

## Initiative Of Land Reforms On The Eve Of Independence In Madras Presidency

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### Abstract

The new agrarian technology has been a powerful influence in determining the extent of tenancy in India. Resumption of self-cultivation by land-owners has been induced by better supply of inputs and other facilities in a number of States. The capitalistic methods have found favour increasingly. In consequence, the area under tenancy, particularly share-cropping, has declined in them. Under pressure small farmers are losing their land to big farmers in different parts of the country and joining the rank of landless labourers. Those States which have experienced increasing migration of both big land-owners and unemployed persons from the rural to the urban areas have found that there has been an increase in absentee land ownership and a concomitant increase in tenancy in their case. The absentee land-owners exploit the actual tillers by indulging in rack-renting, evictions by force and bagger (bonded labour).

### INTRODUCTION

The new agrarian technology has been a powerful influence in determining the extent of tenancy in India. Resumption of self-cultivation by land-owners has been induced by better supply of inputs and other facilities in a number of States. The capitalistic methods have found favour increasingly. In consequence, the area under tenancy, particularly share-cropping, has declined in them. Under pressure small farmers are losing their land to big farmers in different parts of the country and joining the rank of landless labourers. Those States which have experienced increasing migration of both big land-owners and unemployed persons from the rural to the urban areas have found that there has been an increase in absentee land ownership and a concomitant increase in tenancy in their case. The absentee land-owners exploit the actual tillers by indulging in rack-renting, evictions by force and bagger (bonded labour).

The larger holdings have a higher proportion of land leased to tenants. As is expected, their productivity is lower. However, the proportion of tenancies detrimental to agricultural productivity is still large, though diminishing. Even to-date tenants constitute nearly 13 per cent of total agricultural population and their cultivating households constitute, on an average, nearly 24 per cent of total cultivating households in the country. Hence the reform measures are an inevitable one in the country as well as in Madras Presidency.

Tenancy legislation has more an exhortatory moral influence than a practical force. Tenancy laws have worked no better than the tenants' law in cities. Tenancy legislation has frequently proved in fructuous because lack of administrative arrangements for enforcing it. The zest with which tenancy reform was pursued in earlier years declined as the years rolled on because it began to be realized that agricultural production could be achieved with less bother and trouble by emphasizing the new agrarian technology rather than the land reform measures. Tenants know where power lies and acquiesce in that.<sup>1</sup>

The high pressure of population on land makes it possible for land-owners to impose their own arrangements on the landless agricultural population. Both the sociology of rural areas and the balance of political forces in the countryside make it difficult for the latter to secure in this kind of situation the rights which they are entitled to by the letter of the law.<sup>2</sup> There still remains considerable disparity of interest between the small and the middle land-owners, the tenant and the landless worker in India.

To make the provisions of tenancy reform meaningful and effective, the tenants and share-croppers must be properly educated in order to enable them to take cognizance of them. Furthermore, they should be provided free or concessionary legal assistance by the State and justice should be speedy. The tenants and share-croppers should have administrative support if the tenancy laws are to be effective.

So long as land leasing is there, abuses in tenancy relations will persist. Therefore, land leasing should be abolished altogether and there should be either co-operative farming or a system based on owner-cultivators. Land records must be correct and up to date. Tenancy reform and land ceiling legislation must operate simultaneously.

The tenancy frame work should be re-built to ensure that rewards and efforts are strongly correlated within it. Tenancy reform must be followed by appropriate institutional and organizational arrangement if the social relationship between land-owners and their tenants and share-croppers is to improve and exploitation of tenants and share-croppers by their land-owners is to be minimized and greater equality based on egalitarian ethics is to be created.

In the election manifesto which the Working Committee of the Congress issued December 1945, it was urged that the reform of the land system was urgently needed in India. It was also felt that reform of tenancy measures was quite necessary to see that food production keeps pace with the growth of population, that food supply was very much connected with the mode of agriculture in this country as elsewhere and that unless the man who cultivates the land gets his due from out of the produce of the land he will not be interested in producing the food and thus meet the demands of his countrymen. In order to create a living interest in him for the land he, cultivates he must be given fixity of tenure adequate margin of profit, protection of tenancy, protection of kudiyiruppu, etc, So as to take up suitable legislation to better the lot of the tenancy folk, the Government set up the Land Revenue Reforms Committee.<sup>3</sup>

They accordingly set up the following Committee:-

Chairman- Sri M. V. Subramanian, I.C.S.

Members.-Sri B. Ramachandra Reddi. Buchireddipalem.

Sri N. Ranga Reddi. M.L.C.

Sri Alluri Satyanarayana Raju, M.L.A.

Sri C. Subramaniam. M.P., Coimbatore.

Sri Manathunainatha Desigar, M.L.C.

Sri Muniswami Pillay, M.L.A.

Sri G. Sankaran Nair. B.A., B.L. Ottapalam

Secretary.- Sri S.R. Kaiwar, I.C.S.

The Committee was requested to consider the following questions and make recommendations on them to Government.<sup>4</sup>

- a) Whether the present system of land revenue assessment should be maintained and periodical resettlement resumed and if so, what the currency of the settlement should be, or whether resettlement should be abandoned permanently.
- b) If resettlements are abandoned, whether modifications of the existing assessments would be necessary in order to standardize them at an appropriate level and to secure uniformity of assessments as between the various Districts of the State;
- c) Whether it is desirable and practicable to assess any class of inams now held at favorable rates, at the full rates payable for similar Lands in the neighborhood;
- d) Whether instead of making assessments unalterable a sliding scale of assessment should be introduced varying every year according to the price-levels and the financial position of the Government.
- e) Whether an element of progression should be introduced in the system of assessment by exemption of petty holdings, by a graduated scale of assessment based on the extents of holdings, by means of an agricultural income-tax in addition to the assessment by means of a tax on commercial or more valuable crops, or by any other suitable method:

- f) Whether the present system of assessment should be completely replaced by an agricultural income-tax, or a low basic tax irrespective of the quality of the land along with a scheme of taxation of agricultural income, or a tax on sales of agricultural products, or a tax levied as a per centage of rental value or of capital value, or any other suitable tax;
- g) In the event of the replacement of the present system of land revenue assessments by any such alternative methods, what arrangements should be made to secure for local boards the kind of income they are now deriving by way of land-cess and education-cess which are now being levied and collected on their behalf as surcharge on land revenue assessment;
- h) On an examination of the incidence of water-cess, what the relative merits are of a system of fixed water-rate and system of differential water-rate and which is more suitable to the conditions of this State having regard to the interests both of the land-holder and the public revenues;
- i) Whether having regard both to efficiency and economy, any changes are called for in the machinery of land revenue administration, and, in particular. Whether it is necessary to retain the Board of Revenue and whether it is necessary to keep the village establishments in their present form; and if these village establishments are necessary, whether they should continue to be hereditary, and whether the hereditary system should be extended to the areas it is not now in operation.
- j) Whether any simplification is possible in the present system of village and Taluk accounts;
- k) Whether and in what manner the Government should intervene to fix maximum holdings, form economic holdings, eliminate non-cultivating and non-resident pattadars, prohibit alienation of land to non- cultivators, confer occupancy rights on tenants under ryotwari pattadars, secure fair rents and fixity of tenure for such tenants, and ensure fair wages and proper conditions of work for agricultural labourers : such of these problems as pertain specially to the tenures in Malabar and to the relationship between land-holders and tenants there, need not, however, be gone into by the Committee as another Committee has reported already on those problems, and the Government are now engaged in the preparation of necessary legislation on the subject:
- l) Whether it is desirable to have a comprehensive Land Revenue Code embodying the law relating to land assessment and connected matters, and if so, what items should be included in the Code.

The following guide lines were also given to the Committee:-

- ❖ The Committee may also make recommendations on any other points connected with, or arising out of, the specific questions set out in paragraph
- ❖ It is expected that the reports and recorded discussion available in the offices of Government and of the Board of Revenue will furnish ample material for the Committee's deliberations on the various questions which it has to consider. The Committee will, in particular, take into consideration the Reports prepared by Sri N. Ragavendra Rao as special Officer, and the report of the Congress Agrarian Reforms Committee, on any points on which information is required, the Committee may send for report of particulars from the Government or the Board of Revenue. The Committee will, therefore, ordinarily sit at Madras.
- ❖ It is open to the Committee, however, to elicit the views of associations or individuals on any question wherever it may consider it necessary, in such manner also to hold its sittings outside Madras in such places as it might deem convenient.

In this First Report, the Committee made the following recommendations after a through probe mostly relating to the settlement of the tenancy and agrarian rights.<sup>5</sup>

### **Summary of Recommendations**

- (i) For the purpose of our discussion we take capitalist farming to mean farming carried on by a limited company or a corporation, or by an individual on large blocks of land, farming operations being carried on a mechanized basis under the supervision of paid managerial staff and by labour engaged on a permanent or on a casual basis or both, obliterating all traces of tenancy and proprietorship and previous enjoyment, and reducing everyone engaged in the

operations to the status of a paid employee, same as in a business or an industrial concern, whether operated by a Joint Stock Company or an individual also, or a group of individuals, take to farming of the above mentioned type their own holdings.

- (ii) In areas already under cultivation except in the plantations, it is desirable that no companies should be started afresh to take up cultivation, or existing companies allowed to extend their area of operation.
- (iii) In order to allow for rapid development of lands in private holdings hitherto not brought under cultivation, however, capitalist farming by individuals or associations or companies of that type, religious and charitable institutions being excluded, may be encouraged in those areas and for that purpose specific exemptions may be given from the general prohibitions recommended by us relating to:<sup>6</sup>

Fair rent in Madras is very high, being 40 per cent of the normal gross produce in the case of wet-lands and 33 ½ per cent in the case of dry-lands. A person who wishes to avail of this provision, has to make, an application for fixation of fair rent to the Rent Court. The Court will then determine the normal gross produce which would be expected from the holding if the rain-fall and the season were of a normal character and, in cases where the rent is to be paid in cash, the value thereof on the basis of the average market price during the preceding 3 months at the headquarters of the Taluk. 33 ½ per cent to 40 per cent of the normal gross produce imposes a heavy liability particularly when there is a bad season. It is true that in a bad season if the crop is less than 75 per cent of the normal, the tenant may get a proportionate reduction in the rent. Bill this again involves a reference to Court and is not given suo moto on the basis of local inquiries as is the usual practice in the case of agricultural calamities when suspension or remission of land revenue is given on the basis of local enquiries by the revenue officers.<sup>7</sup>

A tenant has thus to weight the doubtful advantages of this provision, against the disadvantages of a somewhat slow and burdensome procedure and the risk of incurring the displeasure of the landlord. The rent fixed after this procedure is to remain in force only for 5 years. It is not surprising therefore that during 1962 only 4,078 applications were filed for fixation of fair rent and in 1963 (from 1<sup>st</sup> January to 30<sup>th</sup> September) only 422 applications were filed by cultivating tenants and 344 by land-owners. During the period from January to September 1963, 49 appeals were filed by land-owners and 26 appeals by cultivating tenants to the Rent Tribunals. The disposal of these cases was somewhat slow, as is shown by the fact that out of 576 applications filed by the land-owners (including 232 pending cases), 350 remained indisposed of. The position with regard to appeals with the Rent Tribunals is no better. Out of 72 appeals from land-owners, (including 23 pending cases), 47 remained indisposed of and in the cases of appeals by cultivating tenants, out of a total number of 31 cases, 19 remained indisposed of.

No special staff was appointed for dealing with cases under the Fair Rent Act except in Thanjavur where two Special Tashildars were appointed for dealing with cases under the Fair Rent Act as well as the Thanjavur Pannaiyal Protection Act.<sup>8</sup>

Not much use appears to have been made of the provision of fair rent in the case of calamities. Fifty Four applications for remission of fair rent were pending at the beginning of the period from January 1<sup>st</sup>, 1963 to 30<sup>th</sup> September 1963 and 90 applications were filed during the period making a total of 144 applications of which as many as 85 remained undecided. Relief was given in a few cases involving a total area of less than 160 acres. Figures showing remission or revenue during the same period were not readily available.

The law is somewhat limited in scope. It does not apply to:-

- (i) Kanyakumari District where there is no law fixing fair rent<sup>9</sup>
- (ii) The Gudalur Taluk of the Nilgiri District, where, however, the Malabar Tenancy Act applies
- (iii) Areas transferred from Andhra Pradesh by the Pataskar award; for this area, however, a bill has been passed and is awaiting Presidents' assent. (It has since been assented to and enacted)

The Act does not apply where a cultivating tenant owns or holds as tenant a total area exceeding 10 acres of wet land. Where he holds land not exceeding 10 acres of wet-land, he has to surrender a part of his land so that remaining with him does not exceed 6 2/3 acres of wet-land, before the fair rent provisions can become applicable. Further, the fair rent provisions do not apply to sugarcane, plantation or betel vines or a crop which does not give any yield for a continues period of 2 years or more from the time of cultivation. For such crops fair rents have not been fixed and the contract rents generally continue to apply.

It appears that the provisions of this Act have not been effectively enforced. Mr. Ladejinsky has in his report of Thanjavur come to the finding that 60 to 65 per cent of the crop is paid to the landlord and that it is only in the case of lands leased by the religious institutions which are managed by Trust Board that the fair rent provisions are observed. In the 3 villages of Chingleput District which I visited, the prevailing share was about 50 per cent of the gross produce, but the tenant gets in addition the entire straw and also a small quantity of grain in the form of sweepings. In a few cases, contract rent is a fixed rent, which is higher even than this share.

No records are maintained in Madras regarding lands cultivated by tenants.<sup>10</sup> Mr. Ladejinsky has estimated in Thanjavur (which is said to be the District where the problem is most acute, Trichy being the next most difficult District) the area under tenancy is more than 50 per cent of the total cultivated area. The census of landholdings showed that in 1953-54, the area under tenancy in Madras as a whole was about 10 per cent of the owned area. Considering the lack of records and the slow progress of tenancy reforms, there is likely to be much concealed tenancy.

The Adviser, Planning Commission, had observed that the high share rents paid by tenants in Thanjavur were among the causes contributing to the low use of chemical fertilizers. In the interests of agricultural production, it is necessary that the maximum rents should be brought down as speedily as possible to 1/4<sup>th</sup> or 1/5<sup>th</sup> of the gross produce as recommended in the Plan.

The following points are for consideration

- (i) Maximum rent may be fixed at 1/4<sup>th</sup> or 1/5<sup>th</sup> of the gross produce.
- (ii) Rents may be fixed suo moto throughout the State (by undertaking rent operations through special staff appointed specially for the purpose); taking into account the class of soil and productivity in different areas. For this purpose, productivity should be estimated over a period of years, including good years as well as bad, and fair rent fixed as a share of the average gross produce and not the normal gross produce. It would be necessary to give wide publicity to the fair rents thus fixed so that the tenants may be in a position to take advantage of them.
- (iii) Where seasonal conditions are adverse, and the production in a particular area is below the average on that account, steps may be taken to determine suo moto a proportionate reduction in the fair rent. Wherever such remission is given wide publicity so that the tenants may take advantage of the remission.
- (iv) Provision has been made in the Madras cultivating Tenants Protection Act, 1955 enabling the tenant to deposit rent in Court. This may be supplemented by a further provision enabling tenants to make payment through money orders, for which a suitable form could be printed and made available at post offices.
- (v) It is also necessary to make a provision obliging the land-owners to give receipts for payment of rent. Suitable forms could be printed and made available to the land-owners at a small price through the revenue officers. In order to ensure that the land-owners comply with this provision, it would be desirable to provide that in case where the land-owner files a suit for recovery of rent or eviction of cultivating tenants for failure to pay rent, he would be required to prove that he generally gives receipts to tenants by the production of the counterfoils of receipt forms.
- (vi) Provisions regarding fair rents may be made applicable to the entire area of Madras.
- (vii) Fair rent may also apply to sugarcane crops as in other States, Suitable provisions may also be made with regard to special crops such as plantains or betel vines etc.

Madras Cultivating Tenants Protection Act, 1955 is an interim measure for staying the ejections of cultivating tenants. The Act was intended originally to remain in force for a period has been extended from time to time and it will now, expire on 26<sup>th</sup> September, 1965. The Act also provides for (a) restoration of evicted tenants, (b) resumption of land for personal cultivation by Land-lords, (c) execution of lease deeds by the landlord and the tenant and imposition of penalty in case either party refuses to sign or refuses to lodge the lease deed in the Taluk Office and (d) deposit or rent by tenants in court.<sup>11</sup>

Since the interim law has been in force for over 8 years, and the land-lords have had the opportunity to take lands from the tenants, it does not seem necessary to continue the right of resumption which creates uncertainty and makes the conferment of security of tenure upon tenants difficult. It is, therefore, for consideration that no further right of resumption need be allowed and tenants should be given permanent rights in the lands which they now hold and brought into direct relationship with the State. It would also be desirable to take steps to confer ownership upon them on payment of compensation.

It is also necessary to regulate surrenders which can be used as a device for defeating the provisions for security. It would be necessary to provide that all cases of so called surrenders should be verified before the Tahsildar and the surrendered lands should not be allowed to revert to the land-holder, instead, the revenue authorities may introduce another tenant upon the land. If this measure is adopted, the land-lords would realize that they would get no advantage by ousting the tenants forcibly and would thus have no motive for exercising their influence in the ejectment of tenants. Under the Madras Cultivating Tenants protection Act, protection is given only to cultivating tenants. A cultivating tenant is a person who contributes his own labour or the labour of a member of his family in the cultivation of the land.

## CONCLUSION

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## ENDNOTES

<sup>1</sup>H.D. Malviya, Land Reforms in India, All India Congress Committee, New Delhi, 1955, p. 462.

<sup>2</sup> N. Rajalaksh Tamil Nadu Economy, Serials Publication, 1999, p. 322.

<sup>3</sup>G.O. No. 1376, (Confidential) Revenue, dated 9th May, 1950, Government of Madras, Madras, p. 26.

<sup>4</sup> Recommendations of the, Land Revenue committee date 9th May 1950, Government of Madras, Madras, 1950-51, p.15.

<sup>5</sup>First Report of the Land Revenue Committee on 8th December 1950, Government of Madras, Madras, p 67.

<sup>6</sup> Madras State Administration, Government of Madras, Madras, 1952-53, p. 65.

<sup>7</sup>Report of Shri. Ameer Raza, Joint Secretary, Planning Commission on Implementation of Land Reforms in Madras, Madras, 1952-53, p.12.

<sup>8</sup>B.S. Baliga, Thanjavur District Hand Book, Government of Madras, Madras, 1957, p. 167.

<sup>9</sup> M. Gopala Krishnan, Gazetteer of India, Tamil Nadu State, Kanniyakumari District, Government of Tamil Nadu, Madras, 1995, p. 307.

<sup>10</sup> B.S. Baliga, Thanjavur District Hand Book, Government of Madras, Madras, 1957, p. 165.

<sup>11</sup> Anandapadmanabhan, History of Land Revenue settlement and Abolition of Intermediary Tenures in Tamil Nadu, Government of Tamil Nadu, Madras, 1977, p. 243.