



STATE AND LAND REFORM LEGISLATIONS IN AP: AN OVER VIEW WITH SPECIAL REFERENCE TO DISTRIBUTION OF LAND TO DALITS

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ABSTRACT

Land in India unravels both the contradictory process that took place during the colonial period. During the early phase, land was the exclusive concern of dominant caste reinforcing their traditional identity. During the later parts, land reforms acted as a catalyst to a gradual change. These were recognized as potential force for liberation, especially low economic well being, low social status, freedom, dignity and other opportunities to the Dalits and other weaker sections. This paper bestows a critical view on the constraints of land reform policies in Andhra Pradesh. Land is the prime factor that determines economic position and social status in rural India as well as in AP. Since long people from the dominant caste have been enjoying this privileges, and those from lower caste are excluded from this socio, economic and political benefits. Then the state also promised to distribution of land to the Dalits. But, how much it implemented? Which type of policies state made for the Dalits and other weaker sections? This paper examines how State is working in the distribution of land to dalits since independence in AP and to analyze the Land Reform Policies and its problems in implementation with reference to Dalits.

Key Words: Dalits, Land reform policies, economic position, social status, land distribution

Land is a productive asset but there is an emotional bonding that communities have with land that goes far beyond its values as a productive asset¹. Among the most deprived sections in India are the “Dalits”, officially called Scheduled Castes². For the Dalit community battling against its exploitation and exclusion land is the symbol of the assertion of its identity, dignity and freedom. For centuries, they have suffered from the practice of untouchability, segregation, and low economic status, lack of political power and low level of education. All these factors are working to together have worsened seriously the socio- economic mobility among Dalits³.

Land ownership is one of the fundamental structural features that served to perfect a system of social and economic inequality against Dalit. For the Dalit community entitlement to land has remained an eternally vexed issue. Poverty and much of the violence and extremism in the country are even today directly proportional to the lack of access to land⁴.

Land reforms policies have been adopted all over the world in the post-second world war period to eliminate inequalities in the society. In caste, ridden



society like India's land reforms has seen as a means to achieve democracy in which each person is valued. As Ambedkar argued redistribution of land would “eliminate the possibility of more powerful having the power to impose arbitrary restricts on the less powerful by the withdrawing from the control he has over the economic life of the people”. Political democracy can't survive without achieving economic equality through land reforms.

The political parties and policy makers have always claimed that their top priority has been to provide the fruit of the land reforms to the Dalits their seeming concern and commitment for the cause have not borne any substantial result often. They blame the caste system for this failure. While that is true to a great extent, none of the political parties have passed any political resolution to distribute the land to Dalits and made it an agenda of their party. Insisted the concept and language used in referring to Dalits as poor or agricultural labors, helped the caste people to obtain whatever benefits that occurred from implementation of land reforms. Use of terminologies like caste division, socialistic society, which sound very civilized and neutral, has glossed over the fact that predominantly the landless poor of the India are the Dalits. It is absolute reality that has made entitlements to land a distinct dream for the Dalit community.

1993-94 survey revealed that around 74.3% of rural Dalit households were landless. The trends show that the land less in the rural areas continues to increase rapidly among the Dalits when compared to the groups where the percentage was a mere 15.76% for non-SC/ST households, and at recent records shows that we have in Andhra Pradesh 2,75,35,820 acres of cultivable and irrigated land. In addition to this, we have 1,20,88,120 acres of waste land. And yet the vast majority of rural Dalits are landless agricultural labourers. Now the question is how state working in the distribution of land and what extent Dalits gets the land?

The constitutional obligation has time and again deferred by policy makers as well as policy implementing agencies. To ensure social justice, land is an important objective it guarantees dignity, freedom, economic well being social status and leads to equality, justice; therefore, access to land should ideally provide Dalit to participation in different socio political activities in the State.

Article 46 states that “The state shall promote with special care by education and economic interest of the weaker sections of the population and in particular, of scheduled castes and shall promote them from social injustices and all forms of exploitation. This article of the constitution outlines the general principles and governing implications of land distribution towards Dalits in Andhra Pradesh as well as in India⁵.

Dalits should understand the basic principles guaranteed in the preamble to Indian constitution, which emphasises self-dignity and identity. It also draws attention



to the commitment of the system as a whole to the more vulnerable groups. In the year 1993-94 as many as 48.1% of the Dalits in the rural areas were below the official poverty line, in-comparison to 31.1% of non-Dalits, while in the urban area, all most 50% of Dalits were below the poverty line. Further, all most 70% of rural Dalit house holds owned an acre or less of land and 61% wage labour households⁶.

The Dalit population of Andhra Pradesh in the year 2001 stood 1, 23, 39, 496 comprising of 62, 28,001 males and 6, 11,485 females. In terms of percentage, the Dalit formed 16.19% of the total population of the Andhra Pradesh and more than 82.82% of Dalits live in rural areas. Total Dalits cultivators are 6, 06, 716 then 49, 37, 314 depend on the main workers in agriculture, and also 42, 58, 259 are agriculture labors. However, remaining *Dalits* are 6,105,978 who depend on non-agriculture⁷. So all this statistic shows that vast majorities of the *Dalits* are depending on the land, but most of the *Dalits* are land less agricultural labors. So the present research is an attempt to understand the policies and programs of the state and the progress of the dalits access land in Andhra Pradesh.

Constitutional position of Land Reforms

Land reform is a state subject in the Constitution of India. It falls under Entry 18 of the State List which covers: "Lands, that is to say, rights in or over land tenures, including the relations of landlord and tenant, and the collection of rents, transfer and alienation of agricultural lands, land improvement and agricultural loans. Ineffective, it implies that only the state governments can enact laws over these matters related to land.

Part IV of the Direct Principles of state policy also refers to the objective contained in the programme for land reforms, though it directs so indirectly. This evident from the following clauses:

- Clause (a)—the citizens, men and women equally, have the right to an adequate means of livelihood;
- Clause (b)—the ownership and control of the resources of the community are so distributed as to sub serves the common good;
- Clause (the operation of the economic systems does not result in the concentration of wealth and means of production to the common detriment.

The tenuous constitutional basis for the Central government's role in land reforms is Entry 20 in the Concurrent List, which speaks of Social and Economic Planning. This entry is the sole constitutional basis for establishment of the Planning Commission, whose role in land reform has necessarily been of an advisory nature. It can only lay down the general principles or guidelines for legislation and implementation in the Five-Year-Plans⁸.



Objectives of the land reforms:

Keeping in view the above aspects of land reforms, the objectives of land reforms can be studied under the following two heads, namely:

- (a) Main objectives, and
- (b) Ancillary objectives.

Each one of the above objectives are further discussed below:

1. Main objectives

The following are some of the main objectives of land reforms

- (1) Imposition and recovery of Land Revenue,
- (2) Maximum utilization of the land for productive purposes, whether agricultural, industrial or otherwise,
- (3) Abolition of intermediaries, illegal grabbing and fraudulent dealings with regard to land.
- (4) Protecting and Safeguarding the rights, titles and privileges of land owners,
- (5) Regulating the transfer or alienation of land in various forms, encouragement to collective farming,
- (6) Fixing the limits of landholdings, and distribution of excess land to the landless poor, and
- (7) Acquisition or requisition of land for the public purpose by exercising the power of eminent domain.

2. Ancillary objectives

The following some of the important ancillary objectives of land reforms:

- (1) Eradication of poverty,
- (2) Removal of economic disparities between the rich and poor,
- (3) Equal distribution of land amongst the citizens,
- (4) Identification of vesting of ownership or tenancy rights in the people and making them liable to pay land revenue,
- (5) Regulation of the law and order problem and maintaining social harmony among people by assigning rights in rem and rights in personae over the land,
- (6) Surveying, demarcation of boundaries and Identification of the categories and productive capacities of land,
- (7) Preserving Nature's bounty for present and future needs, and
- (8) Improving the working and living standards, public health, safety, housing and sanitation⁹.

Significance of land reforms

As the basis of all economic activity, land can either serve as an essential asset for a country to achieve economic growth and social equality, or it can be



used as a tool in the hands of a few to hijack the countries economic independence and subvert its social processes. During the two countries of colonialization, India experienced the later reality. During India's colonialism, India's traditional land use and land ownership patterns were changed to ease the acquisition of land at low prices. The introduction of the institution of private property delegation the community ownership systems of tribal societies. More ever, with the introduction of the land tax under the Permanent Settlement Act 1793, the British popularized the zamindari system at cost the jajmani relationship that the landless shared with the landowning class. By no means was a just system the latter an example of what has been described by Scott (1976) as amoral economy, and at least it ensures the materiel security of those without land.

Owing to those developments in a changing social and economic land scope. India at independence inherited a semi feudal agrarian system. The ownership and control of land were highly concentrated in the hands of a small group of land lords and intermediaries, whose main intension was to extract maximum rent, either in cash or in kind, from tenants farmer had little economic motivation to develop farm land for increased production with no security of tenure and a high rent a tenant farmer was natural less likely to invest in land improvements, or use high-yielding crop varieties or other expensive investment that might yield higher returns at the same time the land-lords was not particularly concerned about improving the economic condition of the cultivators. Consequently, agriculture productivity suffered, and the oppression of tenants resulted in a progressive deterioration of their well being.

In the years immediately following India's independence a conscious process of nation building considered the problems of land with a pressing urgency, in fact; the national objective of poverty abolition envisaged simultaneous progress fronts, high productivity and equitable distribution. Accordingly, land reforms were visualized as an important pillar of a strong and prosperous county. India's first several five-year plans allocated substantial budgetary amounts for the implementation of land reforms. A degree of success was even registered in certain regions, and states, especially with regarded to issue such as the abolition of intermediaries, production to tenants, rationalization of different tenure systems and imposition of ceilings on land holdings. Fifty years down the line, however, a number of problems remain far from resolved.

Most studies indicate that inequalities have increased, rather than decreased the number of landless labours has risen, Moreover, the discussion of land reforms since world war II and up through the most-recent decade either from the public mind or was deliberately glossed over the both the national government of India and a majority of international development agencies. Vested interest of landed elite and their powerful connection with the political bureaucratic system have blocked meaningful land reforms and or their earnest implementation the oppressed have weather been co-opted with same benefits, or further subjugated as the new focus on



Liberalization, Privatization and Globalization (LPG) has altered government priorities and public perceptions. As a result, we are today at a juncture where land, mostly for the urban educated elite, who are also the powerful decision makers has become more a matter of housing, investment and infrastructures building land as a basis of livelihood for subsistence, survival, social justice and human dignity has been lost.

From an economic perspective, the question of land is linked to critical issues of agriculture productivity, agrarian relations, industrial uses, infrastructure development, employment opportunities, housing and other related issues. Each one of these aspects is critical for enhancing national security by ensuring consistence economic strength and therefore, its bargain power in the international communities.

The framework of analysis provided above the increasing importance of the land reform to the national and global agenda from national food security, economic, ecological and social perspectives. The direction of land politics and land reforms in India will continue to be one of the struggle and hope. It will be important to widen the scope of land reforms beyond the mere activity of redistribution of land or revision of ceiling limits. In order to be effective, land reform must be seen as part of a wider agenda of systematic restructuring that undertakes simultaneous reforms in the sectors of the energy and water. Deeper structural reforms will ensure that the exercise of land redistribution actually become meaningful enabling small formers to turn their plots into productive assets.

The constitution of India is promised upon egalitarian who assures equality of opportunities in all realms to every citizen. "The claims of individual to welfare are secured irrefutable" as stated in the constitution on makes which land almost a right. After independence, the government of India has taken a number of steps to strengthen the land holdings base of the SCs and STs, it is true, however, that this communities still have a long way to before they can come up to the level of the other communities in the field of land holdings¹⁰.

Land Reform Policies

Land reform policies are adopted all over the world in the post-second world war period to transform the agrarian structure. In India, a number of programmes were initiated to change the land relations. The character of these policies has always been influenced prevailing on political conditions. The land reform laws developed through three broad phases since independence. In the late 40s and early 50's abolition of intermediaries and protection of tenants was undertaken in the first phase. Redistribution of land was taken up all over India much later in the early 1970s. In the 70's state, legislatures passed laws imposing a ceiling on land holding. The third phase coincides with the era of liberalization. In this period land, policies have been modified to suit the liberalization policies.

The agrarian programs implemented in the first two phases were products



of the national movement. “The commitment to land reform dates back to a period when the leadership of the Indian National Congress was struggling to wrest power from British hands. Consequently, it was led by the logic of this struggle to make promises for change in the agrarian system to win peasant support for the anti-imperialist struggle¹¹.”

The peasants during the colonial period were dominated and ruthlessly exploited by the large landholders. These large landholders were not involved in production. They simply collected rents from the peasants and paid revenue to the government. The British protected these landlords by according to privileges such as special representation in the assemblies to mobilize support. So the survival of the landlords depended on the continuation of the colonial rule. The Congress Party mobilized the peasants into the national movement by promising the abolition of intermediary class and land to the tillers. The land reform program is an out come of the nationalist movement.

However, the land reform programs in India have not adequately reflected the land-to-the-tiller program. As observed by P. C. Joshi “there is a clear inconsistency between the ideology of the power elites, which proclaims the objective of ‘land to the tiller’, and the programs which provide for land rights for only the upper section of the peasantry.”¹² The Ideology is far more radical than the actual program. The Ideology played an important role according to Joshi in mobilizing the peasantry against the big landlords and the colonial rulers. The actual programs have been diluted to suit the immediate requirements. The abolition of intermediaries, it was argued by the Congress Party, would bring economic growth with justice. This was expressed very poignantly in the Agrarian Reforms Committee appointed by the Congress Party in 1947. The committee, popularly known as the Kumarappan Committee, submitted its report in 1949. The committee laid down the following principles as guidelines to formulate agrarian policy. They are:

The agrarian economy should provide an opportunity for the development of the farmer's.

- (1) Personality;
- (2) There should be no scope for exploitation of one class by another;
- (3) There should be maximum efficiency of production;
- (4) The scheme of reforms should be within the realm of practicability.”¹³

Elsewhere in the report, the committee was more explicit. It felt “that there cannot be any lasting improvement in agricultural production and efficiency without comprehensive reforms in the country's land system. The Congress in its election manifesto and the Report of the Economic Program Committee has declared itself in favour the abolition of all intermediaries between the state and the tiller”¹⁴. As far as the tenancy was concerned the committee recommended that subletting has to be



prohibited. It suggested that tenants cultivate the land continuously for six years should be regularized. As far as the others are concerned the owners enjoy the right to resume the land for self-cultivation. The committee has also suggested that there should be a ceiling individual on the land holding. Through the agrarian reform program, the power elite emphasizes “the incompatibility of the traditional landed class with the demands of economic development as well as those of social justice and political stability.”¹⁵

In the light of this understanding, the government ultimately evolved a policy to abolish the intermediaries and to offer protection to the tenants. As per the Indian constitution, land reform is state subject. The center can only lay down guidelines. Ultimately, the policies have to be formulated by the state governments. Since the socio-political conditions that shape the policy-making process differ from state to state we see large regional variation in the policy and its implementation. While some states made progressive laws, the others were reluctant even to make a law. The law resulted in far-reaching changes in some states were as in others, it had no effect at all. The content of the programme as well as its implementation depended on the balance of the social forces. Progressive laws were introduced only in states where the landed gentries were politically weak and had no linkages with the Congress Party. In states like Rajasthan, Uttar Pradesh and Bihar, the Zamindars were politically strong. Therefore, they could delay the law-making process and finally when the law was made it contained too many escape provisions. These laws hardly offered any protection to the tenants and the other weaker sections in the village. Even in the diluted from the law could not be implemented by the state governments because the landlords wielded the lot of influence in the administration. As far as Andhra Pradesh is concerned, we see significant differences between Telangana and Andhra regions with respect to the reform policies introduced during first phase because they were separate states until 1956.

The AP (Telangana Area) Tenancy and Agriculture Act, 1950

The land reform measures were introduced in Hyderabad in the wake of the Telangana armed struggle. The movement led by the communist party mobilized the peasants, artisans against the big landlords known as Jagirdars, Deshmuks and Desais. These landlords controlled vast stretches of land and extracted free labour with the help of Caste-based hierarchy. The national government intervened in the state through police action at a time when the movement was strong. The national government initiated agrarian reforms to abate the movement. Since the local gentry had no linkages with the Congress Party, it could not influence the decision-making. Therefore, the government could formulate radical policies compared to the other states in the country.

Immediately, after the police action the military governor promulgated Hyderabad (Abolition of Jagirs) Regulation. However, jagir abolition regulation had a major limitation. Through the regulation, the government could only remove the jagirdars as the overlord. It did not touch the problem of security of tenants.



Besides without resolving agrarian question the agrarian unrest could not be tackled. Therefore, the state appointed in 1949 a three-member agrarian reforms committee headed by N. Madhava Rao, former dew an of Mysore to suggest reforms to abate agrarian unrest. Ghulam Hyder and RV Rao were the other members of the committee. Based on the recommendations of the committee, the government promulgated Hyderabad Tenancy and Agricultural Lands Act in 1950. The Act now known as The AP (Telangana Area) Tenancy and Agricultural Land Act came into force on the June 10th, 1950.

It has eleven chapters and 104 sections. The basic purpose of the Act was to arm the government to undertake agrarian reforms. It was a comprehensive piece of legislation covering the following aspects.

- (1) To regulate alienation of land,
- (2) To prevent excessive sub-division of agricultural holdings,
- (3) To empower government to assume in certain circumstances management of agricultural lands,
- (4) To provide for the legislation of co-operative farming.”¹⁶

The act has created a category of tenants known as protected tenants. All those tenants who held land continuously for a period of six years in a prescribed period were treated as protected tenants. Unlike the traditional tenancy laws, which merely regulated the terms of tenancy, the new law conferred on the tenants the right on their holdings, unless they failed to pay the rent. They were also given the right to purchase the land on easy terms at a price fixed by the tribunal from the landlords. The owner under certain conditions, however, could take possession of the Land. Similarly, the tenants denied the right to purchase if it left the owner with less than two-family holdings.

The act also imposed a ceiling on holdings. No person was allowed to acquire land exceeding three times the area of a family holding. A family holding was defined as an area which, a family of five could cultivate personally and secure an income of 850 rupees after deducting the cost. At the same time, a holding was not be allowed to fall in terms of area below one-third the size of a family holding. The act has empowered the government to use its authority for consolidation of holdings falling below the minimum holding.

Thus, the land reform measures initiated in Hyderabad cannot be termed only as tenancy reforms. These reform laws combined provisions of tenancy protection with provisions for ceiling on land holdings. “The fundamental aim of the legislation was to bring to an end the insecurity of tenure as well as evils of extreme absenteeism and create a body of small and middle peasant proprietors who will have a sense of possession and hence, perhaps, cultivate their lands efficiently.”¹⁷



The studies have shown that “out of the originally created protected tenants in 1951 only 45% still remain to enjoy (in 1954) their protected status while 12% have purchased their lands and became owner-cultivators, thus fulfilling the intention of the law. Two-and-a-half percent had been legally evicted, 22% have been illegally thrown out while 17% voluntarily surrendered. A large number of evictions seem to have taken place in the very first year of the working of tenancy legislation.”¹⁸ It was also clearly established that “the tendency is for smaller tenants to be evicted more than the larger one and purchases of land have been undertaken more by the larger tenants than the smaller one.”¹⁹

Thus, land seems to have been transferred through sales. “About 1.5% of the total ownership holding (exclusive of inam lands) has changed hands owing to purchase and such transactions partly achieve the objective of the law, i.e., land redistribution.”²⁰

The law may not have resulted in the redistribution of the land. In fact, that was not the purpose of the law as we have shown above. However, the intention of creating an owner cultivator seems to have been realized to a large extent. Total cultivated area increased in Jagir areas between 1951 and 1954 by 10%. And the land cultivated by the owners increased by 14.14% while the area cultivated by tenants declined by 9.05%. A similar trend was also noticed in the dewani areas. Because of an increase in the cultivable land production has risen by 4.2% in the Jagir areas. Monetary investments for agricultural development too have increased.²¹

But “apart from certain economic changes like decreased land revenue rates, increased security, increased investments, etc., jagir abolition has brought with it a significant improvement in the coverage as well as efficiency of nation building departments, which ought to result ultimately in better life...”²²

New social forces emerged in Telangana after police action. Till then Jagirdars, Deshmukhs dominated the socio-political realms. The reforms led to the demise of these dominant groups. Consequently new social forces emerged that dominated the rural areas till the 1970's. However, the caste-based division of labour, the very basis of the landlord's authority continued even after the tenancy reforms.

AP Tenancy Act, 1956

In the Andhra area such comprehensive agrarian reform law could not be introduced. The Andhra Tenancy Act 1956 was framed only to determine the rent. It provided for fixation of rent. Under the law rent is fixed based on the crops grown and the source of irrigation. The rent varies between 28.3 per cent and 50 per cent of the produce depending on the crops and source of irrigation. The law has also laid down the procedure for the fixation of rent. It clearly says that the owner cannot evict the tenant at will. The minimum lease period stipulated by the law is six years.



Non-payment of rent, willful denial of landlords' title, or subletting is some of the conditions when the tenancy can be terminated. Thus, the act has only prescribed the minimum rent payable. It has not offered security to tenants. The provisions of the law gave the lot of scope for the eviction of the tenant by the landlord without any difficulty. As the tenancy laws could not bring about equitable distribution of land, the government was compelled to consider ceilings on land holdings.²³

The Andhra Pradesh (Andhra Area) Inams (Abolition and Conversion into Ryotwari) Act, 1956.

The object of the Act is to abolish and convert certain Inam lands into ryotwari lands.

The Act received the assent of the President on the 10th December, 1956, published in the A.P. Gazette, Part IV-B, Extraordinary, Page 23, dated 14 December, 1956. The short title was amended by the Act IX 1961. The act is a small piece of reformative legislation consisting of only 17 Sections. Section 2 of the Act provides definitions to the important terms, such as, "inam village", "institution", "ryotwari village", "settlement", "Zamindari village", etc. Section 3 of the Act empowers the Tahsildar to determine whether a particular land is an inam land, whether such land is in ryotwari, zamindari or inam village or it is held by any institution. Section 4 the Act provides a provision for the conversion of inam lands into ryotwari lands. Section 5 of the Act permits reinstatement of tenants who were in occupation of inam lands in an inam village on the 7th January 1948, but were evicted from such lands before the commencement of the Act. Section 6 of the Act provides a provision for the determination of an one-third share of the inam land in the occupation of a tenant. Section 7 of the Act permits grant of ryotwari pattas by the Tahsildar. Section 8 of the Act provides for a right of permanent occupancy to tenants in inam lands held by institutions in the inam villages.

Section 9 of the Act provides a provision for evicting tenants having the right of permanent occupancy, and Section 10 permits leasing of inam lands after eviction of a tenant under Section 9. Section 10-A of the Act permits application of the Act to inam lands in ryotwari or zamindari villages. Section 11 of the Act permits application of the provisions of the Andhra Area Tenancy Act, 1956 to the tenancies in respect of inam lands governed by this Act. Section 10-B of the Act confers ryotwari pattas on transferees of unenfranchised inams. Section 12 of the Act envisages liability of persons and institutions receiving ryotwari pattas to ryotwari assessment, etc. Section 13 of the Act provides a provision for vesting of the powers of a Civil Court in certain matters in a tahsildar, Revenue Court and the collector. Section 14 of the Act bars the jurisdiction of Civil Courts to set aside or modify any decision of the Tahsildar, the Revenue Court or the Collector, except where the decision is obtained by misrepresentation, fraud or collusion of parties. Section 14-A of the Act empowers the Board of Revenue to hold the revisioanl powers. Section 15 provides for effectuating the provisions of the Act not withstanding anything inconsistent therewith contained in any other law, for the



time being, in force or any instrument having the effect of law. Sections 16 and 17 of the Act empower the Government to remove difficulties in the interpretation of the Act and to make rules to carry out the purposes of the Act.²⁴

Andhra Pradesh (Telangana Area) Abolition of Inams Act, 1955

Having found that the Hyderabad Enfranchised Inams Act, 1952 envisaging enfranchise certain classes of inams and to charge in lieu of relinquishment of reversionary of rights of Government and conferment of all proprietary rights on the inamdars, a quit rent of Jodi at 1/8th of the revenue assessment, was not quite sufficient in keeping pace with the modern trends and that it was discriminatory, the A.P. (Telangana Area) Abolition of Inams Act, 1955 was enacted by the state of A.P. The Act received the assent of the President on the 16th July, 1955 and published in the Hyderabad Gazette, Extraordinary No.90. on the 20th July 1955. The Act came into force on different dates in respect of different provisions there of, but by now presumably all the provisions of the Act have come into force.

Some of the important features of the Act

1. The Act consists of 37 sections spread over in V Chapters. It extends to the whole of the *Telangana* Area of the State of A.P.
2. The objective of the Act is to provide for the abolition of inams in the *Telangana* Area of the State of A.p. in public interest and for other matters connected therewith.
3. Chapter II of the Act consisting of the Sections 3 to 11 deals with abolition and vesting of inams and the consequences thereof, notwithstanding anything, to the contrary, contained. In any usage, settlement, contract grant, sand, order of instrument.
4. Chapter III of the Act consisting of Section 12 and 22 provides provision for determination, appointment and payment of compensation, including interim payment, apportionment of compensation, procedure for appointment, claims of creditor and evaluation of interest on compensation.
5. Chapter IV of the Act consisting of Sections 23 and 29 deals with appeal, reference and revision on the decisions made by various authorities under the Act, including the saving clause.
6. Chapter V of the Act consisting of sections 30 to 37 deals with miscellaneous aspects like Enquiries by the Collector, fee payable on applications, indemnity, savings, repeal and powers of the government to make Rules and remove difficulties, penalties, etc.²⁵

The Andhra Pradesh (Telangana Area) Prevention of Fragmentation and Consolidation of Holdings Act, 1956

Law relating to prohibition of fragmentation and consolidation of agricultural land holdings is apparently enacted with twin objectives, namely, prohibiting fragmentation or dividing land into small lots, and to encourage



consolidation of land holdings or forming lands into large holdings wherever feasible. This law is mainly concentrated to apply in the Hyderabad area of Telangana region of the State of Andhra Pradesh, in the name and style of “The Andhra Pradesh (Telangana Area) Prevention and Fragmentation and Consolidation of Holdings Act, 1956 as discussed below:

With a view to prevent fragmentation of agricultural holdings and there for consolidation for the purpose of better cultivation, the Andhra Pradesh(Telangana Area) Prevention of Fragmentation and Consolidation of Holdings Act was enacted in 1956.

The following are the salient features of the Act

The Act extends to the whole of the Hyderabad area of the State of Andhra Pradesh. The government may, after such enquiry as it deems fit, by notification in the official Gazette specify a village or taluka or any part thereof as a local area for the purposes of the Act. Section 2 of the Act provides definitions to various terms used under the Act, such as, as, “Agricultural year”, “Consolidation of Holdings”, “Consolidation Officer”, “Cooperative society”, “Fragment”, “Land”, “Owner”, “Standard area”, and “Village Community”, etc. Chapter II of the Act consisting of Sections 3 to 14, provides the provision for determination of local and standard areas, settlement of standard areas, determination and revision of standard areas, entry of standard areas in the record of rights, transfer and lease of fragments, restrictions on permanent alienation of land on partition of land, penalty for transfer of partition contrary to the Act, transfer of fragments to the Government, determination of compensation, prohibition on sale of fragments, etc.

Chapter III of the Act consisting of Sections 15 to 27, deals with the procedure for consolidation of holdings, which includes preparation of the scheme for consolidation of land holdings and the principles to be followed in its preparation, scheme to provide for compensation, amalgamation of public roads, etc., land reserved for common purposes, publication and confirmation of the scheme, right to possession of new holdings, certificate of transfer, assessment and recovery of cost, compensation or any other sums, etc.

Chapter IV of the Act consisting of Sections 28 to 36 deals with the effect of consolidation proceedings and of consolidation of holdings, including the powers of Consolidation Officer, rights in holdings, transfer of encumbrances, apportionment of compensation, alienation and sub-division of consolidated holdings, etc.

Chapter V of the Act consisting of Sections 37 to 40 deals with other powers of consolidation.

Chapter VI of the Act deals with general aspects spread over in Sections 41 to 48, such as appointment of officers and staff, constitution of village committees,



appeal and revision, bar of jurisdiction of Civil Courts, power of Government to make rules, etc.

The Act of Section 48, falling under Chapter VI, amends the A.P. (Telangana Area) Tenancy and Agricultural Lands Act, 1950, which, *inter alia*, omits Chapter VII of that Act. The Act has a connection with respect to the words and expressions used but not defined therein with the meanings assigned to them in the Hyderabad Land Revenue Act, 1317 Fasli or the A.P.(Telangana Area) Tenancy and Agricultural Lands Act, 1950.²⁶

Andhra Pradesh Ceiling and Agricultural Holdings Act 1961

Till early seventies, the proposals to introduce ceilings on land holdings were not implemented in many states on the ground that it will result in the fall of production and thereby upset well-being and stability of the rural structure. Every successive five-year plan thereafter underscored the need to impose a ceiling on land holdings. However, no concrete policy measures were formulated to realise the objective. Sporadic efforts were made to impose a ceiling on landholdings. However, these efforts did not result in any major changes in the agrarian relations. Take the case of Andhra Pradesh. AP Ceiling on Agricultural Holdings Act enacted in 1961 to prevent concentration of land in the hands of few individuals. However, the act has not served the purpose because it granted too many concessions and exemptions. In the first instance, the ceiling limit was very high. It ranges from 27 acres to 324 acres. Besides, there were too many exemptions. Land leased out, and staled is not counted while computing the holding. There is another interesting exemption provided in the law. If in the opinion of RDO the division of blocks on which heavy investment is made leads to fall in the the production, it can be exempted from the purview of the law. Besides, the law does not cover orchards, cooperatives. The provisions are so vague that the ceiling itself has become a mockery. Because of the loopholes, the law had no impact at all. "It was expected that 30 lakh acres, i.e., a little less than 10 per cent of the total land will be available for redistribution. However, as per the state, Administrative Reports for the year 1964-65 issued by the government only 54709 acres."²⁷

A.P Land Reforms (Ceiling on Agricultural Holdings) Act 1973

The APLR (Ceiling on agriculture holdings) Act 1973 came into force in 1975. The object of the Act is to eliminate disparities in the possession and ownership of land and to increase agricultural production. The Act applied to the entire state and provides for the imposition of ceiling on agricultural lands. In order to avoid Benami transition, all the transitions between 1971 to 1975 were declared null and avoid for determination of surplus land the scheme of the act in brief is that every person whose holding as on 1975 together with any land transferred by him on or after 1971, exceeds 10 acres of wet land or 25 acres of dry land has to file the declaration U/S 6 of the act. The extent of standard holding ranges in between acres 10 to 54 depending on the taram or Bhagana and wet and dry lands are classified into 11 classes viz., A to K to sections five schedules-I. The land reforms tribunal



may also obtain the necessary information in respect of any person who is liable to furnish a declaration and fails to furnish the same. The L.R.T on receipt of the declaration furnished or information obtained to publish the same and after making enquiry pass order U/S 9 of the act determining whether the person holds or is deemed to hold in the notified date land in excess of the ceiling area prescribed U/S 4 Act. The ceiling area in the case of family unit consisting of more than 5 members shall be an extent of land equal to one standard holding. An additional extent of one-fifth of one standard holding for every additional member in excess of is allowed subject to ceiling of two standard holding. A major son will get one more unit of standard holding U/S 4a. The extent of standard holding is determined basing upon the classes of land held by the declarant as indicated in section five of the act.

If the holding of a person is in excess of the ceiling area limit he shall be liable to surrender the land held in excess U/S 10 (1) of the Act. The L.R.T shall serve and such person a notice requiring him to file a statement indicating there in full particulars of land which such person proposes to surrender. If the same person does not file the statement within a period of 15 days, that tribunal may select the land and pass orders U/S 10(4) of the Act.

The land surrendered or deemed to have been surrendered vest with the govt. free from all encumbrances and the revenue divisional officer has to take possession U/S 11 of the Act. The land taken possession shall be allotted for house sites or assigned for the agricultural purpose to the weaker sections of people U/S 14 of the Act. The distribution of surplus lands shall be at the ratio of one-half of the total extent of the land so allotted or transferred shall be allotted or transferred to the members of the SCs and STs and out of the balance not less than two third, shall be allotted or transferred to the members of BCs, classes of citizens notified by Government for purpose of clause (4) of Article 15 of Constitution.

Further, the Govt. can also lease out any such land to terms and conditions and reserve such as land for any common use or benefit of the community. U/S 14 (16) of the Act. The declarant is entitled for compensation of the land and the value for fruit-bearing trees and structures if any as provided in second schedule U/S 15 of the Act. The declarants are prohibited from alienating or transferring in any manner converting the agricultural land for non-agricultural purpose pending determination of the ceiling area by the Tribunal and surrender of the surplus area U/S 17 of the Act²⁸.

AP Assigned Lands (Prohibition of Transfers) Act 1977

The lands assigned are heritable but not alienable. The Andhra Pradesh Assigned Lands (prohibition of transfer) Act 1977- Act no.9 Of 1977 prohibits transfer (through alienation/ Sale to a third party) of lands assigned to the landless poor persons. In case of the breach of this provision, the district collector, or any other officer authorized by him, may take possession of the assigned land, after



evicting the person in possession by giving him reasonable opportunity and restore the land to the original assignee or his legal heir. If restoration is impossible, then the land can be resumed to Government for fresh assignment.

- (a) The Act is retrospective in operation and applies also to transactions of sale prior to the commencement of the act. The revenue officials rarely resort to this option.
- (b) The following there are the salient features of the Act:
- (c) The Act, which has to be deemed to have come into force with effect from 21st January 1977 by way of repealing the existing Ordinance, 1977, contains only 12 sections without being divided into any Chapters.
- (d) The objective of the Act is to prohibit transfer of certain lands assigned to certain landless poor persons in the State of Andhra Pradesh, as envisaged in the Preamble of the Act.
- (e) Section 2 of the Act provides for definitions to various terms used in the Act such as, "Assigned land", "Government", "Landless poor person", "Notification", "Prescribed" and "Transfer".
- (f) While Section 3 of the Act prohibits the transfer of assigned lands, Section 4 thereof empowers the District Collector or any of his authorized officers not below the rank of a Mandal Revenue Officer, to take possession of the assigned land and restore the same to the original assignee or his legal heirs, or to resume the assigned land to the Government for assignment to landless poor, as the case may be, in case where the land is transferred under Section 3.
- (g) Section 4-A of the Act provides the provision for appeal by any aggrieved person against an order passed by the Mandal Revenue Officer within the prescribed time to the Revenue Divisional Officer.
- (h) Similarly, 4-B of the Act provides for revisional powers on the part of the District Collector, either or on an application made to him as to the regularity of any proceedings not being an appeal made by an aggrieved person against the order passed by the Revenue Divisional Officer under Section 4-A(1) of the Act.
- (i) Section of the Act prohibits registration of documents relating to the transfer of any lands, or documents creating any interest therein.
- (j) Section 6 of the Act exempts applicability of the Act to the assigned lands held on mortgage by the State or Central Government, any local authority, a co-operative society, scheduled bank or such other financial institution owned, controlled or managed by a State or the Central Government.
- (k) Section 7 of the Act provides for penal provisions in the respect of persons who acquire any assigned lands in contravention of the provisions of Section 3(2) of the Act with a punishment of imprisonment, which may extend to six months or with fine, which may extend to Rs. 2,000 or with



both. Similarly, that Section also provides for punishment on those who oppose or impede the District Collector or any person authorized in taking possession of any assigned land with imprisonment, which may extend to six months or with fine, which may extend to Rs. 5000 or with both.

- (l) Under the Act, no Court shall take cognizance of an offence punishable under Section 7 except with the previous sanction of the District Collector.
- (m) Section 8 of the Act provides the provision for protecting the actions taken by any person, officer or authority for anything done in good faith or intended to be done in pursuance of the Act or any rules thereunder against any suit prosecution or other legal proceedings. Such protection is extended to the Government for any damage caused or likely to be caused or for any injury suffered or likely to be suffered by any person by virtue of any of the provisions of the Act, or for any Act done in good faith or intended to be done in pursuance of the Act or any Rules thereunder.
- (n) Section of the Act empowers the State Government to make rules by notification for carrying out all or any of the purposes of the Act, which shall also require laying before each House of the State Legislature immediately after the same is so made.
- (o) Section 10 of the Act provides for an overriding effect of the Act over other laws, for the time being, in force, or over any custom, usage or contract or decree or order of a Court, Tribunal or other authority.
- (p) Section 11 empowers the State Government to remove difficulties in giving effect to the provisions of the Act by a general or special order published in the State Gazette.²⁹

Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act 2007

Andhra Pradesh assigned lands (Prohibition of Transfers) Act 2007-Act 8 of 2007, which ostensibly aims at restoring lands previously assigned to the landless poor who were no more in possession of them, but in reality, plans to use it for “public purpose” which is defined to include purposes totally unrelated to the direct welfare or development, of the Dalits or the poor such as the so-called infrastructure development, promotion of industries, tourism, public utility, etc. this injures the interests of the poor and Dalits as a class of people for whom this valuable resource was lawfully and, in Constitutional law, contractually committed. This Act does not even take the trouble at least of defining infrastructure as social infrastructure relevant exclusively to the welfare and development of the weaker sections.³⁰

In addition to these land reforms and legislation, with the aim of providing minimum source of income and promoting social and economic well-being of the poor land less people, the government distributed the surplus land made available from land ceiling. As on September 30, 1996 about 52.13 lakh acres was distributed at the all India levels. Of this about 18.08 lakh acres of land was distributed to SCs,



7.31 lakh acres to STs and 26.74 lakh acres for non-ST, ST persons. Total 51.21 lakh beneficiaries have been covered so for which 18.49 lakh were SCs, 7.19 lakh STs and 25.53 lakh non-SC, STs. The land distribution for beneficiaries in the SC category house holds comes to 0.977 acres, which was less than corresponding 1.047 acres for non-SC/ST house holds. As on September 30, 2004 an area of about 5.29 lakh acres at the Andhra Pradesh state level was distributed. Of this about 2.26 lakh acres of land was distributed to SCs, 1.19 lakh acres to STs and 2.36 lakh acres to non-SC/STs. A total of 4.67 lakh beneficiaries has been covered so for of whom 2.24 lakh acres are SCs, 0.84 lakh are STs and 2.16 lakh are non-SC/STs. The land distributed for a beneficiary in the SC category households works out to 1.0 acres, which are less than what non-SC households to obtain 1.1 acre. Even today about 1.47 lakh acre surplus lands is pending in the court litigation. This shows that even in the redistribution, there is continuing bias against the SC/ST sections of society.

Under the law 4, 47,103 declarations were filed. And of these 64,911 were in excess of the ceiling and the remaining were not. Though 16,63,881 acres were determined as surplus, it got reduced due to court verdicts and revisions. Finally, 7,95,947 acres were declared as surplus. Many devious methods were used to circumvent the law. “Decelerates...went in appeal to various Appellate Courts, namely the Land Reforms Appellate Tribunal (LRAT), High Court and Supreme Court. They obtained deletions from holdings of the declarant on various counts, such as treating a minor as major, adverse possession, unregistered private sale deeds, deletions of *pot kharab*, deletions of areas covered by 38E, 50B Certificates under the Tenancy Act, and Occupancy Right Certificates issued under the Inam Abolition Act. In some cases, after filing declarations, they appealed to the courts to treat the double crops wet land as single crop wet land, and single crop wet land as dry land, and obtained orders effecting deletions.”³¹

The above account shows that objective of reforms could not be realized due to loopholes in the law. The law, however, had an unintended effect. It has led to consolidation of land holdings. Besides the law has discouraged concentration of lands above the ceiling level. In the absence of ceiling law, numerous small and marginal farmers would have been dispossessed of their land in the land markets.

The land reforms also acted as a catalyst in over throwing the caste-based division of labour. Though land given is meager and insufficient to meet the family requirements it has given them the strength to reject vetti. Of course, the change was not automatic. The SCs and the other rural poor had to fight against the landed gentry to secure emancipation from caste-based domination. However, the land reforms have not enabled the rural poor to become farmers.

The purpose of the land reforms was to release the unused land from the clutches of the landlords for intensive cultivation. Equitable redistribution was never the intention of the policy makers. The government thinking becomes clearer only when we examine the land reforms in conjunction with rural development



programmes. In India, the land reforms were pursued until the seventies. The emphasis of these policies was on the institutional change. This strategy is based on the belief that the impediments to agricultural production lie in the agrarian structure. Hence it argues that agrarian transformation would lead to rise in the production. Agrarian reforms were also seen as a means to bring about social transformation.

The above account clearly shows that the basic objective of the land reform programmes introduced so far has been to strengthen capitalism not socialism. Of course in the process the land reform laws tried to protect the interests of the marginalized groups. But small patches were given to them. Rules were framed to prevent the alienation of land. But as capital becomes a mediating agency between the land owner and the land poor farmers find it difficult to sustain control over the land. As land becomes a commodity, it passes into the hands of those who own money. The land laws are not able to protect the interests of the SCs, STs and the other marginalized communities. In the era of liberalization where capital is seen as the source production land reform policies are seen as a hurdle for development. Therefore, an attempt is being made subvert these laws. Sometimes, attempts are being to abolish them altogether. As land becomes a commodity, it is important to ensure that property rights are clearly defined and established beyond doubt so that land transactions take place smoothly. Therefore, in the era of liberalization the focus has shifted. Land reforms are no longer the concern of the government. The government is trying to strengthen the revenue administration, computerize the records and digitize the land maps. Land question is defined in the interest of those who own capital.

Land reforms have to be reconceptualized in the light of these developments. As Daniel Thorner argued way back in 1955, land reforms should try to protect the interests of those who cultivate the land. "The proprietary rights of non-cultivators will have to be so abridged that the existing gap between "right-holding" and cultivation-in-the-fields can be closed."³² This objective cannot be achieved without altering the power relations in the village. That is why Ambedkar argued in his "states and minorities" that the land should be nationalized. He proposed, "State ownership in agriculture with a collectivized method of cultivation."³³ In this system, state supplies the capital necessary for agriculture. Further Ambedkar stated that "consolidation of Holdings and Tenancy Legislation are worse than useless. They cannot bring about prosperity in agriculture. Neither Consolidation nor Tenancy Legislation can be of any help to the 60 millions of Untouchables, who are just landless labourers. ...only collective farms ...can help them."³⁴ The economic reform policies strengthen private enterprise. In such a system, private employer rules the society. Ambedkar opposed government policies that favour private enterprise as it leads to a rule of the few rich people. According to Ambedkar democracy is a form of society where each individual is valued. Land reforms in Ambedkar's perspective will lead to the formation of democracy. In other words, land reforms should be designed to transform India into a democracy.



This research paper looks into the constraints of land reforms policies. The external constraints related to the constitutional position of land reforms, objectives and significance of land reforms and internal constraints related to the land reform legislations and more specifically provisions made for Dalits in AP since post independence.

In the tenancy act of 1950 (*Telangana* area), and AP tenancy and agricultural act 1956, there are no special provisions for securing the Dalit tenants or protection rights of Dalits and Dalit tenant's cultivators. In the Andhra Pradesh (Andhra area) *Inam* (abolition and conversion into *Rytwari*) Act 1956 and Andhra Pradesh *Telangana* area abolition of *Inam* Act 1955, there are no special provisions for Dalits in these acts.

In the Andhra Pradesh (*Telangana* Area) prevention of fragmentation and consolidation of Land Holding Act 1956 and Andhra Pradesh Ceiling and Agricultural Holding Act 1961 there are no special provisions for the weaker sections, especially Dalits. Andhra Pradesh Prevention of Fragmentation and Consolidation of Holdings Act 1956 talks about the prevention of fragmentation and consolidation of holdings does not mention about Dalits and their provisions and Andhra Pradesh Land Ceiling and Agricultural Holding Act 1961 tells about the land ceiling and agricultural holdings. It also not mentions about Schedule Caste and their welfare or uplift.

However, there are some other Land Reforms Acts, which provides for distribution of Land to Dalits. Those Acts are APLR (Ceiling and Agricultural Holdings) Act 1973, AP Assigned Lands Prohibition of Transfer's Act 1977 and Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act 2007. APLR Act 1973 tells the provisions for Dalits in U/S 14 of the Act 1973 and AP Assigned Land Prohibition of Transfers Act mentions the special provisions for the Dalits in the Act under the Section 3. Last but not the least AP Assigned Land (Prohibitions of Transfers) act 2007 also mentioned about the provisions for Dalits development or welfare. But still land is a distance dream for the Dalits and other weaker sections in Andhra Pradesh as well as in India.

References

- Satya Babu Bose (2007), "*Land Entitlement – A Historical Development*" In *Rekindling Hope?* (Edit) by Thomas Pallithanam, Andhra Pradesh Social Watch Report.
- Sanjay, Paswan and Paramanshi, Jardeva (2002): "*Encyclopedia of Dalits in India (Ed)*" Delhi, Kalpaz Publication, P.35.
- Satya Babu Bose (2007). "*Land Entitlement – A Historical Development*" In Thomas Pallithanam, *Rekindling Hope?* Andhra Pradesh Social Watch Report. P.35-6



- Sanjay, Paswan and Paramanshi, Jardeva (2002): “*Encyclopedia of Dalits in India (Ed)*”: Delhi, Kalpaz Publication, P.67.
- Thorat Sukhdeo (1990): “*Social Security in an organized Sector in India: How Secure are the Scheduled Castes*”: Indian Journal of Labour Economics, Vol.42- 3, P.451-470.
- Director, Census India Reports 2001.
- Harza Amit, (2006): “*Land Reforms: Myths & Realities*”, Concept publishing Company, New Delhi, P.9-10.
- Swamy Maheswara, N (2006): “*Land Laws*”, Asia Law House, Hyderabad, P
- Manpreet Senth (1997): “*Land Reforms in India: Issues and Challenges*”
- Joshi PC, “*Land Reforms and Agrarian Change in India and Pakistan Since 1941*”, *Journal of Peasants Studies*, Vol.I, No.2, January 1974.p.165.
- Report on the Agrarian Reforms Committee, AICC, New Delhi, 1951, P-8.
- Joshi PC, “*Reforms and Agrarian Change in India and Pakistan Since 1941*”, *Journal of Peasants Studies*, Vol.I, No.2, January 1974.p.165.
- Parthasarathi G and B.Prasad Rao, “*Land Reforms in AP*”, Scientific Book Agency, Calcutta, 1969, pp.59-60.
- Khusro AM, “*Economic and Social Effects of Jagardari Abolition and Land Reforms in Hyderabad*”, Osmania University Press, Hyderabad, 1958.p-24.
- Frecis C, (1996): “*Land reforms: An Overview, Land Reforms in India*”, Vol.3(Ed) by B.N Yougandhar, Sage Publications, New Delhi. .
- Maheswara Swamy. N (2006): “*Land Laws*”, Asia Law House, Hyderabad, P. 92-93.
- Francis C, (1996): “*Land Reforms: An overwiev*, In B.N. Yougandhar (Ed), *Land Reforms in India*”, Vol.3 Saga Publications, NewDelhi.
- Brief Note of APLR Act 1973(2008), Chief Commissinor of Land Administration. Andhra Pradesh. P.3
- Venugopal, K. R (2007): “*forwerd*”, In Thomas Pallithanam (Edit) by Rekindling Hope?, Andhra Pradesh Social Watch Report.
- Thomas Pallithanam Sbd (2007): “*Rekindling Hope? Access, Retention and development of Land a Dalits perspective*”, Andhra Pradesh Social Watch, Hyderabad.
- Daniel Thorner, “*The Agrarian Prospect in India*”, University of Delhi, 1956, p.79.
- Amedkhar, B.R “*States and Minorities*” in *Dr. Babasahed Ambedkar Writings and Speeches: Vol.I*, Government of Maharashtra, 1989, p.408.