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LAND LEGISLATION IN ANDHRA—THE TENANCY ACT
OF 1956 AND THE ANDHRA PRADESH CEILING ON
AGRICULTURAL HOLDINGS ACT OF 1961

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The paper aims at assessing the validity and effectiveness of the Tenancy and Land Ceilings Acts with particular reference to (1) implementation, and (2) reactions of the farmers—both landlords and tenants—to the Acts.

Field data were collected for 2 districts in Andhra—West Godavari and Chittoor; the data are mainly of a qualitative nature, and mostly on the question of awareness of and attitudes towards land legislation, so that any contrasting effects in wet and dry areas may be noted. Data at *taluk* level was collected for three *taluks* in each district. Five villages were visited in an attempt to gauge the reactions of the ryots to the two Acts. In all the 5 villages, both the landlords and the tenants were interviewed. (One of the villages is in Guntur district—a wet area where the conditions are similar to W. Godavari.) The conclusions in this paper refer only to the villages, *taluks* and districts visited. The paper has been divided into four sections: The two Acts are summarized in the first section; the second section deals with the implementation of the Tenancy Act (The Land Ceiling Act has not yet been implemented); the third section deals with the reactions of the ryots. The concluding remarks are contained in the fourth section.

I

SALIENT FEATURES OF THE ACTS

The Andhra Tenancy Act—1956

The two important provisions of the Act are (1) fixation of fair rent and (2) security of tenure.

(1) *Fixation of Fair Rent:* Maximum rent payable by the tenant is fixed on the basis of the type of crop and the type and extent of irrigation available: (i) In the case of crops other than commercial crops, (a) grown on lands under Government irrigation sources—50 per cent of the gross produce; (b) grown on land irrigated by baling from Government irrigation sources— $28\frac{1}{2}$ per cent of the gross produce; and (c) grown on other lands including unirrigable lands—45 per cent of the gross produce. (ii) In the case of commercial crops—45 per cent of the gross produce.

The cultivating tenant is entitled to the entire amount of straw on the above types of land and is not liable to pay any of it as rent. All the cultivation charges have to be borne by the tenant while the landlord is liable to pay all dues payable to the Government, and local authorities including the water rate.

Rent may be paid as a proportion of the produce or in the form of a fixed rent, either in cash or in kind, to be decided by an agreement between the landlord and the tenant.

(2) *Security of Tenure*: The Act provides for a minimum period of 6 years for every lease entered into after the Act. In this connection the Tenants Protection Ordinance, 1956 safeguards all the leases entered into prior to the commencement of the Tenancy Act, for a period of 3 years from June 1, 1956. This period was further extended to 4, 5 and 6 years, through a series of amendments during 1959-61.

The Act also provides for the continuation of the tenancy lease for the prescribed period in the event of either the landlord or the tenant dying before the lease has expired. In the latter case, the widow and his lineal heirs have the option to continue the tenancy till the expiry of the lease.

The landlord has the right to evict the tenant under the following conditions:
If the tenant

(a) has failed to pay the rent due by him within a period of one month from the date stipulated in the lease deed or, in the absence of such stipulation, within a period of one month from the date on which the rent is due, according to the usage of the locality; and in case the rent is payable in the form of a share in the produce, has failed to deliver the produce at the time of harvest, or

(b) has done anything likely to be destructive or to permanently injure the land, or

(c) has sub-let the land, or

(d) has violated any of the conditions of tenancy regarding the uses to which the land may be put, or

(e) has wilfully denied the landlords' title to the land, or

(f) has failed to comply with any order passed or directions issued by the *tahsildar* or the revenue divisional officer, under this Act.

Disputes arising under the Tenancy Act are to be decided by the *tahsildar* in the first instance, further appeals going up to the revenue divisional officer whose decision is final.

Andhra Pradesh Ceiling on Agricultural Holdings Act—1961

Ceiling on agricultural holdings has been calculated on the basis of a "family holding," the size of a family holding depending on the different classes of land according to their revenue classification. The ceiling applies to cultivated holding and not to ownership holding. The ceiling for a family of not more than 5 members is an extent of land equal to four and a half times the family holding, with an additional family holding for every member in excess of five.

The following is the size of family holding and the ceiling for different classes of land.

Class of Land	Family Holding	Ceiling
A	6 Acres	27 Acres
B	8 "	36 "
C	10 "	45 "
D	12 "	54 "
E	24 "	108 "
F	36 "	162 "
G	48 "	216 "
H	72 "	324 "

Classes A to D refer to assured wet lands; class E is land under precarious sources of irrigation; and classes F, G, and H refer to dry lands.

Acquisition of land subsequent to the Act coming into effect, should be such that the total land held does not exceed 3 family holdings. Over and above the ceiling area, grazing land to the limit of one-third the ceiling area may be held or acquired.

The following types of land are exempted from a ceiling: Lands held by Government, by religious, charitable or educational institutions, by co-operative societies and land mortgage banks, tea, coffee and rubber plantations; orchards; specialized farms engaged in cattle-breeding, dairying, etc.; sugarcane farms maintained and operated by sugar factories; efficiently managed farms (*i.e.*, with heavy investments or permanent structural improvements, etc.); and lands awarded for gallantry.

II

IMPLEMENTATION

The main aspects of implementation are (1) rules governing the settlement of disputes, (2) provision for tenants to be registered in the records, and (3) appointment of officials to implement the Act.

(1) The Andhra Tenancy Rules—1957 make provision for carrying out the purposes of the Act. The Rules are concerned with the procedure to be followed by a landlord or tenant in making an application to the *tahsildar* or forwarding an appeal to the revenue divisional officer for tenancy disputes.

The Rules also indicate the powers of the *tahsildar* and the revenue divisional officer in adjudicating tenancy disputes.

(2) On the recommendations of the Village Officers Enquiry Committee Report, instructions were issued to all collectors in 1958 that in the *adangal* or Village Accounts No. 2, along with the names of the landowners, an additional column should be provided to record the names of the tenants and the terms of tenancy. Once this data has been entered it serves as evidence for the tenant in disputes with landlords, as in the majority of cases, land is leased only on oral agreements.

(3) After the Act had come into effect, in those districts where a large number of tenancy cases were being filed, special deputy *tahsildars* were appointed

to cope with the additional work. Thus for example, in West Godavari, two special deputy *tahsildars* have been appointed, each for 3 *taluks*. In the remaining 2 *taluks* as also in all *taluks* of Chittoor district where there are not many cases, the *tahsildar* himself attends to them. Again as a result of experience, the Andhra Tenancy Rules were amended to provide for the appointment of a receiver. It was found that the execution of orders such as eviction, delivery of possession of land, etc., was not speedy and effective without the intervention of someone who was familiar with the local conditions (*e.g.*, the revenue inspector).

Defects in Implementation

(1) The Tenancy Act came into effect on September 13, 1956, but the Tenancy Rules making provision for carrying out the purpose of the Act, were not published till January 22, 1957 though they were deemed to have come into effect from September 13, 1956 itself. The time lag must have provided ample opportunity for landlord to evict tenants in the absence of immediate appeal being available to the tenant.

Moreover, the Act has been so framed, that in the interpretation, it appears to be more favourable to the landlord than to the tenant, *e.g.*, in applying for fair rent, the tenant requires evidence that he is a tenant and this is difficult to get as most of the leases are by oral agreement. On the other hand, if the landlord wishes to evict a tenant it is more easily possible for him to do so, commonly for non-payment of rent, as the clause referring to the payment of rent is rather stringent; payment has to be made within a month of the date stipulated in the lease deed or if oral, within a month of the day on which the rent should be paid according to local usage. The flexible nature of the latter, the usual lack of evidence of any rent having been paid as also the ignorance of the tenant as to the exact contents of the Act—all contribute to the success of the landlord in twisting the purpose of the Act to suit himself. In other words, the absence of evidence generally in matters relating to tenancy is favourable to the landlord while it is against the interests of the tenant in tenancy disputes. The deputy *tahsildar* in charge of tenancy in Eluru (West Godavari) had found this to be true and some of the lawyers who were currently engaged in tenancy cases confirmed his views. The fact that of all tenancy disputes those relating to evictions form the largest proportion, substantiates this view.

(2) Orders to revise the *adangal* to include the names of tenants were issued only in 1958. In all the *taluks* for which data were collected *tahsildars* were either not at all clear as to how many villages within their jurisdiction were using the new *adangal* forms or stated that the forms were received only recently. Though the orders were passed in 1958, in all the *taluks* visited, the earliest that the forms were stated to have been received was 1960. Even then, in some cases it was stated that the number of forms received was insufficient for distribution to all villages. *Karnams* in 2 of the 5 villages visited were also uncertain as to the existence of such an order. In Tetali (*Tanuku Taluk*), Jalipudi (*Eluru Taluk*) and Sangam Jagarlamudi (*Tenali Taluk*), the *karnams* knew of the order, but the general feeling expressed was that in the absence of any pressure from above in this matter, it was better for them to leave things as they were, for the landlords in the village would be antagonistic to them if they attempted to record in writing the names of their tenants and the terms of tenancy.

A State Government letter of February 22, 1961 addressed to collectors of all

districts, refers to the original order of August, 1958 stating that the new *adangal* forms were not being used and calls for a report on this matter. It would appear that from 1958-61 it was presumed that the new *adangal* forms were being used, while in fact, no action at all was being taken.

(3) While in Chittoor District, the *tahsildars* themselves deal with tenancy cases and no problems have arisen in this context, in West Godavari, the appointment of two special *tahsildars* has brought its own problems with it.

In the first place, it was stated that one of the special deputy *tahsildars* was a law graduate, while the other was not. Therefore it was felt by some of the lawyers, that the latter was not sufficiently cognizant of the procedures of law to effectively carry out the purpose of the Tenancy Act.

The two Special Deputy *tahsildars* in West Godavari have each to tour 3 *taluks*. They hold court for 2 days a week in each *taluk*. No case is settled in less than 3 to 4 hearings so that the time taken to settle a particular case becomes an inconvenience the tenant can ill-afford.

III

REACTIONS OF THE RYOTS

Tenancy Act

The results of the Tenancy Act are seen to be somewhat different in the 2 districts under study, probably because of the varying conditions between them. West Godavari is a delta area, whereas Chittoor is dry. Also the rate of literacy is higher and the area under tenancy larger in the delta villages than in Chittoor.

The reactions of the landlords and the tenants have been differentiated below:

Landlords

In West Godavari, landlords have not been behind in having recourse to the Act to defeat the purpose of the Act. As seen from Tables I and II, the number of eviction cases filed formed a large proportion of all disputes.

(i) *Cases Filed*

TABLE I — DISTRICT-WISE DESCRIPTION OF CASES FILED

Nature of Application	1957-58		1958-59		1959-June 1961	
	West Godavari	Chittoor	West Godavari	Chittoor	West Godavari	Chittoor
1. Fixation of Fair Rent—Sec. 6(1)	249	8	10	—	43	—
2. Remission of Rent—Section 8	16	—	8	—	68	—
3. Delivery of Possession of Lands—Section 10(3)	6	1	2	21	17	1
4. Termination of Lease—Section 13	486	140	241	62	518	112
5. Adjudication of Disputes—Section 16(1)	17	16	20	13	25	12
6. Appeals—Section 16(2)	196	67	77	12	154	6
Total	970	232	358	108	825	131

TABLE II — TALUK-WISE DESCRIPTION OF CASES FILED (1957-1960)

Nature of Application	West Godavari District			Chittoor District		
	Eluru (upto June 1961)	Tanuku	Bhima- varam	Palmaner	Chittoor	Kalahasti
1. Fixation of Fair Rent— Sec. 6(1)	49	7	33	—	—	N.A.
2. Remission of Rent—Sec. 8	34	16	2	—	—	N.A.
3. Delivery of Possession of Lands—Sec. 10(3)	8	—	4	—	—	N.A.
4. Termination of Lease—Sec. 13	100	91	52	1	16*	N.A.
5. Adjudication of Disputes— Sec. 16(1)	8	8	8	—	—	N.A.
6. Appeals—Sec. 16(2)	N.A.	N.A.	N.A.	—	—	N.A.
Total	199	122	99	1	16	97**

N.A.—Not available.

* 15 of these cases were filed by one landlord against 15 tenants.

** Break-up not available.

(ii) *Evasion of Act*: The Tenancy Act was felt to be a nuisance by all the landlords. In West Godavari, a number of ways were resorted to, to evade the Act. In all the villages visited and at the *taluk* and district level, it was common knowledge that in order to get rid of tenants who may later prove troublesome, they were paid some compensation and evicted, the rate of compensation varying from place to place. Even the tenants admitted this.

Another form of evasion that was reported was to take a pronote from the tenants for the amount of rent, so that if he went to court, there would be evidence of his borrowing money but not of his being tenant. In such cases, the tenant is termed an agricultural labourer. None of the landlords questioned said that he had a tenant. They maintained that now they had taken to self-cultivation and employed agricultural labourers on a larger scale than before.

In Chittoor no such measures of evading the Act were mentioned. Landlords admitted that they had tenants on oral agreements renewable every year. It is possible that, in addition to the lesser incidence of tenancy in the dry areas, lack of knowledge prevented the tenants and landlords from taking advantage of the Act and because of no experience in tenancy disputes, the landlords are not interested in evading the Act.

(iii) *Self Cultivation*: Here again, it was only in the delta villages that any positive reaction in this direction was found. Most of the landlords stated that they had brought more land under self-cultivation than before. Even if there is some exaggeration in their statement, the general opinion even of officials was that self-cultivation had increased.

Even in Chittoor, one particular village Chebrolu was stated as a place where there had been a number of tenancy disputes, the reason given being that it was mainly a *brahmin* village and as *brahmins* could not take to self-cultivation, the tenants were able to create trouble.

Tenants

In the delta villages, the attitudes of the tenants was that the Act was doing more harm than good. It will be noticed from Table I that during 1957-58, far more cases for fixation of fair rent were filed than in the later years. The present attitude of the tenants, possibly resulting from experience, was markedly illustrated in Kumudavalli (Bhimavaram *Taluk*). The tenants refused to answer any question at all, and finally one spokesman came forward saying that they were not willing to state anything as they were frightened as to what the landlords would do. It was only with reluctance that they answered any questions.

In every one of the delta villages, the tenants stated that now it was very difficult for them to get land for cultivation and the reluctance of the landlords to give land was attributed to the passing of the Tenancy Act.

This however, does not appear to have been felt in Chittoor. In Pathikonda (Palmaner *Taluk*) the tenants were quite ignorant of the legislation and when told about it, said that if any one of them created trouble the land would be leased to someone else as, due to the scarcity of land, there was no unity among the tenants.

The terms of tenancy have not been altered following the passing of the Tenancy Act. In the West Godavari villages the rent paid is 66 per cent of the gross produce whereas it should be 50 per cent according to the Act and in the Chittoor villages rent is 50 per cent of the gross produce whereas it should be 45 per cent according to the Act.

The tenants in West Godavari villages generally appeared to feel that even if they won a case now, in future no landlord would trust them and therefore even if they were safe for 6 years, their position after that would be much worse off. Possibly if legislation conferring permanency of tenure had been passed along with the Tenancy Act, the tenants would have asserted their rights more confidently.

Awareness of the Act

Both landlords and tenants were far more aware of the Tenancy Act in the delta villages, with the landlords knowing it in more detail than the tenants. However, the landlords were not willing to disclose their knowledge, saying that it did not affect them anyway as they were self-cultivating.

There appears to have no attempts at all to popularize the Act on the part of the Government. Some propaganda by way of putting up posters, distribution of pamphlets, etc., might have helped make the tenant more aware of the Act.

Land Ceilings Act

To gauge the *ryots'* reaction to the Land Ceiling Act, big landlords were questioned in all the villages visited. In the first place, the ceiling is placed so high that it was not possible to find many people exceeding the ceiling.

However, in 1957, statistics were collected of all those with lands above 20 acres, and this appears to have frightened people into dividing as also gifting

away land. The number of sales too has gone up during 1957-58. As in the case of the Tenancy Act, here too, most landlords in the delta villages said that they did not know very much of the Act as they had anyhow long ago divided their lands and the Act would not apply to them.

Though an attempt was made to find out whether there had been any change in cropping pattern from crops affected by the Act, to exempted crops, no such switch-over could be traced in any of the villages. Probably, because the terms of the Act are so liberal, no marked reactions are to be noted.

In addition to the fact that the ceiling had been placed at such a high level, it was found in Tetali for instance that the *taram* applying to a number of big landlords referred to dry land, whereas actually all their land was wet land irrigated by Government canals.

IV

CONCLUSION

The results brought about by the two Acts should be assessed against the initial purpose for which the Acts were passed.

In attempting to fix a fair rent and assure security of tenure the Tenancy Act aims at (i) improving the standards of living of the tenants, and (ii) interest the tenant in increasing the productivity of his land by applying better techniques of cultivation and by investing more in the land.

The Tenancy Act as it stands now, cannot be said to have brought about either result in any of the villages visited. On the contrary, the situation of the tenant appears to have worsened as he is now more uncertain of procuring land for cultivation, than before.

Even if implementation had been perfect and the tenant had been able to get security of tenure for the stipulated period of 6 years, the fact that at the expiry of the lease, the landlord has the right to either renew the lease or not, would have prevented many tenants from actually exercising their rights. If permanency of tenure had been provided for in the Andhra Tenancy Act along with effective means by which the tenant could assert his rights, e.g., ready provision of credit by co-operative societies to buy the land, then the objectives implied in the Tenancy Act might have been achieved.

The Land Ceilings Act aims at a more equal distribution of land. However, it is extremely doubtful whether any land would be available for redistribution at all, in view of the high level of ceiling and the divisions, gifts and sales that have been effected since 1957-58. Moreover the fact that leased out land is excluded from the ceiling runs counter to the idea of a more equalized distribution of land.

While it may be said that the Andhra Tenancy Act has not succeeded in its purpose, it remains to be seen how effectively the land Ceiling Act will achieve its purpose in spite of its inherent inconsistencies.