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India's Land Reforms:

Exemplifying the gap between
principle and realisation

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| Aripta Victor



Discussion Paper

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ABSTRACT

Land rights are often touted as a means to empower the economically backward classes. The early completion of effective land reforms was key to the economic growth and development of many (now developed) countries. While the importance of land reforms was emphasised in newly independent India 75 years down the line, one finds that land reforms have singularly failed. This is despite the significance land holds in the country's political discourse with its centrality in peasant strife since colonial times. To understand whether redistributive land reforms hold any value in today's context, marked as it is by increasing economic inequalities and disparities, this paper attempts to dissect the class dynamics that contributed to the failure of land reforms in India and analyses the changing rhetoric over redistributive land reforms since independence.

Keywords: Land reforms, Land redistribution, Property, Agrarian class relations, Farming

INTRODUCTION

Domestic governments across the world, especially in the mid-twentieth century, undertook significant reforms to decrease inequalities in land ownership. However, India's case could not be any farther from satisfactory. The post-independence state failed to bring reforms, despite popular support and demand from the masses for structural reforms in agrarian land relations. Its Five Year Plans and numerous reports continually emphasise the need for redistributive land reforms. Land reforms mostly took on the form of the redistribution of privately owned land that exceeded a certain limit. This excess land was called "ceiling surplus land", and this limit varied from state to state as land is a state subject. Though redistribution of ceiling surplus land has failed, it is worthwhile looking into the reasons, both at the national and grassroots level, to understand the reality of land redistribution since the problem at hand is far more complex than just the poor implementation of the reforms.

Owning land or property has long been seen as a source of political and economic agency because it enables the owner the right "to use, sell rent, profit from, and exclude others from" the resources made available from that property (Riker and Sened, 1991). Legal positivist Jeremy Waldron (2020) defines property as a "term for rules that govern people's access to and control of things like land, natural resources, means of production, manufactured goods, and intellectual products", making a strong case for the ownership of some form of capital, especially land, as a means to take the first step towards achieving societal equity. Therefore, land redistribution is considered an effective means to eliminate poverty and bring about agrarian class reforms in ownership (Besley and Burgess, 1998).

Subsequently, this paper will thus examine and analyse the political economy of land redistribution in India to understand the irrevocable failure of land reforms to benefit the poor person as they should have. In doing so, the paper will study the demand for land reform from the grassroots in the form of movements while addressing how the government chose to respond, or not respond, to the demands.

A HISTORY OF PEASANT MOVEMENTS FOR LAND REFORMS

In 1990, P. Radhakrishnan declared that "land reforms can be expected to be a moderate success only in those states where the potential beneficiaries, the rural masses, are highly organised and politicised, capable of fighting for their rights" (Radhakrishnan, 1990). History is replete with examples to show that they have been a moderate success, especially in newly independent India, when neoliberal forces had not yet fragmented the peasantry into highly disparate classes. There is a distinction between peasant-led movements like the Telangana Movement in erstwhile Andhra Pradesh, the Tebhaga and the Naxalbari Movement in West Bengal, and the Kagodu Satyagraha in Karnataka vis a vis the movements led by the wealthy farmers of Uttar Pradesh, Punjab, Gujarat, etc., as explained by Pai (2010) in her work on farmer's movements. The common cords of exploitative patron-client relations between the landlords/middlemen and tenants/small farmers tied the former peasant-led movements together. Peasant-led movements against landlord exploitation also had political backing from the Communist Party of India [CPI], a crucial factor in the peasantry's mobilisation. The All India Kisan Sabha, the farmers' wing of the CPI, was formed in 1936 to mobilise the peasantry and their grievances against the exploitation they faced at the hands of zamindars, landlords, and middlemen. Its members include prominent proponents of redistributive land reform and social justice, including E. M. S. Namboodiripad, Ram Manohar Lohia, N. G. Ranga, Karyanand Sharma, and others.

The Telangana Movement was one such peasant struggle backed by the CPI. It was a result of decades of harsh taxes and bonded labour (vetti) imposed on the peasants and tenants by the local intermediaries charged with revenue collection, colloquially called doras (Mathews, 2021). The movement was also home to class and caste struggles as well. The revenue collectors were predominantly Kammas and Reddys, both traditional forward castes, while the impoverished peasants were either tribal or belonged to the untouchable castes (Ratnam, 2008). In this context, and that of Communist mobilisation in the Telangana region, severe agrarian distress in the post-war years, additional taxes and bonded labour being imposed (Srinivasulu, 2002), the setting was ripe for civil unrest. Triggered by a local revenue collector shooting a peasant leader in Nalgonda, the movement became an armed struggle against the Nizam's doras (Sundarayya, 1973). Sustained guerilla warfare put the Nizam's forces on the back foot until the Indian government stepped in to annex Hyderabad and put down the communists (Guha, 1976). Yet, while the movement lasted, the land of the doras was seized by the peasants and redistributed among themselves, relieving them from paying high rent, taxes, or repaying debts (ibid.).

At the same time, in 1946, West Bengal saw the Tebhaga movement, where the sharecroppers demanded ownership of two-thirds of their produce (Dhanagare, 1976; Ghosh and Nagaraj, 1978). Under the bargadari cultivation system, the tenants gave half their produce to the rich peasants, the jotedars. This movement sowed the seeds of Operation Barga, which saw 12 lakh sharecroppers "who were de-facto tenants at will" get secure land tenure through registration in record-of-rights within three years (Bandyopadhyay, 2001).

FIVE YEAR PLANS AND GREEN REVOLUTION: THE EFFORTS FOR LAND REFORMS

Despite such long-drawn and often violent uprisings in rural India, the voices of the tenants and landless labourers get overlooked. While those at the highest levels of government have taken notice of the glaring disparities among agrarian classes, the overtures to address the concerns of the peasant masses remain tokenistic.

Soon after independence, Prime Minister Nehru set up the Congress Agrarian Reforms Committee in 1949. It aimed to "examine and make recommendations about agrarian reforms arising out of the abolition of zamindari system [...] consider and report on co-operative farming and methods of improving agricultural production, the position of small holdings, sub-tenants, landless labourers" (Report of the Congress Agrarian Reforms Committee, 1950). Based on its observations, the committee made four recommendations. First, that "the agrarian economy policy should provide an opportunity for the development of the farmer's personality"; second, that "there should be no scope for exploitation of one class by another"; third, that "there should be maximum efficiency of production"; fourth that "the scheme of reforms should be within the realms of practicability" (ibid.).

The First Five Year Plan [FYP] had a major thrust on the abolition of intermediaries, tenancy law reforms, and the fixation of ceilings. The 1957 general election saw the Praja Socialist Party, the Communist Party of India, and the Jana Sangh make promises to fix land ceilings and redistribute surplus land in their manifestos (Krishna, 1959). In 1959, the Indian National Congress itself split as members dissenting against the Nagpur Resolution of the Congress exited and formed the Swatantra Party. The exits dealt a big blow to the Congress with the departure of stalwarts like K. Kamaraj and Morarji Desai from the party. The resolution had called for the fixing of land ceilings, cooperative farming, and a takeover of food grain by the state. Subsequently, 1964 resulted in the Communist

Party of India's split, where the far-left faction broke off into the CPI (Marxist) following the aftermath of the Sino-Indian War and the Sino-Soviet Split during the early 1960s.

The Second FYP focused on the redistribution of land by imposing land ceilings and the confirmation of land ownership, while the Third FYP furthered the policy actions of the first two plans and emphasised the need to complete land reform to enable agricultural growth. Post the mid-term appraisal of the Third Plan in 1963, the National Development Council reviewed the progress of the land reforms and found that "on account of legal and other factors, in some states, the legislation had not been fully enforced" (Planning Commission of India, 1966). The need for speedy implementation of the land reforms was urged yet again. At the time of The Fourth FYP (1969-1974), only 16% of tenants gained ownership, and 82% did not have secure tenure of their land. This was despite almost 20 years of the initiation of land reforms in independent India (Bandyopadhyay, 1993).

Most importantly, the Green Revolution was in full swing. The decade between 1967 and 1977 changed the nature of agrarian class relations and the dynamics of rural-class interaction with the state. The shift in class dynamics was a move away from the mass guerilla-style revolts against the state to a state-led promotion of efficiency and increased productivity through "technological agrarian policy" embodied in the Green Revolution (Pai, 2010). The rich peasants became the prime, if not sole, beneficiaries of the abolition of the zamindari system. They leveraged the Green Revolution to vastly increase production efficiency and have a greater say and sway over agrarian social policy, much more than the small rural peasants and landless labourers could. These dynamics saw the latter pushed further down the socio-economic ladder. The main reason land reforms were pushed in the 1960s was that studies had shown that the productivity of small land holdings was much higher for the same amount of land than on more extensive land holdings. However, with the Green Revolution and the advent of scientific interventions in the form of High Yield Varieties of crops, the need for the fragmentation and redistribution of larger land holdings to increase productivity lost its significance (Pai, 2010).

PREEMPTIVE LANDLORDS AND RICH PEASANTS: OBSTACLES IN LAND REFORMS

An important dynamic to be noted in the politics of newly independent India is the Congress government's co-opting of big industrialists and private capital interests under the veneer of nationalism and socialism. The abolition of the zamindar class, originally a creation of the British colonial powers, worked to benefit the new Congress government. This worked since the zamindars no longer threatened the new state's power and made the rich peasants with large land holdings the new big players in agrarian society and politics (Harriss, 2010; Jalal, 1995; Kohli, 2010). Congress incorporated these rich peasants into the party to establish their power in the states. In doing so, the affluent peasants remained autonomous from the majority of social classes, which were backward and downtrodden (Jalal, 1995). Ideally, many rich peasants would be directly affected by the land ceiling laws. However, they held significant sway over state governments responsible for implementing the laws, and therefore, these peasants had a legal system in their favour. This nexus effectively blocked the realisation of equitable land redistribution (Kohli, 2010).

This block is evident even in the states where the reforms were relatively successful. Kerala's land redistribution model, as mandated by the Kerala Land Reforms (Amendment) Act of 1969, was successful only in abolishing the intermediaries and tenancy. It failed to enforce land ceilings and redistribute land out of fear of alienating the political and administrative elite in the state. Studies

have shown that estimates of the land declared surplus vary from “two lakh acres to eight lakh acres if all categories of surplus land, including private forests and land are taken in consideration” (Special Correspondent, 1977). Seven years after enacting the Land Reforms (Amendment) Act of 1969, “only 23,000 of the 38,000 ceiling returns filed were disposed of, yielding a mere 63,000 acres of surplus area of which 31,000 acres had been possession of. This [was] hardly one-half of one percent of the total net sown area, which is incidentally also the all-India average” (ibid.).

In 1977, 0.7% of agricultural households owned 45% of the land while 72% held only 11%. The statistics show that with the abolition of tenancy, the tiller, instead of getting land, has been dispossessed. Radhakrishnan (1981) noted how Kerala's Communist Party coming to power in 1957 stirred up the landlord class. Anticipating the land reforms, the class preemptively redistributed their excess holdings among those close to them, resulting in many bogus land transfers. They also converted a lot of land into plantations which were exempt from land ceilings, undoing the intended impact of the land redistribution initiatives of the state government.

On the other hand, West Bengal saw the newly elected CPI (M) government put into motion Operation Barga. It arrived on the heels of the 1979 amendment to the 1955 land reforms law and closed the loopholes landlords leveraged by setting down clear restrictions on what landlords could claim as personal cultivation (Banerjee et al., 2002). While the objective of the operation was not to redistribute land, it set out to secure the bargadars' or sharecroppers' tenure in West Bengal. The securing occurred by making sharecropping tenancies permanent and hereditary, along with increasing the registration of the tenants. By the end of 1993, 65% of bargadars were registered, and Operation Barga was deemed successful (ibid.). While the operation did not redistribute land, its measures to make land tenure permanent showed increased investments in human capital by the bargadars, especially in terms of education (Deinenger et al., 2008).

However, socialism continued to recede from India's policy and decision-making processes in the 1980s. The realisation of the radical reforms' adverse effects, such as land redistribution in the corporate sector, took hold, and the Indian state moved away from labour welfare and towards the capital. Therefore the discourse moved from land ownership and secure tenure to the encouragement of big industry and capital. This shift was reflected in the Singur and Nandigram peasant struggles in West Bengal in the latter part of the 2010s. Herein, land acquisition for industrial purposes took precedence over peasant interests by the same CPI(M) that orchestrated Operation Barga (Banerjee, 2007).

As Pai (2010) points out, the peasantry has grown more fragmented since the end of the twentieth century, making it harder to mobilise for reforms. The wealthy farmers have gained from state and national level agriculture policies. Additionally, the states' Land Reform Acts enabled private enterprises and cash crops at the cost of small farmers, who could not make the most of these. There is thus a stark difference between the needs of the big and small farmers. The latter oppose privatisation of agriculture and are directly affected by land acquisition for mining and industrial projects and by the general decline of agricultural activities (ibid.).

LAND REFORMS IN THE MODERN TIMES: SCOPING THE POLICIES SO FAR

The fact remains that there is inequality in 21st century India post the structural reforms in spite, or even because, of increasing economic growth. While inequality is starker with regard to livelihoods, gender, health, and environment, this trend is not unique to India.

Equitable land holding is directly linked to the fulfilment of SDG 1 to “end poverty in all its forms everywhere”. Its subpoint 1.4 “ensure[s] all men and women, in particular, the poor and vulnerable, have equal rights to economic resources, as well as access to basic services, ownership and control over land and other forms of property, inheritance, natural resources, appropriate new technology, and financial services, including microfinance”. Specific to land inequality is the second indicator for target 1.4 that measures the “proportion of total adult population with secure tenure rights to land, (a) with legally recognized documentation, and (b) who perceive their rights to land as secure, by sex and type of tenure” (Land Portal Foundation, 2022).

The International Land Coalition (2020) reports that land inequality also comes in the way of SDG 16’s aim of promoting just, peaceful, and inclusive societies by increasing instances of conflict related to land and intergenerational justice, restricting livelihoods and opportunities (SDG 8), worsening inequalities (SDG 10), and indirectly affecting many others. The same report makes a significant point concerning land inequality. It highlights the importance of land inequality since it:

“sits at the heart of other forms of inequality. It is fundamentally related and often central to broader inequalities, such as wealth inequality, political inequality, social inequality, gender inequality, environmental inequality, and spatial inequality, in particular in agrarian societies.”

(International Land Coalition, 2020)

While land reforms and changes in political structures saw land inequality decrease over the past century, the Land Inequality Initiative shows that it is back on the rise to levels seen only before the second world - touching a Gini coefficient for land redistribution a bit over 0.62 in 2017, a number seen before only in the 1930s (International Land Coalition, 2020).

The report also posits that while India, Bangladesh, and Pakistan appear to be moderately equal in using traditional measures, where landless population and land values were concerned, they had the highest levels of inequality (ibid.). India, along with the rest of South Asia, is characterised by small landholdings. This is backed by numbers from the 10th Agricultural Census 2015-16, according to which 70% of households are primarily dependent on agriculture for livelihood, and 82% of all farmers are small and marginal (Bera, 2018). Collectively these farmers own only 47.3% of India’s crop area, with an average land holding of 0.6 hectares (ibid.). On the other hand, a large farmer with 10 hectares of land or more has an average of 45 times more land than a marginal farmer. Meanwhile, 56.4% of rural households have no agricultural land at all (Chaturvedi, 2016). Along similar lines, the Report of the Committee on State Agrarian Relations and the Unfinished Task in Land Reforms, 2009 stated:

“Land is of critical significance to the vast majority of the poor who derive their livelihood from agriculture. Physical subsistence, procuring a decent, dignified livelihood and the well-being of entire families depend on land. The issue of land rights and access to resources is, therefore, one where land must be envisioned as a productive unit which sustains interrelated livelihood resources”. (WBXPress, 2021).

The major issue today is rural India's dire state of land holding. It is dominated by small or marginal land holdings, as noted earlier. The Report of the Committee on State Agrarian Relations and the Unfinished Task in Land Reforms, which came out in 2009 (ibid.), comprehensively assesses the state of land reforms in the country. It details the "rising trend in the loss of land [...] due to various factors [...] from development and state owned mega projects of heavy industries".

It also states that "In what continues to be primarily an agriculture based economy, rural poverty and well-being remain closely tied to questions of land ownership and control. The country will never be able to find a structural solution to rural poverty without reforms that ensure equitable access to land." According to the socio-economic and caste survey of 2011, the government found that landlessness was a major indicator of rural poverty," and that almost 54% of the rural population lives without any ownership of land (Draboo, 2015). In contrast, according to the National Sample Survey of 1958, there were about 6.6 crore households residing in the rural areas, owning approximately 31 crore acres of land. Of these, 1.5 crores, or about 22%, did not own any land. Another 25% owned less than one acre each (Krishna, 1959).

Chaturvedi (2016) noted the trend of deprioritising land redistribution. The research reportage shows that in the 54 years since land redistribution laws were passed in various states, the policy has abjectly failed. This is not likely to change because the land declared surplus and redistributed is falling yearly. According to data gathered from the Ministry of Rural Development, Government of India, in 2015 (ibid.), the land declared surplus was 67 lakh acres, of which the government took possession of 61 lakh acres and distributed 51 lakh acres to 57 lakh people. They also reported a decrease in the amount of land declared surplus every year. This was evident in how between 1973 and 2002, around 1.5 lakh acres were declared surplus; however, between 2002 and 2015, the surplus reduced drastically to an average of 4,000 acres. Another failure of reforms is the surplus land under litigation increased by 23.4%, from 9.2 lakh acres to 11 lakh acres just between 2007 and 2009 (ibid.).

In 2013, the Centre released the draft National Land Reform Policy with five goals. They were to distribute land to all landless poor, restore land unjustly taken from vulnerable communities like the Dalits and tribals, protect the aforementioned's land and the common land, liberalise leasing laws, and improve the land rights of women. However, the draft did not pass, much like the national homestead bill tabled around in the same session that aimed to ensure that every "entitled rural person gets homestead land with an area of one-tenth an acre, roughly the size of a tennis court".

According to Harsh Mander (2013), the bill failed because it did not consider the vested interests of corrupt bureaucracy and political powers and of the caste and class relations that prevented a proper implementation of earlier land reform laws. The failure of the bill lay in its inability to consider that average land holding was below one acre, reducing the feasibility of redistributive land reforms, aside from the fact that the state now enables industry over agriculture. Other sources support this argument citing similar reasons for the failure and reiterating that a well-off Indian farmer holds land 45 times more than their poorer counterpart. The bill could also not tackle roadblocks such as land records not being maintained, thereby making it difficult for state governments to determine with accuracy who owns how much land. This problem was compounded by the fact that independent India has not carried out a cadastral survey¹ (Mookherjee, 2013).

Furthermore, the failure of land reforms in states like Gujarat, where only 12.9% of the total land is marked for redistribution, is an example that states are sitting on a lot of land without redistributing it (Mookherjee, 2013). According to Chaturvedi (2016), in all of India, the total land redistributed comes up to just half the area of the state of Haryana.

1 - A cadastral survey is a land survey of real estate to determine the boundaries of both public and privately owned land to understand the status of land ownership.

CONCLUSION

Land reforms have not achieved their desired objectives in India, even though they remain an essential means to address inequality. Despite efforts to revive the reforms since their decline in the 1960s, their incomprehensive nature resulted in the Draft Land Reforms Policy failing to pass in the parliament in 2013. Yet, it may also be true that the need for land reforms has perhaps not been felt as acutely as in recent years, but for different reasons than they were in newly independent India. The discourse on land reform is functioning on new dichotomies now, those arguing for neoliberal capitalist land reforms to increase the area under production by deregulating tenancy and land ceilings and those jaded by the careless implementation of the land reforms in the first decade of independence (Agarwal, 2021; Mander, 2013).

Land reforms, especially redistribution, and the way they were envisioned in Nehruvian socialist India seem unlikely to gain traction today, given the vastly different social and economic conditions. Agriculture's share in the GDP has been stagnating as services and production increase while land holdings fragment, making acquisition for redistribution an unviable and unenviable task. The discourse on land reforms is now dominated by advocacy for reforms to ease business in India (Shettigar and Misra, 2020; Agarwal, 2021), and social equity does not seem to be a major concern. Even the NITI Aayog has argued for large-scale land leasing reforms through the Model Agricultural Land Leasing Act of 2016. It aimed to enable significant capital to put agricultural wasteland to productive use and for the reliable digitisation of land records.

In recent years, the country has seen various legislations to reform the agrarian land sector. August 2008 saw the Digital India Land Records Modernisation Programme [DILRMP] launch to computerise all data and improve transparency. The programme aims to digitise maps and surveys, update records of settlement, and reduce the chances of land disputes. In 2020 on the Panchayati Raj Diwas, current Prime Minister Modi launched the Svamitva [Survey of Villages Abadi and Mapping with Improvised Technology in Village Area] Scheme supposed to "revolutionise property record maintenance in India" by mapping "residential land ownership in the rural sector using modern technology like the use of drones," (Hindustan Times, 2020).

In 2016, the NITI Aayog also released the Model Agricultural Land Leasing Act along with the Report of the Expert Committee on Land Leasing, which called for reforms to enable agricultural efficiency and increase equity, occupational diversification, and rapid rural transformation (Kumar, 2016). Land leasing here has been seen as a measure to ensure the security of land tenure for owners, which is supposed to translate into tenure security for tenants and thus enable their access to credit and crop insurance (ibid.). While all these actions have been taken in the name of the rural farmer, we stand to see which economic interests prevail in the context of a highly differentiated and unequal agrarian society and economy.

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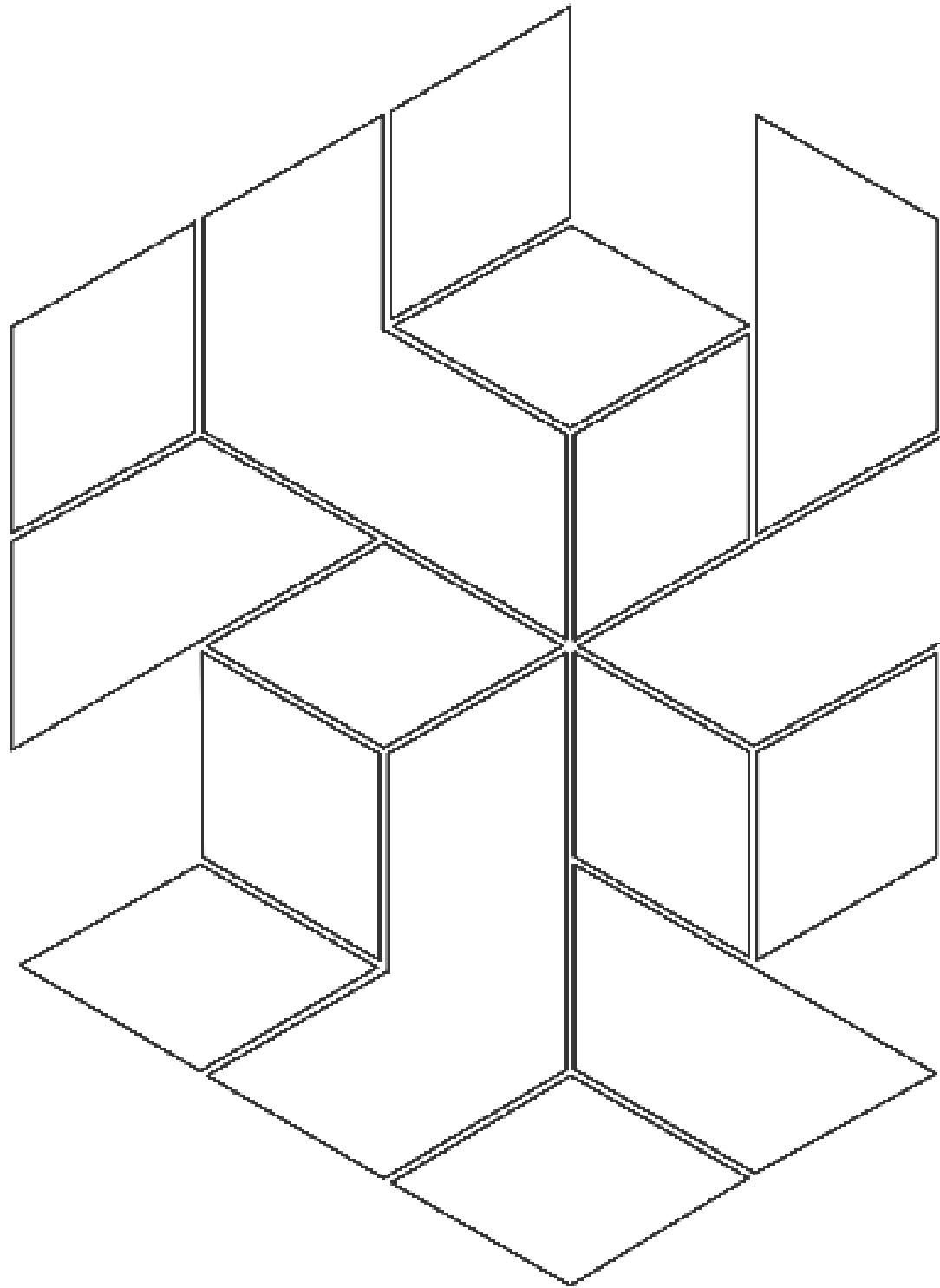
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