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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.

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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:
(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.).
principalities. The example set by the ruling class through voluntary surrender of powers and privileges created a chain reaction to be followed by similar radical reforms at lower levels. Even after the States were merged, the problem of girasdari (zamindari) landlordism persisted. With the emergence of the integrated State of Saurashtra, so far as occupants of lands who paid direct assessment in the times of former States were concerned, uniformity was brought about in the land tenure system by their being recognized as direct occupants paying assessment to the State. So far as occupancy rights were concerned, in the State of Gondal the agriculturists enjoyed full occupancy rights and in other States like Bhavnagar, Jamnagar, Junagadh, Dhrangadhra, Morvi, Lindi, Wadhwan and Jasdan, they enjoyed the occupancy rights in fair or partial measure. However, in the rest of the States, the cultivators had the status more or less of tenants-at-will. The rulers, talukdars and the girasdars (by whatever names the chiefs were known) possessed full and absolute rights over the lands on which the cultivator-tenants paid crop shares varying from \( \frac{1}{2} \) to \( \frac{1}{4} \) of the produce. Over and above this obligation, the tenants laboured under the incidence of many petty cesses, taxes and an obligation to render personal service even in the nature of forced labour. A census of different cesses that were prevailing in various parts revealed that these were more than 90 in number. This phenomenon naturally resulted in rack-renting, arbitrary evictions and forced labour.

To put it in brief, even after the rise of independent and democratic set-up in Saurashtra, the picture presented by the land tenure systems was not happy. The conferment of full occupancy rights in all villages which were previously under the direct jurisdiction of the Covenanting States, was a measure that the State of Saurashtra initiated on its formation in 1948. This lent uniformity to the land tenure system in so far as the cultivators paying direct assessment to the State were concerned. That also gave them the security of tenure with a right to transfer and inherit the lands cultivated by them. Though the State had the privilege of levying an occupancy price in respect of such lands, these rights were granted free from any charges. This however created an anomalous situation inasmuch as, where the State stepped into the shoes of the former rulers, the cultivators were benefited. But where the class of zamindars existed (known as Girasdars and Barkhalidars, etc.), the tenants directly under them continued to remain so without any benefit that their counterparts obtained by virtue of the formation of the new State. Out of the 4,400 and odd villages of the then Saurashtra State, the cultivators of nearly 2,700 villages obtained full occupancy rights immediately on the formation of the State, whereas, in the rest of the villages numbering about 1,700, which covered nearly \( \frac{1}{3} \) of the area of the State, there still persisted different categories of landlords, who could be broadly classified into girasdari and barkhali tenures.

**Girasdari Tenure**

This comprised of talukdars, bhagdars, mul-girasias, bhayats, etc. Talukdars and Bhagdars had at one time even full and absolute jurisdiction over their villages. They were considered rulers of Indian States under the Government of India Act, 1935. Mul-girasias, though originally the owners of the lands, had accepted the sovereignty of rulers, as the rulers had granted them in return permanent protection and conferred on them some powers. Bhayats were the younger sons of the rulers who were granted villages or lands by their brother rulers. All these landlords were classed as girasdars.
Barkhali Tenure

Barkhali Tenure

Barkhali Tenure were an inferior category of landlords who were not the owners of the land, but merely possessed rights to collect land revenue. They were classified according to the nature of the gift, viz., Chakariats, dharmada, pasayata, inamdaars, etc. In lieu of past services rendered to the States, they were granted rights to collect and receive the revenue from the lands so granted to them.

The problem of the new State was therefore to secure an uniform system of land tenure in respect of these 1,700 villages with a view to remove the sense of injustice which was felt by more than 60,000 tenants who had still to continue under the burden of disabilities and lack of security. The cultivators under the girasdari and barkhali villages were mere tenants-at-will except in such cases where some of the tenants enjoyed special rights known as chav or butta, which gave them some security of tenure.

As stated earlier, for the sake of removal of a sense of insecurity and restoration of uniformity as also creation of an urge for better production, abolition of girasdari and barkhali system of land tenures was considered imperative. Adam Smith had well stated in his Wealth of Nations that “give a man a secured possession of bleak rock and he will turn it into a garden but give him an uncertain lease of a fertile garden and he will leave it a desert at the end of his period.” The basic sense of security in land can only engender in the minds of cultivators will to put in his best efforts to bring about the best yield. The then Government of Saurashtra had its first anxiety to protect the tenants from arbitrary evictions and to that effect, passed an ordinance (Ordinance No. XXII of 1948.) In furtherance of its policy to secure an amicable solution of this issue, the Government had another ordinance issued, viz., The Settlement of Rent Disputes Ordinance No. XXVI of 1948 which empowered the Government to fix the rent and take charge of the crops in case of dispute and dispose off the same. Again the Government observed that some of the landlords failed to realize the spirit behind this legislation and attempted by issue of notices for termination of tenancy (as per provisions in the previous ordinances) which, if implemented, could result in mass evictions. The Government therefore had to issue another ordinance, viz., Saurashtra Temporary Postponement of Evictions Ordinance No. XXVII of 1949, to provide for continuance of the tenancies and extending the period upto August 1949 in the hope of a fair settlement by that time. But the hopes were not realized. A new ordinance, viz., Saurashtra Gharked Tenancy Settlement and Agricultural Lands Ordinance XLI of 1949 had to be issued in supersession of all the previous ordinances with a view to regularize the relationship between the landlords and the tenants.

RECENT LEGISLATION

All these were however temporary measures and meanwhile the issue baulked solution. A commission was therefore appointed through joint consultation between the Government of India and the State Government. The Agrarian Reforms Commission after taking the necessary evidence and a full study of the problem in the State submitted its report in which it was stated that the girasdari and barakhali tenures be abolished immediately. Much political unrest and the bad feelings that had arisen in the various classes of societies were set at rest and the spirit of harmony restored when the implementation of the Commission’s re-
commendations was made possible. As a result, the State enacted 3 separate Acts (through Saurashtra Legislative Assembly) as under:-

(1) The Saurashtra Land Reforms Act, 1951,

(2) The Saurashtra Barkhali Abolition Act, 1951, and

(3) The Saurashtra Estates Acquisition Act, 1952.

The implications and implementations of the above land reform measures are narrated in brief below.

1. *Saurashtra Land Reforms Act, 1951*

The Act came into force on 1st September, 1951. It applied to nearly 28,000 *girasdars* and their 55,000 and odd tenants. The total acreage of land involved under this Act came to nearly 24 lakhs acres, *i.e.*, 30 per cent of the total cultivable land in Saurashtra (which was about 86 lakhs acres). At the time the Act came into operation, about 11,800 *girasdars* had 7,75,000 acres of land for personal cultivation. The remaining land was in possession of 55,000 tenant cultivators. Even though the *girasdari* tenure was abolished, the Act provided for rehabilitation of *girasdars* as cultivators by allocating them land for personal cultivation on the basis of their classifications. The *girasdars* were classed in three categories, *viz.*: (i) those having agricultural land exceeding 800 acres were classed as A Class *girasdars*, (ii) those having agricultural land exceeding 120 acres but less than 800 acres of land were classed as B Class *girasdars*, and (iii) those having agricultural land below 120 acres were classed as C Class *girasdars*. The Act prescribed allotment of land to *girasdars* for personal cultivation in the following manner:

(a) A Class *girasdar* along with the land already in his possession could retain land equivalent to three economic holdings;

(b) B Class *girasdar* along with the land already in his possession could retain land equivalent to $1\frac{1}{2}$ to $2\frac{1}{2}$ economic holdings.

(c) C Class *girasdar* along with the land already in his possession could retain land equivalent to 1 to $1\frac{1}{2}$ economic holdings.

Thus the large holdings of land with the *girasdars* were brought down to reasonable minimum holdings to be compatible with the economic holdings. (An economic holding varied from 12 to 40 acres according to classification of land in different areas.) There was however an overall provision protecting the tenants to the effect that, in each case, the tenant must be left with not less than one half of the total area of land in his possession. As a result of this, about 9,000 *girasdars* got 2,50,000 acres of land from the tenants. There was however not a single case of eviction.

After securing an apportionment of land between the landlords and the tenants, the Act provided for compensation to be paid by the tenants to the *girasdars* which was fixed at 6 times the assessment of lands on which the tenants got occupancy rights. The payment of such occupancy price was the obligation of the tenant prior to his preferring an application for such occupancy
rights. Over and above this, due to the past historical background, the girasdars as a community were considered eligible for a rehabilitation grant in the form of annual compensation which was decided on the basis of yearly assessment on land which they had to accede to the tenants. This responsibility was directly undertaken by the Government and the girasdars were paid annual assessments on the basis of the following table:

<table>
<thead>
<tr>
<th>Class of Girasdars</th>
<th>Number of Yearly Instalments</th>
</tr>
</thead>
<tbody>
<tr>
<td>A</td>
<td>15</td>
</tr>
<tr>
<td>B</td>
<td>18</td>
</tr>
<tr>
<td>C</td>
<td>21</td>
</tr>
</tbody>
</table>

The Government thus became the direct recipient of land revenue both from the girasdars and the tenants who became occupants of land paying land revenue direct to the Government. With a view to affording relief to the girasdars, it was laid down that on the lands granted to them for personal cultivation only the A Class girasdars had to pay full assessment immediately, whereas, the B and C Class girasdars were to pay assessment at a concessional rate in the initial stages and full assessment after completion of the prescribed time limit. The distinctive features of this legislation were, that it differed from legislative measures of the other States in so far as (1) the basis of compensation was not rent but assessment, and (2) the annual instalments towards compensation did not carry any interest.

Financial Implementation of this Measure through the Land Mortgage Bank

One more distinctive feature of this measure was that in the body of the Act itself, the Government took the responsibility of providing financial assistance by way of loans to tenant cultivators in order to enable them to gain the occupancy rights. To put it in the words of Prof. D. G. Karve, what was considered socially desirable was also socially ensured.

The Saurashtra Central Co-operative Land Mortgage Bank was established in September 1951 with a view to granting loans to the tenant cultivators for the purchase of occupancy rights under the above Act. During a period of 2½ years after its establishment, the Bank granted loans to 53,000 tenant cultivators for an amount of Rs. 2,50,00,000. Thus the majority of the tenant cultivators (more than 90 per cent) were helped by the Bank in getting the occupancy rights. By providing financial accommodation to the tenants, the Bank helped the Government in a speedier and smoother implementation of the Land Reforms Act. The Bank’s dues were protected by provisions made in the Act and also grant of occupancy certificate only after settlement of the debt by the tenants. The Bank has recovered more than Rs. 2 crores by now and only an amount of Rs. 35,00,000 remain to be recovered in this behalf.

2. Barkhali Abolition Act, 1951

As stated above, the barkhalidars had no rights or interest in the land, but they were merely grantees of land revenue. The Act provided that the barkhali-
dars would be allotted land for personal cultivation at the prescribed rate. The tenants were entitled to occupancy rights without payment of any occupancy price. Along with land for personal cultivation, the barkhalidars became entitled to receive cash annuity from the Government on the basis of the land revenue assessment. The period was 15 years in the case of barkhalidars holding one or more villages and 18 years in other cases. It has further been provided that for a certain period (holders of more than 120 acres but less than 800 acres for 12 years and holders of less than 120 acres for 18 years) they would pay concessional assessment to the Government for lands allotted to them for personal cultivation.

Before the Act came into force, there were about 19,000 barkhalidars, 28,000 tenants and the acreage of land involved was 7,10,000 acres. Out of this land, 5,50,000 acres were in the possession of the tenants. As a result of the implementation of the Act, about 40,000 acres of land which were in the possession of the tenants were granted to about 6,000 barkhalidars for personal cultivation.

Financial Implication of the Two Acts

(a) Regarding payment of occupancy price by the tenant cultivators under the Saurashtra Land Reforms Act, there was no financial liability on the part of the Government.

(b) After obtaining occupancy rights, the tenant cultivators had to pay the land revenue assessment to the Government. The amount that the Government would receive by way of annual revenue for a period of 21 years would be about Rs. 8,40,00,000. During this period, the Government would have to pay compensation to the girasdars. The amount of compensation would be about Rs. 8,00,00,000. Thus there will remain a clear receipt of an amount of Rs. 40,00,000 to the Government.

(c) Before the Act, the Government's income on account of the assessment on land in possession of the girasdars was Rs. 9,37,000 and accordingly the total income for 21 years would be Rs. 1,96,00,000. After the implementation of the Act, the Government would realize during this period (i.e., 21 years) an amount of Rs. 3.25 crores. Thus, there will be a net gain of Rs. 1.29 crores to the Government.

(d) From the tenants of the barkhalidars, the Government would realize an amount of Rs. 2,44,00,000 and the Government would have to pay to the barkhalidars on account of each annuity an amount of Rs. 2,16,00,000. Thus there will be a net gain of Rs. 28 lakhs to the Government.

(e) The annual income from the barkhalidars was Rs. 2,78,000. The total receipt for a period of 21 years would be Rs. 58,38,000 Now the barkhalidars would pay an annual assessment from which during the period of 21 years the receipts would be Rs. 1,29,00,000. Out of this Government would pay an amount of Rs. 32,00,000 to dharmada and so the net receipts to the Government would be Rs. 97 lakhs and the net gain would be an amount of Rs. 39 lakhs. The net gain to the Government for a total period of 21 years will therefore be as under:

(i) Gain from the receipts from tenant cultivators after deducting compensation to girasdars . . . . Rs. 40,00,000
(ii) Gain in receipts of assessment in respect of land in possession of girasdars for personal cultivation .. Rs. 1,29,00,000

(iii) Gain from the receipts from the cultivators after deducting payment of cash annuity to barkhalidars .. Rs. 28,00,000

(iv) Gain from the receipts from the assessment in respect of land for personal cultivation of barkhalidars .. Rs. 39,00,000

Rs. 2,36,00,000

It is not always that the economics of these measures work out profitably and if looked at from the point of view of intangible gains accrued in the form of establishing an integrated land tenure system based on social justice as a result of the implementation of these measures, the assessment of advantages apart from the monetary worth of the reforms would be far greater. From the long-range point of view, the benefits of the measures were universal and far-reaching in their application.

3. The Estates Acquisition Act, 1952

This was an enabling Act which empowered the Government to abolish by a notification the rights, title and interest of girasdars and barkhalidars in respect of an estate or part of estate mentioned in the notification and vesting the same to the Government. As a result of this Act, all lands excluding the lands used for building or non-agricultural purposes have now been vested in the Government.

To summarise briefly, the Government of Saurashtra after the formation of the State achieved the following in the sphere of land reforms:

(i) The Government conferred full occupancy rights to all cultivators in the unalienated villages without payment of any price;

(ii) The Government abolished girasdari and barkhalidari tenures;

(iii) The Government made all the cultivators of the State direct occupants;

(iv) The Government passed an Act whereby an uniform land revenue system was made applicable.

(v) The Government introduced cash assessment system. (Before the State of Saurashtra came into being, out of 86 lakh acres of land under cultivation, there was crop sharing system in 46 lakh acres of land).

(vi) The Government removed various cesses (i.e., veth and veras), taxes etc. (91 in number).

(vii) The Government took steps for the uniform survey and settlement of all the areas in the State of Saurashtra.
Other Legislations Pertaining to the Land

In order to consolidate the results of the above measures, as a logical follow up, the Government also undertook the following legislation:

The Prohibition of Leases Act, 1953 was enacted for maintaining direct relationship between the cultivators and the State. This Act came into force on October 7, 1953. In the year 1954, Prevention of Fragmentation and Regulation of Land Holdings Act was passed. The purpose of this Act was to prevent fragmentation of land and fixation of ceiling on landholdings. (Very recently the Gujarat State Assembly has repealed this Act and instead passed a separate Act fixing ceiling on agricultural lands.) The Saurashtra Legislative Assembly also passed the Saurashtra Bhodan Act in 1953 in order to facilitate donation of lands in accordance with the Bhodan Yagna initiated by Acharya Vinoba Bhave. The Land Improvement Schemes Act was passed in 1954 in order to undertake schemes for improvement of agriculture. The Saurashtra Agricultural Debtors' Relief Act was passed in 1954 with the object of removing indebtedness among the agricultural class.

LAND REFORM LEGISLATION AND IMPLEMENTATION IN WEST BENGAL

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The West Bengal Government had passed in quick succession three important laws, namely, the Bargadars Act of 1950, Estates Acquisition Act of 1953 and the Land Reforms Act of 1955. There have been some subsequent amendments of the main Acts but they are mainly brought in to fill in the lacuna in the Acts rather than altering them. As the problems of the bargadars have been considered afresh and suitable measures have been provided in the Land Reforms Act, 1955, the Bargadars Act of 1950 need not be discussed in this paper. The main emphasis would, therefore, be on the second and the third Acts which are now expected to set the pattern of a new agrarian structure.

The objective of the Estates Acquisition Act of 1953 is the "state acquisition of estates, of rights of intermediaries therein and of certain rights of raiyats and under raiyats" while that of the Land Reforms Act, 1955 is "to reform the law relating to land tenure consequent on the vesting of all estates and of certain rights therein in the State." Thus, both the Acts appear to be closely interrelated and linked together so that the one serves as a complementary to the