

**State and Land Reforms Legislations in United AP:
A Case of Distribution of Land to Dalits**

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Abstract

Land in India unravels both the contradictory process that took place during 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 a potential force liberation especially low economic well being, low social status, freedom, dignity and other opportunities to the Dalits and other weaker sections. This paper analyzes the constraints of land reforms policies. The external constraints related to historical sketch of land reforms, the constitutional position of land reforms, objectives and significance of land reforms and the problems and difficulties at the level of policy, planning and implementation and internal constraints related to the land reform legislations and more specifically provisions made for Dalits in AP since post independence.

Introduction

Land is a free but precious gift of Nature. It generates and regulates atmosphere congenial for the growth, and death of human and other beings. It is only the provider of all sources of life and livelihood for all the living beings, but also a measuring object of the progress and prosperity of the earthly living in perpetuity. The history of mankind is almost interlinked with the history of land. During ancient times it was a universally recognized principle that all land belonged to the king, and the King was considered to be the living God on the earth, representing the invisible God. Even today this principle holds the field, notwithstanding the fact that the Kingly rule is substituted by the rule of the State/Government, representing the people in majority. This power of King/State/Government is termed as the power of "Eminent Domain", by exercise, which the King/State/Government can acquire, hold and dispose of the land owned or possessed by the individual inhabitants in a given territory (Maheswara Swamy. N, 2006:5).

The first milestone in the civilized human living began with the use of land for agricultural purposes. The rights of ownership were vested in the person who actually occupied the land for agricultural or other purposes. When the system of the Ruling and Ruled came into force, all the rights in land were deemed to be vested initially in the King and the King in turn vested the same in the user of the land, free of cost or for some return payable to the King or to his intermediaries, such as Zamindars, Jagirdars, Inamdars etc., by the occupier of such land, subject to the over-all control by the King. Such rights of the King included the right to fix and impose rents, rates and taxes on the user of land, the

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right of acquisition and requisition of land, etc. As the civilization grew, there arose an increasing need for bringing “land reforms” in various forms not only to regulate and control the authority of the King/State/Government over the land but also to assign the rights of ownership and possession of the landholders on the interested third parties. This practice is in vogue even today. Thus, the land reforms gained greater significance in the history of India (Maheswara Swamy. N, 2006:5).

Broadly seeking, the main objective of land reforms was and is, not only collection of revenue income by the King/State/Government for public purpose or, as in the case of the age old days, for the welfare of the King, and his estate, but also regulation of rights in land amongst the people living in given village of territorial area. Thus, the concept of “Land reforms” envisages the dual objectives, namely, reforming and ensuring the earning sources of the State/King/Government in the form of “land revenue” as also of the people in the form of “Distributive Justice” (Maheswara Swamy. N, 2006:5). An overall view of the historical developments relating to land and its relationship with man, makes it clear that the concept of “Land Reforms” has its origin and growth under various heads, namely, “Land acquisition and requisition by the State”, “Land tenures and tenancy”, “Land assignment and abolition of intermediaries”, “Land ceiling and holdings”, “Land Revenue”, “Land grabbing and encroachment”, “Forest land”, and “land under water”, etc (Maheswara Swamy. N, 2006:6).

India is an agrarian country from its inception. In India, the subject of “Land reforms” is said to be in existence even during the pre-Vedic period. It has been transformed and streamlined by various dynasties of kings and monarchs, such as Aryans, Dravidians, Hindus, Muslims, Moghals and British. It was given a scientific touch during the British period. After India’s independence, a greater part of the land reform policies and programmes introduced by British Indian Government have been modified with a view not only to give Constitutional validity to the British laws and policies in vogue but also to achieve the Constitutional goal of equal distribution of wealth, welfare of the people, etc., by means of abolishing the then existing system of intermediaries, such as Zamindars, Jagirdars, and also the Imandars and Estate holders. The power of the eminent domain also the Imandars and Estate holders. The power of eminent domain exercised by the State/Government is also constrained drastically by the Indian Legislature and Judiciary (Maheswara Swamy. N, 2006:7).

Land can broadly be divided as (1) Urban land (2) Rural land (3) Forest land and (4) Sea-bed. It can be used for (1) residential purposes or (2) Agricultural purposes or (3) Non-agricultural purposes. Agricultural land can again be of two types, namely, (1) Dry land; and (2) Wet land. There can be waste land for grazing animals, etc (Maheswara Swamy. N, 2006:1). Thus, India’s independence brought into lime light, a numerous reformative legislative measures to protect the interests of the land-holders against the arbitrary and unlawful acts, deeds or things, such as land grabbing, encroachment, acquisition and requisition, illegal transfers, and fixing rents, rates and taxes, etc. by public or private persons or authorities. Today, there are certain Central Acts as well as State Acts governing the land and its reforms in various forms. This has resulted in compelling the needs of people to know the law pertaining to land reforms, in as much as it contains the protective measures in safeguarding their

rights and privilege land.

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;

Clauses (b)—the ownership and control of the resources of the community are so distributed as to sub serve 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-Plans (Harza Amit, 2006:9-10).

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 is further discussed below:

I. 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 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 sanitation (Swamy Maheswara. N,2006:42).

Significance of land reforms

Most studies indicate that inequalities have increased, rather than decreased the number of landless labours has risen, and few percent of the population monopolize more land in 1951. 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 eather 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 makes has become more a matter of housing, investment and infrasture building land as a basis of livelihood for subsistence, survival, social justice and human dignity has been lost.

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 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 becomes meaningful enabling small formers to turn their plots in to productive assets. The constitution of India is promised upon egalitarian which 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 SC's and ST's, 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 holdings (Manpreet Senth, 1997: 64).

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 political conditions. The land reform laws developed through three broad phases since independence. In the late 40's 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 1970's. 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 so as to win peasant support for the anti-imperialist struggle" (Joshi PC, 1974: 165).

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 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 in to 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 provides for land rights for only the upper section of the peasantry" (Joshi PC, 1974: 176). 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" (AICC, 1951: 8).

Else where in the report the committee was more explicit. It felt "that there can not be any lasting improvement in agricultural production and efficiency with out 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" (AICC, 1951: 1-7). As far as the tenancy was concerned the committee recommended that subletting has to be prohibited. It suggested that tenants cultivating 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" (Joshi PC, 1974: 165).

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 reforms 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 where as in others it had no affect 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 gentry 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 form the law could not implemented by the state governments because the landlords wielded 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 till 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 has 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 dewan 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” (Parthasarathi G and B.Prasad Rao, 1969: 59-60).

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 lot of scope for the eviction of the tenant by the landlord with out any difficulty. As the tenancy laws could not bring about equitable distribution of land the government was compelled to consider ceilings on land holdings (Francis C, 1996:23).

The Andhra Pradesh (Andhra Area) Inams (Abolition and Conversion in to 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 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 provision for the determination of 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 provision for evicting tenants having 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 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 (Maheswara Swamy. N, 2006: 92-93).

Andhra Pradesh (Telangana Area) Abolition of Inama 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. (Telangan 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 (Maheswara Swamy. N, 2006: 79-80).

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:

Chapter II of the Act consisting of Sections 3 to 14, provides 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 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 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 (Maheswara Swamy. N, 2006: 347-48).

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. But 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 streedhana 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 production it can be exempted from 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. But as per the state Administrative Reports for the year 1964-65 issued by the government only 54709 acres” (Francis C, 1996:60).

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

The APLR (Ceiling on agriculture holdings) Act 1973 came into force on 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 transition between 1971 to 1975 were declared null and void for the purpose of 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 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 schedule-I.

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 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 (CCLA, 2008: 46).

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 not possible, then the land can be resumed to Government for fresh assignment. The Act is retrospective in operation and applies also to transactions of sale prior to the commencement of the act (CCLA, 2008: 47).

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 (Hemendranath Reddy et al, 2007:34), 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 (Venugopal, K. R, 2007: 3) .

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 was determined as surplus it got reduced due to court verdicts and revisions. Finally 7,95,947 acres was 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 a 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 double crop wet land as single crop wet land, and single crop wet land as dry land, and obtained orders effecting deletions” (Thomas Pallithanam, 2007: 45).

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 till 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. Some times 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 reconceptualised 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" (Daniel Thorner, 1956: 79). 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" (Ambedkar, B.R, 1989: 408). 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 farmscan help them" (Ambedkar, B.R, 1989: 408). 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.

Conclusion

It discussed 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 *Rytewari*) 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 mention about Schedule Caste and their welfare or upliftment. But 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.

References

1. AICC (1951). Report on the Agrarian Reforms Committee, New Delhi.
2. CCLA (2008). Brief Note of APLR Act 1973(2008), Chief Commissioner of Land Administration. AP
3. Daniel Thorner, (1956). *The Agrarian Prospect in India*, University of Delhi.
4. Francis C, (1996). "Land reforms: An Overview, In B.N. Yougandhar (Ed). *Land Reforms in India*", Vol.3, New Delhi: Sage Publications.
5. Harza Amit, (2006). *Land Reforms: Myths & Realities*, New Delhi: Concept publishing Company.
6. Hemendranath Reddy et al (2007). *Manual of Assignment Laws in Andhra Pradesh: Comprising of G.Os from 1734-f to 2007*, Hyderabad: ALT Publications.
7. Khusro AM, (1958). *Economic and Social Effects of Jagardari Abolition and Land Reforms in Hyderabad*, Hyderabad: Osmania University Press.
8. P. C. Joshi (1974). "Land Reform and Agrarian change in India and Pakistan since 1947", *The Journal of Peasant Studies*, 1:3, 326-362.
9. Parthasarathi G and B.Prasad Rao, (1969). *Land Reforms in AP*, Calcutta: Scientific Book Agency.
10. Swamy Maheswara. N., (2006). *Land Laws*, Hyderabad: Asia law house.
11. Thomas Pallithanam (2007). *Rekindling Hope?: Access, Retention and Development of Land a Dalits perspective*", Andhra Pradesh Social Watch, Hyderabad.
12. Vasant Moon (1979). Ambedkar, B.R "States and Minorities" in *Dr. Babasahed Ambedkar Writings and Speeches: Vol. I*, Education Department, Government of Maharashtra.
13. Venugopal, K. R (2007). "Forward", In Thomas Pallithanam (Edit) by *Rekindling Hope?: Access*,

Retention and Development of Land a Dalits perspective, Hyderabad: Andhra Pradesh Social Watch Report.