production, information was also incidentally collected about the extent of existing tenancies, recorded or otherwise. This information showed that existing tenancies were comparatively few and almost all of them were recorded as such in the village records.

8.27: The second source of information is the replies to the questionnaire issued by the Committee to a large number of officials and non-officials in every district of the State. Unfortunately, comparatively few replies were received. The maximum number of replies, 62 were received from the Marathwada districts. From the Western Maharashtra region very few replies (only 41) were received. The number of replies received from the Vidarbha districts were also equally small, only 22 in all. In Western Maharashtra and Vidarbha a larger number of respondents were Government officials, while in Marathwada they were largely non-officials. The questionnaires, the list of the respondents and the tabulated answers to each question are presented in Appendix E to this Report. The replies to the questions relating to the surrender of land by tenants and the resumption of leased land by the landlords are borne out by the findings of the Committee. In reply to the questions relating to the extent of tenancy at the time of their reply, a large number of respondents in Marathwada division alone mentioned about the prevalence of tenancy. But this is not unexpected because tenancy is legally allowed to continue there. In the two other divisions, not many replies were received to this question. Most of those who replied thought that there was no significant tenancy prevalent in their regions.

8.28. While these two sources of information cannot be considered decisive in coming to a conclusion on the question, the Committee is inclined to believe that the extent of land under tenancy—concealed or recorded—is at present quite small both in Western Maharashtra and Vidarbha. The enquiry by the Committee in the surveyed villages showed that in Western Maharashtra at the most 20 per cent of the land formerly leased out, and in Vidarbha around 15 per cent of the land formerly leased out were under tenancy in 1969 (excluding land under tenancy cases pending decision of Agricultural Lands Tribunals). This amounts to no more than 3 to 4 per cent of the total cultivated area in the regions. Making allowance for any new tenancy or concealed tenancy, it would not be wrong to say that not more than 5 per cent of the total cultivated land in these two regions is at present under tenancy of one form or the other. It is quite possible, that in some areas, like the old C. P. districts, the extent of new tenancy—recorded or concealed—would be somewhat higher than in other regions.

8.29. The Tenancy Acts provide that a new tenancy is to be of only one year's duration. At the end of the year the tenant will be entitled to own (on payment of a prescribed price) so much of the leased land as the Act entitles him to, provided he applies to the Agricultural Lands Tribunal within one year of the commencement of tenancy. Otherwise the leased land must revert to the owner. The Committee feels that the provisions about annual tenancy in the Act for Western Maharashtra are not clear in certain respects. The Committee is of the opinion that these provisions in the three Acts should be suitably amended along the following lines.

8.30. In the first place, in the case of all new tenancies, the Agricultural Lands Tribunal should, at the end of the year of the tenancy, send a notice to the tenant informing him of his right to purchase the land or part of it, and ascertain from the tenant his willingness or otherwise to purchase the land. Unlike under the present provisions, the tenant should not forfeit his right to purchase if he has not made an application within one year. Unwillingness of the tenant to purchase the leased land would amount to his surrender of the land to the landlord. However, if that landlord (but not his successor) again leases out the land to the same or a new tenant, and the tenant refuses to buy the land at the end of one year of the tenancy, then

the landlord should not be permitted to retain the land. The land should be considered as surplus land and taken into the Collector's pool for distribution. This is necessary, in order to prevent a landlord from leasing out land on an annual basis almost continuously, thereby violating the basic objective of the law.

8.31. Secondly, the Committee noted that the provision in regard to new tenancy of not more than a year's duration was without any exception whatsoever. The Committee considers that it would be advisable to provide some exceptions on justifiable grounds. The first type of exception should be in respect of landlords who are minors or are physically or mentally disabled. In their case the tenancy should be allowed to continue until a landowner attains majority or his disability ceases. At the end of this period, the provisions in the Act relating to the cases in respect of which the Tillers' Day is postponed, as amended along the lines suggested by the Committee in paragraph 8.24 above, should be made applicable to them. The Committee, however, wishes to point out that no minor or disabled landowner should be allowed to lease out land in this manner so long as there is any able-bodied adult male member in his or her family. For this purpose 'family' should have the same connotation as 'family' in the amended Land Ceiling Act.

8.32. The second exception to one year tenancy should cover the very small landowners. A number of respondents to our questionnaire, both official and non-official, have suggested that small landowners may be exempted from the provisions of the Tenancy Act. A very large body of landowners in the State own very small holdings, and they take out only a fraction of their living from their land. Most of them are really agricultural labourers. Many of them are on the look out for alternative employment, opportunities either in their village or outside. It was noticed that, before the Tillers' Day, many of them did not hesitate to lease out their tiny holdings when they wanted to try their luck elsewhere. Not all of them could possibly find adequate alternative employment in their village; many migrated to urban areas for work. It takes time to find some assured or stable employment and income outside the village, and no poor man would like to lose an assured source of employment and income like owned land—however small—in exchange for something uncertain. Under such circumstances the one year provision for new tenancies creates



even greater obstacles to his mobility in search of a better living. It is not possible to provide every poor man in the rural area with additional employment in or near his village. The law should help rather than hinder those who want to move out and try their luck elsewhere. The Committee, therefore, considers it desirable that very small landowners in the State who derive their income mainly from agriculture or agricultural labour should be permitted to lease out their entire holding, if they desire, for a period of 5 years at the most. At the end of this period they should be permitted to resume their holding for personal cultivation. But if they choose to lease out again any part of their holding, the provision in regard to one year tenancy should be made applicable in their case. For the purpose of this provision a very small landowner should mean any landowner whose total family holding does not exceed one acre of rain-fed rice land or 6 acres of Varkas land or 5 acres of other dry land in the State. 'Family' for this purpose should have the same meaning as 'family' in the new Ceiling Act. The Committee considers it necessary to fix the limit as low as has been suggested above, lest advantage is taken of the provision by medium landholders through partition of holding. There was a suggestion that such leases should be in favour of equally small landowners in the village. The feasibility of giving effect to this suggestion may be examined by Government.

8.33. The above provisions, if incorporated in the Tenancy Act, would not only go some way to help certain sections of the rural community, suffering from disadvantages but also might reduce the incidence of concealed tenancy. However, it has been contended that landowners who do not live in or near the villages in which their land is located, tend to lease out their land for cultivation. This was amply borne out by the survey conducted by the Committee. Under the provisions in regard to new tenancy such persons can no longer lease out their lands. But as long as they live away from their villages, they would try to get the lands cultivated in one way or the other. The possibility of concealed tenancy under the circumstance cannot be ruled out. The present definition of 'personal cultivation' in the Tenancy Acts leaves scope for resort to conceal tenancy by such landlords. The Committee, therefore, is of the view that for the purposes of the Tenancy Act, as also of the Land Ceiling Act, a landowner should be considered to be personally cultivating land if he or

any member of his family is normally resident within such distance from the village where his land is located as would enable him to cultivate personally. For this purpose 'family' should mean the same as 'family' in the amended land ceiling Act, and 'normal residence' should mean residence for at least one full crop season in the year.

8.34. The success of the provision of the Tenancy Act in regard to new tenancies will ultimately depend upon the vigilance and efficiency with which they are enforced at the village level. The Committee is of the view that the procedure for this purpose at the village level need stream-lining. It has been noted that the village revenue records in this respect are often not kept up-to-date, that mistakes of omission and commission are not unknown, and that tenants and landlords do not quite often know about the entries in the records about them. This has become abundantly clear in the course of the implementation of the Tenancy Act during the last two decades. The Committee considered many suggestions to improve this situation. The Committee would like to recommend that a meeting of the Gram Sabha should be called every year in every village sometime during the agricultural year, when a revenue officer of a higher rank than the village Talathi should read out from a list the names of the owner and the tenant of each plot of land (along with the plot number and the local name of the plot, if any) that has been entered that year in the village records. Any interested person present may take objection to any entry or omission, and the officer concerned should record such objections then and there. At the end of the meeting the document should be signed by the officer, the village Talathi as well as by all members of the Village Panchayat present in the meeting. The objector's signature should also be taken on the document. A copy of the document should be posted on the village chavadi for information and objections. A copy of the list, with all the objections received, should also be sent to the Tahsildar immediately for further action. The Committee thinks that this is the minimum that can be done to keep all villagers informed in time about nature of entries in the village records concerning tenancy. This list should also provide a basis for the Agricultural Lands Tribunals or the Tahsildar to proceed with the disposal of recorded tenancy cases at the end of

the year. The Agricultural Lands Tribunal or the Tahsildar concerned should every year examine all recorded tenancy cases of the previous year and take prompt action, as required by law.

8.35. The three Tenancy Acts in the State also fix the maximum reasonable rent payable by the tenant. This has been a feature of the Tenancy Acts right from the beginning. But investigations during the 50's had shown that it was scarcely observed in actual practice. The drastic decline in the extent of tenancy as a result of the current laws has naturally reduced the significance of this problem. However, the Committee made some investigations about the actual rent paid by tenants in 1969 in only 6 villages of the State. It appeared that in a number of instances tenants still continued to pay rent in kind, in some cases even as high as half of the produce. But, by and large, cash rent had become the practice, particularly in Western Maharashtra. The cash rent paid, however, was often in excess of the prescribed maximum of 5 times the land revenue assessment or Rs. 20 per acre, whichever is less. In most instances no receipts were given by the landlords to the tenants. The Committee examined the question of the enforcement of the provision relating to rent. It was felt that unless all payments of rent are channelled through an official agency, it would be impossible to ensure the strict observance of this provision. But this was thought to be rather impracticable. However, it was felt that if any tenant wished to pay his rent to the landlord through the village Talathi or the Tahsildar he should be permitted to do so and the revenue official concerned should pass a receipt to the tenant.

8.36. The Committee noted the fact that the maximum reasonable rent had been fixed in the Act more than a decade ago, as a fixed sum. The land revenue assessment has not been revised over long periods. But the value of produce of land in terms of money has been showing a rising trend over the years. Under the circumstances a fixed sum of money as rent of land will become gradually a smaller and smaller proportion of the value of gross produce of the land. It was, therefore, thought that it would be reasonable to periodically revise this maximum by taking into account the changes in the price of the produce of the land. A number of respondents to the Committee's questionnaire had also suggested revision of the maximum rent fixed in the law. Quite sophisticated methods can be devised

for the purpose, but the Committee is of the view that a simple method of taking account of price changes would be more helpful. For this purpose the Government may compute, once every five years, the average price of the major crop grown in the district in the preceding five consecutive years. This average price expressed as a percentage of the price of the crop in the district in the year of the passage of the Tenancy Act would indicate the extent of rise in the price of agricultural produce. The maximum reasonable rent of land in the subsequent 5 years in the district, therefore, should be equal to the amount fixed in the Act raised by the percentage by which the price of the major crop has increased. This is undoubtedly a crude measure, but the Committee is of the view that this is relatively simple to operate, and will avoid the gross injustice that a fixed rent in money will involve in periods of sustained price rise.

8.37. The Committee also noted the fact that while the Tenancy Acts applicable to the Western Maharashtra and Vidarbha region have more or less similar provisions, the Act for Marathwada is different. The Act for Marathwada did not terminate all protected tenancies existing in 1956-57 and the ordinary tenancies in 1965. It allowed the tenants to automatically acquire ownership right only on a part of the total leased land. On the remainder tenancy was to be continued without any right of resumption by the landlord, as long as the tenant did not wish to surrender the land. The Committee estimated that about 12 per cent of the total cultivated area in Marathwada was under tenancy at the end of 1969. It can be contended that since the law does not allow resumption of any of this land by the landlord, the tenants are at no disadvantage under the existing provisions of the Act. However, it has been the experience in the past, both in Marathwada and in other parts of the State that such protection to the tenants has in practice been infructuous, largely because of the weak socio-economic position of the large body of tenants. In Marathwada itself, protected tenancy had been terminated on nearly two-thirds of the leased land by the time of the partial Tillers' Day. Not all of this was due to genuine surrender by tenants. By 1969 protected tenants continued only on 20 per cent of the land ordinarily leased out to them as tenants; the landlords had inducted new tenants after dispossessing the protected tenants on another 10 per cent land. In the case of land with the ordinary tenants, the situation was even worse; by 1969 the tenants were in possession of only

about half the leased land which was in their possession in 1965; they had been dispossessed from the other half, or had presumably surrendered some land. If this trend continues, it would result in a gradual decline in the land under tenancy through dispossession, as well as in the change of tenants by the landlords, in spite of the Tenancy Act.

8.38. The Committee has, therefore, found it necessary to make two suggestions to prevent such unlawful termination of tenancy. (Ref. Paragraphs 4.74 to 4.76). In the first place, all termination of tenancy without any verification should be considered illegal, and the two-years time limit for the tenant to represent should be abolished. Instead, the landlord should be required to notify the Agricultural Lands Tribunal or the Tahsildar within one year of termination of tenancy. The A. L. T. or Tahsildar on receipt of such intimation should proceed to verify the circumstances of termination and do the needful in the matter. This change in the law will put the responsibility on the landlord and the Revenue Officer, rather than on the tenant as at present. The second suggestion relates to unauthorised sale of the leased land by the landlords. The Committee considers it necessary to suggest that registration of such sales should not take place without clearance from the Agricultural Lands Tribunal or the Tahsildar.

8.39. The above suggestions are, however, only in the nature of palliatives. The Committee is of the opinion that it would be preferable to terminate the existing tenancies in Marathwada, as has already been done in Western Maharashtra and Vidarbha. A new Tillers' Day may be fixed for all existing tenants. All landlords may be given a fresh chance to resume land for personal cultivation under the conditions provided in the existing Act. But landlords should not be permitted to retain leased land surrendered by tenants, except to the extent they are entitled to under the provision for resumption. For, it has been noted that these so-called voluntary surrenders are not always genuinely voluntary. If a landlord does not or cannot resume land for personal cultivation, and the tenant does not wish to purchase the leased land, the land should be considered surplus land and should be acquired by the State for distribution.

8.40. Amendment of the Hyderabad Tenancy Act along the above lines will not only prevent any further possibility of erosion of the rights of the existing tenants, but also would help to make the tenancy uniform in all parts of the State. After this has been completed in

Marathwada, the three Tenancy Acts in the three different regions of the State may be replaced by a uniform Tenancy Act for the State as a whole.

8.41. The Committee found it difficult to make any investigations into the impact of tenancy reform on agricultural production. However, investigations showed that as a result of tenancy reform there was a small but positive increase in investment on land development or adoption of improved cultural practices on the former leased lands. The Committee is of the view that legal institutional change provides only a frame which by itself cannot achieve much in terms of agricultural improvement if the basic technological conditions are not conducive to such change. However, given a suitable legal-institutional frame, as the present laws provide, technological improvements in agriculture in the years to come will yield greater dividends than would have been possible in the absence of tenancy reforms.

8.42. The third aspect of land reforms in Maharashtra relates to ceiling on holding of agricultural land. The Land Ceiling Act came into force in all parts of the State in 1961. By the end of 1971 about 16 thousand returns in all had been submitted by the landholders under the Act. And contrary to earlier expectation only about 4,600 landholders were found to hold land in excess of the ceiling. About 2.56 lakh acres of land had been declared as surplus with these landholders. About 3 per cent of the returns remained to be scrutinised. In addition to this land, 84 thousand acres of surplus land were acquired from 14 sugar factories in the State. While all the land acquired from the sugar factories had come into the possession of the State and subsequently of the State Farming Corporation within 3 years of the enforcement of the Act, that was not the case with regard to the surplus land from the individual holdings. Only about 80 thousand acres out of 2.56 lakh acres had been taken over as surplus land by the end of 1971. The remaining land was not yet available as surplus, either because the decisions of the Collectors were under review by Commissioners, or appeals against the decisions were pending with the Maharashtra Revenue Tribunal or writ petitions were pending before the High Court or the Supreme Court.

8.43. The Committee is of the view that, considering the total volume of work involved, the time taken in completing the work of enforcement of the Ceiling Act has been inordinately long. The Committee found that at the district level the work was not given priority

until the Government pressed for speeding up its disposal. At the same time, in the context of the complexity of the work, the staff strength was inadequate for its speedy completion. Expeditious disposal of the work requires adequate full time staff, in the context of the implementation of the amended Ceiling Act this has to be borne in mind.

8.44. Part of the delay in finally acquiring the surplus land has been caused by the appeals preferred by the landholders before the Maharashtra Revenue Tribunal or the Courts. While some of these may be genuine, it is quite possible that appeals were sometimes made merely as stalling devices. The Committee therefore suggests that in ceiling cases where appeals are preferred to the Maharashtra Revenue Tribunal, or writ applications are filed in the High Court or the Supreme Court a penal provision should be made for payment to the Government of compensation equal to all the income (actual income from the land in question) earned by the landholder during the period of litigation, if the original declaration of surplus land is not cancelled.

8.45. The distribution of surplus land among people of different categories in the list of priorities laid down in the Act has kept pace with the acquisition of the surplus. The Act gives the co-operative farming societies priority over individuals in the programme of distribution. It was however found that there were very few societies which had come forward to claim the surplus land. Not all these co-operative societies have functioned effectively subsequently. Under the circumstances, the Committee is of the view that priority may not be given to co-operative farming societies. The Committee finds that the total surplus land about two and half lakh acres, if distributed at the current average rate of about 8 to 9 acres per recipient, would suffice for hardly 30 thousand households in the State. That comes to about 0.5 per cent of the landless rural households in the State. The impact of this surplus on the condition of the landless and the poor cannot therefore be significant. The Committee is of the opinion that if the surplus land is distributed to the landless then they would also have to be helped with the other wherewithals of cultivation. Instead, if the surplus land is distributed among the very small landholders in the rural areas then it might help bring the holdings of a larger body of such small holders to a reasonably minimum level.

Most of them would also be having some implements and bullocks. So much of the surplus land should be given to a small landholder as would raise the total landholding of his family to no more than 2.5 acres of unirrigated rice land or 10 acres of unirrigated other land. The Committee is also of the view that in view of the paucity of surplus land and the comparatively small number of families who may be helped thereby, priority in distribution should be given to the very small landholders belonging to the scheduled castes and scheduled tribes in the villages. The reason for this recommendation is obvious and need not be elaborated.

8.46. It would also be desirable to provide that the sale, lease or the mortgage within the period of 10 years, of any part of his holding by the recipient of surplus land except to a co-operative credit society, ~~or to a co-operative land development bank~~ or to a nationalised commercial bank, shall be illegal and that such surplus land shall be taken back by the Government. Thereafter, the recipient should be allowed to sell, lease or mortgage only with the prior permission of the Collector.

8.47. If the total land area acquired as surplus is rather meagre, the reasons are a rather high ceiling considering the size distribution of land holdings in the State, and the provision that any individual can hold land up to the ceiling limit. All other considerations are rather minor. But this has been the basic approach of the law the implementation of which the Committee has been required to examine. Any amendment of the existing law affecting these two aspects would naturally alter the surplus area that can be acquired.

8.48. The ceiling law is applicable not only to holdings that were larger than the ceiling limit at the time of the passage of the law, but also to all holdings that may become larger than this in later years. But the Committee found that during the last 10 years no steps had been taken to identify such emerging surplus-holders and notify them to submit returns. For the Act to be effective, administrative measures will have to be devised to keep a track of such cases. The Committee has made some suggestions towards this end in paragraphs 5.44 and 5.45 in the Chapter on Ceiling on Land Holdings. They need not be repeated here. Some of them relate to the proper maintenance and use of the land records in the village. In this connection, however, the Committee feels constrained to observe that



during the last 15 years or so the practice of keeping the village records up-to-date and issuing annual reports based on them at the State level has slackened or fallen into disuse in some respects. To give one example: Until 1953 the annual report of the department of revenue used to contain once in every five years a statement about the size distribution of land-holdings in every district of the State. It is no longer compiled. This would have been a useful source of information for both the ceiling and the Tenancy Acts if they were being compiled at the time. Similarly, extent of tenancy in the village is recorded in the village records, but had the information been systematically compiled and reported as a matter of routine, it would have been found extremely helpful both for policy formulation as well as for concurrent evaluation. The Committee would, therefore, strongly urge that not only greater attention should be paid to the proper and timely maintenance of the village revenue records, but that they should be used in preparing district and State-wise statements annually or otherwise. These would help the administration at the time of policy formulation, and also in keeping track of the impact of various policy measures.

8.49. The evaluation of the implementation of the land reform laws in the State by this Committee had to be rather academic, because the Committee was set up when the implementation of most of the laws was already over or was nearing completion. The experience of implementation so far, however, points to the necessity for concurrent evaluation of any such land reform legislation. It will not only help the Government to keep track of the rate at which the work is tackled, but will also reveal the difficulties in the process which may require prompt administrative as well as legislative action. A special cell for concurrent evaluation of the implementation of land reform laws should be set up in the Department of Revenue at the Secretariat. This cell, on the basis of a careful study of the Act, should prescribe the manner and the forms in which the implementing agencies at the Taluka or the district level should submit information about the progress of work under each head. It should also prepare at least every year, or even more frequently, if necessary, reports based on the information collected. It should promptly bring to the attention of the Government any problems and difficulties associated with the work of implementation as well as those arising out of any provision of the

law. The Government may also set up a standing advisory committee consisting of non-officials as well as officials for consultation and advice in the matter. The chief of the cell may be the secretary or the convener of this Committee.

M. P. Pande, Chairman.

R. C. Joshi, Member.

P. G. Gavai,\* Member.

S. B. Kulkarni, Member.

S. P. Mohite, Member.

Nilakantha Rath, Member.

C. H. Shah, Member.

M. K. Shingarey, Member.

D. G. Hosangadi, Member.

M. A. Telang, Member.

D. N. Kapoor, Member.

S. Ramamurthi, Member, Secretary.

\* Subject to note of dissent given below.

*Note of dissent.*

I have signed the report of the Committee appointed by the Government of Maharashtra for Evaluation of Land Reforms subject to my minute of dissent from the recommendations made by the said Committee in para. 8.32 of Chapter 8—Conclusions and Recommendations on Page 278 to 279.

The Committee has recommended that very small land-holders in the State who are defined as land owners whose total family holding does not exceed one acre of rain-fed rice land or 6 acres of Varkas land or 5 acres of other dry land in the State should be permitted to lease out their entire holding if they desire, for a period of five year at the most. It has been argued that such land-holders might like to improve the prospects of their income by going in search for some other alternative employment to urban areas so that they would not be in a position to look after the cultivation of their fields in the villages. In order to encourage them to look for better prospects of finding an avocation, they should be allowed to lease out their lands to others at least for a period of five years.

I am afraid I cannot advocate the creation of any sort of absentee landlords in the countryside. As it is, land available for cultivation is limited. Even if there are cultivators who own small pieces of land, they must, in the present situation, when the land hunger is most acute, try to cultivate the land intensively and make a living out of it. Even in the non-agricultural sector, the job opportunities are limited and it is, therefore, desirable that those opportunities come to the lot of non-agricultural sections of the community who are in want of employment. To envisage a situation where even petty landholders will join the ranks of unemployed people in the non-agricultural sector, would be to assume that the job opportunities are plentiful. Basically, therefore, the approach of this Committee in regard to this question is as misconceived as it is inequitable. I, therefore, strongly oppose that and suggest that there should be no such special dispensation even to the petty landholders. The only remedy to improve the lot of these people is to think out proposals for distributing surplus land to these people if their holdings are considered to be uneconomic.

(Sd.) P. G. GAVAI,

*Commissioner,  
Nagpur Division, Nagpur.*

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**APPENDICES**

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## APPENDIX A

## STATEMENT A:—Acts, Amending Acts and Adaptation orders issued

Sr. No. (1)	Title (2)	Year (3)
1	The Bombay Tenancy and Agricultural Lands Act 67 of 1948 .. ..	1948
2	The Bombay Khoti Abolition Act 1949 .. ..	1949
3	The Bombay Khoti Amending Act No 6/1950 .. ..	1950
4	The Bombay Khoti Amending Act No. 18/50 .. ..	1950
5	The Hyderabad Tenancy and Agricultural Lands Act, 1950, No. 21 of 1950 .. ..	1950
6	The Bombay Pargana and Kulkarni Watans (Abolition) Act No. 60/50 .. ..	1950
7	The Bombay Adaptation of Laws order of 1950 relating to Bombay Tenancy and Agricultural Lands Act. .. ..	1950
8	The Bombay Tenancy and Agricultural Lands Act, Amending Act No. 12/51 .. ..	1951
9	The Bombay Tenancy and Agricultural Lands Act, Amending Act No. 34/51 .. ..	1951
10	The Bombay Tenancy and Agricultural Lands Act, Amending Act No. 45/51 .. ..	1951
11	The Bombay Salsette Estates (Land Revenue Exemption Abolition) Act No. 47/51. .. ..	1951
12	The Hyderabad Tenancy and Agricultural Lands Act, Amending Act No. 13/51 .. ..	1952
13	The Hyderabad Tenancy and Agricultural Lands Act, Amending Act No. 23/51 .. ..	1951
14	The Bombay Pargana and Kulkarni Watans (Abolition) Act, Amending Act No. 3/52. .. ..	1952
15	The Bombay Tenancy and Agricultural Lands Act, Amending Act No. 33/52 .. ..	1952
16	The Bombay Saranjams, Jahagirs and other Inams of Political nature, Resumption Rules, 1952. .. ..	1952
17	The Bombay Khoti Abolition Act, Amending Act No. 38/58 .. ..	1953
18	The Bombay Pargana and Kulkarni Watans (Abolition) Act, Amending Act No. 38/53 .. ..	1953
19	The Bombay Salsette Estates (Land Revenue Exemption Abolition) Act, Amending Act No. 38/53 .. ..	1953
20	The Land Tenures Abolition (Amendment) Act No. 38/53 .. ..	1953
21	The Bombay Personal Inams Abolition Act No. 42 of 1953. .. ..	1953
22	The Bombay Kauli and Katuban Tenures (Abolition) Act No. 44 of 1953 .. ..	1953
23	The Land Tenures Abolition (Recovery of Records) Act No. 50/53 .. ..	1953
24	The Bombay Tenancy and Agricultural Lands Act, Amending Act No. 60 of 1953. .. ..	1953
25	The Bombay Khoti Abolition Act, Amending Act No. 65/53 .. ..	1953
26	The Bombay Service Inams (useful to community) Abolition Act No. 70/53 .. ..	1953
27	The Bombay Merged Territories (Janjira and Bhor) Khoti Tenures Abolition Act No. 71/53. .. ..	1953
28	The Bombay Personal Inams Abolition Act, Amending Act No. 9/54 .. ..	1954
29	The Bombay Pargana and Kulkarni Watans (Abolition) Act, Amending Act No. 29/54. .. ..	1954
30	The Bombay Merged Territories and Areas (Jagirs Abolition) Act, No. 39 of 1954. .. ..	1954
31	The Bombay Land Tenures (Recovery of Records) Act, Amending Act No. 52/54. .. ..	1954
32	The Bombay Service Inams (useful to community) Abolition Act, Amending Act No. 53/54. .. ..	1954
33	The Bombay Service Inams useful to community (Gujarath and Kokan) Resumption Rules, 54. .. ..	1954
34	The Hyderabad Tenancy and Agricultural Lands Act, Amending Act No. 3/54 of Hyderabad. .. ..	1954
35	The Bombay Bhil Naik Inams Abolition Act No. 21/55 .. ..	1955
36	The Bombay Merged Territories Miscellaneous Alienation Abolition Act No. 22/55 .. ..	1955

## APPENDIX A—cont.

Sr. No. (1)	Title (2)	Year (3)
37	The Bombay Shilotri Rights (Kolaba) Abolition Act No. 47/55 .. ..	1955
38	The Bombay Pargana and Kulkarni Watans (Abolition) Act, Amending Act No. 50/55.	1955
39	The Bombay Service Inams (useful to community) Abolition Act, Amending Act No. 51/55.	1955
40	The Bombay Merged Territories and Areas (Jagirs Abolition) Act, Amending Act No. 51/55.	1955
41	The Bombay Merged Territories and Areas (Janjira and Bhor) Khoti Tenure Abolition Act.	1955
42	Land Tenures Abolition (Amendment) Act, Amending Act No. 51/55 ..	1955
43	Bombay Adaptation order of 1956 relating to The Bombay Pargana and Kulkarni Watans (Abolition) Act.	1956
44	Bombay Adaptation order of 1956 relating to The Bombay Salsette Estates (Land Revenue Exemption Abolition) Act.	1956
45	Bombay Adaptation order of 1956 relating to The Bombay Merged Territories (Janjira and Bhor) Khoti Tenures Abolition Act.	1956
46	Bombay Adaptation order of 1956 relating to The Bombay Personal Inams Abolition Act.	1956
47	Bombay Adaptation order of 1956 relating to The Bombay Merged Territories and Areas (Jagirs Abolition) Act.	1956
48	Bombay Adaptation order of 1956 relating to The Bombay Merged Territories Miscellaneous Alienations Abolition Act.	1956
49	Bombay Adaptation order of 1956 relating to The Bombay Tenancy and Agricultural Lands Act.	1956
50	Bombay Adaptation order of 1956 relating to The Hyderabad Tenancy and Agricultural Lands Act.	1956
51	The Bombay Tenancy and Agricultural Lands Act, Amending Act No. 13/56	1956
52	The Bombay Personal Inams Abolition Act, Amending Act No. 40/56 ..	1956
53	The Bombay Merged Territories and Areas (Jagir Abolition) Act .. ..	1956
54	The Bombay Bhil Naik Inams Abolition Act, Amending Act No. 40/56 ..	1957
55	The Bombay Merged Territories Miscellaneous Alienation, Abolition Act ..	1956
56	The Land Tenures Abolition (Amendment) Act No. 40/55 .. ..	1956
57	The Hyderabad Tenancy and Agricultural Lands Act, Hyderabad Amending Act No. 3/56.	1956
58	The Hyderabad Tenancy and Agricultural Lands Act, Hyderabad Amending Act No. 40/56.	1956
59	Bombay Shetagi Watan Rights (Ratnagiri) Abolition Act No. 2/57 ..	1957
60	The Bombay Merged Territories and Areas (Jagirs Abolition) Act, Amending Act No. 8/57.	1957
61	The Bombay Tenancy and Agricultural Lands Act, Amending Act No. 15/57	1957
62	The Bombay Merged Territories Miscellaneous Alienations Abolition Act, Amending Act No. 34/57.	1957
63	The Bombay Tenancy and Agricultural Lands Act, Amending Act No. 38/57	1957
64	The Hyderabad Tenancy and Agricultural Lands Act, Amending Act No. 32/58.	1958
65	The Bombay Tenancy and Agricultural Lands Act, Amending Act, No. 63/58	195
66	The Bombay Merged Territories and Areas (Jagirs Abolition) Act, Amending Act No. 85/58j	195
67	The Bombay Merged Territories and Areas (Jagirs Abolition) Act, Amending Act No. 85/59.	1958
68	Amending Act No. 93/58 relating to The Bombay Khoti Abolition Act ..	1958

## APPENDIX A—cont.

Sr. No. (1)	Title (2)	Year (3)
	The Bombay Salsette Estates (Land Revenue Exemption) Abolition Act	1958
	The Bombay Service Inams (useful to community) Abolition Act. ..	1958
69	Amending Act No. 93/58 relating to The Bombay Merged Territories (Janjira -Bhor) Khoti Tenures Abolition Act.	1958
70	The Bombay Bhil, Naik Inams Abolition Act .. .. .	1958
71	The Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, No. 99 of 1958	1958
72	The Bombay Inferior Village Watans Abolition Act No. 1/59 .. ..	1959
73	The Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, Amending Act No. 30/59	1959
74	The Hyderabad Tenancy and Agricultural Lands Act, Amending Act No. 32/59	1959
75	The Bombay Bandhijam, Udhad and Ugadia Tenures Abolition Act No. 35/59	1959
76	The Bombay Merged Territories and Areas (Jagirs Abolition) Act, Amending Act No. 58/59.	1959
77	Maharashtra Adaptation Order 1960 relating to The Bombay Tenancy and Agricultural Lands Act.	1959
78	The Bombay Tenancy and Agricultural Lands Act .. .. .	1959
79	The Hyderabad Tenancy and Agricultural Lands Act .. .. .	1959
80	The Bombay Khoti Abolition Act .. .. .	1959
81	The Bombay Salsette Estates (Land Revenue Exemption Abolition) Act ..	1959
82	The Bombay Personal Inams Abolition Act .. .. .	1959
83	The Bombay Service Inams (useful to community) Abolition Act .. ..	1959
84	The Bombay Merged Territories (Janjira and Bhor) Khoti Tenures Abolition Act.	1959
85	The Bombay Merged Territories and Areas (Jagirs Abolition) Act .. ..	1959
86	The Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, Amending Act No. 4/60.	1959
87	The Hyderabad Tenancy and Agricultural Lands Act, Amending Act No. 20/60	1959
88	The Hyderabad Tenancy and Agricultural Lands Act, Amending Act No. 28/60	1960
89	The Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, Amending Act No. 5/61	1961
90	The Bombay Tenancy and Agricultural Lands Act, Amending Act No. 9/61	1961
91	The Bombay Tenancy and Agricultural Lands Act, Amending Act No. 27/61	1961
92	The Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, Amending Act No. 27/61.	1961
93	The Hyderabad Tenancy and Agricultural Lands Act, Amending Act No. 27/61	1961
94	The Maharashtra Agricultural Lands (Ceiling on Holdings) Act No. 27/61	1961
95	The Bombay Personal Inams Abolition Act, Amending Act No. 43/61 .. ..	1961
96	The Hyderabad Tenancy and Agricultural Lands Act, Amending Act No. 45/61.	1961



## APPENDIX A—cont.

Sr. No. (1)	Title (2)	Year (3)
97	The Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, Amending Act No. 2/62.	1962
98	The Maharashtra Agricultural Lands (Ceiling on Holdings) Act, Amending Act No. 13/62.	1962
99	The Maharashtra Revenue Patils (Abolition of Office) Act No. 35/62	1962
100	The Bombay Tenancy and Agricultural Lands Act, Amending Act No. 36/62	1962
101	The Bombay Tenancy and Agricultural Lands Act, Amending Act No. 8/63	1962
102	The Maharashtra Agricultural Lands (Ceiling on Holdings) Act, Amending Act No. 9/63.	1963
103	The Maharashtra Agricultural Lands (Ceiling on Holdings) Act, Amending Act No. 25/63.	1963
104	The Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, Amending Act No. 32/63.	1963
105	The Maharashtra Agricultural Lands (Ceiling on Holdings) Act, Amending Act No. 32/63.	1963
106	The Bombay Merged Territories (Janjira and Bhor) Khoti Tenures Abolition Act, Amending Act No. 42/63.	1963
107	The Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, Amending Act No. 44/63.	1963
108	The Bombay Service Inams (useful to community) Abolition Act, Amending Act No. 4/64.	1964
109	The Bombay Tenancy and Agricultural Lands Act, Amending Act No. 39/64	1964
110	The Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, Amending Act No. 39/64.	1964
111	The Hyderabad Tenancy and Agricultural Lands Act, Amending Act No. 39/64	1964
112	The Hyderabad Tenancy and Agricultural Lands Act, Amending Act No. 39/64	1964
113	The Maharashtra Agricultural Lands (Ceiling on Holdings) Act, Amending Act No. 16/65.	1965
114	The Maharashtra Agricultural Lands (Ceiling on Holdings) Act, Amending Act No. 32/65.	1965
115	The Bombay Tenancy and Agricultural Lands Act, Amending Act No. 45/65	1965
116	The Hyderabad Tenancy and Agricultural Lands Act, Amending Act No. 45/65	1965
117	The Miscellaneous Alienation (Hyderabad Enclaves) Act, Amending Act, No. 56/65.	1965
118	The Bombay Tenancy and Agricultural Lands Act, Amending Act No. 4/66	1966
119	The Bombay Tenancy and Agricultural Lands Act, Amending Act No. 41/66	1966
120	The Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, Amending Act No. 4/66.	1966
121	The Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, Amending Act No. 17/66.	1966
122	The Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, Amending Act No. 41/66.	1966
123	The Hyderabad Tenancy and Agricultural Lands Act, Amending Act No. 41/66	1966

## APPENDIX A—cont.

Sr. No.	Title	Year
(1)	(2)	(3)
124	The Maharashtra Agricultural Lands (Ceiling on Holdings) Act, Amending Act No. 16/68.	1968
125	The Maharashtra Agricultural Lands (Ceiling on Holdings) Act, Amending Act No. 33/68.	1968
126	The Maharashtra Agricultural Lands (Ceiling on Holdings) Act, Amending Act No. 37/69.	1969
127	The Maharashtra Agricultural Lands (Ceiling on Holdings) Act, Amending Act No. 38/69.	1969
128	Amending Act No. 49/69 relating to The Bombay Tenancy and Agricultural Lands Act.	1969
129	Amending Act No. 49/69 relating to The Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act.	1969
130	Amending Act No. 49/69 relating to The Hyderabad Tenancy and Agricultural Lands Act.	1969
131	The Miscellaneous Alianations Hyderabad Enclaves Act-Amending Act No. 53/69.	1969
132	The Miscellaneous Alianations Hyderabad Enclaves Act-Amending Act No. 67/69.	1969
133	The Maharashtra Agricultural Lands (Ceiling on Holdings) Act Amending Act No. 27/70.	1970

APPENDIX A—cont.

STATEMENT B

Sr No.	Name of principal Act	Subject matter of rules	Date of issue of rules	Remarks
(1)	(2)	(3)	(4)	(5)
1	The Bombay Khoti Abolition Act, 1949 .. .. .	General rules .. .. .	8-5-50	In order to frame rules, draft rules are published in Gazette and objection called within a period of one month from the date of publication. After deciding the objections (if any) approval of Government obtained and rules promulgated. A copy of the draft rules is required to be placed within a month from the publication of the rule before both the Houses of the Legislature who give their recommendations. Government is bound to consider the recommendations and the rules are then suitably amended wherever necessary.
2	The Bombay Paragana and Kulkarni Watans (Abolition) Act, 1950.	General rules .. .. .	24-4-51	
3	The Bombay Salsette Estate (Land Revenue Exemption Abolition) Act, 1951	General rules .. .. .	19-2-52	
4	The Bombay Personal Inams Abolition Act, 1952.	General rules. .. .. .	24-7-53	
5	The Bombay Kauli Katuban Tenures (Abolition) Act, 1953	General rules of 1953. .. .. .	14-8-53	
6	The Bombay Land Tenures Abolition (Revocability of Records) Act, 1953.	General rules of 1953. .. .. .	18-12-53	
7	The Bombay Service Inams (useful to community) Abolition Act, 1953	General rules of 1954. .. .. .	16-2-54	
8	The Bombay Merged Territories (Janjira and Bhor) Khoti Tenures Abolition Act, 1953	General rules of 1954. .. .. .	29-7-54	
9	The Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953.	General rules of 1954. .. .. .	23-11-54	
10	The Bombay Bhil, Naik Inams Abolition Act, 1955	General rules of 1955. .. .. .	10-8-55	
11	The Bombay Merged Territories, Miscellaneous Alienations Abolition Act, 1955.	General rules of 1955. .. .. .	23-8-1955	
12	The Bombay Lands Tenures Abolition (Amendment) Act, 1953.	Compensation Bond Rules 1955.	6-2-1956	

13	The Bombay Shilotri Rights (Kolaba) Abolition Act, 1955.	General rules of 1955. . . .	9-2-1956
14	The Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953.	Amendment to Rules. . . .	2-3-1956
15	The Bombay Personal Inams Abolition Act, 1952.	Compensation Bond Rules 1956	11-4-1956
16	The Bombay Service Inams (useful to Community) Abolition Act, 1953.	Compensation Bond Rules 1956	11-4-1956
17	The Bombay Merged Territories (Janjira and Bhor) Khoti Tenures Abolition Act, 1953.	Compensation Bond Rules 1956.	11-4-1956
18	The Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953.	Compensation Bond Rules 1956.	11-4-1956
19	The Bombay Bhil, Naik Inams Abolition Act, 1955	Compensation Bond Rules 1956.	11-4-1956
20	The Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955	Compensation Bond Rules 1956.	11-4-1956
21	..	The Hyderabad Record of Rights Rules 1956 were framed.	3-5-1956.
22	Bombay Tenancy and Agricultural Lands Act, 1948.	Preliminary instructions to tenancy officers issued (printed in Tenancy Manual from pages 77 onwards.)	17-7-1956.
23	Bombay Tenancy and Agricultural Lands Act, 1948.	General rules of 1956 framed (printed in Tenancy Manual)	18-12-1956
24	The Bombay Shetagi Watan Rights (Ratnagiri) Abolition Act, 1956.	General rules of 1957 framed	.. 27-3-1957
25	The Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955.	Rules amended. . . .	.. 12-11-1957
26	Bombay Tenancy and Agricultural Lands Act, 1948.	Instructions for the guidance of A. L. Ts in fixing prices of lands under section 32 H were issued.	31-1-1958
27	.. .. .	Hyderabad Record of Rights Rules 1956—Corrigendum issued.	28-5-1958
28	.. .. .	Hyderabad Record of Rights Rules 1956—Corrigendum issued. Amended rules.	5-8-1958
29	The Land Acquisition Act, 1894 .. .. .	Circular regarding allocation of compensation between the landlords and tenants issued.	23-9-1958
30	The Hyderabad Tenancy and Agricultural Lands Act.	General rules 1958 framed. . . .	.. 5-12-1958
31	.. .. .	Amended rules under Hyderabad Record of Rights Rules 1956 issued.	6-12-1958

B. T. & A. L. (Amendment) Act 1955, which came into force from 1-8-56, contained radical changes in the tenancy law of 1948. It was thus necessary to recast the rules suitably, during 1956.

APPENDIX A—Cont,

A-609—20-B.

Sr. No.	Name of principal Act	Subject-matter of rules	Date of issue of rules	Remarks
(1)	(2)	(3)	(4)	(5)
32	Bombay Tenancy and Agricultural Lands Act, 1948	Tenancy Manual containing Act, Rules and instruction etc. was printed and issued for the use of Tenancy Officers.	1958	
33	Bombay Tenancy and Agricultural Lands Act (Vidarbha Region) Act, 1958.	General rules of 1959 issued.	.. 9-2-1959	
34	The Hyderabad Tenancy and Agricultural Lands Act, 1950.	1958 Rules are amended .. ..	12-2-1959	
35	The Bombay Inferior Village Watans Abolition Act, 1958.	General Rules 1959 framed and issued.	13-5-1959	
36	The Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958.	1959 Rules are amended .. ..	10-11-1959	
37	The Bombay Tenancy and Agricultural Lands Act, 1948	Supplement to Tenancy Manual printed and issued.	1959	
38	The Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958.	1959 Rules amended .. ..	22-2-1960	
39	The Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958.	1959 Rules amended. .. ..	10-8-1960	
40	The Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958	Instructions for the completion of Land Register and the Register of Holdings were printed and issued.	1960	
41	The Hyderabad Tenancy and Agricultural Lands Act, 1950.	1958 Rules amended. .. ..	22-2-1961	
42	The Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958.	1959 Rules amended .. ..	26-4-1961	
43	The Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958.	1959 Rules amended. .. ..	8-6-1961	
44	The Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1948.	1959 Rules amended. .. ..	25-11-1961	
45	The Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961.	General rules 1962 are issued. ..	6-4-1962	

47	The Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961.	Ceiling Manual printed and issued.	16-8-1962
48	The Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958.	1959 Rules amended.	.. .. 18-9-1962
49	The Maharashtra Revenue Patels (Abolition of Office) Act, 1962.	General rules of 1963 issued	.. 17-6-1963
50	The Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958.	1959 Rules amended.	.. .. 21-6-1963
51	The Hyderabad Tenancy and Agricultural Lands Act, 1950.	1958 Rules amended.	.. .. 31-12-1963
52	The Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958.	Instructions to A. L.-Ts. regarding powers and duties of A.L.Ts. and the procedure to be followed in conducting cases of compulsory purchases of lands by tenants were issued.	1963
53	The Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961	1962 Rules amended.	.. .. 24-2-1964
54	The Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958.	1959 Rules amended	.. .. 26-9-1964
55	The Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958.	ALT Manual prepared and printed	1964
56	The Maharashtra Agricultural Lands (Ceiling on Holdings) Act, 1961.	1962 Rules amended.	.. .. 11-6-1965
57	The Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958.	Amendment Rules of 1965 issued.	16-11-1965
58	The Bombay Tenancy and Agricultural Lands Act, 1948.	Amendment Rules of 1965 issued.	16-11-1965
59	The Hyderabad Tenancy and Agricultural Lands Act, 1950.	Amendment Rules of 1965 issued.	16-11-1965
60	The Bombay Tenancy and Agricultural Lands Act, 1948.	Amendment Rules of 1966 issued.	16-11-1965
61	The Bombay Tenancy and Agricultural Lands (Vidarbha Region) Act, 1958.	1959 Rules amended.	.. .. 31-10-1966
62	The Maharashtra Miscellaneous Alienations (Hyderabad Enclaves) Abolition Act, 1965.	1966 Rules issued.	.. .. 10-1-1967
63	The Maharashtra Miscellaneous Alienations (Hyderabad Enclaves) Abolition Act, 1965.	1966 Rules issued.	.. .. 6-1-1970
64	The Bombay City (Inami and Special Tenures) Abolition and Maharashtra Land Revenue Code (Amendment) Act, 1969.	1972 Rules framed and issued	.. 14-1-1972

## APPENDIX B

*List of villages selected for survey*

Serial No.	District	Taluka	Name of the village
(1)	(2)	(3)	(4)
1	Thana .. ..	(1) Talasari .. .. (2) Palghar .. ..	Achad. Awadhan.
2	Kolaba .. ..	(1) Uran .. .. (2) Alibag .. ..	Aware Chari.
3	Ratnagiri .. ..	(1) Kudal .. .. (2) Vengurla .. ..	Nerur (Terf Haveli). Hodawade.
4	Nasik .. ..	(1) Dindori .. .. (2) Niphad .. ..	Joran. Dindori.
5	Dhulia .. ..	(1) Sindkhed .. .. (2) Nawapur .. ..	Vaghadi (Kh.). Kamod.
6	Jalgaon .. ..	(1) Raver .. .. (2) Jalgaon .. ..	Nirul. Nandre (Kh.).
7	Ahmednagar .. ..	(1) Shirampur .. .. (2) Kopergaon .. ..	Gondhavani. Bahadarpur.
8.	Poona .. ..	(1) Purandhar .. .. (2) Baramati .. ..	Kumbhoshi. Vadgaon(Nimbalkar)
9	Satara .. ..	(1) Karad .. .. (2) Khatav .. ..	Vasantgad. Trimali.
10	Sangli .. ..	(1) Walwa .. .. (2) Tasgaon .. ..	Kundalwadi. Morale Ped.
11	Sholapur .. ..	(1) Barshi .. .. (2) Malshiras .. ..	Khadkalgaon. Kothale.
12	Kolhapur .. ..	(1) Hatkanangale .. .. (2) Shirol .. ..	Kabnur. Jainapur.
13	Aurangabad .. ..	<del>(1) Silled .. ..</del> <del>(2) Bhokardan .. ..</del>	<del>.. Dakhla.</del> <del>.. Nanda.</del>
14	Bhir .. ..	(1) Patoda .. .. (2) Manjlegaon .. ..	<del>.. Tembhurni.</del> <del>.. Salgaon.</del>
15	Parbhani .. ..	(1) Pathri .. .. (2) Ganga khed. .. ..	<del>.. Manjarath.</del> <del>.. Tiwthana.</del>
16	Nanded .. ..	(1) Biloli .. .. (2) Kandhar .. ..	<del>.. Bhooshi.</del> <del>.. Donwada.</del>

## APPENDIX B—Cont.

*List of selected villages for survey—Contd.*

Serial No.	District	Taluka	Name of the village
(1)	(2)	(3)	(4)
17	Osmanabad .. ..	(1) Kallam .. .. (2) Umarga .. ..	.. .. <u>Borgaon (Kh.)</u> .. .. <u>Diggi.</u>
18	Buldhana .. ..	(1) Khamgaon .. .. (2) Chikhali .. ..	.. .. Maharkhed. .. .. Bhivgaon (Bk.).
19	Akola .. ..	(1) Washim .. .. (2) Balapur .. ..	.. .. Pimpalgaon .. .. Gawandgaon.
20	Amravati .. ..	(1) Daryapur .. .. (2) Amraoti .. ..	.. .. Kasampur. .. .. Hiwara.
21	Yeotmal .. ..	(1) Pusad .. .. (2) Wani .. ..	.. .. Mokhad. .. .. Khapari.
22	Wardha .. ..	(1) Hinganghat .. .. (2) Wardha .. ..	.. .. Paikmari. .. .. Kajalsara.
23	Nagpur .. ..	(1) Ramtek .. .. (2) Saoner .. ..	.. .. Khandala. .. .. Warani.
24	Bhandara .. ..	(1) Gondia .. .. (2) Bhandara .. ..	.. .. Sonegaon. .. .. Thana.
25	Chandrapur .. ..	(1) Chandrapur.. .. (2) Rajura .. ..	.. .. Chak Pargaon. .. .. Pipri.



APPENDIX C

महाराष्ट्र शासन महसूल व वन खाते

कूळ कायद्याच्या परिणामाची पहाणी सन १९६९

पश्चिम महाराष्ट्रासाठी

अनुक्रमांक

चौक नं. १

१९५६-५७ साली खंडाने, वाटचाने, जमीन घेणाऱ्या, देणाऱ्या खातेदारांकरिता भरावयाचे पत्रक

- |           |                 |                                |
|-----------|-----------------|--------------------------------|
| १. गाव    | ४. खाते क्रमांक | ७. रहावयाचे ठिकाण              |
| २. तालुका | ५. खातेदार      | ८. रहावयाचे ठिकाण या गावापासून |
| ३. जिल्हा | ६. स्थिति       | ५ मैलांचे आत आहे काय?          |

गावी असलेली जमीन

विभाग व पोट-विभाग	जमिनीच्या तुकड्यांची संख्या	एकूण क्षेत्रफळ		जिराईत		भातशेती		बारामाही बागाईत		हंगामी बागाईत	
		ए.	गुं.	ए.	गुं.	ए.	गुं.	ए.	गुं.	ए.	गुं.
(१)	(२)	(३)		(४)		(५)		(६)		(७)	
अ १											
२											

३											
४											
५											
एकूण अ											
ब १											
२											
३											
एकूण ब											
कसलेली जमीन अ १ + ब १											

APPENDIX C—Cont.

परगावी असलेली जमीन

गावाचे नाव (८)	अंतर मैलात (९)	तुकड्यांची संख्या (१०)	एकूण क्षेत्रफळ ए. गुं. (११)		जिराईत ए. गुं. (१२)		भातशेती ए. गुं. (१३)		बारमाही बागाईत ए. गुं. (१४)		हंगामी बागाईत ए. गुं. (१५)	


APPENDIX G—Cont.

चौक नं. २

१९५६-५७ साली दुसऱ्यास कसण्यास दिलेली जमीन (विभाग अ-३ मधील)

खातेदार .....

खाते क्रमांक .....

क्रमांक	सर्व्हे नंबर व पोट-हिस्सा नंबर	क्षेत्रफळ	आकारणी	जमिनीचा प्रकार			कुळाचे नाव	गाव	कुळाचा खाते क्रमांक	कुळाच्या मालकीची जमीन क्षेत्र
				क्रमांक	बागाईत, जिराईत इत्यादी	क्षेत्रफळ				
		ए. गुं.	रु. पै.			ए. गुं.				ए. गुं.
(१)	(२)	(३)	(४)	(५)	(६)	(७)	(८)	(९)	(१०)	(११)

चौकशी नोंद वहीचा शेरा			निकालाचे वर्ष	इ. स. १९६९ मध्ये कोणाचा कब्जा होता कूळ/मालक/इतर	जर पूर्वीचा ताबा बदलला असेल तर निकालानंतर जमिनीची विल्हेवाट कशी झाली		जमिनीचे हस्तांतर कोणी केले. कुळाने मालकाला, मालकाने कुळाला अगर दुसऱ्याने तिसऱ्याला
कोणत्या कलमाने निकाल दिला	निकालाचा गोषवारा	निकालाचा परिणाम			जमिनीचे हस्तांतर कसे झाले	कोणत्या साली हस्तांतर झाले	
(१२)	(१३)	(१४)	(१५)	(१६)	(१७)	(१८)	(१९)

APPENDIX C—Cont.

चौक नं. ३

१९५६-५७ साली दुसऱ्याची कसण्यास घेतलेली जमीन (विभाग ब-१ मधील)

खातेदार.....

खाते क्रमांक.....

क्रमांक	सर्व्हे नंबर व पोट-हिस्सा नंबर	क्षेत्रफळ	आकारणी	जमिनीचा प्रकार			मालकाचे नाव	गाव	मालकाचा खाते क्रमांक	मालकाच्या मालकीची जमीन क्षेत्र
				क्रमांक	बागाईत, जिराईत इत्यादी	क्षेत्रफळ				
		ए. गु.	ह. पै.			ए. गु.				ए. गु.
(१)	(२)	(३)	(४)	(५)	(६)	(७)	(८)	(९)	(१०)	(११)

चौकशी नोंद वहीचा शीरा			निकालाचे वर्ष	इ. स. १९६९ मध्ये कोणाचा कब्जा होता कूळ/मालक/इतर	जर पूर्वीचा ताबा बदलला असेल तर निकालानंतर जमिनीची विल्हेवाट कशी झाली		जमिनीचे हस्तांतर कोणी केले. कुळाने मालकाला, मालकाने कुळाला अगर दुसऱ्याने तिसऱ्याला
कोणत्या कलमाने निकाल दिला	निकालाचा गोषवारा	निकालाचा परिणाम			जमिनीचे हस्तांतर कसे झाले	कोणत्या साली हस्तांतर झाले	
(१२)	(१३)	(१४)	(१५)	(१६)	(१७)	(१८)	(१९)



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१. पत्रक भरणाऱ्याचे नाव व हुद्दा .....

.....

दिनांक .....

सही .....

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२. क्षेत्र तपासणी करणाराचे नाव व हुद्दा .....

.....

दिनांक .....

सही .....

---

३. छाननी करणाराचे नाव व हुद्दा .....

.....

दिनांक .....

सही .....

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इतर शरे

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टीपः—कूळकायद्याच्या परीणामाच्या पाहणीची खातेशारांबाबतची पत्रके वरील नमून्यात थोडाफार बदल करून विदर्भ आणि मराठवाडा विभागाकरीता लागू केली.

पश्चिम महाराष्ट्रात कूळ कायद्याच्या परिणामाची पाहणी पत्रके भरण्यासंबंधी सूचना

पत्रक १ साठी :

(१) हे पत्रक, गांवच्या रेकाॅर्डात तलाठ्याकडे असणाऱ्या हॉलिंग रजिस्टर (फार्म बी) वरून भरावयाचे आहे. ही हॉलिंग रजिस्टरे, तलाठ्यांनी १९५६-५७ सालाकरिता म्हणून लिहिलेली आहेत.

(२) या हॉलिंग रजिस्टरवर सर्व खातेदारांची माहिती असते. या खातेदारांपैकी ज्या खातेदाराने आपली जमीन कुळाकडे कसण्यात दिलेली असेल किंवा ज्या खातेदाराने दुसऱ्याची जमीन कूळ म्हणून कसण्यास घेतलेली असेल किंवा ज्या खातेदाराने आपली जमीन कुळाकडे दिली असेल आणि दुसऱ्याची जमीन कूळ म्हणून कसण्यास घेतलेलीही असेल अशा सर्व खातेदारांसाठी प्रत्येकी एक प्रमाणे हे पत्रक भरावयाचे आहे व त्या खातेदाराची संपूर्ण जमिनीची माहिती येथे घ्यावयाची आहे. उलट ज्या खातेदारांनी आपली जमीन खंडाने—वाटचाने दिली नसेल किंवा दुसऱ्याची खंडाने वाटचाने घेतलेली नसेल अशा खातेदाराने हे पत्रक भरू नये.

(३) खाते क्रमांक: या ठिकाणी हॉलिंग रजिस्टरचा पत्रक नंबर जो असेल तो द्यावा आणि क्रमांक या ठिकाणी ओळीने येणारा क्रमांक द्यावा. या क्रमांकावरून किती पत्रके भरली तो आकडा कळेल.

(४) स्थिती: या ठिकाणी खातेदार अज्ञान, लष्करी नोकर, एकत्र कुटुंबाचा मॅनेजर, विधवा स्त्री इत्यादी माहिती हॉलिंग रजिस्टरला लिहिलेली येईल.

(५) राहण्याचे ठिकाण: या ठिकाणी खातेदार ज्या गावात राहण्यास असेल त्या गावाचे नाव लिहावे.

(६) हे खातेदाराचे राहण्याचे ठिकाण या गावापासून पांच मैलाचे आंत आहे काय? या ठिकाणी पांच मैलाचे आंत असल्यास होय आणि नसल्यास नाही असे लिहावे.

(७) पत्रक १ व गावची जमीन व परगावची जमीन वेगवेगळी लिहिण्याची सोय केली आहे त्याप्रमाणे हॉलिंग रजिस्टरवर पाहून गावच्या क्षेत्राची बेरीज वेगळी व परगावच्या क्षेत्राची बेरीज वेगळी करून घेऊन माहिती भरावी लागेल. कारण हॉलिंग रजिस्टरवर अशा वेगवेगळ्या बेरजा नाहीत. त्या गावच्या व परगावच्या मिळून क्षेत्राच्या आहेत.

(८) अ विभागात मालकीची जमीन येते आणि ब विभागात दुसऱ्याची कसण्यास घेतलेली जमीन येते. यांच्या पोटविभागावर क्षेत्राच्या बेरजा हॉलिंग रजिस्टरला घेतलेल्या आहेत. त्या बेरजा काही ठिकाणी चुकलेल्या असण्याची शक्यता आहे. तरी त्या तपासून घेऊन, त्या बेरजा पोटविभागावर लिहाव्यात.

(९) क्षेत्रफळामध्ये स्तंभ (६) ची बेरीज घ्यावी, जिराईतामध्ये स्तंभ (८) ची बेरीज घ्यावी भातशेतीमध्ये स्तंभ (९-अ) ची बेरीज घ्यावी, बारमाही बागाईतामध्ये स्तंभ (१०-अ) ची बेरीज आणि हंगामी बागाईतामध्ये स्तंभ (१२) ची बेरीज लिहावी.

(१०) एकूण अ आणि एकूण ब यांच्या क्षेत्राच्या बेरजा हॉलिंग रजिस्टरला काही ठिकाणी घेतलेल्या नाहीत. त्या करून घ्यावा लागतील तसेच कसलेल्या जमिनीच्या क्षेत्राची बेरीज या ठिकाणी पोटविभाग अ-१ आणि ब-१ यांची बेरीज येईल.

(११) या पत्रकातील पुष्कळशी माहिती होर्लिंग रजिस्टरला मिळेल. जी मिळणार नाही ती इतर रेकॉर्डवरून भरून घ्यावी व पत्रक पूर्ण करावे. काही माहितीसाठी चौकशी करावी लागेल तीही करावी. मात्र कोणती माहिती इतर रेकॉर्डवरून घेतली व कोणती चौकशी करून मिळविली याचे टिपण ठेवावे. उदा. स्थिती: ही माहिती होर्लिंग रजिस्टरला नव्हती ती चौकशी करून भरली आहे. तसेच राहण्याचे ठिकाण, जमीन मालकाचे नाव इत्यादी.

पत्रक २ व ३ साठी :

(१२) पत्रक २ वर दुसऱ्यास कसण्यास दिलेल्या म्हणजे होर्लिंग रजिस्टरवरील पोटविभाग अ-३ मधील सर्व जमिनींच्या तुकड्यांची माहिती तुकडेवार घ्यावी.

(१३) तसेच पत्रक ३ वर दुसऱ्याची कसण्यास घेतलेल्या, म्हणजे होर्लिंग रजिस्टरवरील पोट-विभाग ब-१ मधील, सर्व तुकड्यांची माहिती तुकडेवार घ्यावी.

(१४) जमिनीचा प्रकार यात जिराईत, भात शेती, बारसाही व हंगामी बागाईत असे प्रकार येतील त्या प्रकाराबाली कितती क्षेत्र आहे याची माहिती पुढील क्षेत्राच्या कॉलममध्ये द्यावी. एखाद्या जमिनीच्या तुकड्याचे बाबतीत जमिनीचे प्रकार एकापेक्षा जास्त येण्याची शक्यता आहे. तसे ते निरनिराळे दाखवून त्याखालील क्षेत्र लिहावे. उदा. एकाच तुकड्यामध्ये जिराईत क्षेत्र आणि भातशेतीचे क्षेत्र असल्यास ते तसे निरनिराळे दाखवावे.

(१५) आकारणी यामध्ये सरकारी सारा येईल. तो रपये आणि पै मध्ये आहे तो रपये नवे पैसे यात लिहावा.

(१६) पत्रक २ मधील कुळाचे मालकीच्या आणि पत्रक ३ मधील मालकाच्या मालकीच्या जमिनीमध्ये गावातील आणि परगावातील मिळून मालकीच्या जमिनीचे क्षेत्रफळ लिहावे.

(१७) एखाद्या जमिनीवर समाईक मालकी असल्यास, सर्व मालकांची नावे पत्रक ३ वर लिहावी लागतील तसेच एखाद्या जमिनीवर अनेक कुळे असल्यास, त्या सर्वांची नावे पत्रक २ वर लिहावी लागतील.

(१८) मालकाचे पुढील कॉलमातील खाते क्रमांक आणि कुळाचे पुढील कॉलमातील खाते क्रमांक हे होर्लिंग रजिस्टरवरील असतील ते पत्रक नंबर द्यावेत.

(१९) इन्वयरी रजिस्टरचा शेर यांत या जमिनीवर कूळ कायद्याचा काय परिणाम झाला हे दाखविणारे शेर येतील. हे शेर इन्वयरी रजिस्टर पाहून लिहावे लागतील. यामध्ये अर्थ-कात्यांनी कोणत्या कलमाबाली निर्णय दिला व त्यामुळे जमीन कोणाकडे गेली हे स्पष्ट लिहावे.

टोप :—कूळकायद्याच्या परिणामाच्या पाहणीची खातेदाराची पत्रके भरण्याच्या वरील सूचनांमध्ये थोडासा बदल असलेल्या सूचना मराठवाडा व विदर्भ भागाकरिता लागू केल्या.

## APPENDIX D

**Report showing the correctness of entries in the Holding Registers and the Detailed lists prepared on the basis of village records.**

The accompanying statement contains detailed analysis of plots leased out to tenants and recorded as such in any of the three records, (1) Village Form No. VII-XII, (2) Detailed list (prepared on 1st April 1957), (3) Inquiry Register, the final List submitted to the A. L. T. This analysis has been carried out with two objectives in view. The specific objective was to find out whether between August 15, 1956, and April 1, 1957, there were surrenders of plots under tenancy. These surrenders would amount to circumvention of the tenancy reform. There is also a general objective to find out if any discrepancy between Village Form No. VII-XII and other two records. The investigation has been carried further to look into the causes that give rise to these discrepancies.

Two Villages, (1) Village Pimploli from Taluka Karjat of District Kolaba and (2) Village Khodad of Taluka Satara, District Satara, have been selected for the study. In Village Pimploli nearly one half of the area seems to have been involved in tenancy. Out of the tenanted area a little less than one-third seems to have not been reported to the Tribunal. Nine different causes are traced to have been responsible for these omissions. Of them the most outstanding one is just negligence resulting in omissions in reporting.

If the rights of the tenants to acquire ownership of land are extended to refer the period from 1954-55 we find that sales of land either to tenants or to a third party account for large proportion of area on which tenants rights are squashed. However, a total land involved in the sales is substantially less compared to the land involved in the omission in reporting to the Tribunal. A small amount of land seems to have been brought to the notice of the Tribunal even though there was no recording about them in the village record. These discrepancies arose due to such causes as mortgage of land, blood relationship between tenants and landlords and simply errors of not recording tenancy.

## APPENDIX D—cont.

In Village Khodad of Satara, tenancy on 1st April 1957 amounted to little more than one-third of the total area. Reporting in this village seem to be much better. Out of 335 acres of land under tenancy only 4 acres seem to have been omitted in reporting to the A.L.T. There are, however, a few more omissions in the Village Record VII-XII itself. These were subsequently brought on the Inquiry Register. The total area involved in this type of discrepancy amounted to less than 10 per cent of the total area under tenancy. However, a little less than half of the area involved in this discrepancy was subsequently discovered to be wrongly entered in the Inquiry Register. These cases were, therefore, dropped.

(1)	Village Pimploli, tahsil Karjat, district Kolaba		Khodad, Tal. Satara	
	No. of plots	Area	No. of plots	Area
	(2)	(3)	(4)	(5)
		A. gs.		A. gs.
Area and Plots under tenancy on 1st April 1957 as per V. F. VII-XII.	267	284 07	178	335 31
Area and plots for which tenancy cases were conducted (Inclusive of D/L and E/R).	179	202 19	174	331 27
Area and plots under tenancy in V. F. VII—XII but reported neither in detailed list nor in enquiry register.	88	81 28	4	4 04
<i>Those not reported—</i>				
(1) Surrendered between 1st August 1956 and 1st April 1957.	1	0 29½	..	..
(2) Brother—brother relation .. ..	3	0 26	..	..
(3) Other close relations .. ..	1	0 04	..	..
(4) Mortgage, loan or such financial transactions.	2	0 32	..	..
(5) Joint tenancy cases .. ..	2	1 36	..	..
(6) Direct purchase of land .. ..	1	0 18	3	2 30
(7) Sale of land under tenancy to third party.	1	3 12	..	..
(8) Owners of land indicated as tenants in V. F. VII—XII.	5	4 26	..	..
(9) Surrender of tenanted land—				
1954-55 .. ..	3	1 15	2	1 14
1954-55 .. ..	4	4 21	..	..
and 1955-56.				

## APPENDIX D—cont.

(1)	Village Pimploli, tahsil Karjat, district Kolaba		Khodad, Tal. Satara	
	No. of plots (2)	Area (3)	No. of plots (4)	Area (5)
		A. gs.		A. gs.
(10) Direct purchase of tenanted land by tenants—				
1954-55 .. .. .	7	5 32½	..	..
1954-55 and .. .. .	11	12 31	..	..
1955-56.				
(11) Sale of tenanted land to third party—				
1954-55 .. .. .	3	1 11	..	..
1954-55 and .. .. .	19	23 20	..	..
1955-56.				
Total area under cultivation of village— 1956-57.	..	697 90	..	931 00
Total number of landholders .. .. .	..	68 00	..	149 00
No. of tenant cultivators .. .. .	..	52 00	..	53 00

*Tenancy cases recorded in Enquiry with no tenancy in village Forms VII—XII*

Classification of cases (1)	Pimploli—		Khodad—	
	No. of plots (2)	Area (3)	No. of plots (4)	Area (5)
		A. gs.		A. gs.
(1) Landowners indicated as tenants in detailed list and Inquiry register.	2	3 29	3	..
(2) Relatives (e.g., brother-brother) indicated as lessees and lessor in detailed list and enquiry register.	3	2 31	..	..
(3) Mortgagee and mortgagor of land indicated as lessees and lessors in detailed list and enquiry register.	2	0 31	..	..
(4) Tenancies of previous years shown as continued in detailed list and subsequently dropped for remark to that effect record of rights.	..	..	14	..
(5) Cultivation of land through hired labour (i.e., mode '2' cases) indicated as tenancy in detailed list.	..	..	3	..
(6) Tenancy entry in pencil (i.e., Kachcha entry without mutation reg. tenancy) considered as tenancy in detailed list and subsequently dropped.	..	..	2	..
Total .. .. .	7	6 28	22	2 00

## APPENDIX D—cont.

१ एप्रिल १९५७ ला कृषक दिन झाला. त्यासाठी १९५६-५७ साली जमीनीवर असणाऱ्या कुळांची यादी निवड पत्रकावर तलाठ्यांनी केली. ही यादी कितपत बरोबर झाली हे पाहण्यासाठी गुळुंब, कवठे व ओझड येथील गा. न. नं. ७-१२ वरून उतरून घेतलेल्या आपल्या ७-१२ पत्रकाशी रुजवात घेतली. (आपले ७-१२ रेकॉर्डवरून उतरून घेतलेलाच आहे) तेव्हा खालीलप्रमाणे माहिती आढळून आली:—

तपशील	गुळुंब	कवठे	ओझड
(अ) जमीनीचे तुकडे:—			
१ १९५६-५७ साली कुळे नोंदलेल्या जमीनीचे तुकडे	३८६	४५०	३४१
२ पैकी सरकारी निवडपत्रकावर नोंदलेल्या जमीनीचे तुकडे	३१७	३३९	३२७
३ सरकारी निवडपत्रकावर न नोंदलेल्या जमीनीचे तुकडे	६९	१११	१४
४ सरकारी निवडपत्रकावर नोंदलेल्या पण १९५६-५७ साली मालक खुद्द म्हणून नोंद असलेल्या जमीनीचे तुकडे	२१	२८	५०
	एकर	एकर	एकर
(आ) गावाचे लागणीलायक क्षेत्र	२१७५	१९५७	२७१४
(अि) क्षेत्रासंबंधी:—			
१ १९५६-५७ साली कुळे नोंदलेल्या जमीनीचे क्षेत्र.	६८२.४	४७७.०	५०२.५
२ पैकी सरकारी निवडपत्रकावर नोंदलेल्या जमीनीचे क्षेत्र.	६३५.९	३७६.९	४८०.८
३ सरकारी निवडपत्रकावर न नोंदलेल्या जमीनीचे क्षेत्र.	४६.५	१००.१	२१.७
४ सरकारी निवडपत्रकावर नोंदलेल्या पण १९५६-५७ ला मालक खुद्द म्हणून नोंद असणाऱ्या जमीनीचे क्षेत्र.	२३.७	११.७	८२.३

## APPENDIX D—cont.

सरकारी निवडपत्रकावर नोंदलेल्या जमिनी पण गा. न. नं. ७-१२ ला, १९५६-५७ साली मालक खुद्द म्हणून नोंद असलेल्या जमिनी.

तपशील	गुठुंब	कवठे	ओझडें			
४ (अ) जमिनीच्या तुकड्यांची संख्या	२१	२८	५०			
४ (अि) जमिनीचे क्षेत्र (एकर गुठे)	२३—२७	११—२४	८२—१०			
	तुकडे	एकर गुठे	तुकडे	एकर गुठे	तुकडे	एकर गुठे
१ सरकारी निवडपत्रकावर नोंदलेले कूळ.						
(अ) १९५५-५६ सालापर्यंत होते.	१०	९ २१	४	३ २०	११	३१ ०९
(आ) १९५४-५५ सालापर्यंत होते.	२	७ ३०	२	० १८	८	८ ३५
(अि) १९५३-५४ सालापर्यंत होते.					२	७ १६
२ समाईक जमीन त्यात कूळही मालक.	१	० १६				
३ कूळ खरेदीदार पण जमीन इनाम म्हणून कूळ दाखविले असावे.	२	३ ०७	३	१ ०७		
४ कबजेगहाण व्यवहार (अ) सावकारी.			१	० २१	२	६ ०५
(आ) लँड मॉर्गेज बँकेचे व्यवहार.			१	० ०२		
५ १९५१-५२ पासून खुद्द नोंद आहे.	६	२ ३३	१६	५ ३०	१८	२६ १०
६ चुकीची नोंद असावी.					६	१ १२
७ १९५७-५८ कुळाची नोंद आहे—					९	१३ ३६
(अ) १९५६-५७ पूर्वी खुद्द असताना.					२	५ ९
(आ) १९५५-५६ पर्यंत कूळ असून (फक्त १९५६-५७ ला खुद्द).					६	८ २३
(इ) १९५४-५५ अखेर कूळ होते.					१	० ४



## APPENDIX D—cont.

गा. न. नं. ७-१२ ला, १९५६-५७ साली कूळ नोंद आहे. पण सरकारी निवड पत्रकावर न नोंदलेल्या जमिनीचा तपशील

तपशील	गुळुंब	कवठे	ओझाई
३ (अ) जमिनीच्या तुकड्याची संख्या	६९	१ ११	१४
३ (बी) जमिनीचे क्षेत्र (एकर गुठे)	४६ २०	१०० ०३.	२१ ३०
१. खाजगी वाटप झालेले असावे, कारण कूळ म्हणून नोंदलेले शेतकरी अंगदी जवळच्या नात्या-पैकी आहेत.	तुक- क्षेत्र एकर गुठे संख्या	तुक- क्षेत्र एकर गुठे संख्या	तुक- क्षेत्र एकर गुठे संख्या
(अ) कूळ कबजेदाराचा नवरा आहे.	५	५ ०६	००
(आ) कूळ कबजेदाराचा मुलगा	२	२ ०५	५ ३७
(अि) कूळ कबजेदाराचा भाऊ	६	७ ०५	२ २४
(अी) कूळ कबजेदाराचा चुलता	२	० ११	१ १४
(अु) कूळ कबजेदाराची आई	२	३ ३७	००
(अू) कूळ कबजे दाराचे नाते-वाईक.	५	१ १७	३ ०९
(अे) कूळ कबजेदाराचा दीर	००	००	२ २१
२. कूळ जंगल वहिवाटीने माल-कानिच वसते.	९	८ ३२	२३ ३३
३. जमिनीवर मालकी समाईक वहिवाट एकाची.	९	१० ३६	००
४. कबजे गहाण व्यवहार मूळ-मालक कूळ.	२	१ २४	७ १६
५. कूळ खरेदीदार.	३	० २९	१ ०८
६. कूळ आहे	२९	९ २३	४६ ३५
			११ १५ २५

## APPENDIX E

*List of villages selected for the survey to assess the impact of land reforms on Agricultural production*

Serial No.	District	Tahsil	Name of the selected Village
(1)	(2)	(3)	(4)
1	Bhandara .. ..	Gondia .. ..	Sonegaon.
2	Akola .. ..	Washim .. ..	Pimpalgaon.
3	Thana .. ..	Talasari .. ..	Achad .
4	Poona .. ..	Purandhar .. ..	Kumbhoshi.
5	Parbhani .. ..	Pathri .. ..	Manjrath.
6	Aurangabad .. ..	Bhokardan .. ..	Nanda.

APPENDIX E—*cont.*  
EVALUATION OF LAND REFORMS  
*to assess the impact of land reforms on agricultural production.*

Khatedar's Schedule

SERIAL No.

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BLOCK "A"

1. Village ..... 2. Taluka ..... 3. District .....
4. Name of Khatedar ..... 5. Caste .....
6. Occupation ..... 7. Holding Register No. ....
-

BLOCK "B"

Particulars about the members of the Khatedar's household  
(including the Khatedar himself and non-resident members)

Item No.	Description	Particulars of members							
		(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1	Name .. .. .								
2	Relation with head .. .. .								
3	Age .. .. .								
4	Sex .. .. .								
5	Education .. .. .								
6	Was he normally resident in village before the implementation of the Tenancy Act ?								
7	If not, where was he ? .. .. .								
8	His occupation then .. .. .								
9	His present normal residence .. .. .								
10	His occupation now .. .. .								

Besides the present resident and non-resident members of the Khatedar's household information should also be collected about those adult members of the household who might have died after the implementation of the Act. For these persons the age should be at the time of death (give the year there in brackets). If he changed his residence and occupation after the Act and before death that should be stated in answers to questions 9 and 10.

APPENDIX E—cont.  
BLOCK "C"

Details of land possessed before the implementation and land subsequently acquired

Item No.	Description	Land							
		(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
1	Serial No. .. .. .								
2	Plot's Survey No. .. .. .								
3	Area .. .. .								
4	Land Revenue .. .. .								
5	Type of land .. .. .								
6	Was it owned and operated/leased out/ leased in/none of these, before the Tiller's Day ?								
7	What is its status now? owned and operated/ leased out/leased in/sold.								
8	If leased in/leased out at present, specify rent .. .. .								
9	If sold to tenant :								
	(a) Price paid .. .. .								
	(b) If price settled by A. L. T., have all instalments been paid ?								
	(c) Any over-dues ?								
10	If sold to others, why ? .. .. .								

11	If leased out before Tiller's Day, how did you get possession of the land? Eviction, resumption or surrender?							
12	If by eviction, did the tenant make representation?							
13	(a) If by surrender, did the tenant surrender voluntarily?							
	(b) If yes, did you pay any consideration to him?							
	(c) How much was it? .. .. .							
14	(a) If the land was leased in before Tiller's Day, was it surrendered by you to the landlord?							
	(b) If so, why? .. .. .							
	(c) Did you receive any land? .. .. .							
	(d) What and how much consideration did you receive?							
15	(a) Was the land irrigated before Tiller's Day?							
	(b) If yes, whether fully .. .. .							
	(c) Source of irrigation .. .. .							
16	(a) Is it fully irrigated now? .. .. .							
	(b) Source of irrigation .. .. .							

APPENDIX E—contd.

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
17	Was there a well on this land before Tiller's Day ?								
18	Is there a well on this land now ? ..								
19	(a) Have any major renovations been made on any old well(s) on this land after Tiller's Day ?								
	(b) If yes, give details .. .. .								
20	(a) Have any other improvements been carried out on this land after Tiller's Day ?								
	(b) If yes, give details .. .. .								
21	(a) Crops grown on the land before Tiller's Day.								
	(b) Crops grown on the land now ..								
22	Are you using improved varieties of seeds now on this land ? Give details. ..								

23	(a) Was the plot being manured/fertilized before Tiller's Day ?								
	(b) For what crops ? .. ..								
	(c) Regularly or occasionally ? .. ..								
24	(a) Is it manured/fertilised now ? ..								
	(b) For what crops ? .. ..								
	(c) How regularly ? .. ..								
25	Is there any other change in the method of cultivation on this plot ? Give details.								
26	(a) What was the approximate yield of crops in (Kgs.) this plot then ?								
	(b) Now. .. .. (kgs.)								
27	(a) If the land was leased in/leased out then, was cost being shared with landlord/tenant ? If yes, in what form ? Share in seed, manure, irrigation charges or in any other agricultural operation ?								
	(b) Give details .. ..								
28	What was the rent then ? Cash, kind, fixed or proportionate ?								



APPENDIX E—cont.

BLOCK "D"

Details of selected assets and farm servants

Item No.	Description	Before Tiller's Day		Now	
		Owned	Hired	Owned	Hired
1	2	3	4	5	6
1	Bullocks (No.) .. .. .				
2	Bullock-carts— (a) Ordinary (No.) .. .. . (b) Pneumatic (No.) .. .. .				
3	Iron ploughs (No.) .. .. .				
4	Tractors (No.) .. .. .				
5	(a) Oil engines and pumps (No.) .. .. . (b) Electric motors and pumps (No.) .. .. .				
6	Pipes (feet) .. .. .				
7	Other water-lifts— (a) Motes, (No.) .. .. . (b) Persian wheels, (No.) .. .. . (c) Specify (No.) .. .. .				
8	Other improved implements .. .. . (Specify) (No.)				
9	Farm servants excluding casual labour (No.) ..				
10	If you do not have adequate number of bullocks, how do you cultivate your land ?				





## APPENDIX F

## REVENUE AND FORESTS DEPARTMENT :

No. TNC. 6769/15588-M(Spl).

Sachivalaya, Bombay-32, dated 1969

Sir,

You may be aware that this Government has appointed a Committee for evaluation of the various Land Reform Laws in force in this State. With a view to ascertaining the views of the members of the Parliament and State Legislature, the Zilla Parishads, Farming Organisations and certain other Associations and Institutions, etc., regarding the various provisions of the tenancy and ceiling laws and their implementation the Committee has prepared a questionnaire, a copy of which is enclosed herewith. I am accordingly directed to request you to please make it convenient to favour Government with your (or as the case may be of the body or organisation to which you are attached) replies to the questionnaire so as to reach Government within a month at the latest from the date of receipt of this letter.

Yours faithfully,

Under Secretary to the Government of Maharashtra,  
Revenue and Forests Department.

To

All M.P.s from Maharashtra,  
All M.L.A.s,  
All M.L.C.s,  
All Zilla Parishads,  
All Panchayat Samitis,  
All Political Parties in Maharashtra,  
All Bar Associations in Maharashtra,  
All Tenants and Landowners Associations in Maharashtra,  
Indian Society of Agriculture,  
Director, Gokhale Institute of Politics and Economics, Poona,  
All Heads of Departments of Economics of all Universities in Maharashtra,  
Vice-Chancellor of Agriculture University,  
Leading farmers,  
Farming Organisations,  
All Commissioners of Divisions,  
All Collectors,  
One A. L. T. in each District (to be selected by the Collector)

A-609-22-A.

## QUESTIONNAIRE ON TENANCY LAW

Name .. .. .  
 Place of Residence .. .. .  
 Occupation and position in public life .. .. .  
 The area to which replies pertain .. .. .

I. *Prevalence of Tenancy Arrangement.*—The main aim of the Tenancy Legislation, particularly from the year 1956-57 (1960-61 in the case of Vidarbha Region) was to abolish tenancies and to expand peasant proprietorship. The tenancy arrangements are permitted only in cases of land held by disabled persons or lands exempted from the provisions of the Act. In the villages or areas of which you have experience or knowledge, do you think that tenancy arrangement still exists in respect of non-exempted lands also in any of the following forms :—

(i) Contractual payment for farm operations i.e. Bhadekari ;

(ii) Share in produce for labour only (i.e. Watekari or Bhagidar) ;

(iii) Tenancy under cover of mukhtiar patra (Managership) ;

(iv) Tenancy under the guise of paid servants, etc.

If any such tenancies exist, what is in your opinion the extent of these arrangements ? Please quote instances if possible.

II. *Rent.*—The other object of Tenancy Act was to ensure fixity of rent in respect of tenants who have no right of purchase or whose right of purchase has been postponed. The law generally provides that rent shall be paid only in cash and it shall not exceed certain prescribed multiple of assessment.

Please give information on the following points :—

(i) Do you think that rents are being charged in excess of prescribed rate(s) ? If so, what is generally the extent of difference between the rent paid and that prescribed by law ? Please give information on the following points :—

(a) What in your opinion is the extent of such breaches of rent restrictions ?

(b) Whether the payment is made in cash and if so, at what rate per acre ? How much would it be a multiple of assessment ?

(c) Whether rent paid is in kind and if so, whether it is in fixed quantity or in crop share. If latter, in what proportion of the produce ?

(d) Whether in these cases tenants initiated proceedings in the appropriate Tenancy Courts for refund of excess rent. If not, what were the reasons therefor ?

(ii) Do landlords give receipts for rent received by them every year as required by the law ? If not, whether any action was taken for this failure to give receipts ?

(iii) Do you think that the rate(s) of rent as laid down by the Act were unreasonable ? If so, in what way ? Please give reasons.

III. *Surrender of land by tenants.*—Another objective of the Law was to give security of tenure to cultivating tenants. Do you think that the provisions of voluntary surrender contained in the Act vitiated the achievement of this objective ? Please also state—

(a) Whether surrenders of tenancies by tenants were widespread ?

(b) Whether surrenders of land by tenants were voluntary ?

(c) Whether they were in writing and verified by Tahasildars ?

(d) Do you think that procedure of verification was defective or the manner in which verification was done by the Revenue Officers was not proper ? If so, in what way ? Please give reasons with instances, if any ;

(e) What in your opinion are the reasons which induced the tenants to surrender their tenancy ?

(f) Whether after surrender, lands were really cultivated by the landlords, or the tenants continued to cultivate the land as servants on wages by executing “nokeranamas” etc.

(g) Are there any instances of tenants getting a portion of land or any other consideration from the former landlords for surrendering the lands ? If so, please give details.

(h) Was the land sold by landlord within one year of the surrender ? Please give instances.

(i) Was there any particular class of landlords viz., big or small, absentee or resident in village etc. in whose case the surrenders were more ? Please give details.

IV. *Resumption of land by landlords.*—Under the Tenancy Laws landlords who *bona fide* required land for personal cultivation were allowed to resume land within a specified time limit—

(A) If the lands resumed by landlords under the said provision are *not* personally cultivated by them, please furnish information on the following points :—

(i) what is in your opinion the extent of land resumed by landlords which are not personally cultivated by them after resumption ?

(ii) was the land sold by landlord after resumption and if so, how soon ?

(B) Where the land *is cultivated* personally by landlords, please state—

(i) whether the cultivation is generally carried out by them—

(a) through servants under their own supervision or under the supervision of any of the members of their family, or

(b) by appointing Mukhtiar,

(ii) whether the former tenants have generally been continued on the land as servants on wages ; and

(C) Do you think that efficiency of cultivation of land has been adversely/favourably or not at all affected as a result of resumption of land ? If so what do you think, are the reasons for lowering/improving or maintaining of efficiency of cultivation ? What was its extent in respect of small and big landlords ?

V. *Compulsory purchase*.—The other important objective of the Tenancy Law was to make tenant owner of the land by compulsory purchase. Purchase price payable by tenants is fixed in certain prescribed multiples of assessment and the tenant-purchaser was also allowed the facility of payment in instalment.

A. Do you think that the tenants who were entitled to purchase land failed to get the benefit of this provision? If so, what is the extent of such failure? Please state—

(a) whether this failure was due to any of the following reasons :—

(i) Tenant remained absent at the time of enquiry.

(ii) Tenant expressed unwillingness to purchase land before the tenancy authority,

(iii) Tenant denied tenancy right,

(b) whether his absence, unwillingness or denial of tenancy was due to any economic or other pressure brought by landlord, please elaborate ;

(c) Have the tenants failed to pay purchase price or instalments within the time prescribed therefor. What were the reasons of such failure i.e.—

(i) the price fixed was beyond the means of the tenant ; or

(ii) he was ignorant of the due dates of payment of purchase price.

(d) whether efforts were made by landlords to circumvent the Act by arriving at mutual arrangements outside the Court—

(i) by persuading the tenants to pay price higher than what is provided in the Act (please state the extent of such higher price obtained by landlord).

(ii) by persuading the tenants for surrenders of the land.

B. Do you think that efficiency of cultivation of land has been adversely/favourably or not at all affected as a result of compulsory transfer of land to tenants, if so, why? What do you think are the



reasons for such lowering/improving or maintaining of efficiency ?

VI. *Inaccuracies in the Village Record.*—The village records particularly the entries in village form VI (Mutation Register) and village forms VII and VII-A (i.e. Record of Rights and Pahani Patrak) have very important part to play in the implementation of land reform laws generally and tenancy laws in particular. How accurate in your view were the records for the purpose of the implementation of the Acts ? Was implementation affected to any significant extent by the inaccuracies in the records ? Please state whether the inaccuracies were noticed more in respect of entries relating to tenancy rights and do you have reasons to believe that these entries were deliberately manipulated, if so, please give reasons.

VII. *Suggestions.*—Have you any suggestion to make with a view to making the implementation of the Act more effective ?

**QUESTIONNAIRE ON LAND CEILING LAW**

The Land Ceiling Act was enacted with the object of imposing ceiling on land holdings and making available the resultant surplus land for distribution to landless and other persons in certain order of priority. Do you think that the said objectives were fulfilled ? If not, what in your opinion are the main reasons therefor ? Can you quote any instances where object of the law was defeated ? Do you think that this failure was due to any of the following reasons :—

(a) Partitions or transferring of land resorted by the holder in anticipation of the law.

(b) Large families being allowed extra land under section 6.

(c) Any other procedural or other shortfalls arising in the implementation of the Act.

What in your opinion is the extent of land which did not become available for distribution because of the above factors ? Which particular factor or factors are mainly responsible for this result ?

APPENDIX F—cont.

Consolidated statement showing the replies to the questionnaire by the officials and non-officials in Western Maharashtra

Serial No.	District and No. of officials and non-officials who have furnished questionnaire duly filled in	Whether tenancy arrangement still exists after the Tillers' day in respect of non-exempted lands	If exists its— (a) extent, (b) kind Nos. 1, 2, 3, 4, (c) its instances.	Provisions regarding rent													
				Whether there are any breaches in rent restrictions, if yes, to what extent			Nature of rent paid— (a) Cash (b) kind its proportion of the produce			Whether tenants initiate action for excess rent			Whether landlords issue rent receipts			Whether the provisions regarding rent are unreasonable? If yes to what extent	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)	(18)
		Yes No Partial		Yes No Partial	Yes No Partial	Yes No Partial	Yes No Partial	Yes No Partial	Yes No Partial	Yes No Partial	Yes No Partial	Yes No Partial	Yes No Partial	Yes No Partial	Yes No Partial	Yes No Partial	Yes No Partial
1.	Ratnagiri— Officials 18 Non-officials 6	0 15 3	O. (a) 5 to 10% (b) 1 2 2 } Nil 3 } 4 } 1 2 2 3 3 1 4 3	O. 1 9 8 N.O. 2 2 2 Extent O. Small pro- portion. N.O. 50 to 70%	O. (a) 11 (b) 5 N.O. (a) 2 (b) 3	15 1 ..	8 7 2	4 12 1									
	N.O. .. 2 4																
2.	Satara— Officials 1 Non-officials 1	.. .. 1	1 Yes 2 } Nil 3 } 4 }	2% .. ..	O. (a) Nil (b) 1/3 and 2/3. N.O.	.. 1 .. ..	1 .. 1 ..	.. ..									
3.	Thana— Officials .. Non-officials 3	.. 2 1	(a) .. (b) 1 1 2 2 3 .. 4 2	.. 2 1 in Adivasi area.	N.O. (a) 1 (b) 2	.. 2 ..	2 1 ..	.. 2 ..									

4. Nasik—																				
Officials	6	3	3	..	O.	(a) In stray cases.	..	3	2	O.	(a) 2	..	6	..	1	2	3	..	6	..
Non-officials	1	1	1	..	(b)	1 2 2 3 3 Nil 4 1					(b) 1/2 Share 5 times Asstt. N. O. (a)	..	..							
											(b) 1/4 and 1/2									
					N.O.	(a) .. (b) 1 1 2 1 3 } .. 4 }		..	..	15%	Produce									
5. Ahmednagar—																				
Officials	1	..	1		Small scale		..	..	1	O.	In both shape	..	..	1	1	..	..	1	..	..
Non-officials	..	..			(b) 1 and 2-1															being low.
6. Sangli—																				
Officials	2	1	1	..	O.	(a) ..	..	..	2	O.	(a) 2 yes	..	2	..	2	..	..	1	1	..
Non-officials	1	..			(b)	1 yes 2 in term of fodder. 3 no 4 yes					(b) 2 no									
					N.O.	(a) 2 to 5% (b) 1 no 2 in rate cases. 3 } no 4 }		..		(a) 15 times Asstt. (b) 1 no		..	1	..	1	..	..	1	..	..
7. Kolhapur—																				
Officials	1	1	..	..	(a)	..	..	1	..	(a) 1 does not arise.		..	1	..	..	1	..	..		
					(b)	1 .. 2 } 1 3 } 4 }				(b) ..										

APPENDIX F—cont.

Serial No.	District and No. of officials and non-officials who have furnished questionnaire duly filled in	Whether tenancy arrangement still exists after the Tillers day in respect of non-exempted lands	If exists its— (a) extent (b) kind Nos. (c) its instances	Provisions regarding rent														
				Whether there are any breaches in rent restrictions If yes, to what extent	Nature of rent paid— (a) Cash (b) kind its proportion of the produce	Whether tenants initiate action for excess rent	Whether landlords issue rent receipts	Whether the provisions regarding rent are unreasonable If yes to what extent										
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)								
				Yes	No	Partial	Yes	No	Partial	Yes	No	Partial	Yes	No	Partial			
8. Sholapur—																		
Officials	4	3	.. ..	(a) Negligible (b) 1 4 2 } 3 } 4 }	..	3	1	(a) .. (b) 1	2	1	1	3	1	..	4	.. ..		
Non-officials	1	..	1	..	..	..	1	(a) 1 3 to 5 times Asstt. (b) ..	..	1	..	1	..	..	1	.. ..		
9. Jalgaon—																		
Officials	..	1	.. 2	1	(a) 10 to 25% (b) 1 2 2 2 3 2 4 ..	..	..	(a) 3 .. (b) ..	1	.. 3	..	..	2	..	1	.. 4		
Non-officials	5	1	.. 2	1	(a) 10 to 25% (b) 1 2 2 2 3 2 4 ..	..	..	(a) 3 .. (b) ..	1	.. 3	..	..	2	..	1	.. 4		
Total Western Maharashtra—		8	19	5	(a) 5 to 10% (b) 1 11 2 5 3 1 4 3	1	18	12	(a) 17 (b) 9	17	11	2	16	11	5	12	19	1
Officials 33						(small proportion).												

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Non-officials	18	..	3	8	6.	(a) 10 to 25%	2	5	5	(a) 8	..	6	8	..	9	5	1	7	8	..
						(b) 1 6	(50 to 70% in			(b) 6										
						2 8	Adivasi area).													
						3 3														
						4 5														
Total	51	11	27	11	(a) 5 to 25%	3	23	17	(a) 25	23	19	2	25	16	6	19	27	1		
					(b) 1 17				(b) 15											
					2 13				(a) 5 times Asstt.											
					3 4				(b) 1/10th of pro-											
					4 8				duce.											

APPENDIX F—cont.

Surrender of lands by tenants													
	Whether the provisions regarding surrender vitiated the objectives			(11)	(a) Whether surrenders were voluntary or (b) by undue pressure. Nature of pressure exercised		Whether surrenders were properly verified		Defects in the procedure		Whether surrendered lands are cultivated by landlords if transferred during what period		
	(10)				(12)		(13)		(14)		(15)		
	Yes	No	Partial	Yes	No	Yes	No	Yes	No	Yes	No	Partial	
1. Ratnagiri—													
Officials ..	1	16	1	..	16	1	17	..	..	15	18	..	..
Non-officials	4	2	..	..	4	2	5	..	..	3	6	..	..
					(good relations with Landlord and that a promise that the land will be kept with them.)								
2. Satara—													
Officials ..	..	1	..	..	1	..	1	..	..	1	1	..	..
Non-officials	..	1	..	..	1	..	1	..	..	1	1	..	..
3. Thana—													
Officials ..	..	..	..	..	..	..	..	..	..	..	..	..	..
Non-officials	2	1	..	..	..	2	2	1	1	1	2	1	1
				It was widespread in Adivasi area.									
									The authorities have abused the powers.				
4. Nasik—													
Officials ..	1	5	..	..	6	..	6	..	..	..	6	..	..
Non-officials	..	..	..	..	..	..	..	..	..	..	..	..	..
5. Ahmednagar—													
Officials ..	..	..	..	..	1	..	1	..	..	..	1	..	..
					(partly).								

6. Sangli—														
Officials	..	..	2	..	..	2	..	2	..	..	2	2	..	..
Non-officials	..	1	..	..	..	1	..	1	..	..	1	1	..	..
7. Kolhapur—														
Officials	..	1	..	..	..	1	..	1	..	..	1	..	1	Within one year.
8. Sholapur—														
Officials	..	2	1	1	..	4	..	4	..	..	3	4	..	..
Non-officials	1	..	..	..	..	1	..	1	..	..	1	1	..	..
9. Jalgaon—														
Officials	..	..	..	..	..	..	..	..	..	..	..	..	..	..
Non-officials	1	4	..	In some cases	..	2	3	4	..	..	5	..	..	..
Total Western Maharashtra—														
Officials	..	6	25	2	In cases of small landlords.	31	1	32	..	..	22	32	1	..
Non-officials	8	9	..	Widespread in Adiwasi area.	9	9	7	14	1	1	12	11	1	..
Total	..	14	34	2	..	40	8	46	1	1	34	43	2	..



APPENDIX F—cont.

	Resumption of lands by landlords						Impact of this provision on cultivation—			
	Whether landlord cultivates the land personally			If not extent in which it is transferred and during what period	If lands are tilled personally the mode of cultivation—			(1) Small landlords. (2) Big landlords.		
	Yes	No	Partial		(1)	(2)	(3)	Good	No	Partial
1. Ratnagiri—										
Officials ..	18	..	..	..	18	..	..	18	..	Both on small as well as big.
Non-officials	6	..	..	..	3	2	..	6	..	
2. Satara—										
Officials ..	1	..	..	..	1	..	..	1	..	..
Non-officials	1	..	..	..	1	..	..	..	..	..
3. Thana—										
Officials ..	..	1	..	..	..	1	..	1	..	1
Non-officials	2	..	..	..	2	1	1	1	..	1
4. Nasik—										
Officials ..	4	..	1	2 to 3 years	6	..	..	6	..	..
Non-officials	..	..	..	..	..	..	..	..	..	..
5. Ahmednagar—										
Officials ..	1	..	..	..	..	..	1	..	..	..
Non-officials	2	..	..	..	2	..	..	2	..	..
6. Sangli—										
Non-officials	1	..	..	..	1	..	..	1	..	..
7. Kolhapur—										
Officials ..	1	..	..	Negligible	1	1	..	1	..	..

8. Sholapur—										
Officials	4	1	2	Within 2 to 4 years	4	1	2	3	1	1
Non-officials	2	1	2		1	1	1	1	1	2
9. Jalgaon—										
Officials	2	2	3	Even within one year	4	1	2	3	1	1
Non-officials	2	2	3		4	1	2	3	1	1
<hr/>										
Total Western Maharashtra—										
Officials	31	2	1		32	1	1	31	2	1
Non-officials	12	2	3		12	4	1	12	1	2
<hr/>										
Total 55	43	2	4	Within 1 to 4 years	44	5	2	43	1	3
<hr/>										

APPENDIX F—cont.

	Whether the tenants failed to get the benefit of this provision if yes to what extent			Compulsory purchase				If so, for what reasons— (i) Price beyond the means. (ii) Ignorance of due dates	Whether efforts were made by landlords to circumvent the provisions in law by mutual agreement with tenants to pay (i) higher price (ii) Surrender of land.
	Yes	No	Partly extent	Reasons for failure to purchase— (i) T. absent. (ii) T. unwilling. (iii) Tenancy denied. (iv) Economic pressure.	Payment of purchase price whether tenants failed to pay purchase price? If so, what are the reasons				
	(20)			(21)	(22)			(23)	(24)
	Yes	No	Partly extent		Yes	No	Reasons		
1. Ratnagiri—									
Officials	1	12	2	(i) 2 (ii) .. (iii) .. (iv) 2	16	..	..	(i) .. (ii) 7	No.
Non-officials	..	5	1	(i) 1 (ii) 1 (iii) .. (iv)	5	..	Because of proper guidance.	(i) 1 (ii) Nil	No. (i) .. (ii) 5
2. Satara—									
Officials	..	..	1	1 to 10 yes	1	15%	..	..	Few cases.
Non-officials	1	..	..	..	..	..	..	..	..

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3. Thana— Officials	..	..	..	..	..	..	..	..	..
Non-officials	..	1	1	(i) 1 (ii) 1 (iii) .. (iv) ..	3	..	Late intimations	(i) .. (ii) 1	(i) 2 (ii) 2
4. Nasik— Officials	3	3	3 (very few cases).	(i) 3 (ii) 3 (iii) .. (iv) ..	6	..	No Incapacity to pay	(i) 2 (ii) 2	(i) 2 (ii) 2
Non-officials	..	..	..	..	1	..	Due to ignorance	(i) No (ii) 1	(i) 1 (ii) By persuasion.
5. Ahmednagar— Officials	..	..	1	(i) 1 (ii) 1 (iii) .. (iv) ..	1	..	..	(i) Yes (ii) ..	Both true.
6. Sangli— Officials	..	..	25%	(i) 2 (ii) 2 (iii) 2 (iv) 1	2	..	Due to tendency of avoiding payment.	(i) } No (ii) }	(i) 2 (ii) 1
Non-officials	1	..	..	(i) .. (ii) 1 (iii) 1 (iv) ..	1	..	Due to poverty	(i) } No (ii) }	(i) 1 (ii) ..
7. Kolhapur— Officials	1	..	..	(i) 1 (ii) 1 (iii) 1 (iv) ..	1	..	..	(i) } No (ii) }	(i) 1 (ii) 1

APPENDIX F—cont.

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	Compulsory purchase							If so, for what reasons (i) Price beyond the means, (ii) Ignorance of due dates	Whether efforts were made by landlords to circumvent the provisions in law by mutual agreement with tenants to pay— (i) higher price (ii) Surrender of land
	whether the tenants failed to get the benefit of this provision if yes to what extent			Reasons for failure to purchase— (i) T. absent. (ii) T. unwilling. (iii) Tenancy denied (iv) Economic pressure	Payment of purchase price whether tenants failed to pay purchase price? If so, what are the reasons				
	(20)			(21)	(22)				
	Yes	No	Partly		Yes	No	Reasons		
8. Sholapur— Officials	2	..	33%	(i) 4 (ii) 4 (iii) 4 (iv) ..	4	..	..	(i) } No (ii) }	(i) } 4 in rare cases. (ii) }
Non-officials	..	..	1 (in few cases).	(i) No (ii) Few (iii) } No (iv) }	..	1	..	(i) } No (ii) }	In some cases.
9. Jalgaon— Officials	..	..	..	..	..	..	..	..	..
Non-officials	4	..	5%	(i) 3 (ii) .. (iii) .. (iv) 2	1	4	No habit of savings	(i) } No (ii) }	..

**Total Western Maharashtra—**

<b>Officials</b>	7	15	9	(i) 14 (ii) 12 (iii) 8 (iv) 4	31	..	..	(i) 3 (ii) 9	(i) 10 (ii) 9
<b>Non-officials</b>	1	11	3	(i) 5 (ii) 4 (iii) 1 (iv) 2	11	5	..	(i) 1 (ii) 2	(i) 5 (ii) 3
<b>Grand Total</b>	8	26 (5 to 33%).	12	(i) 19 (ii) 16 (iii) 9 (iv) 6	42	5	..	(i) 4 (ii) 11	(i) 15 (ii) 17

APPENDIX F—*cont.*

	Inaccuracies in village record											
	Impact of compulsory transfer of land to tenants efficiency of cultivation			V.F. VI, VII-XII to what extent			Whether the inaccuracies have affected the implementation			Whether the inaccuracies in the village record were deliberately manipulated. If so to what extent		
	(25)			(26)			(27)			(28)		
	Good	Adverse	No impact	Yes	No	Partly	Yes	No	Partly	Yes	No	Partly
1. Ratnagiri—												
Officials ..	11	6	1	3	5	10	2	15	..	3	15	..
Non-officials ..	3	1	2	6	..	..	3	3	..	3	..	..
2. Satara—												
Officials ..	1	..	..	1	..	..	..	..	1	..	..	1
Non-officials ..	1	..	..	1	..	..	..	..	..	..	..	..
3. Thana—												
Officials ..	..	..	..	..	..	..	..	..	..	..	..	..
Non-officials ..	2	1	..	1	..	1	..	..	2	..	..	2
						(25%).						
4. Nasik—												
Officials ..	4	2	..	1	..	3	..	6	..	..	6	..
Non-officials ..	1	..	..	..	1	..	..	1	..	..	..	..
5. Ahmednagar—												
Officials ..	..	1	..	..	1	..	..	..	..	..	..	..

6. Sangli—													
Officials	..	2	..	..	..	2	..	..	2	..	..	2	..
Non-officials	..	1	..	1	..	..	..	1	..	..	..	..	..
7. Kolhapur—													
Officials	..	1	..	..	..	..	1	..	..	1	..	..	1
8. Sholapur—													
Officials	..	3	..	1	..	..	..	..	..	..	..	..	..
Non-officials	..	1	..	..	1	..	..	..	1	..	..	..	..
9. Jalgaon—													
Officials	..	..	..	..	..	..	..	..	..	..	..	..	..
Non-officials	..	3	..	2	2	3	..	1	..	1	..	..	..
Total Western Maharashtra—													
Officials..	..	22	9	2	5	8	14	2	23	2	3	23	2
Non-officials	..	12	2	4	12	4	1	5	5	3	3	..	2
Total	..	34	11	6	17	12	15	7	28	5	6	23	4



APPENDIX F—cont.

Suggestions  (29)	By how many		
	Officials	Non-officials	Total
1. The present strength of village officers should be increased .. .. .	9	..	9
2. There should be restrictions on tenants to produce a particular quantity in default penalty should be imposed.	4	4	8
3. Some incentive on the amount of purchase price recovered may be given to Talathis.	1	..	1
4. The provision of giving notice under section 32-0 should be removed ..	3	..	3
5. Purchase price be paid in shape of bonds .. .. .	2	..	2
6. The Record-of-Rights should be entrusted to more responsible persons ..	1	2	3
7. Purchase price of lands held by disabled landlords should be fixed .. ..	1	1	2

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8. Rent may be increased .. .. .	2	2	4
9. Condition of personal cultivation on the landlords who get back and under section 32-P should be imposed.	1	..	1
10. Strength of special staff for implementation should be increased .. ..	4	2	6
11. More matters should be decided by Civil Courts .. .. .	..	1	1
12. Small landlords be excluded from the perview of Tenancy Act .. ..	1	1	2
Total ..	29	13	42

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APPENDIX F—contd.  
MAHARASHTRA CEILING ACT

	Object			Reasons				Procedural shortfalls		
	Achieved	Not achieved	Partly	Partition in anticipation		Extra land to large families		Yes	No	Factors
	(30)	(31)	(32)	Yes	No	Yes	No	(37)	(38)	(39)
1. Ratnagiri—										
Officials..	4	3	..	4	3	4	2	..	3	(i) Cumbersome procedure.
Non Officials	2	..	..	2	1	..	2	..	2	(ii) Few holders took benefit of section 6.
2. Satara—										
Officials..	1	..	..	..	..	..	..	..	..	..
Non Officials	..	..	..	..	..	..	..	..	..	..
3. Thana—										
Officials..	..	..	..	..	..	..	..	..	..	..
Non Officials	..	..	1	..	..	1	..	..	..	..
4. Nasik—										
Officials..	3	2	..	6	..	2	4	..	6	..
Non Officials	..	..	..	1	..	..	..	..	1	..
5. Ahmednagar—										
Officials..	1	..	..	1	..	1	..	..	1	..
6. Sangli—										
Officials..	..	1	..	1	..	1	..	..	..	No adequate staff for implementation.
Non Officials	..	1	..	1	..	1	..	1	..	

7. Kolhapur— Officials..	1	..	..	..	..	1	..	..	1	The ceiling limits should have been as that shown in B. T. and A. I. Act, 1949.
8. Sholapur— Officials..	1	1	1	2	1	2	..	..	1	Inadequate staff.
Non Officials	..	..	..	1	..	..	1	..	..	Implementation is slow.
9. Jalgaon— Officials..	..	..	..	..	..	..	..	..	..	..
Non Officials	1	1	1	5	..	2	..	..	1	..
<hr/>										
Total Western Maharashtra— Officials ..	11	7	1	15	4	11	6	..	12	(i) Inadequate staff. (ii) Cumbersome procedure.
Non Officials..	3	2	2	10	1	4	3	1	4	(iii) Ceiling limit high. (iv) Few holders took benefit of section 6.
Grand Total	14	9	3	25	5	15	9	1	16	



4 Bhandara—

Official members	..	..	1	1	..	..	(a)	..	..	..	..
Non-official members	..	..	3	2	1	..	(b)	(1) 1/2 (2) 1/1 (3) 1/1	3	..	..
							(c)	Nil/Nil			
Total	..	..	<u>4</u>								

5 Amraoti—

Official members	..	..	1	..	1	..	(a)	..	1	..	..
Non-official members	..	..	2	..	2	..	(b)	(1) .. (2) .. (3) ..	1	1	..
							(c)	..			
Total	..	..	<u>3</u>								

6 Akola—

Official members	..	..	2	1	1	..	(a)	Partly.	2	..	..
Non-official members	..	..	..	..	..	..	(b)	(1) 2 (2) 2 (3) 2	..	..	..
							(c)	..			
Total.	..	..	<u>2</u>								

APPENDIX F—contd.

Serial No.	District and No. of officials and non-officials who have furnished questionnaire duly filled in	Whether tenancy arrangement still-exists after the Tillers' Day in respect of non-exempted lands			If exists its— (a) extent, (b) kind Nos. 1, 2, 3, 4. (c) its instances.	Provisions regarding rent Whether there are any breaches in rent restrictions. If yes, to what extent		
		Yes	No	Partial		Yes	No	Partial
7	Yeotmal—							
	Official members .. ..	4	2	2	.. (a) Partly.	2	2	..
	Non-official members .. ..	1	..	1	.. (b) (1) 2 (2) 2 (3) 2 (c) ..	..	1	..
	Total .. ..	<u>5</u>						
8	Buldhana—							
	Official members .. ..	Nil	..	1	.. Does not arise.	..	1	..
	Non-official members .. ..	1	..	..	..	..	..	..
	Total .. ..	<u>1</u>						
	Total—Vidarbha—							
	Official members .. ..	10	6	5	.. (a) Partly.	..	..	..

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Non-official members	..	14	7	6	..	(b) (1) 6 (2) 7 (3) 6	9	4	..
Total	..	24	13	11	..	(c) Nil (a) Partly.	16	8	..
						(b) (1) 6 (2) 3 (3) 6			
						(c) Nil (a) Partly.			
						(b) (1) 12 (2) 10 (3) 12			
						(c) Nil			

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APPENDIX F—*contd.*

Nature of rent paid— (a) Cash. (b) Kind. its proportion of the produce.		Provisions regarding rent									
		Whether tenants initiate action for excess rent			Whether landlords issue rent receipts			Whether the provisions regarding rent are unreasonable? If yes, to what extent			
(6)		(7)			(8)			(9)			
		Yes	No	Partial	Yes	No	Partial	Yes	No	Partial	
<b>Chandrapur—</b>											
Officials (a)	1	10 times assessment	..	2	..	..	2	..	2	..	..
Non-officials	4	..	..	2	..	..	2	..	2	..	..
Officials (b)	2	1/4th crop share	..	7	..	1	6	..	3	3	..
Non-officials	2	1/3rd crop share	..	7	..	1	6	..	3	3	..
<b>Bhandara—</b>											
Officials (a)	1	..	..	1	..	..	..	1	..	1	..
Non-officials	1	..	..	1	..	..	..	1	..	1	..
Officials (b)	..	..	..	3	..	..	3	..	3	..	..
Non-officials	3	1/3rd crop share	..	3	..	..	3	..	3	..	..
<b>Amraoti—</b>											
Officials (a)	1	..	..	1	..	..	1	..	1	..	..
Non-officials	2	..	..	2	..	1	1	..	2	..	..
Officials (b)	..	..	..	2	..	1	1	..	2	..	..

**Akola—**

Officials	(a)	1	10 times	..	..	}	1	1	..	..	2	..	1	1	..
Officials	(b)	1	Half-share	..	..										

**Yeotmal—**

Officials	(a)	3	10 times	..	..	1	3	..	1	2	1	2	2	..
Non-officials		1	..	..	..									
Officials	(b)	3	Half-share	..	..	..	..	..	..	..	..	1	..	..

**Buldhana—**

Non-officials	(a)	1	..	..	..	1	..	1	..	..	1	..	..
Non-officials	(b)	..	..	..	..	..	..	..	..	..	..	..	..

Officials	(a)	10	10 times	..	..	}	2	9	..	2	7	2	7	4	..
Officials	(b)	8	1/4 to 1/2 crop share	..	..										

Non-officials	(a)	8	..	..	..	}	..	12	..	2	10	..	9	3	..
Non-officials	(b)	5	1/3rd crop share	..	..										

Total—	(a)	18	10 times	..	..	}	2	21	..	4	12	2	16	7	..
Vidarbha	(b)	13	1/4 to 1/2 crop share	..	..										

APPENDIX F—contd.

Surrender of lands by tenants											
Whether the provisions regarding surrender vitiated the objectives		If yes, to what extent— (1) Small or big. (2) Local absentee landlords.	(a) Whether surrenders were voluntary or (b) By undue pressure. Nature of pressure exercised		Whether surrenders were properly verified		Defects in the procedure		Whether surrendered lands are cultivated by landlords or transferred. If transferred, during what period?		
(10)			(11)	(12)		(13)		(14)		(15)	
Yes	No	Partial	Yes	No	Yes	No	Yes	No	Yes	No	Period
Chandrapur—											
Officials	2	..	Extent— More	..	2	..	1	1	2	..	..
Non-officials			More	..	3	4	3	4	4	3	..
							Same were declared invalid by Tahsildars.				
Bhandara—											
Officials	1	..	Extent— 1/3	..	1	..	..	1	1	..	..
Non-officials	3		No	..	3	..	..	..	2	1	..
				(a) 1/3 (b) 1 God-fearing.							
Amraoti—											
Officials	..	1	Extent— Widespread	..	1/2	1	..	..	1	1	..
Non-officials	2		Widespread for small landlords.	..	2	2	..	..	1	2	..
				(a) .. (b) 1 Social. 1 God-fearing.							
Akola—											
Officials	2	..	Extent— 1 Widespread	..	2	..	..	..	1	..	..
				(a) 2 (b) ..							

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Yeotmal—

Officials	.. 4	Extent										
		1 Not widespread	(a) 4	..	4	..	..	1	4	..	..	
Non-officials	1	1 Widespread	.. (b) 3/0	..	..	..	..	..	1	..	..	

Buldhana—

Non-officials	1	Extent										
		Widespread	.. (a) 1	1	1	..	1	..	1	..	..	
			(b) 1 Monetary gain	..								

Officials	4 7	Extent										
		5 Widespread	.. (a) 10	..	} 11	..	2	4	10	..	..	
		1 Not widespread	(b) 6	..								
			Monetary gain	2								
			God-fearing	..								
			Social	1								

Non-officials	3 10	Extent										
		3 Widespread	.. (a) 10	..	} 8	4	3	5	9	4	..	
		1 Not widespread	(b) 5	..								
			Monetary gain	3								
			God-fearing	2								
			Social	..								

Total—	7 17	8 Widespread	.. (a) 20	..	} 19	4	5	9	19	4	..	
Vidarbha		2 Not widespread	(b) 11	..								
			Monetary gain	5								
			God-fearing	2								
			Social	..								

APPENDIX F—contd.

A-609—24-B.

				Resumption of lands by landlords			Impact of this provision on cultivation—			
Whether landlord cultivates the land personally				If not extent in which it is transferred and during what period	If lands are tilled personally the mode of cultivation— (1) Servants. (2) Muktyar. (3) Old tenants.			(1) Small landlords. (2) Big landlords.		
(16)			(17)	(18)	(19)					
Yes	No	Partial			Good	No	Partial			
<b>Chandrapur—</b>										
Officials	2	..	..	Does not arise.	(1) 2 Yes	4 Yes.				
Non-officials	5	2	..	2 Sold in 3 years.	(2) 2 Yes	Nil				
					(3) 2 Yes	1.				
								2 favourable.		
								3	2	
									1	
									(Small or big not stated).	
<b>Bhandara—</b>										
Officials	1	..	..	1 Sold in 2 years in some cases.	(1) 1 Yes	1 Yes.				
Non-officials	1	2	..	2 Sold in 2 years in many cases.	(2) 1 Yes.					
					(3) 1 Yes.					
								3	1	
									..	
									..	
									(Small or big not stated).	
<b>Amraoti—</b>										
Officials	1	..	..	1 Does not arise.	(1) 1 Yes	1 Yes.				
				2 Does not arise.	(2) 0/1					
					(3) ..					
								1 (small).	1 (big).	
								1 (small).	1 (big).	
									..	
									..	
<b>Akola—</b>										
Officials	2	..	..	1 Few cases 3/5 years.	(1) 1 Yes.					
					(2) No.					
					(1) 1 Yes.					
								2 favourable.		
<b>Yectmal—</b>										
Officials	4	..	..	4 Does not arise.	(1) 3					
Non-officials	1	..	..	1 Does not arise.	(2) ..					
					(3) ..					
								1 (small).	3 (all).	
								..	..	

Buldhana—

Officials	1	..	..	1 Does not arise.	(1) 1 Yes. (2) .. (3) ..	1	..	..
Officials	11	..	..	7 Does not arise. 1 Sold in 2/3 years. 1 Sold in 3/5 years.	(1) 9 Yes. (3) 3 Yes and 1 No. (3) 4 Yes.	5 Common. 2 Small landlords.	4 Common. 1 Big land- lord.	.. ..
				Total ..				9
Non-officials	9	4	..	3 Does not arise. 4 Sold in 2/3 years. .. Sold in 3/5 years.	(1) 6 Yes. (2) 1 Yes. (3) 1 Yes.	6 Common. 1 Small landlord.	2 Common. 1 Big land- lord.	1 Common
				Total ..				7
Total—Vidarbha	20	4	..	10 Does not arise. 5 Sold in 2/3 years. 1 Sold in 3/5 years.	(1) 15 Yes. (2) 4 Yes and 1 No. (3) 5 Yes.	11 Common.	6 Common.	1 Common
				Total ..				16

APPENDIX F—contd.

Compulsory purchase												
Whether the tenants failed to get the benefit of this provision. If yes, to what extent				Reasons for failure to purchase— (i) T. absent (ii) T. unwilling. (iii) Tenancy denied. (iv) Economic pressure.				Payment of purchase price whether tenants failed to pay purchase price? If so, what are the reasons		If so, for what reasons— (i) Price beyond the means. (ii) Ignorance of due dates.	Whether efforts were made by landlords to circumvent the provisions in law by mutual agreement with tenants to pay— (i) Higher price. (ii) Surrender of land.	
(20)				(21)				(22)			(23)	(24)
Yes	No	Partly	Extent					Yes	No	Reasons		
Chandrapur—												
Officials	2	..	..	(1) 1/5				..	2	..	Does not arise.	2 No.
Non-officials	4	3	.. 50%	(2) 2/2				2	3	..	(1) 1	(I) 1
				(3) 1/2							(2) Nil.	(II) Nil.
				(4) 1/1								
Bhandara—												
Officials	1	..	.. 1/3rd	(1) 1/2				..	1	..	Does not arise.	..
Non-officials	..	3	.. tenants 90%	(2) 1/2				..	3	..	..	(I) 1
				(3) 1/2								(II) 1
				(4) ..								
Amraoti—												
Officials	..	1	.. ..	(1) ..				1	..	..	(1) ..	(I) 1 Few.
				(2) 1							(2) 1	(II) 1 Yes.
				(3) 1							2 Does not arise.	(I) 1 Yes.
				(4) 1								(II) 1 Yes.
Akola—												
Officials	..	1	.. ..	(1) ..				..	1	..	..	1 No generally.
				(2) 1								
				(3) 1								
				(4) ..								

Yeotmal—

Officials	1	3	..	50%	(1) ..	2	2	..	(1) 1	(1) 3 No.
Non-officials	..	1	..	..	(2) 1	..	1	..	(2) 1	(2) 1 Yes.
					(3) 2					
					(4) ..					

Buldhana—

Non-officials	1	..	..	..	..	1	..	Unwilling.	..	1 No.
---------------	---	----	----	----	----	---	----	------------	----	-------

Officials	5	5	..	33 to 50%	(1) 2	4	6	1 Unwilling.	Does not arise—2	No 4.
					(2) 6				(1) 1	(1) 1 Few and 3 No.
					(3) 6				(2) 2	(2) 2 Years.
					(4) 2					
Non-officials	5	8	..	50 to 90%	(1) 7	2	9	..	Does not arise—2	No Nil.
					(2) 4				(1) 1	(1) 3 Years.
					(3) 4				(2) ..	(2) 2 Yes.
					(4) 1					
Total—	10	13	..	33 to 90%	(1) 9	6	15	1 Unwilling.	Does not arise.	No 4.
Vidarbha					(2) 10				(1) 2	(1) 1 Few, 3 yes, 3 No.
					(3) 10				(2) 2	(2) 4 Yes.
					(4) 3					



APPENDIX—F—contd.

Impact of compulsory transfer of land to tenants efficiency of cultivation	Inaccuracies in village record											
	V. F. VI, VII-XII to what extent			Whether the inaccuracies have affected the implementation			Whether the inaccuracies in the village record were deliberately manipulated. If so, to what extent					
	(25)			(26)			(27)			(28)		
Good	Adverse	No impact	Yes	No	Partly	Yes	No	Partly	Yes	No	Partly	
Chandrapur—												
Officials	..	..	2	..	..	..	1	..	..	..	..	..
Non-officials	1	1	2	..	..	..	2	..	..	3	..	..
Bhandara—												
Officials	1	..	..	1	..	..	1	..	..	1	..	..
Non-officials	..	2	1	..	..	1	..	..	..	1	..	..
Amraoti—												
Officials	1	..	..	..	..	..	..	..	..	..	..	..
Non-officials	1	..	..	..	..	1	..	..	1	..	..	1
Akola—												
Officials	1	1	..	1	..	..	..	1	..	..	..	1
Yeotmal—												
Officials	4	..	..	..	..	1	1	1	..	..	2	..
Non-officials	1	..	..	..	..	..	..	..	..	1	..	..
Buldhana—												
Non-officials	1	..	..	..	..	1	..	..	1	..	..	1

Officials	8	1	2	2	..	2	3	2	1	1	2	4
Non-officials	3	3	..	..	..	2	2	..	1	5	..	1
Total— Vidarbha	11	4	5	..	..	4	5	2	2	6	2	3

APPENDIX F—*contd.*

Suggestions (Nagpur Division)	By how many		
	Official members	Non-official members	Total
(29)			
(1) Tenancy Law should not be made applicable to small landlords up to one family holding.	1	2	3
(2) One set of tenancy record kept in Tahsil Office .. .. .	..	..	..
(3) Leases in writing .. .. .	..	..	..
(4) Loan to pay purchase price .. .. .	2	..	2
(5) Jurisdiction of Tahsildar to note the mode .. .. .	..	..	..
(6) Tenancy entries in consultation with Village Panchayats .. .. .	1	1	2
(7) No time restriction on resumption of land by small landlords .. .. .	..	..	..
(8) Power under sections 32 and 98 to Tahsildars .. .. .	..	..	..
(9) More time to pay purchase price .. .. .	..	..	..
(10) Surrender not allowed to small holders .. .. .	..	1	1
(11) Separate and Mobile Tenancy Courts .. .. .	..	..	..
(12) Recovery of purchase price along with Land Revenue .. .. .	..	..	..
(13) Register of tenancy checked during Jamabandi .. .. .	..	..	..
(14) Tenancy verification by Tahsildars .. .. .	..	..	..
(15) Separate Naib-Tahsildar for Land Reforms .. .. .	..	..	..

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(16) Supervision machinery on permanent basis	..	..	..	..	..	..	..	..
(17) No further change in Tenancy Law	..	..	..	..	..	..	1	1
(18) No sale under section 57 within 10 years	..	..	..	..	..	1	..	1
(19) Safeguard against neglect of cultivation by tenant purchasers	..	..	..	..	..	2	..	2
(20) Surrendered land should vest in Government	..	..	..	..	..	..	1	1
						<u>7</u>	<u>6</u>	<u>13</u>
					<b>Total</b>			

APPENDIX F—cont.

MAHARASHTRA CEILING ACT

	Object			Reasons				Procedural shortfalls			
	Achieved	Not achieved	Partly	Partition in anticipation		Extra land to large families		Yes	No	Factors	
	(30)	(31)	(32)	Yes	No	Yes	No				
	(30)	(31)	(32)	(33)	(34)	(35)	(36)	(37)	(38)	(39)	
Chandrapur—											
Officials	..	..	1	..	1	..	1	..	1	..	(1) Land not cultivated. (2) No good by distribution to landless.
Non-officials	..	..	1	..	3	2	2	2	1	3	
Bhandara—											
Officials	..	..	1	..	1	..	1	..	1	..	(1) Definition of land by M. R. T.
Non-officials	..	..	..	..	..	..	..	..	..	..	
Amraoti—											
Officials	..	1	..	..	..	..	..	..	..	..	
Non-officials	..	1	..	..	1	..	1	..	..	..	
Akola—											
Officials	..	..	..	..	..	..	..	..	..	..	
Yeotmal—											
Officials	..	2	1	..	1	..	1	..	..	2	
Non-officials	..	..	1	..	1	..	..	..	1	..	

Buldhana—										
Non-officials	..	..	..	..	..	..	..	..	..	..
Officials	..	3	3	..	3	..	3	..	2	2
Non-officials	..	1	2	..	5	2	3	2	2	3
Total—Vidarbha		4	5	..	8	2	6	2	4	5

(1) Land not cultivated.  
(2) Not to be distributed to landless.  
(3) Definition of land by M. R. T.

APPENDIX F—cont.

Consolidated statement showing the replies to the questionnaire by the officials and non-officials in Marathwada

Serial No.	District and No. of officials and non-officials who have furnished questionnaire duly filled in	Whether tenancy arrangement still exists after the Tillers' day in respect of non-exempted lands			If exists its— (a) Extent. (b) Kind Nos. 1, 2, 3, 4. (c) Its instances.	Provisions regarding rent Whether there are any breaches in rent restrictions. If yes, to what extent		
		Yes	No	Partial		Yes	No	Partial
1	District Osmanabad— Officials .. .. . 4 Non-officials .. .. . Total .. .. . 4	4/0	..	..	(a) .. (b) I, II and IV (c) ..	1/0	1/0	2/0
2	District Bhir— Officials .. .. . 3 Non-officials .. .. . 8 Total .. .. . 11	3/4	0/2	0/2	(a) 1—10% (b) IV	0/1 1/2	1/1	Nil
3	District Nanded— Officials .. .. . 4 Non-officials .. .. . 21 Total .. .. . 25	2/15	..	0/4	(a) 1—10% 1—20% (b) II and IV (c) ..	3/9 (2 officials more than 90%) (Non-officials more than 50%)	1/6	0/4

4 District Parbhani—													
Officials	..	..	..	..	4	4/2	0/2	0/4	(a) ..	4/4	0/4	..	
Non-officials	..	..	..	..	8				(b) II, rest casual.				
									(c) ..				
				Total	..								
					<u>12</u>								
District Aurangabad—													
Officials	..	..	..	..	..	0/9	..	..	(a) II	0/3	0/3	0/3 + 1 = 4	
Non-officials	..	..	..	..	10				(c) Landlord leaves away.				
					<u>10</u>								
Total—Marathwada					..	62	13/20	0/4	0/9	..	9/22	3/14	2/9



APPENDIX F—*contd.*

Nature of rent paid— (a) Cash, (b) Kind, its proportion of the produce.	Provisions regarding rent										
	Whether tenants initiate action for excess rent			Whether landlords issue rent receipts			Whether the provisions regarding rent are unreasonable? If yes, to what extent				
	(7)			(8)			(9)				
(6)	Yes	No	Partial	Yes	No	Partial	Yes	No	Partial		
<b>1. District Osmanabad—</b>											
Officials											
Non-officials	(a) In part	..	..	..	4/0	..	2/0	1/0	1/0 (In tenancy cases only).	3 (12 times L. R.).	1 ..
										Nil	
Officials	(b) Crop share (half share)	..	..	..	..	..	..	..	..	..	..
Non-officials											
<b>2. District Bhir—</b>											
Officials											
Non-officials	(a) In part 2/6	..	..	..	3/6	..	0/2	2/6	..	1/4 (1/3 crop share or 8 times L. R.)	2 ..
Officials	(b) Half crop 2/5 share.										
Non-officials											
<b>3. District Nanded—</b>											
Officials											
Non-officials	(a) Some	..	..	..	4/17	..	0/1	4/14	0/3	3/13	1/6 ..

Officials  
 Non-officials (b) More.  
 (1/5 to 1/2 crop share).

4. District Parbhani—

Officials (a) Partly .. .. . 4/8 .. 1/5 3/1 0/1 1/4 0/3 ..  
 Non-officials

Officials (b) Generally up to half crop share. (To be based on prices).  
 Non-officials

5. District Aurangabad—

Officials (a) Some cases .. .. . 0/8+1 0/1 0/1 0/6 0/2+1=3 .. 0/7+1 0/1  
 Non-officials (Requires increase).

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Officials Total—Marathwada .. .. . 15/40 0/1 3/10 10/27 1/6 11/29 4/10 ..  
 Non-officials

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APPENDIX F—contd.

Surrender of lands by tenants												
Whether the provisions regarding surrender vitiated the objectives			If yes, to what extent— (1) small or big. (2) local absentee landlords	(a) Whether surrenders were voluntary or (b) by undue pressure nature of pressure exercised	Whether surrenders were properly verified	Defects in the procedure		Whether surrendered lands are cultivated by landlords or transferred. If transferred during what period				
(10)			(11)	(12)	(13)		(14)		(15)			
Yes	No	Partial			Yes	No	Yes	No	Yes	No	Period	
<b>1. District Osmanabad—</b>												
<b>Officials</b>												
..	4	..	(a) Yes	2/0	4	..	..	4	3	..	..	
<b>Non-officials</b>			No	1/0	..	..	..	..	..	..	..	
			Partly	1/0	Nil	..	..	Nil	..	..	..	Nil
<b>Officials</b>												
<b>Non-officials</b>												
			(b) Social	..	..	..	..	..	..	..	..	
<b>2. District Bhir—</b>												
<b>Officials</b>												
2/2	1/2	0/1	(a) Yes	1/4	2/7	0/1	..	1/5	0/6	0/2	Different.	
<b>Non-officials</b>			No	0/2	..	..	..	..	..	..	..	
			Partly	0/1	..	..	..	..	..	..	..	
<b>Officials</b>												
<b>Non-officials</b>												
			(b) Influence	0/2	..	..	..	..	..	..	..	

3. District Nanded—													
Officials					(a) Yes	2/9	4/18	0/1	0/2	4/8	4/8	0/9	..
Non-officials	1/5	1/1	0/2		No	1/0			Double verification suggested by two non-officials.				
					Partly	1/4							
4. District Parbhani—													
Officials					(a) Yes	4/6	4/7	0/1	..	4/5	4/5	0/3	..
Non-officials	..	2/1	0/1		No	..			Verification at village level;				
					Partly	0/2			Immediate sur-				
					(b) Economic	..	..	..	render.				
5. District Aurangabad—													
Officials					(a) Yes	..	0/8	0/1	Verification before Deputy (1+1), Collr.		..	Not defined.	
Non-officials	0/1	..	0/1		No	..							
					Partly	0/2							
					(b) Economic or land in exchange.								
<hr/>													
Total—Marathwada													
Officials	3/8	8/5	0/5		..	..	14/40	0/4	13/18	11/29	..	0/14	
Non-officials													

APPENDIX F—contd.

A-609—25-B.

Resumption of lands by landlords										
Whether landlord cultivates the land personally			If not extent in which it is transferred and during what period		If lands are tilled personally the mode of cultivation— (1) servants. (2) muktyar. (3) old tenants.			Impact of this provision on cultivation— (1) small landlords. (2) big landlords.		
(16)			(17)		(18)			(19)		
Yes	No	Partial						Good	No	Partial
<b>1. District Osmanabad—</b>										
<b>Officials</b>										
	1	..	3	I. Extent not stated.	(1) Servants and family members.		(1) ..	..	..	
<b>Non-officials</b>				II. 2 to 5 years.	(2) ..		(2) 0/1	..	..	
					(3) ..		Both 0/3	0/1	0/2	
<b>2. District Bhir—</b>										
<b>Officials</b>										
	0/5	0/1	..	..	(1) 1/5	..	(1) 0/1	0/1	1/0	
<b>Non-officials</b>							(2) 0/1	0/4	1/0	
							Both			
<b>3. District Nanded—</b>										
<b>Officials</b>										
Through servants			..	..	Through servants in many cases.		(1) ..	..	..	
<b>Non-officials</b>							(2) ..	..	..	
							Both 4/1	1/1	3/0	
<b>4. District Parbhani—</b>										
<b>Officials</b>										
Through servants			..	..	Mostly through servants.		(1) 0/5	2/3	..	
<b>Non-officials</b>							(2) 0/1	..	0/1	
							Both.			

5. District Aurangabad—

Officials	0/7	..	0/1	Sold after two	Mostly through servants to	..	(1) 0/1	..	0/1
Non-officials				five years.			(2) ..	..	..
							Both 5+1	3+1	2+1
<hr/>									
Total—Marathwada									
Officials	1/12	0/1	3/1	..	..		4/8	1/10	4/7
Non-officials									

APPENDIX F—contd.

Compulsory purchase														
Whether the tenants failed to get the benefit of this provision If yes to what extent				Reasons for failure to purchase— (i) T. absent. (ii) T. unwilling. (iii) Tenancy denied. (iv) Economic pressure				Payment of purchase price whether tenants failed to pay purchase price? If so, what are the reasons			If so, for what reasons— (i) price beyond the means. (ii) ignorance of due dates.		Whether efforts were made by landlords to circumvent the provisions in law by mutual agreement with tenants to pay— (i) higher price, (ii) surrender of land.	
(20)				(21)	(22)			(23)	(24)					
Yes	No	Partly	Extent		Yes	No	Reasons							
1. District Osmanabad—														
Officials														
0/3	..	..	10%	I	0/1	0/2	0/2	Economic pressure.	I	0/2	I	Yes.		
Non Officials														
				II	0/3				II	..	II	..		
				III	0/2									
				IV	0/1									
2. District Bhir—														
Officials														
..	0/3	3/5	30%	I	0/3	1/2	0/1	..	I	..	I	Partly both.		
Non Officials														
		8.50%		II	1/4				II	1/2	II			
				III	1/2									
				IV	0/1									
3. District Nanded—														
Officials														
0/1	1/4	3/5	Economically weaker sections did not get benefit.	I	3/2	2/0	0/7	Economic and social pressure.	I	1/1	I	Partly. But mostly by social pressure.		
Non Officials														
				II	1/4				II	2/3	II			
				III	1/4									
				IV	1/3									

4. District Parbhani—

Officials					I	0/5	2/4	1/2	Do.	I	1/1	I } Few castes. II }
Non Officials	2/8		10 to 33% did not get advantage.	II	0/6				II	1/1		
				III	0/6							
				IV	0/6							

5. District Aurangabad—

Officials					I	0/3+1	0/3+1	0/1	Economic	I	0/2	I	0/3+1
Non Officials	0/2	0/2	4+1	Extent from 10 to 90% did not get advantage.	II	0/1+1				II	..	II	0/3+1
					III	0/1							
					IV	0/1							

Total—Marathawada

Officials													
Non Officials	0/6	1/9	8/23	..	I	3/15	5/11	1/13	..	I	2/6	..	
					II	2/19				II	4/8		
					III	2/15							
					IV	1/12							



APPENDIX F—contd.

Impact of compulsory transfer of land to tenants efficiency of cultivation	Inaccuracies in village record											
	V. F. VI, VII-XII to what extent			Whether the inaccuracies have affected the implementation			Whether the inaccuracies in the village record were deliberately manipulated. If so to what extent					
	(25)			(26)			(27)			(28)		
Good	Adverse	No impact	Yes	No	Partly	Yes	No	Partly	Yes	No	Partly	
1. District Osmanabad—												
Officials												
	0/2	0/2	..	0/4	..	..	0/4	..	..	0/4	..	
Non Officials												
2. District Bhir—												
Officials												
	2/2	0/4	1/0	0/1	2/0	1/5	0/1	2/0	0/6	0/1	2/0	0/6
Non Officials												
3. District Nanded—												
Officials												
	3/5	1/9	0/2	0/5	2/6	2/7	2/3	2/6	0/9	0/5	2/6	2/7
Non Officials												
4. District Parbhani—												
Officials												
	2/1	2/4	0/4	0/1	1/1	2/4	..	1/2	2/4	..	1/2	2/3
Non Officials												

5. District Aurangabad—

Officials	0/1	0/3	0/3	0/1	..	0/6	0/1	..	0/6	0/1	..	0/6
Non Officials												
<hr/>												
Total—Marathawada												
Officials	7/11	3/20	1/11	0/8	5/11	5/22	2/5	5/12	2/25	0/7	5/12	4/22
Non Officials												
<hr/>												

APPENDIX F—Contd.

Suggestions	By how many	
	Officials	Non-officials
(29)	(30)	(31)
(1) Tenancy law should not be made applicable to small landlords up to one family holding ..	1	5
(2) One set of tenancy record kept in Tahsil office .. .. .	1	4
(3) Leases in writing .. .. .	5	..
(4) Loan to pay purchase price .. .. .	3	..
(5) Jurisdiction of Tahsildar to note the mode .. .. .	2	..
(6) Tenancy entries in consultation with Village Panchayats .. .. .	..	2
(7) Number of time restriction on resumption of land by small landlords .. .. .	..	2
(8) Powers under sections 32 and 98 to Tahsildars .. .. .	2	..
(9) More time to pay purchase price .. .. .	1	..
(10) Surrender not allowed to small holders .. .. .	1	..
(11) Separate and mobile Tenancy Courts .. .. .	..	1
(12) Recovery of purchase price along with Land Revenue .. .. .	..	.
(13) Register of tenancy checked during Jamabandi .. .. .	1	..
(14) Tenancy verification by Tahsildars .. .. .	..	1
(15) Separate Naib-Tahsildar for land reforms .. .. .	..	1



APPENDIX F—Contd.  
MAHARASHTRA CEILING ACT

District Official members/ Non-official members  (30)	Object			Reasons				Procedural short falls			
	Achieved	Not achieved	Partly	Partition in anticipation		Extra land to large families		Yes	No	Factors	
				Yes	No	Yes	No				
	(31)			(32)		(33)		(34)			
Aurangabad—											
Officials	1	0	0	0	1	..	1	0	0	0	..
Non-officials	10	0	3	2	7	..	2	2	1	2	..
Bhir—											
Officials	2	0	1	0	2	0	0	0	0	0	..
Non-officials	9	0	2	3	4	2	3	2	0	1	..
Nanded—											
Officials	4	0	1	2	3	0	3	0	1	0	..
Non-officials	20	1	3	4	9	2	7	1	4	4	..
Parbhani—											
Officials	4	1	0	0	3	0	0	2	0	0	..
Non-officials	10	2	5	3	3	5	1	5	2	2	..

Osmanabad—

Officials	<u>3</u>	<u>0</u>	<u>1</u>	<u>1</u>	<u>2</u>	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>	..
Non-officials	0	0	0	0	0	0	0	0	0	0	

Total— Marathawada

Officials	<u>14</u>	<u>1</u>	<u>3</u>	<u>3</u>	<u>11</u>	<u>0</u>	<u>5</u>	<u>2</u>	<u>1</u>	<u>0</u>	..
Non-officials	49	3	13	12	23	9	13	10	7	9	
	63	4	16	15	34	9	18	12	8	9	..

APPENDIX G

Table G-1—Showing information for the period ending 1970 in regard to numbers of persons who became occupants of resumed inam land in accordance with the provisions of the Inam Abolition Act in force in Maharashtra.  
(000 omitted. The area figures are in Acres).

Sr. No.	Name of the Act	No. of persons who became occupants of the resumed inam/tenure lands								Remark
		former inamdars or tenure holders.				Inferior holders, permanent holders who acquired occupancy rights.				
		Without the payment of Occupancy price		On payment of Occupancy price		Without the payment of Occupancy price		On payment of Occupancy price		
		No. of persons	Area of the land	No. of persons	Area of the land	No. of persons	Area of the land	No. of persons	Area of the land	
1	2	3	4	5	6	7	8	9	10	11
1	The Bombay Khoti Abolition Act, 1949	14	544.00	N.A.	101.58	39	395.33	11	469.56	
2	The Bombay Paragana and Kulkarni Watans (Abolition) Act, 1950.	..	..	15	266.45	..	..	..	..	
3	The Salsette Estates (Land Revenue Exemption Abolition) Act, 1951.	Complete information not available								
4	The Bombay Saranjams, Jahagirs and other Inams of Political nature Resumption Rules.	Do.								
5	The Bombay Personal Inams Abolition Act, 1952.	31	650	..	..	27	588	..	..	
6	The Bombay Kauli and Katuban Tenures Abolition Act, 1953.	3	10.83	..	..	..	..	..	..	
7	The Bombay Service Inams (useful to Community) Abolition Act, 1953.	..	..	6	37.18	..	..	1	8.38	

8	The Bombay Merged Territories (Janjira and Bhor) Khoti Tenures Abolition Act 1953.	1	11-93	..	6-57	..	..	3	21-42
9	The Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953.	..	336-27	..	..	5-7	27-80	..	..
10	The Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955.	..	..	16	74-38	..	..	4	10-25
11	The Bombay Bhil, Naik Inams Abolition Act, 1955.	1-1	9-64	..	..	..	..	0-16	0-93
12	The Bombay Inferior Village Watans Abolition Act, 1958.	..	..	30	343-22	..	..	9-0	26-94
13	The Maharashtra Revenue Patels (Abolition of Office) Act, 1962.	..	..	5	83-98	————	Not available	————	————
14	The Hyderabad Abolition of Inams and Cash Grants Act, 1954.	N.A.	3-4	4-6	63-65	Not available.	5-45	85-63	
15	The Madhya Pradesh Abolition of Proprietary Right (Estates, Mahals, Alienated Lands) Act, 1951.	7,57,526 Acres of land settled with Malguzars, 2,96,823 Acres of land held by Malik Makbuzas 5,80,752 Acres of land to tenants in Bhumi-swami rights and 34,63,537 acres of land to tenants in Bhumidhari Rights.							



APPENDIX G—cont.

Table G-2—Showing details of lands resumed under the various Land Tenure Abolition Laws for the period ending 1970 (excluding the Madhya Pradesh Abolition, of Proprietary Rights (Estates, Mahals, Alienated Lands) Act, 1950 and the Hyderabad (Abolition of Jagirs) Regulation, 1358 Fasli and its disposal ( 000 omitted ).

Sr. No.	Name of the Abolition Act	Land resumed		Area of land which became occupancy of the former holder without liability to pay occupancy price (in acres).	Area of land regranted on payment of occupancy price to.		Area of land vested in Government (in acres)	Remarks.
		Area (in acres)	Assessment Rs.		former Inamdars/ Tenure holders.	others.		
1	2	3	4	5	6	7	8	9
1	The Bombay Khoti Abolition Act, 1949.	1656-58	3324-20	544-00	101-58	864-88	146-12	..
2	The Bombay Pargana and Kulkarni Watans (Abolition) Act, 1950.	413-99	488-30	..	266-45	..	147-54	Lands are re-granted to holders only.
3	The Salsette Estates (Land Revenue Exemption Abolition) Act, 1951.	41-67	183-30	39-24	..	..	2-43	..
4	The Bombay, Saranjams, Jahagirs and Other Inams of Political Nature Resumption Rules, 1952.	381-26	348-30	182-35	..	..	198-91	Holderes are not required to pay occupancy price
5	The Bombay Personal Inams Abolition Act, 1952.	1707-68	1926-60	1289-94	..	..	467-74	Do.
6	The Bombay Kauli and Katuban Tenures Abolition Act, 1953.	10-83	38-97	10-83	..	..	..	Do.

7	The Bombay Service Inams (Useful to Community) Abolition Act, 1953.	53-45	77-41	..	37-18	'8-38	7-89	..
8	The Bombay Merged Territories (Janjira and Bhor) Khoti Tenure Abolition Act, 1953.	42-52	297-60	11-93	6-57	21-42	2-60	..
9	The Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953.	399-10	543-30	336-67	..	27-80	34-63	..
10	The Bombay Service Inams Useful to Community (Gujarat and Konkan) Resumption Rules, 1954.	4-10	4-20	1-44	0-36	..	2-30	..
11	The Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955.	239-65	382-70	54-62	74-38	10-25	100-40	..
12	The Bombay Bhil Naik Inams Abolition Act, 1955.	18-49	16-30	9-64	..	0-93	7-92	..
13	The Hyderabad Abolition of Inams and Cash Grants Act, 1954.	145-95	278-30	3-47	63-65	76-86	1-97	..
14	The Bombay Bandhijama and Ugadia Tenures Abolition Act, 1954.	1-49	1-20	1-49	..	..	..	..
15	The Bombay Inferior Village Watans Abolition Act, 1958.	566-25	679-80	..	343-22	26-44	196-09	..
16	The Maharashtra Revenue Patels (Abolition of Office) Act, 1962.	378-28	512-20	..	350-46	14-68	13-14	..
17	The Maharashtra Miscellaneous Alienations (in Hyderabad Enclaves) Abolition Act, 1965.	2-70	3-0	..	..	..	..	..
<b>Total .. ..</b>		<b>6063-99</b>	<b>9105-68</b>	<b>2435-62</b>	<b>1243-85</b>	<b>1052-14</b>	<b>1329-68</b>	<b>..</b>

APPENDIX G—contd.

Table G-3—Showing Financial effects of Land Tenure Abolition Laws in force in the State of Maharashtra for the period ending 1970

Serial No.	Name of the Act	No. of tenure-holders	Estimated amount of increase in		Total of (4) (5)	Non-recurring receipts Estimated amount of O. P. realised from lands re-granted under the abolition land.	Cash annuities if any sanctioned		Total amount of compensation (paid or payable) amount	Re-marks
			Annual land revenue of resumed land.	Cash allowance abolished.			No. of cases	Annual amount		
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)
			Rs.	Rs.	Rs.			Rs.	Rs.	
1	The Bombay Khoti Abolition Act, 1949.	22	3,325 3,325	Amount of land revenue received by Government	..	..	..	..	..	
			0000							
2	The Bombay Paragana and Kulkarni Watans (Abolition) Act, 1951.	37	488 156	471	803	1926	..	..	3,295	
			332							
3	The Salsette Estates (Land Revenue Exemption Abolition) Act, 1951.	..	183	..	183	..	..	..	..	
4	The Bombay Saranjams, Jahugirs and other Inams of Political Nature (Resumption Rules), 1952.	1	348 65	116	399	Nil	..	..	811	
			283							
5	The Bombay Personal Inams Abolition Act, 1952.	32	1927 497	112	1542	..	..	..	1,449	
			1430							

6	The Bombay Service Inam (Useful to Community) Abolition Act, 1953.	11	77	7	70	528	..	..	53
			63						
7	The Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953.	Nil	543	..	428	..	..	..	1,617
			-115						
			428						
8	The Bombay Service Inam Useful to Community (Gujarat and Konkan) Resumption Rules, 1954.	1	4	1	3	..	..	..	4
			-2						
			2						
9	The Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955.	75	383	Nil	332	Nil	Nil	Nil	1,485-0
			-57						
			332						
10	The Bombay Bhil-Naik Inams Abolition Act, 1955.	1		16	..	16	Nil	..	4
11	The Hyderabad Abolition of Inams and Cash Grants Act, 1954.	96	278	Nil	278	Nil	..	..	4,955-0
12	The Bombay Inferior Village Watans Abolition Act, 1958.	122	680	Nil	680	1170	..	..	5,210-0
13	The Maharashtra Revenue Patels (Abolition of Office) Act, 1962.	70	512	Nil	512	1296	..	..	..
14	The Hyderabad Jagirs (Commutation) Regulation.	3	..	..	..	..	..	..	..
15	The Madhya Pradesh Abolition of Proprietary Rights (Estates, Mahals and Alienated Lands) Act, 1950.	54	..	..	..	..	..	..	..
TOTAL		..	525	4,549	707	5,256	4,920	..	29,989

NOTES — (1) No compensation amounts were required to be awarded under the following abolition laws:—  
Name of the act.

The Bombay Kauli and Katuban Tenures Abolition Act,  
The Bombay Merged Territories (J. and B.) Khoti Abolition Act,  
The Bombay Bandhi Jama and Ugadia Tenures Abolition Act,

(2) Abolition of the khoti tenures did not result in any increase in the net land revenue by Government because even while the Khoti tenures were in existence, land revenue of Khoti villages was received by Government and the Khots received rent or khoti fayada from tenants and quasi-dharekaris of khoti lands. The abolition laws provided for payment to the khots by the tenants of the khoti lands commuted value of the amounts of khoti fayada. In Ratnagiri districts the khots received in addition from the tenants of khoti nisbat lands the occupancy price at six times the assessment in respect of khoti nisbat lands of which they became the occupants.

APPENDIX G—contd.

A-609-26-B. Table G-4—Showing details of claims for compensation enquired into and decided and compensation amounts awarded and paid under the tenure abolition. (000 omitted) for the period ending 1970

Sr. No.	Name of the Act	No. of claims for compensation received		Total	Total amount of compensation awarded.	Amount of compensation which became payable without the applications from the Inamdars or others		Total amount of compensation.
		Rejected	Sanctioned			No. of persons	Amount	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)
		Rs.	Rs.	Rs.	Rs.		Rs.	Rs.
1	The Bombay Khoti Abolition Act, 1949.	3.53	1.60	5.13	298.10	..	..	298.10
2	The Bombay Pargana and Kulkarni Watans (Abolition) Act, 1950.	..	..	..	..	11.70	3,292.94	3,292.94
3	The Salsette Estates (Land Revenue Exemption Abolition) Act, 1951.	..	..	..	..	..	0.50	0.50
4	The Bombay Saranjams Jahagirs and other Inams of Political Nature Resumption Rules, 1952.	..	..	..	..	0.69	811.09	811.09
5	The Bombay Personal Inams Abolition Act, 1952.	2.25	1.29	3.54	1,065.63	0.74	783.20	1,848.83
6	The Bombay Kauli and Katuban Tenures Abolition Act, 1953.	..	..	..	..	..	..	..
7	The Bombay Service Inams (Useful to Community) Abolition Act, 1953.	..	..	..	..	0.90	52.53	52.53

8	The Bombay Merged Territories (Janjira and Bhor) Khoti Abolition Act, 1953.	..	..	..	..	..	..	..
9	The Bombay Merged Territories and Areas (Jagirs Abolition) Act, 1953.	1-34	0-70	2-04	1,617-42	..	..	1,617-42
10	The Bombay Service Inams (Useful to Community) (Gujarat and Konkan) Resumption Rules, 1954.	..	..	..	..	0-01	4-35	4-35
11	The Bombay Merged Territories Miscellaneous Alienations Abolition Act, 1955.	1-89	3-58	5-47	1,845-00	..	..	1845-00
12	The Bombay Bhil, Naiks, Inams Abolition Act, 1955.	0-01	0-02	0-03	4-63	..	..	4-63
13	The Hyderabad Abolition of Inams and Cash Grants Act, 1954.	0-99	3-47	4-46	4,955-18	..	..	4955-18
14	The Bombay Bandhijama and Ugadia Tenures Abolition Act, 1959.	..	..	..	..	..	..	..
15	The Bombay Inferior Village Watans Abolition Act, 1958.	25-97	108-97	134-94	5,210-39	..	..	5210-39
16	The Maharashtra Revenue Patels (Abolition of Office) Act, 1952.	7-67	28-69	36-36	9600-88	..	..	9600-88
Total ..		43-65	148-32	191-97	24597-23	14-04	4944-61	29541-84



H-1

*Reforms Laws during last 16 years (1956 to 1971).*

	(64)	(65)	(66)	(67)	(68)	(69)	(70)	(1971)
D. C. L. R., B. D.	..	..	..	..	..	..	..	..
A. C. L. R., P. D.	..	..	..	..	..	..	..	..
Dy. Collector, N. D.	8	8	8	8	8	8	8	8
Dy. Collr., A. D.	6	6	6	6	6	6	6	6
Total ..	<u>14</u>	<u>14</u>	<u>14</u>	<u>14</u>	<u>14</u>	<u>14</u>	<u>14</u>	<u>14</u>
Dy Collr., B. D.	2	5	5	5	5	6	4	3
Dy. Collr. (Ten Appeals), P. D.	4	4	5	7	7	7	7	7
Dy. Collr., N. D.	4	4	3	3	3	1	..	..
Dy. Collr., A. D.	..	..	..	..	..	..	..	..
Total ..	<u>10</u>	<u>13</u>	<u>13</u>	<u>15</u>	<u>15</u>	<u>14</u>	<u>11</u>	<u>10</u>
Dy. Collr., (A. L. T.)—								
B. D.	..	..	..	..	..	..	..	..
P. D.	6	5	5	5	4	4	4	4
N. D.	..	..	..	..	..	..	..	..
A. D.	..	..	..	..	..	..	..	..
Total ..	<u>6</u>	<u>5</u>	<u>5</u>	<u>5</u>	<u>4</u>	<u>4</u>	<u>4</u>	<u>4</u>
Dy. Collector— (Ceiling)								
B. D.	1	1	1	1	1	1	1	1
P. D.	12	12	12	16	10	10	10	15
N. D.	..	..	..	..	..	..	..	..
A. D.	1	4	4	4	1	1	1	1
Total ..	<u>14</u>	<u>17</u>	<u>17</u>	<u>16</u>	<u>12</u>	<u>12</u>	<u>12</u>	<u>17</u>





H-1—contd.

	(64)	(65)	(66)	(67)	(68)	(69)	(70)	(1971)
<b>Dy. Collector (Inams)—</b>								
B. D.	..	..	..	..	..	..	..	..
P. D.	1	1	1	..	..	..	..	..
N. D.	..	..	..	..	..	..	..	..
A. D.	5	5	5	..	..	..	..	..
Total	6	6	6	..	..	..	..	..
<b>Addl. Tah. and A. L. T. (Tah.)—</b>								
B. D.	142	136	136	133	152	159	151	147
P. D.	102	93	69	76	82	82	70	78
N. D.	38	38	57	57	57	57	57	48
A. D.	..	..	..	..	..	..	..	36
Total	282	267	262	266	291	298	278	309
<b>Spl. Tah.—</b>								
B. D.	..	..	..	..	..	..	23	23
P. D.	..	3	3	15	13	6	50	50
N. D.	..	..	..	..	..	..	35	35
A. D.	..	..	..	..	..	..	..	..
Total	..	3	3	15	13	6	108	108
<b>Ten. Naib Tahsildar</b>								
B. D.	..	..	..	..	..	..	..	..
P. D.	3	3	3	..	..	..	..	..
N. D.	38	28	28	28	28	28	28	28
A. D.	47	47	22	..	..	..	..	..
Total	88	78	53	28	28	28	28	28
<b>Addl. Mahalkaris and A. L. T. (N. T.)—</b>								
B. D.	31	30	30	30	6	..	..	..
P. D.	6	8	4	3	3	..	..	..
<b>Process Servers N. D. (Peons)—</b>								
April to Oct.	..	..	76	38	76	76	76	76
Oct. to April	..	..	38	76	..	..	..	..

	(1956)	(57)	(58)	(59)	(60)	(61)	(62)	(63)
Dy. Acct. (A. K.)—								
B. D.	..	5	5	5	32	43	56	61
P. D.	..	..	..	..	65	66	66	66
N. D.	..	..	..	..	..	..	..	..
A. D.	..	..	..	..	..	..	..	..
Total	..	5	5	5	97	109	122	127
A. K., F. G. C.—								
B. D.	..	151	111	82	77	79	70	66
P. D.	32	110	103	90	81	85	85	86
N. D.	..	..	1	1	..	9	14	14
A. D.	6	7	18	18	18	19	16	17
Total	..	38	268	233	191	192	185	183
Clerks—								
B. D.	..	117	116	109	135	154	162	157
P. D.	43	111	141	117	197	200	210	208
N. D.	..	..	1	39	51	96	84	84
A. D.	7	10	50	50	88	126	126	127
Total	..	50	238	308	471	576	582	576
Talathi—								
B. D.	..	450	450	517	204	137	79	54
P. D.	221	380	228	65	17	17	..	..
N. D.	..	..	..	..	..	1,758	880	472
A. D.	..	..	..	..	..	..	..	..
Total	..	221	830	678	582	221	1,912	959
Peons—								
B. D.	..	161	182	136	136	120	133	124
P. D.	9	33	67	77	103	106	115	117
N. D.	..	..	2	130	142	188	180	180
A. D.	51	55	75	79	78	80	74	76
Total	..	60	249	326	422	494	502	497

H-1—contd.

	(64)	(65)	(66)	(67)	(68)	(69)	(70)	(1971)
Dy. Acct. (A. K.)—								
B. D.	99	112	106	111	111	112	112	113
P. D.	66	66	66	66	66	66	66	
N. D.	..	..	..	..	..	..	32	32
A. D.	..	..	..	..	..	..	..	20
Total	.. 165	178	172	177	177	178	210	231
A. K., F. G. C.—								
B. D.	70	86	71	44	40	31	30	29
P. D.	91	91	89	85	82	84	82	84
N. D.	14	22	21	13	13	11	10	10
A. D.	12	16	10	6	3	3	3	3
Total	.. 187	214	191	148	138	129	125	126
Clerks—								
B. D.	225	248	253	209	187	175	179	176
P. D.	199	206	157	154	152	156	151	160
N. D.	84	92	98	83	93	93	128	119
A. D.	127	130	71	12	9	9	9	44
Total	.. 635	676	579	458	441	433	467	499
Talathi—								
B. D.	54	30	30	30	30	30	..	..
P. D.	..	..	..	..	..	..	..	..
N. D.	442	223	..	..	..	..	..	..
A. D.	..	..	..	..	..	..	..	..
Total	.. 506	253	30	30	30	30	..	..
Peons—								
B. D.	189	187	183	153	159	147	158	157
P. D.	108	124	105	98	94	93	154	150
N. D.	137	127	98	98	98	86	130	130
A. D.	66	69	49	13	10	10	10	45
Total	.. 500	507	435	362	361	346	452	472

(1)	(1956)	(57)	(58)	(59)	(60)	(61)	(62)	(63)
<b>Addl. Chitnis (Tahsildar)—</b>								
B. D.	6	6	6	6	7	7	7	7
P. D.	6	6	6	6	6	6	6	6
N. D.	..	..	..	..	..	..	..	..
A. D.	..	..	..	..	..	1	1	1
Total	12	12	12	12	13	14	14	14
<b>Typists (Clerks)—</b>								
B. D.	..	..	..	..	..	..	..	..
P. D.	..	..	..	..	..	..	..	..
N. D.	..	..	..	..	..	..	..	..
A. D.	1	3	17	21	21	21	10	12
Total	1	3	17	21	21	21	10	12
<b>Stenos—</b>								
B. D.	..	..	..	..	..	..	..	..
P. D.	..	..	..	..	..	..	..	..
N. D.	..	..	..	..	..	1	1	1
A. D.	..	..	1	1	1	1	6	6
Total	..	..	1	1	1	2	7	7
<b>Attendants—</b>								
B. D.	..	116	96	50	20	20	19	28
P. D.	13	132	109	54	48	47	47	47
N. D.	..	..	..	..	..	..	..	..
A. D.	..	..	..	9	9	9	9	9
Total	13	248	205	123	77	76	75	84
<b>Cir. Insprs.—</b>								
B. D.	..	66	66	59	22	16	16	..
<b>Rev. Insprs.—</b>								
A. D.	..	..	..	90	90	90	90	90
N. D.	..	..	1	1	1	..	..	..
Total	..	..	1	91	91	90	90	90

H-1—contd.

(1)	(64)	(65)	(66)	(67)	(68)	(69)	(70)	(1971)
<b>Addl. Chitnis (Tahsildar)—</b>								
B. D.	7	7	7	7	7	7	7	7
P. D.	6	6	6	6	6	6	6	6
N. D.	..	..	..	..	..	..	..	..
A. D.	1	1	1	1	1	1	1	1
Total ..	14	14	14	14	14	14	14	14
<b>Typists (Clerks)—</b>								
B. D.	..	..	..	..	..	..	..	..
P. D.	..	..	..	..	..	..	..	..
N. D.	..	..	..	..	..	..	..	..
A. D.	6	6	6	7	7	7	7	7
Total ..	6	6	6	7	7	7	7	7
<b>Stenos—</b>								
B. D.	..	..	..	..	..	..	..	..
P. D.	..	..	..	..	..	..	..	..
N. D.	1	1	1	1	1	1	1	1
A. D.	6	6	6	..	..	..	..	..
Total ..	7	7	7	1	1	1	1	1
<b>Attendants—</b>								
B. D.	61	61	50	38	38	44	39	30
P. D.	47	49	45	29	29	28	16	16
N. D.	..	8	..	..	..	..	..	..
A. D.	9	9	9	..	..	..	..	..
Total ..	117	127	104	67	67	72	55	46
<b>Cir. Insprs.—</b>								
B. D.	..	..	..	..	..	..	..	..
<b>Rev. Insprs.—</b>								
A. D.	47	47	..	..	..	..	..	..
N. D.	..	..	..	..	..	..	..	..
Total ..	47	47	Nil	Nil	Nil	Nil	Nil	Nil

## APPENDIX H-2

*Yearwise and cadrewise strength of Government staff specially appointed for Land Reforms.*

Year	Deputy Collr.	Addl. & A. L. T.	Tahr. L. T.	Naib-Tahr.	Awal Karkun	Clerk	Peon	Attendant	Talathi
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(9)
1956	1	17	72	38	51	60	13	221	
57	3	37	140	273	307	249	248	830	
58	9	110	147	238	393	326	205	678	
59	15	116	144	196	487	422	123	582	
60	18	182	129	273	606	459	77	221	
61	19	247	125	301	705	494	76	1,912	
62	49	241	112	307	705	502	75	959	
63	51	245	106	310	685	497	84	526	
64	50	296	124	352	695	500	117	506	
65	55	284	116	392	736	507	127	253	
66	55	279	87	363	592	435	104	30	
67	50	295	61	325	466	419	67	30	
68	45	318	37	335	449	418	67	30	
69	34	318	28	307	431	422	72	30	
70	31	400	28	335	475	528	55	..	
1971	45	431	28	357	507	548	46	87	

### APPENDIX H-3

*The approximate expenditure incurred by Government year-wise and cadre-wise for the staff appointed for implementation of Land Reforms.*

(Figures in thousands)

	(1956)	(57)	(58)	(59)	(60)	(61)	(62)	(1963)
Dy. Collr. .. ..	5	15	45	75	90	95	2,94	3,06
A. L. T. .. ..	51	1,11	3,30	3,48	5,46	7,41	9,64	9,12
Naib-Tahsildar ..	1,44	2,80	2,94	2,88	2,58	2,50	3,30	3,18
Awal Karkun .. ..	76	5,46	4,76	3,92	5,46	6,02	12,28	12,40
Clerk .. ..	1,02	6,14	7,86	9,74	12,12	14,10	21,15	20,55
Peon .. ..	60	2,49	3,26	4,22	4,59	4,94	7,53	7,45
Attendant .. ..	7	1,24	1,02	62	38	38	75	84
Talathi .. ..	2,21	8,30	6,78	5,82	2,21	19,12	14,40	7,90
L. R. I. O. .. ..	20	20	20	20	20	20	40	40
<b>Total .. ..</b>	<b>6,86</b>	<b>27,89</b>	<b>30,57</b>	<b>31,63</b>	<b>33,90</b>	<b>55,62</b>	<b>72,45</b>	<b>64,90</b>

  

	(1964)	(65)	(66)	(67)	(68)	(69)	(70)	(1971)
Dy. Collector .. ..	3,00	3,30	3,85	3,50	3,15	2,38	2,17	3,15
A. L. T. .. ..	11,84	11,36	13,95	14,75	15,90	15,90	20,00	21,55
Naib-Tahsildar ..	3,72	3,48	5,22	3,66	2,22	1,08	1,08	1,08
Awal Karkun .. ..	14,08	15,68	18,15	16,25	16,75	15,35	16,75	17,85
Clerk .. ..	20,85	22,08	23,68	18,64	17,96	17,24	19,00	20,28
Peon .. ..	7,50	7,70	8,70	8,38	8,36	8,44	10,56	10,96
Attendant .. ..	1,17	1,27	1,56	1,00	1,00	1,08	84	69
Talathi .. ..	7,60	3,81	60	60	60	60	..	1,74
L. R. I. O. .. ..	40	40	45	46	47	47	47	47
<b>Total .. ..</b>	<b>70,16</b>	<b>69,08</b>	<b>76,16</b>	<b>67,24</b>	<b>66,41</b>	<b>62,54</b>	<b>70,87</b>	<b>77,77</b>



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