



AgEcon SEARCH

RESEARCH IN AGRICULTURAL & APPLIED ECONOMICS

The World's Largest Open Access Agricultural & Applied Economics Digital Library

This document is discoverable and free to researchers across the globe due to the work of AgEcon Search.

Help ensure our sustainability.

Give to AgEcon Search

AgEcon Search

<http://ageconsearch.umn.edu>

aesearch@umn.edu

*Papers downloaded from **AgEcon Search** may be used for non-commercial purposes and personal study only. No other use, including posting to another Internet site, is permitted without permission from the copyright owner (not AgEcon Search), or as allowed under the provisions of Fair Use, U.S. Copyright Act, Title 17 U.S.C.*

No endorsement of AgEcon Search or its fundraising activities by the author(s) of the following work or their employer(s) is intended or implied.

81.2
72
p1

THE INDIAN JOURNAL OF AGRICULTURAL ECONOMICS

LIBRARY
SERIAL RECORD
JAN 25 1949
INDIAN SOCIETY OF AGRICULTURE

(Organ of the Indian Society of Agricultural Economics)

Vol. III	SEPTEMBER 1948	No. 2
----------	----------------	-------

CONTENTS

	page
NOTES AND COMMENTS	1
ARTICLES:	
SWISS LAND DISTRIBUTION—Prof. W. BICKEL	11
NOTES ON CO-OPERATIVE FARMING—Sir MANINLAL B. NANAVATI	17
LAND PROBLEMS OF GUJARAT (Part II)—Rai Bahadur C. D. KAVI	27
STATISTICAL METHODS IN INDIAN AGRICULTURE WITH SPECIAL REFERENCE TO U.P.—A. R. SEN	41
THE GREAT CYCLONE IN ANDHRA—Dr. V. V. SAYANA	48
SOIL EROSION IN RAJPUTANA (Part I)—R. D. SINGH	58
THE PROBLEM OF AGRICULTURAL LABOUR —VIR BAHADUR SINGH	68
COTTON PLANNING FOR THE CENTRAL PROVINCE —R. N. GADRE	73
FAMILY FARM CONFERENCE—A REVIEW —B. S. MAVINKURVE	79
ADDITIONS TO OUR LIBRARY	96

Rs. 3/-

BAY.

THE INDIAN SOCIETY OF AGRICULTURAL ECONOMICS

AIMS AND OBJECTS

To promote the investigation, study and improvement of the Economic and Social Conditions of Agriculture and Rural Life through:—

- (a) Periodical Conferences for the Discussion of Problems:
- (b) The publication of papers, separately or collectively; or in periodical which may be issued under the auspices of the Society;
- (c) Co-operation with other institutions having similar objects, such as the International Conference of Agricultural Economists and the Indian Economic Association, etc.

Office-Bearers for 1948

President : Sir Manilal B. Nanavati

Vice-Presidents :

Prof. C. N. Vakil
Dr. T. G. Shirname
Prof. K. C. Ramakrishnan

Hon. Secretary & Treasurer : Prof. M. L. Dantwala

Hon. Jt. Secretary : Dr. M. B. Desai

Members of the Executive Committee

Dr. Amir Ali Khan
Dr. D. K. Malhotra
Mr. B. R. Shenoy
Mr. J. P. Bhattacharjee
Mr. K. G. Sivaswamy

Rao Sahib P. D. Nair
Prof. S. Kesava Iyengar
Prof. J. S. Guleri
Prof. G. D. Agarwal
Prof. M. L. Dantwala (*Hon. Secretary*)
Dr. M. B. Desai (*Hon. Jt. Secretary*)

Local Advisory Committee

Sir Manilal B. Nanavati (*Chairman*)
The Hon'ble Mr. V. L. Mehta
Prof. C. N. Vakil
Prof. D. R. Gadgil
Mr. Dinker Desai
Mr. R. G. Saraiya

Mr. B. R. Shenoy
Mr. G. M. Sankpal
Mr. B. S. Patel
Dr. N. S. R. Sastry
Prof. M. L. Dantwala (*Hon. Secretary*)
Dr. M. B. Desai (*Hon. Jt. Secretary*)

Madras Branch

Mr. T. T. Krishnamachari (*President*)
Prof. N. C. Ramkrishnan } (*Vice-Presidents*)
Mr. K. G. Shivaswamy }
Mr. V. P. Srinivasan (*Hon. Secretary*)
Mr. M. Dattatrayalu (*Hon. Treasurer*)

Nagpur Branch

The Hon'ble Mr. R. K. Patil (*President*)
Rao Sahib P. D. Naik (*Hon. Secretary*)

LAND PROBLEMS OF GUJARAT (PART II). *

by
RAI BAHADUR C. D. KAVI

TENURES

There are three main classes of tenures in Gujarat: (1) the Survey Tenure; (2) Inam Tenures; and (3) Miscellaneous Tenures.

1. Survey Tenure.

Survey tenure, legally called Occupancy Tenure, is divisible into two classes — (1) the old or ordinary survey tenure often called unrestricted tenure is the right of occupancy of Government land continuable in perpetuity on payment of Government demand, and transferable by inheritance sale, gift, or mortgage without restriction other than the requirement to give notice to the authorities. Its object was "to afford the greatest facilities for its (the land's) conveyance from one party to another" with a view to "preventing the land becoming the inheritance of a pauper, or at least poverty-stricken peasantry".

(2) The new or restricted tenure was created under Act VI of 1901, by the insertion of a new proviso to Section 68 of the Land Revenue Code, by the amendment of section 73, and by the enactment of a new Section 73A of the Code. Under this tenure, the Collector is authorized to grant the occupancy of lands for limited periods or on such condition as he may think necessary, the principal of them being that the occupant cannot alienate his land without the previous permission of the Collector. After the great famine of 1900-01, Government decided to forfeit the lands on which there were arrears and to regrant them to occupants, subject to the condition that the occupancy would lapse if the lands were alienated without permission. In the speech introducing the bill it was stated that "the recent trend of official opinion has been towards the conclusion that the grant of unrestricted property in land, subject to the payment of assessment has been the main cause of embarrassment and that the remedy most likely to be effectual is a restriction on the transfer of land. 'Government therefore, determined to seize the opportunity afforded by this enactment' of taking an important step towards the solution of that momentous problem of a remedy for agricultural indebtedness." There was great opposition to the bill on the ground that it constituted an emphatic assertion of the theory of State Landlordism. Public opinion has since been changing in favour of economic, impartible, inalienable holdings in the interest of agriculture

* Part I of this article was published in Vol. II, No. 1 (April, 1947) of the Journal.

and the cultivators. The effect of this tenure was restriction of credit to some extent. The Bombay Co-operative Societies Act, 1925 has, however, done appreciable good in this sphere, though not to expectations. Orders about the administration of this tenure have been issued in Government Resolutions No. 3875 dated 22.4.1909 and No. 599 dated 19th January 1912, according to which it has been directed that the New Tenure is suitable to backward classes of cultivators only. In G. R. No. 7760 dated 19th August 1912, it has been ruled that the sanction to reasonable alienations should be readily given. Under section 70 of the Land Revenue Code, a transfer of land held on the new tenure made by the order of a Civil Court without the sanction of the Collector is declared null and void.

In 1941-42, an area of 19,91,568 acres was held on the ordinary survey tenure and 4,62,547 acres were held on the restricted tenure in Gujarat i.e., nearly 23 p.c. of the land on ordinary tenure of nearly 9 p.c. of the total assessed cultivable land.

2. *Inam Tenures.*

Inam tenures have their origin in the alienation by the State of its right to receive assessment. These 'Inams' were granted mostly by the rulers of pre-British period, in recognition of services rendered, or being rendered. Till 1842, the validity of claims on such inams was left to be decided by Collectors and Judges with the result that the decisions were not uniform. In 1843, a Committee was appointed to make enquiry into the alienated lands of the Southern Maratha country, because many claims were found to be surreptitious and fraudulent. The Committee worked upto 1852, when it was given a legal status of the Inam Commission by Act XI of 1852 "to investigate the titles of persons holding or claiming against Government the possession or enjoyment of Inams or Jagirs, or any interest therein, or claiming exemption from the payment of the Land Revenue". Rules were framed and Inams were divided into four classes viz., Personal, Devasthan, (for the support of mosques, temples, etc.), Hereditary Service, and Political. This Act applied to the Deccan and the Southern Maratha country and not to Gujarat. Besides, the operations were too slow. It was, therefore, decided to abolish the system of detailed enquiry and to substitute a system of "Summary Settlement" the main principles being: (1) conversion of all personal inam into transferable freehold, and (2) imposition of a quit-rent on account of such conversion. These rules were embodied in the two Summary Settlement Acts No. II of 1863, for Deccan, Khandesh and Southern Maratha country, and No. VII of 1863, for Gujarat and the Konkan, the quit-rent under the former being 4 annas for every rupee of the full assessment, plus a nazarana equal to an additional one anna in the rupee, and 2 annas in the rupee without nazarana under the latter. These Acts applied to Personal and Devasthan Inams only. The

other two classes of Service and Political Inams were reserved for separate treatment under special rules.*

3. Miscellaneous Tenures

1. The Talukdari Tenure :

This prevails in the districts of Ahmedabad, Kaira, Broach and the Panch Mahals. A Talukdari estate is neither a gift from the Crown (i.e. alienated), nor occupancy (i.e. unalienated). It implies full proprietary rights including ownership of mines, minerals, and trees. The Naiks of the Dohad Taluka in the Panch Mahals and the Kasabatias of the Viramgaum Taluka in Ahmedabad are considered to hold their estates as permanent lessees under certain conditions. Talukdari estates pay Jama (Land Revenue), which is either *udhad* (fixed in perpetuity) as in Kaira and Broach under the Summary Settlement Act, or liable to revision on the expiry of a term not exceeding 30 years; legally, the latter may be equal to the full survey assessment of the lands in the estate, but in practice is limited to about 60 p.c. of that on waste. Under Sec. 5 of Act VI of 1888 (Gujarat Talukdar's Act), the Settlement Register has been prepared, which corresponds to the Record of Rights in Ryotwari villages. These estates pay local fund cess on full survey assessment. Important estates such as Sanand, Gamph, and Gangad observe the rule of primogeniture, but the bulk of the smaller estates are held by a number of co-sharers created by repeated sub-division. The rent is levied in cash as in Kaira and Broach or in kind as in Ahmedabad. Other distinctive features are the following:—

(1) A Talukdar cannot encumber his estate beyond his own lifetime without the permission of the Talukdari Officer and cannot alienate the same without the sanction of Government (Sec. 31 of Bombay Act VI of 1888).

(2) A Talukdar is liable for the cost of the village Police.

(3) Partition of Talukdari estates is done by the Collector and not by the Civil Court.

(4) Government do not normally interfere in the management, but under certain circumstances—mismanagement, partition, application and operation of law—take over estates under their management.

The area under this tenure is nearly 11 lakhs, which is nearly equal to the area of Inam Lands, and nearly 50 p.c., of the area held on ordinary and restricted tenure. The effects of this tenure on agriculture may now be considered. The average Talukdar, like the well-known Zamindars in the Permanently Settled areas in other parts of India, is interested more in rents than in the improvement of his property or in the well-being of his tenants. "Talukdars are the chiefs of their people—gentlemen, who con-

* Chapter XII of the S. & S. Manual Vol. I of 1935 Edition.

sider all manual labour degrading, and live on the hereditary share of the produce of the land cultivated by their tenants-at-will.”* As the tenants are mostly tenants-at-will, agriculture suffers and considerable land lies waste i.e., unoccupied. In the Second Revision Settlement Report of Ghogho Mahal (Selections DCIII—New Series), it has been remarked by the Settlement Officer that “there has been a large increase in the area lying waste in Talukdari villages. The increase in the total waste amounts to 108 p.c.” and this is said to be due to want of fixity of tenure” and because “they (the Talukdars) are not good landlords. The tenant may be ejected at any time. He feels the insecurity of his position and in some cases is subjected to harassments, which have nothing to do with his position as a tenant.” The Settlement Commissioner while agreeing with the remarks, adds that “though this effect is conspicuous in Ghogho, it is sadly enough prominent in much of the rest of Gujarat”. The Commissioner has remarked that “the backward and undeveloped condition of the Talukdari portion of the Mahal is due clearly to the neglect of the landlords and a bad system of land tenure and rental, which tends to discourage enterprise and throws land out of occupation.” Management of some states may be good, but the above is the average usual condition. Extension, therefore, of the Bombay Tenancy Act (Bombay Act XXIX of 1939) to this part of the Presidency is urgently required.

2. *The Vanta Tenure*

Vanta means divided as against Talpad paying full assessment, and its origin is said to be due to the action of Mahomedan invaders, who deprived the original chiefs of all but one-fourth of their possessions. Some Vantas pay udhad, jama or lump quit-rent, while bulk of them accepted Settlement under the Summary Settlement Act (VII of 1863) converting their lump quit-rent into a *numberwar salami*. Sometimes a village site is also divided into two portions Vanta and Talpad.

3. *The Mehvasi Tenure*

There are some villages on this tenure on the banks of the river Mahi in Kaira district and the Prantij Taluka and Modasa Mahal of Ahmedabad District held by Mehvasi Koli or Rajput Chiefs. The tenure of Ahmedabad villages is exactly similar to the Talukdari tenure, while the Kaira villages are held on udhad jama tenure i.e., the jama is fixed and is not liable to change.

4. *The Maleki Tenure*

There are 27 villages in the Thasara Taluka of the Kaira district under this tenure. They were granted as reward for military service at the taking of Pavagadh by Mohmed Begada about four centuries ago. Since the

* Selections CCLXXVIII—New Series, Character of Land Tenure.

settlement of 1865, the management of the villages is in the hands of Government. Talatias are appointed by Government on the nomination of Maleks, whose shares vary from 7 to 9 annas. The Maleks have rent-free Gharked lands also.

5. *Udhad Jamabandhi Tenure*

Under this tenure, land is liable to a fixed cess (Jama) only. Such villages have been surveyed in lump only, and the fixed assessment has remained intact. In some villages detailed survey has been carried out and survey settlement introduced.

6. *The Narvadari and Bhagdari Tenure*

These tenures, protected under Act V of 1862, are of great historical interest, as they are the survivals of the old joint form of village community, indicating that before the advent of British rule each village was an autonomous republic administered by the village community or Panchayat on joint responsibility. The peculiarity of these tenures is that they involve joint responsibility for the payment of Government revenue. The Narvadari Tenure is chiefly found in Kaira district, where the revenue was fixed in lump and there was never a field assessment. There are a few such villages in Ahmedabad and Surat. The Bhagdari tenure is confined to the Broach Collectorate. There was always a fixed Vighoti assessment on each field, and although the assessment of each share (Bhag) was not the aggregate of the assessment of the several fields which the share comprised, it was the amount of the total field assessment of all Bhagdari lands, divided according to the Phalavni register. As described by Mr. Pedder (Bombay Selection No. CXIV, p. 4) the main features of the tenure are as follows:

"(1) The whole of the village including the waste, was held by a body of joint proprietors called "Narvadars". This body consisted of descendants of original proprietors together with others, who had obtained their shares by purchase, marriages or other forms of admission.

(2) The village lands were divided into shares called "Mota Bhags" (larger or main divisions) comprising the original sub-divisions, which had again been sub-divided into "peta-bhags" (smaller divisions) by inheritance.

(3) In addition to these sub-divisions, there was usually an area of land held in common called "Majmun" which was available for partition—and in some cases was partitioned though still called "Majmun"—or leased on behalf of the community, or used for grazing etc.

(4) Where such common land existed, they were managed by a Committee consisting of the heads of the "Mota Bhags" acting for the rest.

(5) There was joint liability for the Land Revenue among the whole body of proprietors, though the manner in which this liability was distributed differed in individual villages.

(6) Cultivators other than the proprietary body were their tenants, and were divided into two classes, viz., permanent tenants and tenants-at-will".

Under the survey system many "narva" village communities have been allowed, at their own wish, to divide their respective responsibilities for the revenue according to the assessment of their respective shares (called akari narva), instead of according to the old symbolical division (called phalavni narva) of the lump assessment originally entered in the register of narva. Under the latter system payment was originally according to capacity irrespective of the area in the share or bhag.

In course of time joint responsibility was not strictly enforced and the provisions of the tenures were evaded by 999 years' leases, or by entering in the document the whole *Bhag* giving in possession only a small area. It was, therefore, proposed in about 1908, to abolish this tenure; but the proposal was dropped on account of opposition from Kaira.

(7) Senja—undivided in contravention of Narvadari, Bhagdari and other divided villages—is the ordinary ryotwari or Government tenure.

(8) The Sarkati tenure: There are a few villages on this tenure. Sarkati is Arabic, meaning a partner. In these villages, Government is entitled to a certain proportion of land revenue, and the holders to the balance.

Non-Agriculturist Holders

While the evil of sub-infeudation and rackrenting is absent in the Ryotwari tracts, the area held by non-agriculturists is increasing, because agriculture is a deficit economy, and the agriculturists have to borrow heavily from Sahukars. It is a common adage that an agriculturist is born, lives and dies in debt. Being unable to redeem the mortgage or to fulfill his contract, he has lost considerable area which has passed into the possession of non-agriculturists, who consider this investment secure and respectable. In para 43 of the Third Revision Settlement Report of the Viramgaum Taluka of the Ahmedabad District, it has been remarked that "these figures show the existence of a large non-agriculturist class, into whose possession lands have increasingly passed from improvident cultivators. In fact such persons form a third of the total number of kabjedars and the area of land held by them is 40 p.c. of the total cultivable area in khalsa villages. The total area leased in Government villages is as high as 44.5 p.c. These figures show the gradual conversion of a large body of peasant proprietors into mere tenants-at-will".

Mr. Anderson in "Facts and Fallacies" after examining statistics of 84 typical villages in different tracts of the Bombay Presidency found that "54.8 p.c. of the total occupied area is cultivated by its owners in khalsa

tracts i.e. excluding Inam, Khoti and Talukdari, villages and Sind, all of which are almost exclusively cultivated by tenants. When the figures of the Presidency are available, the area cultivated by its owners will be found to

Tract	Villages	Districts
Gujarat	30	5
Deccan	44	9
Konkan	10	4

be considerably less than half." In Gujarat, land held on (a) ordinary and (b) restricted tenure is 19,91,568 acres and 4,62,547 acres respectively. Of these 24,54,115 acres, half is cultivated by tenants. Similarly, the bulk of the Talukdari area (11,79,298 acres) and of the Inam area (12,18,558) acres is held on lease by tenants, and hence as previously suggested, both in the interest of agriculture and the tenants, protective Tenancy Legislation is very necessary, and the extension of the Bombay Tenancy Act (XXIX of 1939) to all the districts of Gujarat is urgently required. At present it is extended to the district of Surat only, in which there are only 36 out of 206 Inam villages and where there is no Talukdari village.

This evil of occupation of agricultural land by non-agriculturists has been spreading to such an extent, and is doing so much harm to agriculture and agriculturists, that the Advisory Board of the Imperial Council of Agricultural Research has recommended a village rehabilitation scheme combining the resettlement of dispossessed cultivators with state aided co-operative farming and other modern agricultural methods. Under this scheme which is to be given a trial in the Baroda State, the Government will buy the land back from the money-lenders and settle the original cultivators on it. Four different methods have been suggested for experiment, one in each village. They are:—

- (i) Consolidation of holdings and giving them on impartible, inalienable tenure to cultivators.
- (ii) The whole village to be treated as Government farm, the cultivators working as labourers on a profit sharing basis.
- (iii) Collective system of farming on the Russian model with necessary modifications and
- (iv) Co-operative farming.*

The schemes are very bold and involve expropriation which is not easily practicable for want of funds and opposition of vested interests. The

* Times of India dated 11-3-1944.

Floud Commission has by majority recommended somewhat similar action with regard to middlemen in the permanently settled Province of Bengal. When consolidation, keeping occupancy intact, is not adopted in greater portion of the country on account of laws of inheritance and resulting unemployment on account of want of expansion of industrialization, it is for consideration how far these schemes will succeed. Besides, the demand should be from within and the agriculturist should be so educated as to understand and preserve the benefit of the schemes. Consolidation of holdings and co-operative farming may be tried in suitable areas.

CLASSES OF TENANTS

There are two classes of tenants: (1) permanent tenants and (2) tenants-at-will. Permanent tenants, who are very few, cannot be evicted, and enjoy the right of inheritance and transfer. Tenants-at-will are bound by the terms of contract, oral or written, have no right of inheritance or transfer and can be evicted. There is, therefore, no impetus to improvement of land. Enhancement of rent is permissible in both the cases though more frequently in the case of tenants-at-will resulting in rack-renting, because tenants have no other occupation except manual labour. Thus there is competition between a dwarf and a giant. Besides paying the stipulated rent, the tenant has to perform customary services free or no nominal payment referred to by Mr. Anderson in "Facts and Fallacies" as the "various practices of "veth" (obligatory service and labour for the landlord), and impositions on account of grazing and *salamis* and *nazars* on various occasions and pretexts."

METHODS OF COLLECTING RENT

There are two methods of collecting rent: (1) in kind and (2) in cash. Payment in kind is the usual practice from immemorial times and is to be preferred as it carried automatic remission corresponding to the outturn and price of a particular year, but particularly because, under this system it is in the common interest of both landlord and the tenant to keep the soil in good condition. The Bardoli Enquiry Committee of 1929 found "comparatively few villages, in which leasing for cash rents is really common". In the Third Revision Settlement Report of the Viramgaum Taluka of the Ahmedabad District of 1941, it has been stated that "in fact, it is only for the purpose of receiving interest that the landlord resorts to a cash rent in respect of land mortgaged, or conditionally sold to him. Otherwise the cash rent is rare and outside the routine of the farmers" adding that "the almost universal mode of tenancy in the Taluka is the crop share system. The three chief varieties are $\frac{1}{3}$, $\frac{2}{5}$, and $\frac{1}{2}$, the assessment being paid either by the landlord or by both the parties according to the proportion of the shares. Ordinary expenses are usually borne by the tenant, but exceptional items like manure and *bandh* repairs are paid for by the landlord."

Share of the produce is determined by actual weighment after harvest or by the estimate (kaltar) based upon local knowledge, or cutting and weighing outturn of a few rows. This will also be the practice in other tracts determined by local custom and to a certain extent by demand and supply. Cash rents are very rigid, and not very popular as shown before. During the depression period, when prices were very low, produce rents were substituted for cash rents.

PROTECTION REQUIRED

Tenants require protection as under:—

- (a) Removal of illegal cesses or impositions by the landlord customarily called "Veth";
- (b) Restriction on enhancement of rent;
- (c) Protection against eviction by granting fixity of tenure;
- (d) Exemption of taxation of improvement made at tenant's cost, and
- (e) Compensation for improvements, when tenancy terminates.

This protection corresponds to the three Fs at first formulated in the Irish Agitation before the Act of 1881:— (1) Free sale of tenancy rights; (2) fair rent; and (3) fixity of tenure including indemnity against the disputes of the landlord. In India tenancy laws based on the Bengal Tenancy Act of 1885, have been enacted in almost all provinces. But, at least till recently, they took a very narrow view of the tenants' interests and conceded too much liberty to the landlord in determining his contractual relationship with his tenant. The protection which the various laws accord to the tenant in Gujarat may now be briefly noted.

PROTECTION GIVEN

(1) Regulation of 1793

The imposition of unrecognised and undesirable imposts "veth" has been prohibited by the Regulation 1793 as it was found vexatious to the ryot and detrimental to the successful cultivation of the soil. Owing to illiteracy and ignorance of the ryot and his respect for, and fear of the landlord, full advantage is not being taken of this regulation, though of late, and particularly after the Government of India Act of 1935, under which popular ministers were in power, there is considerable improvement in the matter.

(2) The Deccan Agriculturist Relief Act XVII of 1879

The Act provides for the appointment of a special Judge and numerous conciliators, who are empowered to investigate mortgages and similar alienations of land, to revise the terms of the contract and to arrange for an equitable settlement of claims.

(3) *Land Revenue Code (V of 1879)*

Sections 83 to 87 contained provisions of a new tenant law with a view to facilitating the determination of status of tenants and their liability to the payment of rent. Sec. 83 provided for the amount of rent payable in the absence of agreement or usage, and duration of tenancy under similar circumstances. Sec. 84 provided that annual tenancy should terminate on 31st March, and that three months' notice was necessary on either side. Sec. 84A laid down that when suspension or revision of land revenue is granted to the landlord, he should grant similar concession to the tenant. Section 85 provided that every superior holder of an alienated village, in which there were a hereditary Patel, and a hereditary village Accountant should receive his dues through such Patel and Accountant. Section 86-87 made provision for summary procedure for rent suits to avoid delay and expenditure both the sides, if application was made within the revenue year of tenancy.

Under Sec. 217 of the Code, when Survey Settlement was introduced into an alienated village under Sect. 216 on the application of the Inamdar, holders of all lands including tenants-at-will acquired the rights and responsibilities of occupants in unalienated villages having a right to pay the Inamdar nothing more than the survey assessment, also the right of inheritance and transfer etc. The Bombay Act IV of 1913, substituted the words "holders of land" in place of "occupants". The effect of this substitution is that when a survey settlement is extended of this substitution is that when a survey settlement is extended to an alienated village, the holders of land therein, if they are tenants, will remain tenants, and will not become occupants. This was a very retrograde step sacrificing the rights of many (about 90 p.c. population of the village) in the interest of the Inamdar and his shares. As the amendment does not say that it should apply to villages settled after 1913, it does not save any rights acquired prior to 1913. In other words the amendment has retrospective effect. (G. R. 7358/24 dated 26-7-1927). This is still worse, as it amounts to extinction of rights legally acquired, and as it sacrifices the interests of a large number for the good of one land-holder or his partners, if any.

(4) *Act IV of 1903, and Act IV of 1913 Law regarding Record of Rights*

Certified copy of the record is to be annexed to plaint or application for recovery of rent; (135 F); assistance to recover rent is to be refused, if the claim is not supported by an entry in the Record (135 I). A certified copy of the Record should be presumed to be true until, the contrary is proved.

It will be evident that so far no protection was given to the tenant beyond procedure of settlement of disputes, registration in the Record of Rights, nor was it made obligatory to grant concessions to tenants, when

land revenue was suspended or remitted; there was also no provision for examination of transactions and accounts. It was only after 1937, when the popular ministry came in power that real protection was given, even though the regime lasted only for about 2 years and a quarter.

(5) *Bombay Small Holders' Relief Act VII of 1938*

The Bombay Small Holders' Relief Act (VII of 1938) was an emergency and temporary measure and was to be in force upto 31st March 1938 by which time it was expected that another Act of permanent utility will be passed. This Act has been extended to the whole of the Province of Bombay. Under Sec. 9 notwithstanding any law for the time being or any contract between the parties, no tenant, who has been in possession of land used for the purpose of agriculture uninterruptedly from the first day of January 1932, shall, in pursuance of any decree or order of any Court, be evicted from such land, if such tenant pays rent and is willing to continue as a tenant. Under Sec. 10, concessions in Land Revenue due to suspension or remission are to be proportionately granted to the tenant in rent.

(6) *Bombay Tenancy Act XXIX of 1939*

The most important Tenancy Legislation was, however, enacted in 1939, when the Bombay Tenancy Act (XXIX of 1939) was passed. For the first time the term "protected tenant" was introduced in the legal enactment of the Province and was defined as one who "in respect of any land (i) has held such land continuously for a period for not less than six years immediately preceding the first day of January 1938, and (ii) has cultivated such land personally during the aforesaid period." To protect his interest, the law made certain important provisions noted below.

(a) *Rent* (i) To ensure that the rent is reasonable, the Act laid down that it is to be paid according to agreement or local usage and in case of dispute reasonable rent is to be determined by the Mamlatdar under Sec. 12 against which an appeal may be filed within 2 months before the First Class Subordinate Judge. In determining reasonable rent, along with rental values of similar lands, prices of crops, improvements made by the landlord, and assessment to be paid, "profits of agriculture" are to be taken into consideration; pure profits are defined as "the surplus remaining with the cultivator after the expenses of cultivations including the wages of the cultivator working on the land are deducted from the gross produce." Inclusion of wages of labour in determining rent is a great and important improvement on previous legislation.

(ii) Under section 15, Provincial Government has power to fix maximum rate of rent for specified areas by a notification to be placed before each chamber of the Provincial Legislature and to be rescinded or modified by a resolution passed in which each of the said chambers concur during the next following session.

(b) *Security of Tenure.*

Tenancy of a protected tenant shall not be terminated unless such tenant (i) fails to pay arrears of rent; (ii) fails to pay rent regularly; (iii) has done any act, which is destructive or permanently injurious to the land; (iv) has sublet the land or fails to cultivate personally; or (v) has used such land for a purpose other than agriculture. (Sec. 5).

The landlord can terminate the protected tenancy for any of the following purposes, namely:—

- (a) For cultivating personally; or
- (b) For any non-agricultural purpose. (Sec.7).

On the death of a protected tenant, the landlord shall continue the tenancy on the same terms and conditions to such one of his heirs, who within 4 months of the death of the tenant, gives notice in writing that he is willing to continue as a protected tenant. (Sec. 9).

No agricultural lease can be granted for less than 10 years after the coming into force of this Act. (Sec. 23.).

(c) *Improvement*

(i) A protected tenant shall on eviction be entitled to compensation for an improvement of the land made before the notice of termination of tenancy is given to him.

(ii) A tenant cannot be evicted from a dwelling house built by him on the site belonging to the landlord in an alienated, Talukdari or Khoti village unless (a) the landlord proves that the dwelling house was not built at the expense of the tenant or his predecessor in title, and (b) such tenant makes a default in the payment of rent. (Sec. 17).

(iii) A tenant should be given first option of purchasing site, on which he has built a dwelling house. (Sec. 18).

(iv) A tenant shall be entitled to the produce and the wood of the trees planted by him during the continuance of the tenancy and shall on the termination of the tenancy, be entitled to compensation for the said trees. (Sec. 19).

(d) *Concessions.* When Land Revenue is remitted or suspended, proportionate relief should be given to the tenant. When no Land Revenue is to be paid by the landlord, and if suspension or remission is granted, the Collector will decide, how much concession should be given to the tenant. Without such concession, no assistance should be given to the landlord to recover his rent. (Sec. 16).

(e) *Veth or illegal cesses.* It shall not be lawful for any landlord to levy any cess, rates, tax or service of any description or denomination whatsoever, from any tenant in respect of any land held by him as a tenant other than the rent lawfully due. (Sec. 14).

(f) *General protection.* Nothing in this Act shall be construed to limit or abridge the rights or privileges of any tenant under any usage or land or arising out of any contract, grant, decree or order of a Court or otherwise howsoever, (Sec. 26).

From the synopsis given above, it will be evident that what could not be done in the interest of tenants during a century, was achieved by popular ministry within almost 2 years. It is sometime alleged that the popular Government enacted Acts in great hurry and was over zealous. It is true that it was in a hurry because the reforms were long overdue and could not be introduced on account of opposition of vested interests, which were powerful and influential. From the synopsis given above, it would be evident that the other allegation about going to extremes, is not correct but that the golden rule of the golden mean was followed. The tenant is given due protection against the powerful and influential landlord, but it is on condition that he should pay reasonable rent regularly and will vacate the land when required by the landlord for his personal use. Besides the enactment was for the greater good of the greater number and in the interest of better agriculture which is the basic industry of India. Evolution should be fast enough to prevent revolution. Minimum demands according to Kisan's Charter of Right (Prof. Ranga's, Kisan Speaks) include, with other demands that (1) all such systems of landlordism shall be abolished that (2) existing land settlements shall be abolished and replaced by a graded land tax upon net incomes of Rs. 500/- and more; that (3) the peasant shall be completely relieved from all liability to pay their debts or interest thereon; that (4) land revenue assessments and rent from uneconomic holdings shall be abolished and that (5) all tenants shall be declared permanent. There have been similar struggles in other countries. Mr. Morier Notes Field, comparing England, France and Germany, says "Three great countries began their political life from a similar agricultural basis. In each of them the great conflict between immunity and community, between demesne land and tenant land, between the manor and the tenant has had to be fought out. For England, the manor won, the peasant lost. In France, the peasant won, the manor lost. In Germany, the game has been drawn and the Stakes have been divided."* In India, the peasants are ignorant and illeterate and without other occupation, and lack in combined action taken by labour. They are, therefore, to be helped by sympathetic popular Government. The progress, so far, is slow, and is now practically stopped. Following the usual practice of gradualness, this Bombay Tenancy Act has been applied after the resignation of popular ministry to a small area of the Province.

* Morier N. Field. "Land Holding" p. 92.

SUMMARY

From a comprehensive study of the land problems of Gujarat, the following appear to be some of the measures necessary for the rehabilitation of agriculture in this region :

1. Enquiry into the deterioration of soil and water and action to stop this deterioration.
2. Necessary legislation to prevent sub-division beyond a certain limit and providing for compulsory consolidation with the consent of the majority, and compulsory joint or co-operate cultivation in selected areas.
3. Reliable statistics of rent, sale, prices etc. should be made available.
4. Agriculturists' Debt Relief Act (XXVIII of 1939) should be extended to all districts.
5. Money Lenders' Act should be enacted early as recommended by the Royal Commission on Agriculture (1928) by the Central Banking Enquiry Committee (1930) by the Diwanji Committee (1943) and the Gujarat Co-operative Conference (1940).
6. For *annawari* average outturn, figures should be kept upto date by frequent crop experiments and the outturn of a particular year should also be similarly ascertained; the two non-official members of the Committee should be appointed by some form of election.
7. The percentage of rental value which is taken as assessment should be reduced, and a graded income-tax on agricultural produce should be introduced; the revenue realised through agricultural income-tax should be utilised to reduce assessment.