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PROCEEDINGS
of the
SEVENTEENTH CONFERENCE
held at Cuttack, December 1956

SUBJECTS

1. PATTERN OF EMPLOYMENT OF HIRED LABOUR IN AGRICULTURE IN INDIA.
2. EFFECTIVENESS OF PROVISION IN THE TENANCY LEGISLATION FOR (i) SECURITY OF TENURE AND (ii) IMPROVEMENT IN TENURIAL STATUS OF TENANTS.
3. TRENDS IN THE OPERATION TECHNIQUES AND ORGANISATION OF AGRICULTURAL MARKETING IN INDIA.

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PREFACE

The current issue of the Journal contains the Proceedings of the 17th Annual Conference of the Society held in December 1956 at Cuttack. The Conference was attended by nearly 130 members from Central and State Governments, Universities and Research Institutions.

The subjects chosen for discussion at the Conference were :

- 1) Pattern of Employment of Hired Labour in Agriculture in India.
- 2) Effectiveness of Provision in the Tenancy Legislation for (i) Security of Tenure and (ii) Improvement in Tenurial Status of Tenants.
- 3) Trends in the Operation Techniques and Organisation of Agricultural Marketing in India.

An unusually large number of papers were received and read on Subject I, while on the other two subjects also there were select contributions. The level of discussions was maintained at the usual high level.

Unlike the previous Conference, it was not possible to arrange for a tape-recorder to record the discussion. Instead, arrangements were made to take down notes of the discussion by stenographers. However, notes have not been taken of the speeches of all the participants in the discussion. Hence, the discussion part on the respective subjects contain only reports which could be made available.

We take this opportunity of thanking the Utkal University under whose auspices the Conference met. We specially record our grateful thanks to Dr. S. Misra, the Local Secretary of the Conference, who had made excellent arrangements and to the Members of the Reception Committee for their generous hospitality.

15th May, 1957

Manilal B. Nanavati

President

EFFECTIVENESS OF PROVISION IN TENANCY LEGISLATION FOR SECURITY OF TENURE IN U.P. +

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IMPLICATIONS OF SECURITY OF TENURE

The implication of the subject under discussion is that 'security of tenure' is desirable and that all tenants do not enjoy 'security of tenure.' We must therefore ask ourselves the question, 'What do we mean by security of tenure?' To us it means that everyone, (a) who is interested in cultivation, (b) who has the capacity to cultivate and (c) who has the opportunity to cultivate, should not be precluded from cultivation. On a wider plane, security of tenure means that all those, who are interested in cultivation and have the talent to cultivate, should be secured the opportunity and capacity to cultivate.

What about those who have an interest to cultivate because their interest in non-agriculture cannot be given a practical shape due to a lack of capacity and opportunity? And what about those who have an interest to cultivate of the type just mentioned—and an opportunity to cultivate but not the capacity to cultivate? Commonsense says that such persons should be given the facility to transfer themselves to non-agricultural activity. Only in the short period, as a special case, such persons may be allowed to continue to make use of the opportunity in the prevalent manner.

Subletting and Sajhedari

Tenancy legislation in U.P. does not lay down any specific criterion to determine one's interest, talent or capacity with regard to cultivation. Subletting is however disallowed by one hand and allowed by the other. *Bhoomidars* and *Sirdars* cannot sublet except when they are 'disabled persons' but they can have *Sajhidars*—persons who assist or participate with them in the actual performance of agricultural operation. *Sajhidars* are thus crop-sharers—and since it is difficult to draw the line of distinction, these *sajhidars* may well be sub-tenants in practice. Also, cultivation does not imply at least performance of agricultural operation by the right-holders themselves. They may cultivate with the help of hired labourers: it may well be through persons who would otherwise be called sub-tenants. It is again difficult to draw a line of distinction. Two local checks are in the form of *Lekhpal* and the Land Management Committee. Although there may be inefficiency in the short period, it may be hoped that in the long period subletting shall become non-existent. So far as *bhoomidars* are concerned, another check is in the form that the person, to whom land is let out in contravention of the rules, shall ordinarily acquire the rights of *sirdari*, and the *bhoomidari* rights shall get extinguished. Hence *bhoomidars* themselves shall be careful not to fall a victim to this clause. But to the extent *bhoomidars* have the 'opportunity' but not the 'capacity', and to the extent that for others there is a lack of opportunity to earn a living, share-cropping will increase and the share of crop taken by the right-holder in land will also increase as has been reported

from village Khajoori in the District of Mujaffarnagar. It may also lead to a sub-division of land below the minimum prescribed area of $6\frac{1}{4}$ acres (due to family dis-integration) without registration, as has been reported from villages in Tehsil Meja, Allahabad District.

Adhivasis as well as *sirdars* have the option to acquire *bhoomidari* rights by depositing a certain multiple of their rent. If, therefore, they could have the facility of getting loans on easy terms to make the deposits, it may be expected that the number of *bhoomidars* shall increase. Since *bhoomidars* can mortgage their land without losing possession, it shall be desirable if co-operative credit societies advance loans to *adhivasis* and *sirdars* on the condition that as soon as *bhoomidari* rights accrue to them, they shall mortgage the same as security for the loan advanced. The existing land legislation does not—cannot be expected to make such provisions.

Zamindars

Before Zamindari abolition, there were recorded in Part I of Khatauni 215.6 lakh persons as holding various interests of land. Another 41.2 lakh persons were recorded in Part II of Khatauni, bringing the total to 256.8 lakhs. On the other hand, the number shown as cultivators was only 122.8 lakhs, which means that 144 lakh persons had interest in land and made an earning without any interest in agricultural operation. The current legislation does not appear to have weeded them out substantially. The new categories of *Bhoomidars* and *Sirdars* have absorbed them and *sajhedari* protects them.

There were 18.98 lakh persons recorded as zamindars of whom 15.8 lakhs had less than 5 acres of *Sir* and *Khudkasht* land each; and another 1.9 lakhs had between 5 and 10 acres each. Thus about 93.2% of zamindars had less than 10 acres of such land each and were likely to be cultivators themselves: they had let out about 8% of their land. The next category (5%), having land upto 25 acres, had let out about 14% of their *Sir* and *Khudkasht* land. All these 98.3% of zamindars now are—it may be safely assumed—in the category of *bhoomidars*.

We are then left with about 32 thousand zamindars having about 16.5 lakh acres for *Sir* and *Khudkasht* land. It would be wrong to assert that these have been driven out of agriculture. There was no upper limit to *Sir* and *Khudkasht* over which these zamindars could acquire *bhoomidari* rights.

PROGRESS OF TENANCY

There are not available at the moment of writing any figures to show the new distribution of persons in the new categories of *bhoomidars*, *sirdars*, and *asamis*. Nor are figures available about how far and at what rates *sirdars* have acquired the *bhoomidari* rights.

Sirdars and Asamis

Sirdars have permanent and hereditary but non-transferable rights in land and in so far as non-occupancy tenants acquired the rights of *sirdari* under the Act their tenancy has improved. Since security of tenure implies best use of

land *sajhedari* should enable the *sirdars* get the land cultivated where they do not have the capacity and resources. However, non-occupancy tenants have generally been given the *asami*-rights which means heritable but non-permanent right of tenancy.

Tenants of 'Sir' and Sub-tenants

Tenants of 'Sir' and sub-tenants of intermediaries were accorded the right to continue to hold the land they were cultivating—provided they could show the resources to withstand the cunning zamindars—for five years and to acquire *bhoomidari* rights by depositing 15 times the rent (a) at the hereditary rates and (b) that paid by the tenant-in-chief respectively.

Opportune Policy

Thus we see that except the crop-sharers and weak sub-tenants heritable rights have been assured for the tenants, and it is pleasing to report that tenants feel more secure now than before. In accepting *sajhedari* the Government has in a way conceded an arrangement of cultivation which it would be rather impracticable to stop in the present circumstances. It has also thereby deferred the resolution of the necessity—which would have seriously arisen—to find alternative source of living for lakhs of families dependent on agriculture.

Position regarding Rent

The collection of rent is managed by government officers but it is certain that duty shall be transferred to the village panchayats. As to the amount of rent paid by the new categories of tenants it may be said that the position is more or less as before. Any extra extortion by the zamindars has vanished but so has vanished the concession of time which the tenants could secure from the zamindars for late deposit of rent in case of failure of crops. *Bhoomidars* no doubt have to pay a rent which is nearer to land revenue but facilities for capital to make the lumpsum deposits are not adequately forthcoming.

SECURITY OF TENURE AND CONSOLIDATION

Security of tenure should not mean *merely* an assurance of a continued opportunity subject to a regular, payment of State dues. The opportunity should be accompanied by such area and location of land as would make cultivation an economic proposition. In this regard, the U.P. land legislation is 'negative.' It disallows a break-up of holdings below a certain size. So far as location of holdings is concerned, there is a provision in the Zamindari Abolition Act for the formation of a co-operative farming society in the village in case a certain majority of tillers agree. There is, however, a separate act under which effort is being made to improve the situation by consolidating the holdings. This effort continues in about 8000 villages which mean about one-twelfth of all the villages in the State. This work as also the effectiveness of continuity of tenure have been affected to an extent by the presence of mistakes in land records for which *the cause is* partly the huge employment of *new Lekhpals* consequent on a mass resignation by *Patwaris* some years back.

SECURITY OF TENURE AND CO-OPERATION

Security of tenure in agriculture also depends on efficiency and economy of agriculture. This calls for greater capital investment in agriculture and incidentally for a supply of equipments and large scale operation. Otherwise, the dangers of default and termination of tenancy shall ever hover over the cultivator's head. Cultivators still place a premium on individual cultivation and therefore these problems have to be solved through multi-purpose co-operative societies more than through co-operative farming societies. It is satisfactory to note that inspite of an amount of publicity and propaganda in favour of co-operative farming—implying joint cultivation—the Government is wisely not keen and active about it. There is the integrated co-operative development project being experimented upon by the Planning, Research and Action Institute. In order that the co-operative experiment may succeed, there is need for greater co-operative education and a stiff official guidance through an expanded team of co-operative officials.

It is nevertheless true that what has been achieved so far could have been achieved otherwise with less noise and transitional upheaval. But this was perhaps inevitable in the background of political and sentimental conditions prevailing here.

WORKING OF TWO RECENT TENANCY LAWS IN
ORISSA

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Crop-sharing tenancy has developed in course of time not only in different states of India but in almost all countries of Asia. One peculiar feature of the tenancy is the short-period lease, usually annual and the consequent insecurity of tenure. The tenants are tenants-at-will and can be evicted without any notice. Another feature is that the rent paid forms a high percentage of the gross produce and is generally paid in kind. The proportion of the gross produce paid as rent varies from region to region but in many countries and in most parts of our own country, it is as high as 50 per cent. In some countries the landlord pays a portion of the cost of cultivation in the form of seeds etc., and his share from the gross produce is adjusted accordingly while in others the entire cost of cultivation is borne by the tenant.

It is generally admitted that in all countries of Asia, such insecure tenancy systems have developed due to rural over-population, lack of opportunities for employment in occupations other than agriculture and the scarcity of agricultural land. In such a situation the bargaining power of the tenant is weak and