

# Land Reforms

**L**and and land tenures etc. are under the exclusive legislative and administrative jurisdiction of the States as provided in Entry No.18 of the List II (State List) of the Seventh Schedule to the Indian Constitution. However, the Central Government has been playing an advisory and coordinating role in the field of land reforms since the First Five Year Plan. Agrarian reforms have been a core issue 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.

Land Reforms have been on the National Agenda of Rural Re-construction since independence. The major objective of Land Reforms has 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.

The Department of Land Resources in the Ministry of Rural Development has, therefore, been playing a crucial role in evolving a national

consensus for initiating effective land reforms which include abolition of Zamindari system and all intermediaries since the beginning of the fifties, introduction of a family ceiling in the mid-fifties, reduction of the ceiling limit, consolidation of land holdings and monitoring the progress of the distribution of ceiling surplus land as part of the 20- Point Programme of the Central Government. The Department also initiated amendments of the Constitution 13 times for the incorporation of 277 land laws in the Ninth Schedule. The last such amendment was the 78<sup>th</sup> Amendment of the Constitution to incorporate 27 land laws in that Schedule.

The Land Reforms Division in the Department of Land Resources also acts as the nodal division of the Ministry of Rural Development for administration of the Land Acquisition Act, 1894, including issues covered under Entry No. 42 of the Concurrent List of the Seventh Schedule to the Constitution. Certain Centrally Sponsored Schemes are being implemented by this Division. The activities of the Division can, therefore, be broadly divided into three major groups i.e. discharging Constitutional obligations, monitoring of programmes relating to land reforms and implementing Centrally Sponsored Schemes. The details of various activities of the Land Reforms Division are given in subsequent paragraphs.

## **1. Discharging of Constitutional/ Legal Obligations**

### **Administration of Land Acquisition Act, 1894**

The Ministry being the Nodal Ministry in the Union Government to administer the Land Acquisition Act, 1894, processes the proposals for amendment of various provisions of the said Act from time to time. The aforesaid Act was last amended in 1984. The current proposals for amendment of the Land Acquisition Act to bring radical and pro-people changes therein has reached a culmination point and the Land Acquisition (Amendment) Bill, 2002 is under active consideration of the Central Government.

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

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 acquisition and requisition of land are examined by the Land Reforms 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. The Division also examines all proposals of State Governments for amendments to Land Acquisition Act, 1894, for the purpose of concurring, as required under Clause(2) of Article 254 of the Constitution.

### **Examination of other land laws**

This Ministry is the Nodal Ministry in the Union Government for implementation of land reform

measures. All proposals for introduction of land reform legislations or amendments therein initiated by the States/UTs are therefore referred to the Land Reforms Division for ensuring their conformity with the National Land Reforms Policy. This Division also processes all land legislations for incorporating them in the Ninth 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 31A and 31 C) and moves the Parliament for amendment to the Constitution.

During the period of imposition of President's Rule in any State, the Ministry of Rural Development is required to discharge the responsibility of laying Ordinances in Parliament or enacting President's Acts as and when powers are conferred on the President by Parliament under Article 357(1). In addition, this Division also gives suitable advice to any Central Ministry proposing to make legislation having any bearing upon acquisition/requisition of land. During the year under report, 6 Central legislations and 30 State legislations were examined in the Division.

### **Legislation on Resettlement & Rehabilitation**

The Land Reforms Division has also been acting as the Nodal Agency for formulating a Policy/ Legislation on the Resettlement and Rehabilitation of Project Affected Persons/Families. A draft Bill on Resettlement and Rehabilitation is presently under preparation in the Ministry in consultation with the Ministry of Law, Justice & Company Affairs.

## **II. Monitoring of Land Reforms Activities**

In order to play an effective coordinating and advisory role for implementation of land reforms measures, the Land Reforms Division organises conferences of Chief Ministers and Revenue Ministers from time to time, monitors conferment of ownership rights to tenants, restoration as well as prevention of alienation of Tribal Land, consolidation of land holdings, distribution of Government wastelands, ceiling surplus land and Bhoodan lands, etc. The latest position in these matters has been given in subsequent paras.

### **Conference of Revenue Secretaries**

With a view of evolving a consensus on the means to tackle the various issues related to land reforms and formulating specific issues for a National Conference of State Ministers of Revenue/Chief Ministers 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 effective implementation of two Schemes namely Computerisation of Land Records and Strengthening of Revenue Administration & Updating Land Records and also Land Reforms. In order to operationalise the recommendations made by these Working Groups and to formulate specific issues for consideration of the ensuing National Conference of State Ministers of Revenue, a Task Force under the Chairmanship of Additional Secretary (LR) has been constituted. The Task Force has deliberated upon various issues relating to land reforms.

## **Conferment of Ownership Rights to Tenants**

Legislative measures have been taken in many states of the country for conferment of ownership rights on tenants or protecting their rights from willful eviction or allowing cultivating tenants to acquire ownership rights on payment of compensation. Some of the States have acquired ownership of land from certain categories of land owners and transferred the same to tenants. Sub-tenancies have generally been 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. Statewise details of the total number of tenants and sharecroppers who have received ownership rights or protection from eviction-at-will is given in Annexure-XXIX.

### **Distribution of Ceiling Surplus Land**

Since inception till September, 2001, the total quantum of land declared surplus in the entire country is 73.67 lakh acres, out of which about 64.95 lakh acres have been taken possession of and 53.79 lakh acres have been distributed to 55.84 lakh beneficiaries of whom 36 percent belong to Scheduled Castes and 15 percent belong to Scheduled Tribes. An area of 9.09 lakh acres has been involved in litigation. Statewise details of implementation of ceiling laws are given in Annexure-XXX.

### **Distribution of Bhoodan Land**

Out of a total area of 39.16 lakh acres of Bhoodan land, 21.75 lakh acres have been

distributed. Details of distribution of Bhoodan land (Statewise) are given in Annexure-XXXI.

### **Distribution of Government Wastelands**

Distribution of government wastelands has been one of the key strategies of land reforms in the country. It has been the accepted policy of the Central Government that wastelands at the disposal of the State Governments 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 wastelands has been distributed amongst landless rural poor. Statewise details are given in Annexure-XXXII.

### **Consolidation of Holdings**

Consolidation of fragmented agricultural land holdings forms an integral part of the Land Reform Policy. Successive Five Year Plans have accordingly been laying stress on consolidation of fragmented land holdings for planned development of villages and increased agricultural output. Consequently, many States enacted legislations and had taken up the work relating to consolidation of land holdings. The States of Uttar Pradesh, Haryana and Punjab have achieved commendable success. In Uttar Pradesh, even now, consolidation of land holdings is in operation in about 9000-10,000 villages. In other States, work was continued for some years but lost momentum thereafter. So far, an area of 1633.47 lakh acres has been consolidated all over the country. The latest position is given in Annexure-XXXIII.

A National Level Committee has been constituted under the Chairmanship of Secretary (RD) to evaluate the 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. The Committee will also draw up a plan of action for consolidation of holdings and identify the initiatives required on consolidation of land holdings.

On the recommendations of this Committee, the Administrative Staff College of India (ASCI), Hyderabad, was assigned a study on land consolidation and Computerisation of Land Records and to document the efforts made on Consolidation and Computerisation in various States. ASCI has carried out the "spot study" on the progress of Land Consolidation and Computerisation of Land Records in ten States. The final report by the ASCI has since been received. It has recommended that there is no need for a Centrally Sponsored Scheme on Consolidation of land holdings.

### **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 Schedule 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 since enacted laws for this purpose.

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. 1.54 lakh cases covering an area of 3.63 lakh acres have been rejected by the Courts on various grounds. State-wise details are given in Annexure-XXXIV.

Although good results have been forthcoming in prevention of alienation and restoration of alienated tribal lands through efforts made by different States, but the task still remains to be completed. With a view to preparing a Draft Model Law on prevention of tribal land alienation and restoration of alienated tribal lands, 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 in April, 2000. The Group is expected to submit its recommendations in the near future.

### **Gender and Land Rights**

A number of 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. However, some of the States, including Haryana, J&K and Punjab are apparently yet to take adequate steps to

provide the Constitutional/Legal safeguards to women with respect to their access to land.

## **III. Implementation of Centrally Sponsored Schemes**

### **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 viz; Rangareddy (A.P.), Sonitpur (Assam), Singhbhum (Bihar), Gandhinagar (Gujarat), Morena (M.P.) Wardha (Maharashtra), Mayurbhanj (Orissa) and Dungarpur (Rajasthan) with a view to remove the problems inherent in the manual systems 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 people/planners and administrators.

#### **Objectives**

The main objectives of the Scheme are as follows:

- (i) Computerisation of 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 8<sup>th</sup> Plan

During the 8<sup>th</sup> Five Year Plan, the Scheme was approved as a separate Centrally Sponsored Scheme on Computerisation of Land Records. The total expenditure during 8<sup>th</sup> plan period was Rs. 59.42 crore.

### Progress During 9<sup>th</sup> Plan

During 9<sup>th</sup> Five Year Plan, the Ministry of Rural Development released a sum of Rs. 154.50 crore (upto 31.12.2001). At present, the Scheme is being implemented in 569 Districts of the country excluding those Districts where there are no land records. Since inception of the Scheme, this Ministry has released Rs. 218.94 crore upto 31.12.2001. The utilisation of funds reported by the States/UTs is Rs. 116.35 crore (upto 31.12.2001) which is approximately 53% of the total funds released. The Statewise progress of funds released and utilised by States/UTs may be seen in Annexure-XXXV.

### Operationalisation of the Scheme at Tehsil/Taluk Level

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

Taluk level for facilitating delivery of computerised land records to users and public at large. Under this programme, funds are released to the State Governments for purchase of hardware, software and other peripherals. A total of 2509 Tehsils/Taluks have been covered under the programme upto 31.12.2001.

### Pilot Projects on Digitisation of Cadastral Maps

This Ministry has sanctioned 32 Pilot Projects on Digitisation of Cadastral Survey Maps covering 22 States, viz., A.P., Chhattisgarh, 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. These Projects are at the various Stages of implementation.

### Major Achievements

- In Goa, in all the 11 talukas, CLR work has been completed with the distribution of computerized copies of RoR (Form No. 1 and XIV) to the land owners.
- States like Karnataka, Goa, West Bengal, Madhya Pradesh, Tamil Nadu, Rajasthan, Maharashtra, Sikkim, Kerala, Uttar Pradesh and Andhra Pradesh have made good progress under the CLR Programme.
- In Karnataka, the CLR work in 125 taluks has been completed, KIOSKS (Computer Centres) have been set up and online mutations entries are being carried out. A computerised copy of Records of Rights on payment basis is being provided to the land owners. On experiment basis, a

“Touch Screen” Kiosk has been set up in Bangalore (urban area).

- In Gujarat, computerised copy of Record of Rights (7/12,6,8-A) in 3 talukas are being issued to the land owners. 9 more taluks are ready for providing computerized copies of Record of Rights to land owners.
- In West Bengal, there are 18 districts out of which 9 districts have been fully operationalised and certified copies of Mouza are being issued to Land owners on nominal charges. Overall 92% data entry work has been completed.
- In Rajasthan, 158 tehsils have been operationalised out of 241 tehsils. Data entry work has been completed in 20, 064 villages out of 42, 372 villages (50% approx.)
- In Madhya Pradesh, 136 tehsils have been operationalised out of 257 tehsils in the

State. 97% data entry work has been completed. By the end of the March, 2002, all tehsils will be operationalised.

- In Tamil Nadu, data entry work has been completed in 17098 villages out of 17246 villages. In 50 talukas, the Scheme has been operationalised with installation of computers. In 7 talukas computerised copies of Record of Rights are being distributed to the land owners.
- In Maharashtra, data entry work has been completed in 11695 villages out of 41034 villages. The State has stopped the data entry work since 1999 as they have decided to go for comprehensive software to include other components like computerisation of Registration, Tehsils/Collectorate Computerisation and Land Records Information System. Now they have decided to start the data entry work soon.



*Hon'ble Minister (RD) inaugurating the computerisation of Land Records*

- In Uttar Pradesh, data entry work has been completed in 84857 villages out of 98449 villages. As per the Action Plan submitted by the State Govt., 2 Tehsils in each district will be operationalised by the end of December 2001.

- In Sikkim, 100 percent data entry work has been completed but 50% validation has been done and in remaining areas, it is under progress.

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

With a view to assist 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. 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 funded by the Centre and the State on 50:50 funds sharing basis. However, Union Territories are provided full assistance. The main objectives of the scheme are as follows:

- (i) Strengthening of Survey and Settlement Organisation of the States/UTs 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 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.

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

For availing 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 State/UT concerned, 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.

Financial assistance of 212.26 crore has been provided to the State Governments/UTs upto 31.12.2001 towards Central Share under the Scheme. A Statement showing the Statewise position of release of funds and its utilisation is given in Annexure-XXXVI.

## **Monitoring of the Centrally Sponsored Schemes**

States/UTs are required to submit Quarterly Progress Reports (QPRs) in the prescribed proforma on the progress of the above two Schemes. The Monitoring of the Schemes include 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 of Rights, land holders pass book, printing of revenue settlement maps, etc.

Monitoring of the Schemes is also being carried out in the following manner:

- Visits undertaken to the States by Area Officers under the Area Officers Scheme of the Ministry to review the Programmes.
- Visits to the State Headquarters and field visits by the Officers of the Land Reforms Division.

A consolidated statement showing break-up of total funds released (since inception) under the schemes of computerisation of Land Records (CLR) and Strengthening of Revenue Administration and Updating of Land Records (SRA & ULR) is given in Annexure- XXXVII.