

3A.Land reforms

Land reforms

1. At the time of independence ownership of **land was highly concentrated** in few hands of zamindars, etc. Also, **landlords** used to **extract maximum rental from tenants** which **left tenants with no money** after paying the rental and thus made no effort to develop agriculture. Often **cultivators were shifted from one farm** to another by landlords on their whims and fancies. Also, **land was not organised** and thus number of small fragments existed.
2. **Objectives of land reforms**
 1. **Intermediary abolition:** It was to be done so that **ownership of land can be clearly identified** with management and operation of land. The owner himself should operate and manage the land.
 2. **Land ceilings:** To **meet the land hunger** of working cultivators. To reduce **disparity in agricultural incomes** in ownership and in the use of land. To **increase employment** opportunities in the rural sector.
 3. **Consolidation:** Consolidation of the land for more **efficient management**.
 4. **Cooperative farming:** To overcome the difficulties presented by **tiny holdings**. Larger **financial resources** could be invested and employment opportunities increased.
 5. **Settlement:** To **confirm the rights of occupancy of tenants**, secure their possession of tenanted land and also rents on leased land.
3. **Opposition to land reforms**
 1. Many argued that ceiling and tenancy legislation would infringe upon the **constitutional guarantees**.
 2. It was said that **agricultural output** of the nation would be adversely affected because **small farming will be inefficient** as they would not be able to afford the cost of mechanisation.
 3. It was argued that **land was a property** and imposition of ceiling on land holding **would be an injustice** when similar measures were not simultaneously adopted in other sectors.
 4. Since **land reforms was a state subject**, Planning Commission has had to fight hard to convince the states about the reforms. In this

process the reform strategy was diluted.

5. **NSS collected data in 1954** which was made available to the planners in 1960. As, planners had already formulated the **policy**, the magnitude of the problem involved in structural reorganisation could not be realized on time.

4. **Benefits of Zamindari abolition**

1. **Almost two crore tenants** were brought into direct relationship with the government.
2. **Many millions of cultivators** who had previously been weak tenants or tenants at will were became **superior tenants**.
3. Many **absentee zamindars** actually started **personal cultivation**. They had money to buy high yielding seeds, pesticides, fertilisers, machineries, etc. So, agricultural productivity increased.
4. The entire process occurred in a democratic framework, virtually **no coercion or violence was used**.

5. **Criticism**

1. In actual practice the legislative enactments **equated intermediaries with the zamindars** and as a result it left a class of rent receivers and absentee landlords under **ryotwari untouched**.
2. **Intermediaries were quite successful** in getting **huge compensation** for abolition. It may be mentioned that communist nations abolished it without any compensation.
3. **Most state laws permitted Zamindars** to keep part of land for **personal cultivation**. Zamindars misused this loophole to evict tenant farmers and keep most of the land with themselves.
4. When states Governments passed abolition laws, the **zamindars** approached **courts**. When Govt passed first amendment act, they denied to cooperate with revenue officials, thus delaying land reforms.
5. **Landowners** who wield great authority **organised the landless and the landed poor** and enlist their support in favour of reforms.
6. The **beneficiaries** of abolition of zamindars were **superior tenants** who became virtual owners. But these became new landlords leasing land to inferior tenants and share croppers.

6. **Criticism of land ceilings**

1. There are some cases where **assignments on benami basis** have been made. Landlords transferred land to their relatives, friends

etc., thereby coming under the ceiling on paper.

2. **Ceiling limit was also very high** and number of exemptions were provided promote **capitalist farming** and make future for green revolution. This was misused to keep large land for themselves.
3. The land ceiling act **could not yield enough land** to fulfil land requirement of vast population of tenants.
4. A large chunk of land which was recovered **remains undistributed and uncultivated**.
5. **Litigation slowed the implementation** of reforms.

7. **Hindrances in consolidation of lands**

1. In pursuance of consolidation, many **States had enacted legislations** but not much progress could be made except in the states of UP, Haryana and Punjab.
2. Farmers are **emotionally attached to their ancestral land**, and therefore, they are not willing to take advantage of the scheme of consolidation of holding.
3. Those farmers who own **good quality land do not favour the scheme** in fear of getting inferior and poor quality land after the consolidation.
4. **Consolidation of holdings is a cumbersome process**. The government officials who implement the scheme are generally slow and often **corrupt**.
5. In every consolidation, about **5 to 10 percent of the land** is taken out for **providing house sites to the weaker sections** of society, approach roads and village utility services. Hence, if the process is repeated three or four times, a sizeable portion of the agricultural land would go out of agriculture.
6. It has been observed that **small farmers are generally allotted inferior quality** land, and due to lack of money power, they are neither able to please the officials nor get justice in the court.

8. **Need for tenancy reforms**

1. Tenancy reforms aim to regulation of **rent, provide security of tenure** and **conferring ownership** to tenants.
2. **Farmers don't have farm security** which **reduces their incentive to improvise** and make long term investment in that farm.
3. **Land leasing** option faces **legal difficulties** as most States either ban tenancy or permit it strictly in certain circumstances. This has

become a hindrance in progressive revenue models like that of **contract farming**.

4. To **encourage owners to take up non-farm jobs** as they are hesitant now as they may lose the ownership over the land if leased out.
5. Significant tracts of land remain **barren** and **uncultivated** even after fragmentation of the land among nuclear families.

9. Roadblocks in tenancy reforms

1. **We lack digitised data and records** of the **landholdings** of the people with the government, which act as a major impediment in the way of tenancy reforms.
2. The **inordinate delays** lead to **eviction of tenants before the law even came into force**. These laws pushed tenancy to underground in **concealed form**.
3. **Only superior tenants benefited** from these laws as they had **legal knowledge** and economic power to get justice. In many state laws, **sharecroppers don't enjoy same rights as a tenant**. Therefore, landowners converted tenants into sharecroppers.
4. **Women** in India have traditionally been **deprived of property rights** and their property rights still meet with strong social opposition.
5. Government on various occasions face protest from the public and opposition in an attempt to introduce the land bill. **Political will** remains a major case of concern too.
6. Most state acts allow landowners to **take back land from tenant for personal cultivation**. This was very ambitious as personal cultivation was not defined properly.
7. **Complexity of land laws** and the conflicts between centre and state implementing agencies creates issues.
8. There are **plethora of pending cases** in the courts of laws.

10. Expected benefits after tenancy reforms

1. Reforming tenancy laws and replacing them with contracts will protect property rights, **bring more land under cultivation**, and **encourage investment**. Returns for cultivators and owners both will increase.
2. Legal documents can lead to improvement in the terms of land use and **facilitate access to credit** and other **social security** benefits from the government for tenants and cultivators.

3. This would give greater **sense of security to the owner** who wants to lease out land and it will also give greater certainty of tenure to the tenant.
4. It will open doors for the **consolidation** of the operational land holdings.

11. Arguments in the favour of repealing these laws

1. The **big landholders** who did not have much political power at the time of independence, **have now become powerful**. In this environment it is almost impossible to implement these laws.
2. **Dramatic changes** have taken place in **agriculture** with the introduction of **HYV seeds, mechanisation**, introduction of fertilizers etc. But ceiling denies farmers the opportunity to hold more land with surplus profit.
3. The present tenancy laws have practically **abolished lease market in land** and thus curbed the opportunity of farmers to develop agriculture.
4. The large land holding will **result in modernisation of agriculture** with the investment of more surplus capital.
5. The **resulting landlessness** from the large landholding **shall be offset by the employment** of these people in agriculture itself. It should be backed by minimum wage legislation.
6. It would **lead to corporate farming** which in turn leads to growth of food processing industry.

12. Arguments against the repeal of these laws

1. The resulting **landlessness shall not be arrested** in case of modernisation as mechanisation is labour saving.
2. With **subsidies already quite high**, the government would not like to be further burdened for paying minimum wages.
3. With the introduction of **modernisation**, the surplus income has increased for small farmers as well. Thus, small land holding has also become **economically viable**.
4. Since **agricultural income is not taxed**, if the ceiling and tenancy laws are repealed, then businessmen and **rich people will start amassing** large land holdings leaving no scope for farmers to grow. **Land prices will soar** and speculators would have a field day.
5. The cherished agenda of **inclusive growth** shall be **defeated** and

the gulf between rich and poor shall widen.

6. The **repeal of these laws shall be too drastic** a change to adopt. Several measures need to be taken before considering such a change. For example, the **imposition of agricultural income tax** and agricultural holding tax shall deter the large holdings. Further, it should be relaxed only in a phased manner.

13. **Draft national land reform policy**

1. Distribute **land to all rural landless poor**.
2. **Restore land unjustly taken** from vulnerable communities such as the Dalits and Tribals. **Protect the land of the Dalits and Tribals** including the commons that they depend on going forward.
3. Liberalise **leasing laws** for the benefit of agriculture.
4. Improve **land rights of women**.

14. **Women and Land**

1. In all Government land transfers, **women's claims** should be **directly recognised**.
2. In **all land distribution schemes** (surplus land), the **land should be distributed in the name of head women**. Also, elderly women and widows too would gain title to land.
3. The policy recommends that **50 percent of land holdings** given to **forest communities** should go to women.
4. The policy advises the states to consider the **adoption of a group approach in land cultivation**. Thus, group titles to women's group should be granted. The policy also asked the state to assess all uncultivated arable land and give women's groups such land.
5. The Twelfth Five Year Plan emphasised **enhancing women's land access** from all three sources such as **direct government transfers**, purchase or **lease from the market** and inheritance.
6. The land rights can serve multiple functions in rural women's lives and would empower them to challenge the socio-economic and political inequalities prevalent in the rural-semi feudal society.

Land reforms

1. Land acquisition by states

1. **Prior** to the enactment of **2013 law**, the **land acquisition** was **done by the states** according to their own laws. Thus, states are **more experienced**

to handle these land acquisition issues.

2. **Land is basically a state subject.** Different states are at different levels of development and have their own land use **priorities**. For example, states like **Punjab** and **Haryana** which have a large **irrigated land** fear of not being able to develop because of the current law. Other states might have a different opinion.

3. It will force states to be **competitive in attracting investment** and balance the dynamics of their internal politics. Also this would force states to **prioritise computerisation of land records** which would make land conversion and sale more transparent.

4. **States can offer better deals** to farmers like partial **compensation in lump sum** amounts and partial compensation in form of equity. States have **representation of local leaders** who would be able to convince the farmers for the new terms.

5. The centre **should not enforce its will on states** on a sensitive issues like land as it will serve as a big blow to **cooperative federalism**. Rather than dominance of centre over land issue, the states which want to amend their laws should be given an opportunity to do so.

2. Concerns regarding acquisition by states

1. **It will create multiple laws**, different for different States. Such **complexity will burden the investor** and increase the cost of acquisition as detailed readings of so many non-uniform laws is time consuming as well as confusing.

2. It will **further divide** between states. The more **business friendly** states like Gujarat and Maharashtra will frame business friendly laws to attract investment, while **States like UP will face difficulty** in framing **favourable** laws due to their socio-political conditions.

3. Lessons of Sigur verdict

1. **Adhere to law of land:** Ensuring proper relief and rehabilitation, taking **consent of the landowners**. This is important if the project has to be legally tenable and to lessen the opposition.

2. **SIA:** Assessment needs to be done on whether the people will be better off following the project, whether **jobs generated** will be sufficient to **compensate for livelihood losses** and **environmental impacts**. Placing such findings in the public sphere will help enhance the credibility of the project.

3. **Public welfare:** Govt's notion of public welfare might not be the same as the public's. While industrialisation might be seen as the panacea for poverty, unemployment, the project affected people might be **unwilling** to make **compromises** if development does not benefit them directly.

4. **Huge gestation:** There is a huge **time lag between the project's starting** and its culmination as a **viable source of revenue**. Unless the company is convinced of the viability and profitability of the project, it should not take a decision.

4. Reasons behind conflicts over land acquisition

1. **Political agenda:** Protests are instigated by **political parties** who want to gain mileage by supporting the poor.

2. **Loss of livelihood:** Losing not just land, but a whole generation of farmers and leading to loss of **assured livelihood**. And this also leads to **creating stress on available land** as agriculture in India is a densely populated building about to collapse. There is also no effective **resettlement and rehabilitation policy**. For example, Narmada Bachao Andolan.

3. **Spiritual:** For most of the farmers agricultural land is not a piece of land but a **mother** who feeds them.

4. **Economic:** Farmers are **rarely benefited from the project** due to inadequate compensation, adverse impact upon landless, small and marginal farmers as the project doesn't provides employment to all those who are affected.

5. **Malpractices:** Although the **Land Acquisition Act** means acquiring land for some public purpose by the government, activists complain that a number of projects, which **have no public purpose**, as in the case of Special Economic Zones (**SEZs**), usurped land from property owners at **cheap rates**, misusing the Land Acquisition Act. Ex: Maharashtra.