

Chapter 8

Land Reforms

The National Government, since independence has been continuing to play its advisory and coordinating role in the field of land reforms as the subject is under exclusive legislative and administrative jurisdiction of the States as per Entry No.18 of the List II (State List) of the VIIth Schedule of our Constitution. Even then agrarian reforms remained as a central issue of our National Agenda for rural reconstruction ensuring social justice to actual tillers as well as landless rural poor and thus for creating sustainable base for the overall growth of industrial and tertiary sector of our economy. Generating greater access to land by the landless rural poor is also considered as an important programme for poverty alleviation in the rural sector. The Land Reforms (LR) Division has been, since the First Plan Period, playing a crucial role of evolving national consensus at various stages for taking up major steps towards effective land reforms which include abolition of zamindari and all intermediaries since the beginning of fifties, introduction of family ceiling from mid-fifties, reduction of ceiling limit in 1972 and monitoring the progress of distribution of ceiling surplus land as a part of the 20-Point Programme of the Government. It organised a large number of conferences of the Revenue Ministers, Chief Ministers, and initiated amendments of the Constitution 13 times for 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 the 9th Schedule.

In addition to playing advisory and coordinating role

on land reforms, the LR Division acts as administrative division of this Ministry for the purpose of administering the Land Acquisition Act including the 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 obligation, monitoring of land reforms measures and implementing three Centrally Sponsored Schemes as illustrated below in Part-I, Part-II and Part-III.

PART-1

Discharging Of Constitutional/Legal Obligations

Administration of Land Acquisition Act.

This Ministry being the Administrative Ministry in the Union Government to administer the Central Act on Land Acquisition, any proposal relating to amendment to the said Act by the Centre has to be taken up by the Division. The aforesaid Act was last amended by this Division 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, 1998 has been referred by the Cabinet to the Group of Ministers.

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 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 all proposals pertaining to the State Governments for amendments of their Land Acquisition Act, 1894 as required under clause (2) of Article 254 of the constitution. All State legislative proposals covering any enactment of the subject of acquisition and requisition of property or any other state legislation having a bearing upon the acquisition and requisition of land, has to be examined by the Division for the purpose of according Presidential Assent to such legislations as required under Article 200 (in case of Bills) or under provision to Article 213 (1) of the Constitution (in case of Ordinances).

Examination of other land laws

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

When President's Rule is imposed upon a State, this Ministry is required to discharge the responsibility of laying Ordinances in Parliament or enacting President's Act as and when powers of the State Legislature are conferred on the President by the Parliament under Article 357 (1). In addition, any Central Ministry, whoever proposes to make legislation having bearing upon acquisition/requisition of land seeks comments/observations from this Nodal Ministry. During the year under report, 6 Centra legislations and 27 State legislations were examined.

Acting as Administrative Ministry for RR Planning and Monitoring at the Central level

As per the direction of the Cabinet Secretariat, LR Division, on behalf of this Ministry, has been acting as Administrative division for drafting/formulating the National Policy, Packages and Guidelines on Resettlement and Rehabilitation since 1992. During the current financial year the efforts of the Division have reached a culmination point and the NPRR - 1998 is under the final stage of examination by the Cabinet. For providing statutory backing to the proposed National Policy Packages and Guidelines, this Division has initiated necessary amendments of the Land Acquisition Act. It has also initiated steps to prepare a National Level RR Data Base and to create necessary secretarial set up to support the proposed National Level Implementation and Monitoring Board to be constituted to overview the RR activities in this country.

PART - II

Monitoring of Land Reforms Activities

To play an effective coordinating and advisory role in the matters of various land reform activities taken up by the States/UTs, the LR Division specially monitors distribution of ceiling surplus land, government wasteland, bhoodan land, conferment of ownership rights to the tenants, prevention of alienation and restoration of tribal land, consolidation of holdings and other miscellaneous issues. A short resume of he latest position on each of the aforesaid issues in the national perspective is placed below :-

Distribution of Ceiling Surplus Land

As per point no.5A of the 20-Point Programme of the Government of India, the Land Reforms division fixes annual target for actual distribution of ceiling surplus land and brings out quarterly progress report collecting QPRs from the States.

Since inception of the ceiling laws on agricultural holdings, according to reports received upto the 30th September, 1998, the total quantum of land declared surplus in the entire country was 73.74 lakh acres, out of which about 65.11 lakh acres have been taken

possession of an a total area of 53.05 lakh acres have been distributed to 55.37 lakh beneficiaries, of whom around 36% belong to the Scheduled Castes and Around 14% belong to the Scheduled Tribes. The State-wise break-up of declared surplus, possession taken, ceiling-surplus land distributed and number of beneficiaries (cumulative upto 30.09.98) is given in Annexure-XXXI.

During the current financial year there has not been a substantial change in the figures of disposal and achievement on the four issues mentioned below. However, the cumulative position of implementation of he ceiling laws as regards to area declared surplus, area taken possession, area distributed and number of beneficiaries during the last two decades is indicated below to have a comparison with the latest figure as may be seen in table 7.1 :-

TABLE 7.1

(Lakh Acres)

Pre-revised and revised ceiling laws	Ason 31.3.80	Ason 31.3.85	Ason 31.3.90	Ason 31.3.95	Ason 30.9.98
Area declared surplus	69.13	72.07	72.25	74.10	73.74
Area taken possession	48.50	56.98	62.12	65.42	65.11
Area distributed	35.53	42.64	46.47	51.46	53.05
No of beneficiaries	24.75	32.90	43.60	49.94	55.37

The year-wise performance as regards distribution of ceiling surplus land, showing the targets and achievements during the last 14 years, is given below:-

TABLE 7.2

(Area in Acres)

	Target	Achievements
1985-86	125180	109245
1986-87	82278	90517
1987-88	270670	82198
1988-89	226479	134458
1989-90	191928	118122
1990-91	82200	89878
1991-92	119270	154067
1992-93	150720	111024
1993-94	598563	70887
1994-95	563860	75082
1995-96	79616	51886
1996-97	77230	25402
1997-98	52300	37362
1998-99	91530	14990

(Oct. 1998)

It is evident from the above data that there is a large gap between the annual targets and actual achievements. Unfortunately such gaps are increasing every year. While the implementation of present ceiling laws in undoubtedly tardy, it is unfortunate that an environment is sought to be created lately for giving exemption from ceiling laws to industry and large farmers. Some State Governments have already given relaxation without seeking Government of India's permission. The Government of India is, however, not in favour of any relaxation in the existing ceiling laws.

Distribution of Government Wasteland and Bhoodan Land

In addition to the distribution of 53.05 lakh acres of ceiling surplus land, figures collected from the States/UTs show that an area of 147.44 lakh acres of Government Wastelands have also been distributed amongst landless rural poor. However, the quantum of land reported by the States as distributed during 1998-99 till December 1998 is 2.48 lakh acres. The State-wise position of distribution of Government wasteland is given in Annexure-XXXII.

Similarly, the State Governments are requested to send the latest figure both showing the cumulative figure as well as current year's figure pertaining to distribution of Bhoodan land. The State-wise latest position as regards to distribution of Bhoodan land, as per revised reports received till December, 98 is given in Annexure-XXXII.

The Annual Conference of the Revenue Ministers held on 17th September, 1998 deliberated upon various issues connected with implementation of the land reform programmes and the States were impressed upon to take new initiatives including special drives, to hasten the process of the aforesaid land reforms measures.

Conferment of Ownership Rights to the Tenants

Legislative provisions have been made in extensive areas of the country providing for conferment of ownership rights on tenants or allowing cultivating tenants to acquire ownership rights on payment of a reasonable compensation to the landlords. Some of the States have acquired ownership of land from the

landowners and have transferred it to the tenants who have to pay a certain amount of premium to the State. Sub-tenancies are generally prohibited except in certain cases viz. widows, members of armed forces, minors, unmarried women, persons suffering from disabilities etc.

The programme for conferment of ownership rights to the tenants or otherwise protecting the rights of the tenants/sharecroppers from eviction-at-will is not getting adequate attention from the State machineries. The States are not giving specific figure on the number of tenants who have been conferred ownership rights on the tenanted land separately from those who have been only recorded to prevent eviction at will. Such separated figures could not be obtained. However, 124.22 lakh tenants have their rights protected over an area of 156.31 lakh acres. Cumulative figure showing the total number of tenants and share-croppers received ownership rights or protection from eviction-at-will in connection with land held by them under personal cultivation, as reported by the States/UTs upto 31-12-98 is given in Annexure-XXXIV.

Prevention of Alienation and Restoration of Alienated Tribal Land

Article 46 of the Constitution enjoins an obligation upon the States to promote the interests of the 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 the restoration of the alienated land to the tribals. The States with large tribal population have enacted laws prohibiting alienation of tribal land and for restoration of alienated land. The legal provisions are however, generally applicable to the tribals living within the Scheduled and notified areas. Though some results have been forthcoming in the efforts undertaken by different States for restoration of tribal lands, the task still remains unfulfilled.

As per reports received from 11 States on the aforesaid subject 4.65 lakh cases of tribal land alienation have been registered so far covering 9.18 lakh acres of land, of which 2.02 lakh cases have been disposed of in favour of the tribals covering a total area of 5.31 lakh acres of alienated land but only 4.61 lakh acres

of land have been physically restored to the tribals. State-wise figures are placed in Annexure XXXV.

With a view to prepare a draft model law on tribal land alienation, during 1998-99 steps were continued for the preparation of State-specific status papers after which a consolidated view is to be taken and the model law prepared in consultation with the Ministry of Welfare and the SC/ST Commission.

Consolidation of Land Holding Programme

Consolidation of Agricultural Holdings forms an integral part of land reforms policy and Five Year Plans have accordingly been laying stress on the importance of its implementation. This operation is considered necessary for planned development of villages and achieving efficiency and economy in agriculture. In pursuance of this strategy, a number of States have enacted legislation of carrying out consolidation of holdings. However, it appears that the programme of consolidation of agricultural land holdings has virtually stopped all over the country except in the State of Uttar Pradesh, where annually about 900 to 1000 villages are being covered under the programme. So far an area of 1583.45 lakh acres or 640.81 lakh hectares have been consolidated in the country. The position reported by 14 States/UTs indicating the area covered under the aforesaid programme and year of suspension of the programme is given in Annexure-XXXVI.

PART - III

Implementation of Centrally Sponsored Schemes

Central Sector Scheme for Financial Assistance to Institutions / Agencies for Agrarian Studies

The aforesaid Central Sector Scheme was introduced in the year 1972-73. Under the scheme financial assistance is provided to various institutions/agencies for conducting agrarian studies on important aspects of land reform measures to have a concurrent evaluation of the impact of various land reform legislations in the entire country.

During the Eighth Five Year Plan a total amount of Rs.92.76 lakh have been utilised for conducting agrarian studies through 45 institutions/organisations/subject-matter specialists covering various aspects like evaluation study on allotment of ceiling surplus land, impact of tenancy reforms, problem of tribal land alienation, gender discrimination in land laws, displacement and rehabilitation of families affected by land acquisition, impact study on computerisation of land records, etc. The expenditure under the Scheme during 1997-98 was Rs.38.84 lakh.

During the year under report, against the budgetary provision of Rs. 61.00 lakh, Rs.58.00 lakh has already been utilized by 31.12.98 for conducting agrarian studies on various subjects including evaluation studies on the programme of Computerisation of Land Records. The number of new studies sanctioned during the year upto 31.12.1998 is as under :

S. No.	Subject	Number of Studies sanctioned
1.	Evaluation studies on the scheme of computerisation of Land Records	8
2.	Conversion of Agricultural Land for Non-agricultural purposes	5
3.	Impact of Industrialization / Urbanisation	2
4.	Rehabilitation	2
Total		17

A Research Advisory Committee examines the proposals and based on its recommendations, decision on release of funds is taken for utilisation of the budgetary allocation.

In addition to having a concurrent evaluation on various aspects of land reforms in India by the Land Reforms Unit, now known as 'Centre for Rural Studies' of the Lal Bahadur Shastri National Academy of Administration, Mussoorie, the said Unit has brought out a number of good publications on various issues pertaining to land reforms written/edited by eminent personalities in the concerned field. During the financial year 1998-99 funds to the tune of Rs.25 lakhs were provided to the Academy which have been fully utilized by the Academy under the

programmes/schemes/activities suggested by the Ministry.

Central Sector Scheme for Computerisation of Land Records

During 1988-89, pilot projects for computerisation of land records were taken up as a sub scheme of agrarian studies and upto 1991-92 a total amount of Rs.5.02 crores was released to cover 24 districts under the programme in various States.

During the Eighth Plan period the budgetary provision for both agrarian studies and computerization of land records was Rs.65.00 crores, out of which funds for computerisation were separated from the total



Computerisation of Land Records at Kottayam, Kerala

allocation, providing Rs.48 crores for the computerisation programme exclusively. Out of the aforesaid amount, the expenditure under the scheme was Rs.59.42 crores on financing a total number of 323 projects in various States/UTs.

During 1997-98 against the allocation of Rs.20 crores under the Programme funds to the tune of Rs.20.19 crores were released to the States/UTs to cover additional 177 new project districts in addition to providing second/third/fourth/final instalments for the on-going projects and for operationalisation of the Programme in 470 Tehsils/Blocks. Thus by 1997-98, 500 Districts and 470 Tehsils in the country were covered under the Programme. The number of Districts covered under the Scheme also include Districts which have been bifurcated by creating new

Districts by the States.

With a view to develop an 'on-line' Land Management System in the Country, in addition to computerisation of land records, it was decided to take up computerisation/digitization of the existing cadastral maps. Accordingly, during 1998-99 the Budget Provision under the Scheme was increased by Rs.10 crores from Rs.20 crores during 1997-98 to Rs.30 crores. Out of this budget provision, upto 31-12-1998 funds to the tune of Rs.12.84 crores have been released to the States by covering 28 new Districts under the Scheme and by operationalization of the programme in 275 Tehsils/Talukas/Mandals. In addition, 4 pilot projects on digitization of existing cadastral maps have also been sanctioned. The balance funds are proposed to be provided to the States by operationalization of the Scheme in more number of Tehsils and by sanctioning more pilot projects on digitization of cadastral survey maps.

In spite of correspondence, field visits and National level Conference held in connection with speedy

and effective implementation of the programme of Computerisation of Land Records, the physical and financial progress reported by the States are not satisfactory. The reasons forwarded by the States include late delivery/installation of hardwares by the NIC, delay in constructing computer rooms at district tehsil/headquarters, deficiency in training input and lack of necessary infrastructure at tehsil/block/mandal levels. However, the States have been urged to take up appropriate and corrective steps to improve upon the process of implementation of the programme.

To have an evaluation of the programme of Computerisation of Land Records, eight studies have been entrusted to eight reputed Non-Governmental Organisations during the year. The results of the studies are expected to help in initiating effective steps for better implementation of the programme.

The State-wise position of total number of projects sanctioned and funds released is given in Annexure-XXXVII.



Central Record Room: Revenue Complex, Jammu and Kashmir

Centrally Sponsored Scheme for Strengthening of Revenue Administration and Updating of Land Records (SRA&ULR)

This scheme was first approved by the Cabinet during 1987-88 for States of Bihar and Orissa. In the year, 1989-90 the Scheme was extended to other States and funds were released to various States during 1989-90, 1990-91 and 1991-92. The expenditure under the Scheme upto 1991-92 was Rs.36.63 crores towards Central Share.

The Eighth Plan provision for the Scheme was Rs.175.00 crores. However, the expenditure under the scheme was Rs.98.23 crores. The main reason for this lower level of expenditure has been that the State Governments have not been able to provide their matching share in time which results in accumulation of unspent balances with them towards Central Share and non-release of further funds to them. During the year 1997-98, against the budget provision of Rs.18.80 crores, the expenditure under the Scheme was Rs.18.83 crores.

During the financial year 1998-99, keeping in view the increased requirement of funds under the Computerisation of Land Records Programme and that the overall allocation under the Land Reform Schemes remaining the same, the budget provision under this Scheme was reduced from Rs.18.80 crores to Rs.8.80 crores which has almost been utilized by providing funds to the States for strengthening their revenue administration and updating of land records by way of induction of modern technology/equipment in the field of survey and settlement, strengthening of training infrastructure of the Revenue, Survey and Settlement staff, creation of facilities for maintenance and storage of land records, purchase of basic office equipments for the offices of Revenue/Settlement Department at the lower levels etc.

The States/UTs have been advised to expedite expenditure, submit utilisation reports as well as seek funds on schemes having higher priorities and also to enhance State budgetary provision to avail more financial assistance under the scheme. The State have also been requested to take up resurvey and settlement operations by preparing necessary schemes

and programmes to adopt new technology in the field of survey, settlement, updation/reproduction of maps and revenue records which include use of Photogrammetric System, Global Positioning System (GPS), Total Station, use of Scanner and Digitizers for preservation, updation and reproduction of cadastral maps etc.

During the last few years, the Programme Division has allocated major amount of funds under this Scheme for development of infrastructures for revenue administration as well as to meet training need of the revenue officials, Some States have, with such financial assistance, developed State-level, regional level and field level training institutes or have upgraded the same, Further, some States have constructed record rooms for proper storage of land records.

State-wise break-up of funds released towards Central Share year-wise during the Seventh and Eighth Five Year Plans and in the first two years of Ninth plan as well as utilisation reports received has been compiled and placed at Annexures-XXXVII and XXXIX.

Other Activities During the Financial Year Conference of Revenue Ministers and Secretaries of the State Governments

The conference was organised in Vigyan Bhavan on 17th September, 1998 to monitor the progress and suggest effective measures for time-bound implementation of the programme of computerisation of land records including digitization of cadastral maps. In addition, the other components of the Land Reform Policy viz. distribution of ceiling surplus land, updation of land records etc. were also discussed in the Conference. The Conference laid stress on further intensifying the programme of distribution of ceiling surplus land, Bhoodan land and Government wastelands inter-alia by gearing up the revenue machinery, by preparing action plans and by undertaking special drives for completing the distribution process of the ceiling surplus land, Bhoodan land and Government wasteland which are free from all encumbrances. The Conference also emphasized the need for launching a special drive for restoration of alienated tribal land and involvement

of Panchayati Raj Institutions and other non-governmental organisation in the process. While considering the status of revenue administration and land records, the Conference recommended the need for time-bound action plans for taking up survey and settlement operations, adoption of modern technology in this field and computerisation of the land record system including digitization of cadastral maps. These recommendations are being vigorously implemented with the assistance and cooperation of the State Governments.

Publication and Circulation of Policy Papers

Policy Paper on the following subjects were prepared, published and circulated to the concerned Ministries/ Departments of the Government of India and the state Governments for obtaining their views so that suitable further action could be taken for finalizing the policies :

- Women and Land.
- Land Acquisition
- Resettlement and Rehabilitation of displaced persons.
- Conversion of Agricultural Land for Non-Agricultural Purposes.
- Tenancy Reforms.

Conferences/Workshops on Resettlement and Rehabilitation

To have national and international perspective of Land Acquisition and Rehabilitation, the following meetings/workshops were organised/financed during the year :

- An international workshop on 'Displacement and Rehabilitation in India-Future Perspectives', held from 1st to 3rd June, 1998 at the Lal Bahadur Shastri National Academy of Administration, Mussoorie was financed.
- A workshop of NGOs on Land Acquisition and Rehabilitation, held on 11th November, 1998 at the Indian Social Institute, Lodhi Road, New Delhi, was financed.
- A workshop on Land Acquisition and Rehabilitation was organised on 21st December, 1998, at SCOPE Complex, New Delhi.

In addition to what has been said above, the division has many other miscellaneous activities including conducting action-researches, workshops, studies through National Institute of Rural Development, Hyderabad and Lal Bahadur Shastri National Academy of Administration, Mussoorie. It also runs the Centre For Rural Studies at Mussoorie.