

Land Reforms

The Central Government has played an advisory and coordinating role in the field of land reforms as the subject is under the exclusive legislative and administrative jurisdiction of the States as provided in Entry No. 18 of the List II (State List) of the VII Schedule of the Indian Constitution. Agrarian reforms have also been a core issue of the National Agenda for Rural Reconstruction as a means of ensuring social justice to actual tillers and the landless rural poor, thereby creating a sustainable base for the overall growth of the industrial and tertiary sectors of our economy. Generating greater access of landless rural poor to land is considered an important component of the effort aimed at poverty alleviation.



Since the First Plan Period, the Land Reforms Division has, therefore, been playing a crucial role of evolving a National consensus at various fora for initiating effective land reforms which include abolition of zamindari and all intermediaries since the beginning of fifties, introduction of a family ceiling in the mid-fifties, reduction of the ceiling limit and monitoring the progress of the distribution of ceiling surplus land as part of the 20-Point Programme of the Government.

Since fragmentation and sub-division of holdings is a major cause of low agricultural productivity in India, a Committee was constituted recently at the National level under the Chairmanship of Secretary (RD) to look into all areas relating to consolidation of land holdings and updation of survey data/record of rights and maps through technological upgradation. The first meeting of the Committee was held on 9.11.99 at New Delhi.

The Division is also organising conferences of Revenue Ministers and Chief Ministers of States from time to time to review programmes of land reforms and related issues. It initiated amendments of the Constitution 13 times for the incorporation of 277 land laws in the Ninth Schedule. The last such amendment was the 78th Amendment of the Constitution to incorporate 27 land laws in that Schedule.

In addition to its advisory and coordinating role, the Land Reforms Division acts as the nodal division of this Ministry for administration of the Land Acquisition Act, 1894, including issues covered under Entry No. 42 of the Concurrent List in addition to execution of certain Centrally Sponsored Schemes. The activities of the Division can, therefore, be divided into three major groups i.e. discharging Constitutional obligations, monitoring of measures relating to land reforms and implementing Centrally Sponsored Schemes as detailed in Part-I, II and III respectively.

PART - I

Discharging of Constitutional/ Legal Obligations

Administration of Land Acquisition Act, 1894

The Ministry being the Nodal Ministry in the Union Government to administer Land Acquisition Act, 1894, this Ministry has submitted proposals for amendment to the said Act undertaken by this Division. The aforesaid Act was last amended in 1984 and the current phase of amendment proposals to bring radical and pro-people changes has reached a culmination point and the Land Acquisition (Amendment) Bill, 2000, has been referred by the Cabinet to a Group of Ministers (GOM) for examination. The GOM has approved the amendment proposals.

Examination of Central and State Legislations on Acquisition and Requisition of Properties

"Acquisition and Requisition of Property" is a subject enlisted in Entry No.42 of the Concurrent List (List III) vide VII Schedule of the Constitution. As per Allocation of Business Rules, 1961, it is allocated to this Ministry. The Division has to examine and concur to all proposals of State Governments for amendments to Land Acquisition Act, 1894, as required under Clause (2) of Article 254 of the Constitution. All State legislative proposals covering any enactment on the subject of Acquisition and Requisition of Property or any other state legislation having a bearing upon the



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acquisition and requisition of land are examined by this Division for the purpose of seeking Presidential Assent as required under Article 200 (in case of Bills) or under proviso to Article 213 (1) of the Constitution.

Examination of other land laws

This Ministry being the Nodal Ministry in the Union Government for implementation of land reform programmes, all proposals for introduction of land reform legislations or amendments initiated by the State/UTs are referred to it for examination to see their conformity with National Land Reforms Policy. This Division processes all progressive land legislations for incorporating them in 9th Schedule of the Constitution to protect them from being challenged in any Court of law on the ground of violation of fundamental rights (with special reference to Article 31 A and 31 C) and moves the Parliament for amendment to the Constitution. The Constitution of India has been amended 13 times so far for incorporating 277 land legislations in 9th Schedule.

When President's Rule is imposed in a State, this Ministry is required to discharge the responsibility of laying Ordinances in Parliament or enacting President's Acts as and when powers of the State Legislature are conferred on the President by Parliament under Article 357 (1). In addition, this Division gives suitable advice to

any Central Ministry whoever proposes to make legislation having bearing upon acquisition/requisition of land. During the year under report, 6 Central legislations and 28 State legislations were examined.

National Policy on Resettlement & Rehabilitation

In accordance with the directions of the Cabinet Secretariat, the LR Division acts as the Nodal Division for formulating National Policy, Packages and Guidelines on the Resettlement and Rehabilitation of Project Affected Persons/Families. A draft National Policy on Resettlement and Rehabilitation, 2000 (NPRR, 2000) is presently under examination by a Group of Ministers set up for this purpose by the Union Cabinet.

PART - II

Monitoring of Land Reforms Activities

To play an effective coordinating and advisory role for various land reform activities, this Division especially monitors distribution of ceiling surplus land, Government Wasteland, Bhoodan Land, conferment of ownership rights to tenants, prevention of alienation and restoration of Tribal

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- Land, consolidation of holdings, etc. The latest position is indicated below:

Distribution of Ceiling Surplus Land

Since inception till September, 2000, the total quantum of land declared surplus in the entire country is 73.49 lakh acres, out of which about 64.84 lakh acres have been taken possession of and 52.99 lakhs have been distributed to 55.10 lakh beneficiaries of whom 36 percent belong to Scheduled Castes and 15 percent, Scheduled Tribes. (Annexure-XXXII).

Distribution of Bhoodan Land

Under Bhoodan Land, a total 39.16 lakh acres of land was acquired out of which 21.75 lakh acres have been distributed. An area of 17.41 lakh acres remains to be distributed. (Annexure-XXXIII).



Distribution of Government Wastelands

Distribution of Governments' Wasteland has been one of the key Strategies of land reforms; it has been the accepted policy that wasteland at the disposal of the Government should be distributed amongst eligible rural poor.

- The criteria governing the distribution of ceiling surplus land should also apply to the distribution of wastelands. So far, an area of 147.47 lakh acres of Government Wasteland has been distributed amongst landless rural poor. (Annexure - XXXIV).

Conferment of Ownership Rights to Tenants

Legislative provisions have been made in many states of the country for conferment of ownership rights on tenants or allowing cultivating tenants to acquire ownership rights on payment of compensation. Some of the States have acquired ownership of land from land owners and transferred it to tenants. Sub-tenancies are generally prohibited all over the country except in certain cases, viz., widows, members of armed forces, minors, unmarried women, persons suffering from disabilities, etc. Till date, 124.22 lakh tenants have

got their rights protected over an area of 156.30 lakh acres. Cumulative figure showing total number of tenants and sharecroppers who have received ownership rights or protection from eviction-at-will as reported by the States/UTs is given in (Annexure- XXXV).

Land Reforms

Land Reforms have been on the National Agenda of Rural Re-construction since independence. The major objective of Land Reforms have been the re-ordering of agrarian relations in order to achieve an egalitarian social structure, elimination of exploitation in land relations, realising the age old goal of land to the tiller, enlarging the land base of the rural poor, increasing agricultural productivity and infusing an element of equality in local institutions. With a view to evolving a consensus on the means to tackle the various issues related to land reforms and formulating specific issues for consideration by a National Conference of State Minister of Revenue to be convened in the near future, a Conference of the Revenue Secretaries of State/ UTs was held on 14.10.2000 at Vigyan Bhawan, New Delhi. The two Working Groups set up during the Conference deliberated upon the various issues in the programmes under implementation relating to the Computerisation of Land Records and the Strengthening of Revenue Administration & Updating Land Records and also Tenancy Reforms.

In order to operationalise the recommendations made and the decisions taken by the Working Groups set up during the Conference for an effective implementation of the land reforms and to formulate specific issues for consideration by the ensuing National Conference of State Ministers of Revenue, the Government of India decided to constitute a Task Force under the Chairmanship of Additional Secretary (LR). The Task Force has deliberated upon various issues relating to land reforms in two meetings held during December, 2000.

Consolidation of Holdings

Consolidation of fragmented agricultural land holdings forms an integral part of the Land Reform Policy and the Five Year Plans have accordingly

been laying stress on its implementation. This operation is considered necessary for planned development of villages and achieving efficiency and economy in agriculture. In pursuance of this, many States had enacted legislations, but not much progress could be made except in the States of Uttar Pradesh, Haryana and Punjab. In other States, work was continued for some years and lost momentum thereafter. In the State of Uttar Pradesh, even now, annually, about 9000 to 10000 villages are being put under this activity. So far, an area of 1633.47 lakh acres has been consolidated all over the country. The latest position is given in (Annexure-XXXVI).

A National Level Committee has been constituted under the Chairmanship of Secretary (RD) to evaluate progress of consolidation of land holdings and to look into matters pertaining to updation of survey data/record of rights and maps through technological upgradation. A sub-committee has also been constituted under the Chairmanship of Director General, NIRD to assist the National Level Committee (NLC). The Committee will also draw up a plan of action for consolidation of holdings and identify the main features of a new Centrally Sponsored Scheme on consolidation of land holdings.

Administrative Staff College of India (ASCI), Hyderabad, has been assigned a study of land consolidation and Computerisation of Land Records in ten States and to document the efforts made on Consolidation and Computerisation in various States. ASCI has carried out the "spot study" on progress of Land Consolidation and Computerisation of Land Records in ten States. However, the final report of ASCI is still awaited.

Prevention of Alienation and Restoration of Alienated Tribal Lands

Article 46 of the Constitution enjoins upon the States the obligation to promote the interests of Scheduled Castes and Scheduled Tribes and to protect them from social injustice and all forms of exploitation.

The State Governments have accepted the policy of prohibiting the transfer of land from tribals to non-tribals and for restoration of

alienated tribal lands to them. The States with large tribal populations have enacted laws prohibiting alienation of tribal lands and its restoration. Though some results have been forthcoming through efforts made by different States, but the task still remains unfulfilled.

Reports received from various States indicate that 3.75 lakh cases of tribal land alienation have been registered so far, covering 8.55 lakh acres of land, of which 1.62 lakh cases have been disposed in favour of tribals covering a total area of 4.47 lakh acres. Statewise figures are given in Annexure-XXXVII.

With a view to preparing a Draft Model Law on tribal land alienation, the Government of India has constituted an Expert Group under the Chairmanship of Shri B.N. Yugandhar, IAS (Retd.), former Secretary, Ministry of Rural Development.

Gender and Land Rights

Many of the States have improved women's access to land and landed property. States like Karnataka, Tamil Nadu and Andhra Pradesh have amended the Hindu Succession Act, 1956, to formalise issues related to women's right to property including land. Some States like Rajasthan and Madhya Pradesh have decided that issues relating to property, including landed property, would be dealt with in accordance with the appropriate Personal Laws. A number of States, including Haryana, J&K, Delhi and Punjab are apparently yet to take adequate steps to provide the Constitutional/Legal safeguards to women with respect to their access to land.

Computerisation of Land Records (CLR)

Introduction

The Centrally Sponsored Scheme on Computerisation of Land Records (CLR) was started in 1988-89 with 100% financial assistance as a pilot project in eight Districts/States, viz; Rangareddy (A.P.), Sonitpur (Assam), Singhbhum (Bihar), Gandhinagar (Gujarat), Morena (M.P.), Wardha (Maharashtra), Mayurbhanj (Orissa) and

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Dungarpur (Rajasthan) with a view to remove the problems inherent in the manual system of maintenance and updating of Land Records and to meet the requirements of various groups of users. It was decided that efforts should be made to computerise CORE DATA contained in land records, so as to assist development planning and to make records accessible to peoples/planners and administrators.

Objectives

The main objectives of the Scheme are:-

- (i) Computerisation ownership and plotwise details for issue of timely and accurate copy of the Record of Rights (RoRs) to the land owners.
- (ii) To achieve low cost, easily reproducible storage media for reliable preservation for long time.
 - (iii) To provide fast and efficient retrieval of information, both graphical and textual.
 - (iv) Creation of a Land Information System (LIS) and database for Agricultural Census.



Progress during 8th Plan

During 8th Five Year Plan, the Scheme was approved as a separate Centrally Sponsored Scheme on Computerisation

of Land Records. The total expenditure under the Scheme during 8th plan period was Rs. 59.42 crores.

Financial Progress

Since inception of the Scheme, this Ministry has released Rs. 141.61 crores upto 31.3.2000. The utilisation of funds reported by the States/UTs is Rs. 179.17 crores (upto 31.8.2000) which is approximately 49% of the total funds released. At present, the Scheme is being implemented in 544 Districts of the country leaving only those Districts where there are no land records. The Statewise progress of funds released and utilised by States/UTs may be seen in Annexure-XXXVIII.

Operationalisation of the Scheme of Tehsil/Taluk Level

During 1997-98, a decision for operationalisation of the Scheme at the Tehsil/

Taluk level was taken for facilitating delivery of computerised land records to users and public at large. Under this programme, funds are released to State Government for purchase of hardware, software and other peripherals and upto 7.12.2000, 1857 Tehsils/ Taluks have been covered under the programme.

Pilot Projects on Digitisation of Cadastral Maps

This Ministry has requested all the State Governments to submit proposals (Pilot Projects) for Digitisation of Cadastral Survey Maps in 2 or 3 Tehsils of any District of their State. So far, 32 Pilot Projects on Digitisation of Cadastral Survey Maps covering 21 States, viz., A.P., M.P., Maharashtra, Manipur, Meghalaya, Mizoram, Gujarat, Goa, Haryana, Jammu & Kashmir, Bihar, Kerala, Karnataka, Tamil Nadu, Tripura, Nagaland, Orissa, Punjab, U.P., West Bengal and Pondicherry have been sanctioned by this Ministry.

Physical Progress

In about 100 districts, data entry and data validation work has been completed and ROR are being issued to land owners. The six best performing States are West Bengal, A.P., Karnataka, Tamil Nadu, Sikkim and Orissa.

Strengthening of Revenue Administration and Updating of Land Records (SRA & ULR)

With a view to assisting the States/UTs in the task of updating of land records, a Centrally Sponsored Scheme for Strengthening of Revenue Administration and Updating of Land Records (SRA & ULR) was started in 1987. The main objectives of the scheme are:-

- (i) Strengthening of Survey and Settlement Organisation for early completion and preparation of land records in areas where this work still remains to be done.
- (ii) Setting up of Survey and Settlement Organisations, especially in the North-Eastern Region, where no land records exist.
- (iii) Imparting pre-service and in-service training to revenue, survey and settlement staff and

- strengthening of training infrastructure for this purpose.
- (iv) Providing facilities for modernisation of survey and settlement operations, printing of survey maps reports/ documents, storage facilities, copying and updating of land and crop records by adopting latest science and technology inputs.
 - (v) Strengthening of revenue machinery at village and immediate supervisory levels on a selective basis to make the workload of these functionaries manageable.

Initially, the Scheme was approved for the States of Bihar and Orissa in 1987-88 and extended to other States/UTs, during 1989-90. The Scheme is being implemented by the State Governments through their Revenue/Land Reforms Departments. It is financed by the Centre and the State on 50:50 funds sharing basis. However, Union Territories are provided full Central Assistance.

For providing Central assistance under the scheme, States and UTs are required to prepare Schemes covering one or more of the above objectives. These proposals are considered by the Technical Committee constituted under the Scheme. The Committee considers the proposals on the basis of the requirements projected by the concerned State/UT, utilisation of funds released during the previous years and the progress made under the Scheme. On the basis of the recommendations made by the Technical Committee, the funds are released to the States/ UTs.

Under this Scheme, assistance is given for purchase of Modern Survey Equipments like Global Positioning System (GPS), EDM, Total Stations, Theodolites, Work Stations, Aerial Survey, office equipments like Photocopiers, Laminating Machines, Binding Machines and basic facilities to improve work efficiency at the lower storage of land records, construction of office-cum-residence of Patwaries, construction/repair/ renovation of Training Institutes and equipments for Training, etc.

Upto 7.12.2000, financial assistance to the tune of 180.04 crores has been provided to the State

Governments/UTs towards Central Share under the Scheme. A Statement showing the Statewise position of release of funds and its utilisation is given in Annexures-XXXIX to XLI.

Monitoring of the Scheme

States/ UTs are required to submit Quarterly Progress Reports (QPRs) in the prescribed proforma on the progress of the Scheme. The Monitoring of the Scheme includes proper utilisation of funds by the States on items approved by the Technical Committee and does not include monitoring of actual updating of Revenue Records, issuance of updated Record Rights, land holders pass book, printing of revenue settlement maps, etc.

The Committee on Revitalization of Land Revenue Administration known as "Appu Committee", constituted by the Government of India, has, inter-alia, made the following recommendations relating to this Scheme.

"High priority should be accorded to the introduction of modern technology and techniques in the following three areas":

- (i) The day-to-day functioning of the Land Administration Department.
- (ii) Maintenance of Land Records and continuous updating of land related information, including mutations.
- (iii) Survey and Settlement.

The Committee has strongly recommended that Centrally Sponsored Scheme for Strengthening of Revenue Administration and Updating of Land Records (SRA & ULR) should continue during the Ninth Five Year Plan and outlay under the Scheme stepped up to bring about the desired improvements. The Committee also recommended that Centre's Share under the Scheme should be increased in order to make this programme successful in various States.

Government of India, however, could not increase the percentage towards Central Share from the existing 50% due to financial constraints.

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