

LAND TENURE PROBLEMS



Symposium

held on 7th & 8th Decr. 1946

at

Gokhale Hall, Madras

*(Addresses delivered, Papers read
and speeches made)*



The Andhra Institute of Public Affairs

RAJAHMUNDRY

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Sri Venneti Satyanarayana, Rajahmundry.

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FOREWORD

The Reform of Land Tenure is now prominently before the Provincial Government. It is a problem very intimately connected with the rural population. They represent more than 75% of our total strength, and agriculture is their main occupation. It is therefore the general masses that will be most affected by the proposed reform. The wishes of the people at large will naturally therefore have to play the most important part in the shaping of any reform of land tenures. Fortunately, we have at present a Popular Government at the helm of affairs; and therefore it rests upon that Government to invite the views of enlightened citizens on this problem, and investigate into and ascertain, by all other means, the trend of public opinion in regard to this question, before taking any final step in this direction.

It should be borne in mind that Land Tenure is a very complex and complicated subject. It therefore requires a close and a thorough study, and will have to be examined from all possible angles of vision.

Briefly stated, the reform contemplated by the Government seeks to bring the rents in the zamindari areas to the level of those that obtained in the year 1802, and abolish zamindaries and absentee landlordism by compensating the zamindars and landlords in money, for the land taken from them.

It is not the object of this Institute to go into the implications, or sit in judgment over the desirability or otherwise, of the proposed changes, in the existing system of land tenure in this Province. What it endeavours to do

is to lay before the public and the Government the valuable opinions and views held by some of our distinguished compatriots following different walks of life, so as to assist them in arriving at the right conclusion.

Among those who participated in the discussion are reputed lawyers, experienced administrators, distinguished economists, cultivating agriculturists and politicians, zamindars Congressmen, Ministerialists and others representing almost all possible varieties and shades of opinion both for and against the reform. Whatever might be the differences in the views expounded by the various participants, in the discussion, there was undoubtedly a consensus of opinion on one point, namely, that a more elaborate elucidation of and a clearer insight into the whole question of the proposed reforms, are absolutely essential for any legislation on this matter to be comprehensive and conducive to the interests of this Province as a whole. Quick results are often followed by disastrous consequences, and therefore nothing should be done in a hurry. It is the common ground of all that everything that stands in the way of the prosperity of agriculture and agriculturists should certainly be removed; but that the interests of no class of people should be jeopardised unless it was absolutely necessary to achieve this purpose. It is contended that the interests of agriculturists would certainly suffer if the rates of rent are brought to the level of 1802, as those rents according to some, were higher than the present ones in large areas; that the rates of 1802 are mostly uncertain; that there was then no standardisation of rent; that there is no means of ascertaining them etc., etc.; and that the whole thing is bound to lead to unhealthy litigation and bitterness between the Government and the people, and between various sections among the people themselves.

Both abolitionists and anti abolitionists swear by the same regulation of 1802 but they differ in its interpretation. It is obvious that where the interpretation put upon a statute by the Government is challenged, it is only the Courts of law that must ultimately decide which interpretation is correct and which is wrong. It is asked why should anybody indulge in these legal quibbles and waste time, energy and money. Cannot a formulae be devised for general adoption and application both in zamindari and ryotwari areas.

It was further pointed out in all these discussions that mere abolition of zamindaries is no good to anybody and that on the other hand it would bring into existence another class of most undesirable capitalists who would, in all probability, be a greater pest to agriculture and agriculturists ; and that the immediate abolition of absentee landlordism is not at all practicable or desirable and that it would involve the country in financial embarassments which would ultimately prove ruinous to the best interests of the country.

If the Government want to take the whole of the Zamindary land for state management, Co-operative cultivation etc., it is often asserted that co-operative farming and state management and colonisation scheme etc. might with greater advantage be introduced in the beginning in cultivable waste lands and lankas of the Government. And with the experience thus gained, extension of the scheme might be thought of. Again with regard to the Zamindaries it is asked that while the Government may retain the power of dispensing with Zamindars at any time, cannot the Government give under such agreed conditions and restrictions as may be found necessary to impose, new opportunities to such of those Zamindars as are willing to identify themselves with the

future agricultural development of the country, to introduce up-to-date scientific methods of cultivation in their estate villages, supervise the work and prove the bonafides of their, recent declarations that they are prepared to make sacrifices shoulder burdens and responsibilities and move with the times and work for intensive cultivation and greater production and thus contribute their mite for National Prosperity. The same reasoning applies to big landlords also.

There are on the other side advocates who hold that the zamindars should be done away with as quickly as possible, and even those who say that they should not and need not be paid even a single pie towards compensation.

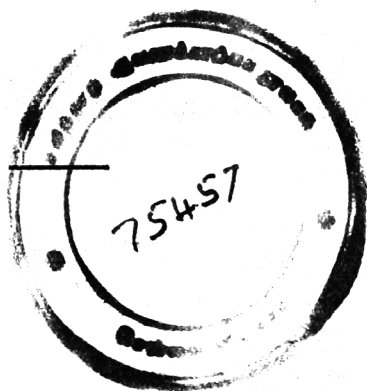
But even these unrelenting critics demand that before anything is done to disturb the present social structure, a thorough investigation should be made and a comprehensive scheme should be prepared which would form the basis of an intelligent and comprehensive study and discussion on this problem. A close study, a dispassionate and impartial examination of the *pros* and *cons* of this case is asserted on all hands to be the crying need of the hour and the pre-requisite of any further procedure in this direction.

With that end in view, a non-official committee has been appointed to examine the question in all its aspects and prepare and place a beneficial scheme of reform before the Government and the public for their unbiassed consideration and scrutiny.

As is well-known, the Andhra Institute of Public Affairs under whose auspices this Symposium was held, can have absolutely no opinions of its own on any matter, and will not therefore formulate any opinions on this question of land tenure

reform. The opinions expressed are entirely the opinions of the respective individuals. All that the Institute is concerned with is to serve the public without fear or favour, and place all such material as it can gather, before the discerning public so that they may form their own individual opinions and assist the Government of the day with their constructive and helpful suggestions in the matter of launching legislative measures for the benefit of the country as a whole. Everybody is expected to contribute his thought and work in a united effort in this direction. This Institute will therefore feel gratified if this little book serves the purposes for which this Institute stands.

— Vennety Satyanarayana.



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ADDRESS

By Sri G. Ramakrishna Rao Garu, B.A., B.L.

Chairman, Reception Committee of the Conference.

LADIES AND GENTLEMEN,

We are gathered here today to pursue the main object of the Andhra Institute of Public Affairs which is "to study and discuss public questions from all points of view". The subject selected, namely, the Problem of Land Tenures, holds for us an importance which perhaps no other domestic problem possesses. The urgency and necessity for a thorough understanding of this question has become all the more imperative since the policies of the Government in power propose an immediate reform of land tenures.

The organisers of this Conference have endeavoured to request the services of persons well qualified to speak on this subject to give us the benefit of their views. The problem, admits of many angles of approach, and different view-points of exposition. The talented and well-informed speakers that will take part in this discussion will, I am sure, throw sufficient light on this intricate problem and give us sufficient information to allow of a clear understanding and appreciation of the problems and their solutions.

The measure of success that has followed our struggles against foreign domination has naturally turned the attention of all to bettering the economic condition of the masses. As we all know, land is the mainstay of the economic life of our country. Not only the prudent landlord but also the successful businessman and lawyer have acquired lands.

Their savings have been invested in all categories of land in zamindaries in zamindary and Government ryotwari, and in inams. Improvements in the agricultural economy of the country are under the present conditions the most important if not the only means of improving the lot of the common man. Land is by far the most important source of production that sustains our country and the whole aim and purpose of agrarian reform should therefore be directed to secure more production from land, better crops and produce that will find an international market either in its original or some converted form.

When such a scheme for rural reconstruction and improvement of agriculture is drawn up, not as a mere ideal embodying vague generalities but as a practical scheme with all details and stages of its application fully worked out, then it becomes the duty of every right-thinking man to support such a scheme in the name of the masses of our country. The different interests in land that now exist can be fitted into the scheme and made to work under it. The planning would work better and its success more assured by employing these men having both interest and knowledge and not a host of mere paid officials. Reforming of the land tenure system now obtaining can then be undertaken in so far as the execution of the scheme requires. Alterations to and modifications of any interest in land may be made if necessitated by the plan. When such a total and comprehensive picture of rural reconstruction is presented, I dare say there would not only be no opposition but enthusiastic co-operation from all sides.

But to take up the question of altering the land tenure system as an aim and end in itself is an entirely different

ning. It could lead to no economic benefit to the country as a whole. Whatever effect such reform may have on the distribution of the production from land, the total production is so pitifully small that it is plain that in the aggregate it could not better the condition of the masses or secure for them such wealth as would in any manner raise their standard of living.

On the other hand, any attempt to modify the existing system of landholding without setting out in all details the systems that is to replace the existing order of things, may be followed with dire consequence for the country. The economic structure of our society is totally dependent on land. Any disturbance of rights in land is bound to have its repercussions on the whole economic structure. This is a problem that is to be tackled and settled as a whole in line with the policy that is to be adopted with reference to industrial and all other branches of the economics of the country. It has to be decided how far private enterprise and profit motive could be eliminated and how far Governmental agencies under present conditions can be relied on to develop our resources to the extent and with the expeditiousness required by our deplorably backward conditions.

The larger interests of the country therefore demand that any legislation affecting land tenures should not be in pursuance of mere ideologies but should be a consequence of and necessitated by an all-embracing plan of economic life unambiguously expressed and put before the country. Hasty and piece-meal attempt to cure seeming defects will undermine public confidence, engender distrust rampant in the country

in the shape of communal disharmony and strife. Let us with care and deliberation achieve the goal, dear to the heart of every one of us, a free and happy India.

On behalf of the organizers of this conference I extend my hearty welcome to all who have agreed at great personal inconvenience to take part in these deliberations and to all those who have accepted our invitation and taken the trouble to attend and make this function a success.

Sri Manavala Chaudary, B.A., B.L., said :

The regulation XXV of 1802 known as the Permanent Settlement and the other regulations XXVI to XXX of 1802, all passed on the same day must be treated and read as one document. These various regulations dealt with the relations between the Government, the Zamindar, the farmer of the land revenue, the cultivator, who is the proprietor of the soil and the officers—village establishment—who have to maintain the public accounts. Expressions were used in Sec. 2 of Regulation XXV of 1802 which purports to suggest that the Zamindar was vested with the proprietary right of the soil, but if all the regulations passed on the same day are read together, it is clear that the Government did not in fact grant the rights of the cultivators of the soil and in law they could not do so as it was not vested in them (the Government). Subsequent legislation on the same subject culminating in Madras Act I of 1908 and the various decisions of the High Court and the Judicial Committee makes clear that what was dealt with in Regulation XXV of 1802 was only the right of the Government, viz., the land revenue which was fixed permanently, so long as the Government chose to continue the Zamindar as an agent for the collection of the revenue.

The parting of the right of the Government to collect its dues is bad in principle. Even the annual leasings of the markets and cart stands by local authorities is bad in principle as it subjects the citizens to various hardships which have to be regulated by law and there are other evils following it. The transfer of the right of the Government to collect land revenue, with the extraordinary powers of distress, and sale of holding, is abrogating the function of state and it cannot be shared with any other citizen under any circumstances. The Directors of the East India Company which was a private merchant enterprise was only interested in the profits to be

derived with the least trouble and did not fully realize the significance of the Act (Permanent Settlement). They failed to realise that they were dealing with a function of State and not the sale of a commodity. Some of their officers who were able administrators, realised the gravity of the Act and did much to bring home to the authorities the real situation and minimise the evil.

It will therefore be seen that the Zamindari system was a mere accident due to the exigencies of the circumstances and the Zamindar has no right to the continuance of the system any longer. The Government have the absolute unfettered right to do away with the land revenue on the present basis and also with the Zamindar, an agent for its collection.

It is wrong to assume that the miserable condition in which the peasant is found today, is not due to the tenure. Numerous disadvantages which fetter the economic improvement of the peasant in Zamindari area to which the peasant of the Ryotwari area is not subject to, can be quoted to show that tenure does affect agriculture. Besides large scale reforms in land revenue administration and schemes of irrigation and the introduction of a different type of agricultural production are all hampered by the continuance of the Zamindari system. Uniformity of tenure is also called for to remove discontent among the peasant population. The expense to the Government by keeping additional courts and additional police for assisting the Zamindar in the collection of revenue without a corresponding benefit to the State also point to the abolition of the Zamindari system. We should also not forget the enormous financial loss to the State. There is also the fact that the Zamindar has no place in the scheme of administration or society. State administration

can go on as efficiently without him and he is no asset either to agriculture or the agricultural population. He serves no useful purpose to society and the system has stayed too long and may be abolished without detriment to any one.

Is the Zamindar entitled to any compensation on the abolition of the Zamindari system? The Zamindar who was a farmer of revenue at the annual leases for varying amounts, was under Regulation XXV of 1802 permitted to pay a fixed sum ascertained in manner prescribed. The regulation therefore confers on the Zamindar only the right to the payment of a fixed sum which cannot be altered, during the period for which the Zamindar is retained to collect the revenue from the cultivators. The Government by the Sanad did not assure the Zamindar the continuance of the system for all times. In fact the Government had not the right to do so. The Provincial Government has the right to impose and regulate taxes on land and agricultural incomes. It can abolish land tax and substitute a different form of tax. Section 299 of the Government of India Act of 1935 will come into operation only if the right of any property of any individual is affected. The right of the Zamindar is no more than the renter of markets and cart stands to have his lease continued. The Zamindar has no property in the soil. In waste lands and forests the cultivating tenant has immemorial rights. The Zamindar may possess some rights in lands under self-cultivation just as other ryots subject to payment of taxes to Government on the same basis as the neighbouring ryots and these should be left to him. Beyond this he has no right over the Zamindari and he has stayed at the sufferance of the legislature. He has to walk out without demur at the bidding of the legislature and has no right to any compensation.

The Prakasam Report is under a misconception that the Regulation XXV of 1802 grants to the Zamindar the profits for all times in the taxes realisable from the Zamindary. It fails to take notice of the fact that Government had the right to regulate the levy of land revenue which is a fiscal policy and an act of State and that the engagement under Reg. XXV of 1802 was only at the will of the Government. The Government is not acquiring any property by abolishing Zamindaries or by regulating or abolishing taxes on land. They are only exercising an Act of state which is within their competence and the right of property of any person is not affected. The Prakasam Committee report seems to favour the Zamindar more than the ryot and the interest of the State itself is jeopardised in reverting to the 1802 rates of rent. In most cases, the 1802 rates are higher than the present rates and will work greater hardship on the tenant. If any compensation is intended to be given to the Zamindar, it should not be on the basis of any profit from the Zamindary as such a basis is entirely wrong in principle opposed to facts, unjust to the rights of the citizens and will be the recognition of the abrogation of an important function of the State. The compensation to be given is only on considerations of compassion not to deprive a class of persons who have been accustomed to think that they were owners of vast estate. A suitable pension may be allowed to the members of the family of the Zamindar and they may be allowed to retain their residential buildings and lands under their self cultivation. They are not entitled to any compensation under the law and Section 299 of the Government of India Act does not stand in the way of abolition of the Zamindary without compensation.

Inams and Ryotwari pattadars who are not tillers of the soil.

The foregoing remarks do not apply to the Inamdars and Ryotwari pattadars who are absentee landlords as the circumstances and conditions under which these tenures came into existence are entirely different. The Inam tenure results from grants made for either past services or future service to be done or on account of personal merit for the maintenance of the family of the grantee. As all intermediaries between the State and the cultivator result in evil, these intermediaries also should go but they are entitled to reasonable compensation under the law.

The aim of this gathering is not merely to consider the question of the abolition of Zamindaries and all intermediaries but to find out a form of tenure under which the agriculture will prosper and the peasant while living under peace and contentment will make his proper contribution to the well-being of all for the citizen of the State. Consolidation of holdings has many limitations and to charge the law of inheritance to avoid one particular evil of fragmentation of holding will lead to other inequalities and injustice. Co-operative Farming has its advantages provided the spirit of co-operation is properly understood and applied. The working of the Co-operative Societies in the past does not encourage one to launch on this idea. Village Corporations envisaged by Mr. P. Satyanarayana Rao in his inaugural address require intelligent organisation which is lacking in the village. Collective farming is not new to India and was one of the form of tenures prevalent in it. It is worthwhile studying this more closely and should not be dismissed as introducing communism. I consider that the future of India depends on collective farming on the Gandhian Plan of village life minus Khadder.

Mr. N. Satyanarayana, B.A., B.L. Ongole, said :

The agricultural problem in India is a triangular one and not two sided as is very often mistaken. The essential parties are :

(1) The Pattadar, (2) the lease-hold ryot, (3) the actual tiller of the soil whether he is the domestic servant or hired labourer. The farm servant claims a share in the produce of the soil. His claim is as equitable as the claim of the nominal sub-tenant. The proposed legislation does not solve any of these problems but would bring in chaos and confusion in agricultural economy. If state cultivation or co-operative farming is aimed at, why cannot the Government take up in the first instance all cultivable waste lands in the province which according to the Hon'ble Mr. Giri comes to 13,164,111 acres. They can encourage colonisation of landless people without disturbing the existing conditions in any way. Lankas are being auctioned and leased out to highest bidders on exploitation basis. Is this the example which the Government intend to follow after abolishing Zamindaries and the so called absentee landlordism. The contemplated legislation is morally wrong, ethically unsound, legally indefensible, politically a blender and economically ruinous and will surely lead to a class war with bitter consequences.

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Sri Chakrapani Naidu

Retired District and Sessions Judge, said :

The implementation of Government proposals would only increase landless proletariats and is bound to lead to many complications and difficulties in administration.

Sri Ramana Ranganayakulu an Agriculturist of Bhimavaram spoke in Telugu. The following is the summary of that speech, in English :

Any legislation that may be undertaken must be for the benefit of the cultivating peasant and should not serve the interests of investors of money whose only purpose would be rack-renting.

The ryotwari tenant should be made to possess the same rights as may be conferred upon the Zamindary peasant. If rents are reduced in Zamindary areas, they must be equally reduced in ryotwari areas also. The same land policy and programme must apply to one and all. Delay in all these matters is very dangerous. Already absentee landlords are trying to evict cultivating tenants from lands. An Interim law must be immediately passed forbidding these evictions.

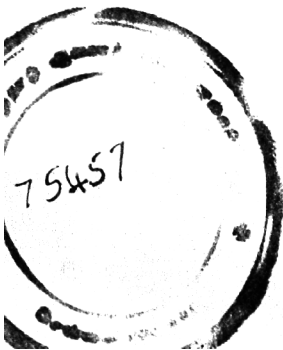
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RESOLUTION

THE LAND TENURES CONFERENCE

8th December 1946

This Conference constitutes the following committee of persons with powers to co-opt to study all aspects of land tenure and submit a report and a scheme of reform for the consideration of this Conference which shall be convened after the report is prepared :—

1. Sri B. Sitarama Rao
 2. Sri G. Ramakrishna Rao
 3. Sri P. Satyanarayana Rao
 4. Dr. B. V. Narayanaswamy Naidu
 5. Sri M. Venkatrangiah
 6. Sri T. R. Venkatrama Sastry, C.I.E.
 7. Sri B. Jagannadha Doss
 8. Dewan Bahadur K. S. Ramaswamy Sastri
 9. Sri S. Sankaranarayana Iyer
 10. Rao Bahadur A. A. Venkatrama Ayyar
 11. The Zamindar of Seithur
 12. K. P. Ramakrishna Iyer, Avl., Advocate
 13. Sri V. Satyanarayana—Convener
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THE ANDHRA INSTITUTE OF PUBLIC AFFAIRS

RAJAHMUNDRY

MEMBERSHIP

There shall be four classes of members :

1. *Founder-Patrons*—Those who pay Rs. 5,000 and above shall be founder-patrons of the Institute.
2. *Patrons*—Those who pay Rs. 1,000 and above.
3. *Life members*—Those who pay Rs. 250 and above.
4. *Ordinary members*—Those who pay Rs. 25 and above every year.

The Institute of Public Affairs is not a party organisation. It is national in its character, outlook and aims. It is not a propaganda body.

The one main object of the Institute is to study and discuss public questions from all points of view. The organisers believe that knowledge and understanding of the *pros* and *cons* of all the problems and measures of the day constitute an essential pre-requisite to effective and abiding service and that such knowledge will inevitably lead to constant enrichment of thought on matters of public interest and a consequent evolution of united effort directed to the promotion of the country's general welfare and a rapid growth of democracy. Thus, the Institute is an all-party organisation which should appeal to all schools of thought in the country. Its doors are open to one and all and it is the earnest wish of the organisers that all classes and ranks of people should enlist themselves as its members.

Vennety Satyanarayana,

Secretary.

THE ANDHRA INSTITUTE OF PUBLIC AFFAIRS

RAJAHMUNDRY

OBJECTS.

1. To invite leaders of thought and arrange courses of lectures on current political problems so as to enable the people to form for themselves right opinions and participate effectively in the Government of the country and conduct political classes.
2. To form study circles of persons who undertake research and a study of the political, social, and economic conditions of India in the light of modern world movements and examine as well as initiate administrative, legislative and executive measures in the Province necessary, in this behalf.
3. To publish in the form of pamphlets and booklets the results of such study for the benefit of the general public, as well as to publish books embodying the lectures delivered under the auspices of the Institute.
4. To establish a well-equipped political library and reading room, on a befitting scale so as to provide adequate material for research.
5. To establish a printing house, a publication society and national literature depots throughout the Andhradesa so as to bring all knowledge within the easy reach of towns and villages.
6. To undertake all other activities necessary to carry out these objects.