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about three million hectares of marginal land, which it would do well to place under woods, pasture and forage crops. Some have said that the needed change in land use points to the failure of the land reform policy. After ten years from its enactment I have expressed an entirely different opinion on the Italian land reform programme, judging it to be one of the successes of the Italian democracy, for it has been able to break up the last surviving *latifundia* without destroying model farms.

Land reform then was a wise act. But now it is necessary to think hard and quickly, in order to find a solution of the critical situation that menaces large areas of our country. Farming regions that were formerly in the vanguard of agricultural progress must now be considered backward areas. There must be timely and vigorous action in the *mezzadria*² zones of Central Italy before the peasants leave them. Share-tenants need to be helped to become tenants or proprietors of the lands they till. A too rapid rate of migration of the rural population from the hills of Central Italy can have harmful effects, because situations might arise that make utilization of abandoned lands extremely difficult.

ABOLITION OF TENANCY CULTIVATION

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Tenancy reform has been undertaken in Gujarat since 1936. But on account of war and other political developments the law could be systematically implemented only from 1948. The Tenancy Act was supplemented by numerous amendments and rules framed from time to time during the years 1948 to 1956 to fill the gaps revealed by the working of the legislation. (The period of roughly 20 years of tenancy reform finally culminated in the radical law passed in 1956 which sought to abolish tenancy cultivation altogether. Certain exemptions were provided for, under which lands belonging to widows, invalids, aged and others serving in the defence forces were allowed to be retained under tenancy cultivation. This should constitute a small proportion of the total cultivated area.) The shifting and final settlement of the claims of tenants in respect of their lands would take some time. The new land records would not reflect the emerging picture of land rights after the abolition of tenancy till this work

2. Special type of share-tenancy, whereby the tenant contributes all the labour and part of the working capital.

is complete. Only four years have passed since the Act was promulgated. This is a short period for the examination of the state of affairs after the reforms. An attempt, however, has been made in a very general way to indicate the beginning of trends. They do not seek to represent conditions in the whole State. It will, however, be agreed that the agrarian problems not only in Gujarat but all over the country would be similar and the results, therefore, would very likely serve an indication of what might be happening in other *ryotwari* areas where similar legislation has been introduced.

Background

It will be appropriate to precede the study of the implementation of land reforms in Gujarat with a brief background of conditions and land legislation in the region. About 50 per cent of the population of Gujarat is backward or tribal and almost the whole of this is in the villages. Literacy amongst them is insignificant. Urban contacts and communications which bring enlightenment and understanding are either occasional or non-existent. The socio-economic relations in the rural areas are based on personal relations and integrity and honesty as understood by the rural people. This would be more so in the case of backward and tribal people. It is this complex socio-economic structure in the rural areas which provide for a measure of political stability but at the same time offer friction to change and delay the effectiveness and flow of benefits of agrarian laws such as the tenancy legislation. The loop-holes and imperfections too could be noticed after some time. They could be plugged only after they are brought to light. But even within these limitations, it will not be wrong to suggest that the tenancy legislation was taking effect and had in a measure percolated the tribal and backward people whose agriculture and economy still remain relatively isolated.

At this time when the law was understood to be proving fruitful and becoming gradually effective, the Government thought of abolishing tenancy cultivation altogether. It has not yet been possible to appreciate the purpose and need for this radical change in the agrarian policy. Conjectures, therefore, naturally are made about its objectives. Some tend to give a political colour to this step, as it came on the eve of the last general elections. Others feel that the latest law might have been promoted by the realization of the administrative task involved in enforcing the earlier tenancy legislation which aimed at ensuring fixity of tenure and fair rent to the tenant cultivators. The volume and frequency of legislation arising from the disputes and differences both with regard to tenancy and rents must have swelled to such a size that by themselves they might have presented a problem. The size of ejectments of tenants must have been staggering in the initial phase, though it is a point for consideration whether these did mean anything more than a mere change in records. It is felt that the bulk of the tenants continued to cultivate the same land without, of course, the official status. But the questions of filing claims to ownership by tenants and to compensation by landowners and personal appearance of parties to settle the claims, are a few important pre-requisites. Actually a number of parties failed to turn up. A variety of claims and counter-claims emerge in the process of the work and complicate and delay final settlements. All these involve a gigantic task. The bewilderment experienced by the revenue machinery set up for the purpose when cases escape the processes in a variety of ways and the confusion in which they leave the work of the tribunals are additional facts arising from the implementation of the law.

Most important of all is the supreme feeling of uncertainty created by the quick succession in which the agrarian laws invaded the countryside. For a people wedded essentially to old values of socio-economic structure, it was difficult to follow up these changes. Due to the same reason and the essentially insulated character of the rural economy, it is extremely difficult to expect the laws to be quickly effective. It is necessary, therefore, that rural legislation is introduced at a slow rate, in order to enable the people to understand it and to provide scope for the change to take effect. Most of our land reforms have not left us wiser in terms of experience and knowledge. (It has not been possible to ascertain the stability they provide in agriculture and through it their impact on farm productivity.) There is similarly little in terms of reciprocity for the privileges they confer on the peasantry. Whatever we have done in the sphere seems to be based on certain presumption regarding the role of land reforms in agricultural development.

There is also a very important point which we often missed about land reforms and their role in straightening out various relationships about agricultural lands. We have tried to achieve an improvement in all these relations without taking cognizance of the basic issues in agriculture that baffle our imagination. For these improved relations, to be fully effective, efficacious and beneficial, presuppose changing agrarian structure for the better. This again is a part of the total change in the economy as a whole. Moreover, the improved relations through land reforms should be permanent and sustained. To ensure this, we should be able to check the continuing deterioration in rural economy, which are likely to disturb the reformed tenurial pattern once again. Unless all these three go together we will find that the entire agrarian policy spear-headed by land reforms, was not properly conceived and their benefits were shortlived. One would shudder if one were to realize that land reforms by and large involved a great social waste. If land reforms were to prove ineffective, it will leave the rural people in deep frustration. In other words, land reforms and the consequent improved tenurial relationship to sustain should be conceived as a part of the total change. For the former to be successful, the latter also should occur simultaneously.

We shall now examine the working of the law which seeks to abolish tenancy cultivation in Gujarat. The data that are presented arose as a by-product from research project whose objective was evaluating economic change arising out of intensive developmental activity. The information on the implementation of the law abolishing tenancy cultivation and the progress made in its execution during the four years 1957-1961 would support some of the hypotheses built up earlier.

It is difficult to secure response from farmers on issues involved in tenancy abolition. The atmosphere is delicate. A thick fog of suspicion hangs any enquiry or questioning on the subject. It was, therefore, thought prudent to resort to the records built up by the land tribunals that are examining the claims filed under the Act. This information is supplemented by observations relating to a few villages and discussions with officials, workers and farmers intimately acquainted with the problem.

Extent of Tenancy

Table I gives the position as on 1st April, 1957 when the Act took effect.

TABLE I — TENANCY IN BARODA AS ON APRIL, 1957

Item	Total Number of Cultivators	Total Cultivated Land (acres)	Cultivators holding Land under Tenancy	Extent of Tenancy (acres)	Percentage of Col. 4 to Col. 2	Percentage of Col. 5 to Col. 2
1	2	3	4	5	6	7
Baroda District	1,30,671	13,40,029	71,635	2,56,326	53	19
Padra Taluq	13,064	11,03,922	10,459	25,399	80	24
Seven Villages Intensively Investigated	2,148	15,248	1,115	3,249	52	21

Though the proportion of land cultivated by tenants did not anywhere exceed 25 per cent of the cultivated land, the proportion of cultivators hiring land is sizable. One of the reasons is that tenancy cultivation prevails both among the small and big farmers. Further the cases of tenancies as reported originally are not final. Not only there are farmers who hold more than one tenancy, but subsequently more than one claim emerge in respect of same set of tenancies. For instance in Padra Taluq the original claims to land on the basis of tenancy were 10,459 which, as the work of the tribunal progressed, swelled to 11,342.¹ They may further increase by the time the work of settling claims and granting land ownership to tenants is completed. As indicated, the figures in Columns 4 and 6 would suggest tenancy cases rather than tenants. For instance, though tenants of one landlord would constitute a single case, a tenant having more than one landlord would be double counted thus inflating the figure of tenant farmers.

Tenancy Abolition

Table II gives an idea of the progress that has been achieved upto February 1961 in implementing the tenancy abolition. The data relating to the Baroda District, the Padra Taluq and the seven villages which were intensively studied during the course of the field study, are presented in Table II.

As the data reveal, the progress of tenancy abolition is slow. Experience has indicated that the simple cases, where it was easy to determine the rights to tenancies and fix the amounts and instalments of compensation to be paid, were easily settled. As time passes, more difficult cases will have to be handled. The cases that are yet to be covered are those where records are incomplete or out-of-date mainly on account of the indifference of the tenants or where the tenancies are involved by virtue of the numerous claims on the same land. The basis for determining compensation is complicated in quite a number of cases. These will considerably slow down the speed of work of the land tribunals. Table III (page 132) relating to the progress of work in the Padra Taluq upto the end of September 1961 partly brings out this fact. The information points to the falling rate of disposal of claims in the seven months following February, 1961.

1. See Table III.

TABLE II — PROGRESS OF TENANCY ABOLITION, FEBRUARY, 1961

Item	Total Number of Cultivators	Those holding Land under Tenancy	Percentage of Col. 3 to Col. 2	Total Cultivated Area (acres)	Extent of Tenancy (acres)	Percentage of Total Cultivated Area	Cases of Exemption						Number of Cases Decided			
							Number	Area	Percentage of Col. 8 to Col. 3	Percentage of Col. 9 to Col. 6	Number	Area	Percentage of Col. 12 to Col. 3	Percentage of Col. 13 to Col. 6		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15		
Baroda District	1,30,671	71,635	55	13,40,029	2,56,326	19	10,679	32,142	15	13	38,739	54	1,05,303	42		
Padra Taluq	13,064	10,459	80	1,03,922	25,399	24	1,946	4,828	20	20	3,721	35	9,703	38		
Seven Villages Intensively Investigated	2,148	1,115	52	15,248	3,249	21	318	537	28	17	—	—	—	—		

Item	Denial of Tenancies and Refusal to Become Owners				Cases Where Tenants Became Owners			
	Number	Area	Percentage of Col. 16 to Col. 12	Percentage of Col. 17 to Col. 14	Number	Area	Percentage of Col. 21 to Col. 12	Percentage of Col. 22 to Col. 14
1	16	17	18	19	20	21	22	23
Baroda District	12,389	33,804	30	32	16,479	43	53,572	51
Padra Taluq	404	1,010	10	11	1,072	29	2,287	20
Seven Villages Intensively Investigated	90	227	—	—	107	—	192	—

TABLE III — TENANCY ABOLITION IN PADRA TALUQ AS AT THE END OF SEPTEMBER, 1961

1. Number of tenants as on 1-4-1957	10,459
2. Number of enquiries as on 1-4-1957 (Under Section 32 G)	11,342
3. Number of cases decided till the end of the month	5,530
4. Tenants who became Owners	1,552
5. Area of land added to ownership cultivation (acres)	3,324
6. Cases of refusal by tenants to be owners of land held by them on tenancy	203
7. Pending cases as on September, 1961	6,423

Emerging Pattern

It would be interesting to examine the cases where the tribunals have gone. In the district the proportion of tenancies that will continue as a result of exemptions provided in the Act, would be 15 per cent and would constitute 13 per cent of the total rented land. The information for the *taluk* and the villages show that exemptions seem to be larger in areas of progressive and intensive cultivation. More important, however, are the cases decided in which the tenants have become owners of land. The tables indicate that they are less than half the total cases decided involving 51 per cent of the area under tenancy in cases examined. The corresponding percentages for the *taluk* are 29 and 20. It will thus take a long time for the bulk of the tenants to legally acquire ownership to lands they occupy. It is not the fault of the Act; nor that of the land tribunals going into the cases. The complicated procedure provided for under the Act to go into the cases in the presence of all the parties to them causes delay. As pointed out earlier, the difficulties of determining prices and the levels of compensation as well as the conflicting claims to tenancies are additional handicaps brought to the surface by the working of the Act. The pattern for the *taluk* and the villages slightly differ, pointing to the frictions that obtain at the lower levels.

It would be interesting to reflect on the data contained in the above tables. into and where the tenants could not be granted ownership. Detailed breakdown figures to examine this are not available for the district as a whole. Table III, which furnishes figures for the *taluk*, however, would show that upto September 1961, 1,552 tenants out of 5,530 cases examined in Padra could become landowners. In respect of 203 tenancies the tenants refused to purchase land. Out of the remaining 3,775 tenancies, an estimated 33 per cent would need a second examination. But in the case of roughly over 67 per cent of them the tenants denied the existence of tenancies before the tribunal. These denials come from precisely those who filed claims to ownership of land on grounds of their being tenants in April 1957. It is thus clear that this would have arisen on account of collusion between the owners and the tenants of lands. It may be broadly surmised too that between the exemptions and the refusal and denial of tenancies a substantial proportion of land will continue to be worked as before perhaps under more unfavourable terms.

Two processes emerge from the labours of the land tribunals. The cases where the tenants refused to become owners will be further examined by the *mamlatdars*. The possession of lands in these cases will be given to the landowners concerned if they hold agricultural lands below the ceiling limits. In the

alternative, they will be sold to the cultivators in the neighbourhood or the village according to a certain priority. In any case, the tenants will lose these lands. May be in the final analysis such cases may not be too numerous. This would, in any case, involve ejection of tenant cultivators under the Act, a process which has been causing anxiety to the Government and to checkmate which they have done all in their power through the earlier tenancy Acts.

But the cases in which the tenancies have been denied should cause serious concern. The collusion to which we referred to earlier arose from an understanding between the parties that the tenancy arrangements would continue off the record. The tenants would enjoy the occupancy of the lands but with a difference. The observations in the seven villages bring out that these tenants will continue to occupy the lands till they enjoyed the confidence of the landowners. The landowners on their part appear to be particular to change the informal tenants every two to three years to avoid establishment of any claims. Almost all such tenants cultivate on half crop share. In quite a few cases the tenant-landlord relationships are further complicated by the landowner supplying some of the farm equipment and machinery or farm resources so that even in the event of a dispute it would be extremely difficult for the tenant to establish his claim. In the case of quite a few tenants, it is difficult to distinguish their residence, barns and cattle sheds which might give a clue to tenancies. In such cases, moreover, some charges in addition to the half crop share rents are collected. It would not be surprising if on a detailed examination it is found that such extortionate rents tend to eat into profits from farming or reward to family labour from cultivation.

We thus find a peculiar phenomenon in which a large proportion of land is cultivated under not only concealed tenancies but also under occupancies which are likely to circulate or change hands every few years. The Act thus brings into existence a peculiar phenomenon of insecurity of tenure and high rents. The position seems to be that the agriculturists are today worse off than under the previous tenancy Acts which aimed at giving them relative security of tenure and fair rent. The abolition of tenancy thus seems to take us back to the pre-land reforms days. There are no records or data about the informal tenancies analysed above. No basis thus exists to enable any legislative action to provide succour to tenants of concealed tenancies either in respect of security of tenure or fair rent.

Conclusions

Though the results of the abolition of tenancy cultivation can in no way be treated as final, they do provide us with material for serious thought. A sizable area of land will continue under recognized and concealed tenancies despite tenancy abolition. These do not take into account the fresh concealed tenancies that are rising and which involve new landlords and fresh tenants. Their terms and conditions too are very unfavourable to and exploitative of new tenants. As the facts indicate the earlier Acts aimed at ensuring security of tenure and fair rent to tenants and narrow as much as possible the gap between the farmer and the process of cultivation. As the data would reveal, the implementation of tenancy abolition as to date gave ownership of land to some tenants, but caused, in the process, a new phenomenon of concealed tenancies or occupancies which would very likely change hands every few years. Besides uncertainty of tenure and extremely complicated and confused tenant-landlord relations, they carry heavy rents which tend to eat into profits from farming and farm wages.

Thus a feeling is likely to gather that abolition of tenancy cultivation have taken away what the earlier tenancy Acts gave to the tenants. The problem besides has shifted from the records to the field leaving no basis for future action to remedy the rising evil.

Two or three fundamental thoughts that arise out of the discussion may be shared. It is prudent to proceed with land reforms at a pace and in a manner warranted by the socio-economic conditions and the rate of total change in the economy. It is not enough to promulgate an ameliorative Act or enact a welfare measure unrelated to the capacity of the people, for whose benefit they are intended, to understand and assimilate. Besides, it would be prudent and lasting to do away with a phenomenon which is considered an evil, if only we could simultaneously eliminate the cause or factors that lead to it. While doing this it will be equally rewarding if an eye could be kept on the impact of these kaleidoscopic changes on productivity so that it will be possible to keep to the feasibility and practical utility of reform measures as far as possible.

It is also a point for consideration how much larger measure of incentive would land ownership provide than that ensured by security of occupancy and fair rent. The compensation payments may not constitute a burden as their instalments would very probably be equal to annual rent for about 20 years. But this precisely would defer the final transfer of ownership till the last instalment of the price of land is paid and take away from the immediate psychological transformation that should accrue from tenancy abolition.

LAND REFORMS LEGISLATION AND ITS IMPLEMENTATION IN THE ERSTWHILE SAURASHTRA STATE*

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HISTORICAL BACKGROUND

The State of Saurashtra emerged as a result of the integration of more than 200 States, some of which were first class States whereas the majority were small

The sources of statistical information are from:

- (1) The Report of the Agrarian Reforms Commission appointed by the Government of India.
- (2) The booklet "Land Reforms in Saurashtra" by Shri B. R. Patel, ex-Chief Secretary, Government of Saurashtra.
- (3) Report of the Saurashtra Agricultural Debtors' Inquiry Committee.
- (4) Annual Reports of the erstwhile Saurashtra Central Co-operative Land Mortgage Bank Ltd., Rajkot. (Now Gujarat State Co-operative Land Mortgage Bank Ltd.).