

# A Study of Land Reforms and Farm Diversity in India With Special Reference to Bihar

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**Abstract:** - Bihar government made its first post-independence legislative attempts to abolish the zamindari system in Bihar by passing the Bihar Abolition of Zamindari Bill in 1947. This bill was then subject to immense resistance and hence had to face legal hurdles which took almost five years to negotiate. In 1952, the Supreme Court of India finally upheld the validity of the Bihar Land Reform Act, 1950.

**Keywords:** land reforms, redistribution of land, Zamindars, agricultural productivity, regulation of rent.

## LITRODUCTION

The NSSO estimates shows a trend of increasing marginalization of land holdings over the last three decades, incidence of landlessness has increased over the decade of nineties from 9 to 10 per cent of the rural population. However, the 2007 survey of twelve villages done by ADRI reveals a much higher figure of nearly 52 per cent of households surveyed being landless. While this certainly cannot be claimed to be the representative survey for entire Bihar, it certainly is indicative of the depth of landlessness in rural Bihar. Of the landed segments, while 60 per cent were marginal landholders, with marginal and small landholders constituting 78 per cent of the total, only 1.3 per cent of the households owned large landholdings.

Going by the NSS estimates, marginal holdings have increased from 71 per cent of total holdings in 1970s to almost 90 per cent in 2003. Similarly, the area accounted for by the marginal holdings has increased from around 18 per cent to 42 per cent over the same period. Marginal and Small holdings together were 96.50 per cent of the total number of holdings, accounting for 67.36 per cent of the total owned area.

One noteworthy feature is that while percentage of small land holdings has seen a fall from 11 per cent in 1992 to 7 per cent in 2003, its share in total area has increased from 23.84 per cent to 25.29 per cent over the same period. This trend needs a careful reading as it shows simultaneity of two opposite processes – one, of segments losing out land, and the other, of acquisition of land. For percentage of households in this category to fall, there must be a segment of population which would be losing land, but for increase in the percentage of area owned by a decreased percentage of households in the category, the remaining households/new entrants to this class must have acquired/had significant amount of land to increase the percent share of the small category in total owned area. Thus, while average size of landholdings in the small category has increased over the period, nearly forty per cent of the households in the small landholding category have lost land over the nineties. This is indicative of a strong tendency of de-presentation of a huge chunk of poor peasants (40 per cent of them), is also a marker of differentiation even among the poorest lot of peasantry who are being affected by the processes in the post-ninety eras in very crucial and yet in starkly opposite direction.

A similar trend is to be observed for the large-land holding class. While the percentage of such holdings has seen a fall in the nineties from 0.20 per cent in 1992 to 0.10 per cent in 2003, the area under such holdings has increased from 4.44 per cent to 4.63 per cent over the period. Thus, accumulation and alienation of land is, ironically, found to be a character of both, the top and the lowest of landholding classes in Bihar. It is the middle peasantry, found in the semi-medium and medium category.

## AIM OF THE STUDY:

To know the reforms relating to land in Bihar.

## METHODOLOGY:

### Descriptive methodology:

A descriptive approach to research is called as the foundation for research. The researcher referred more descriptive information's from books, articles, journals to gain more knowledge on uniform civil code in Bihar.

### Land ownership and poverty

Land ownership is also closely associated with poverty. The poor typically own less land than the non-poor in Bihar. In fact, 75% of the rural poor were 'landless' or 'near-landless' in 1999-2000. This has expanded by 8% since 1993-94. Here one also must observe that while the incidence of poverty has declined for all land-owning classes, but the incidence of poverty has increased for the landless from 51% to 56% during the nineties, also the share of poor of this group has increased from 12% to 14%. The marginal land holding

group's share of the total poor has also witnessed an increase from 55% in the early nineties to 61% by the 1999-2000. Thus, the condition of landless and near landless has unambiguously worsened in the nineties to say the least.

### Land ownership by social groups

If one takes a look at the rural landownership by social groups, then going by the NSSO data, landlessness has increased amongst the SC/STs in the decade of nineties (NSSO 50th and 55th round). While the overall landlessness has increased too from 8.9 % to 10.1% in the same period, but the SC/ST groups stand out as clear losers in this period, with the incidence of landlessness increasing among them from 14% to 18.6% in the period 1993-94 to 1999-2000. Also, while 17% of SC/ST households had land ownership of greater than marginal size (greater than 1 hectare) by 1999-2000 it had fallen to around 9%. There is also a clear concentration of all the social groups in the marginal land-holding class, and fall is also witnessed in the percentage of households holding lands of higher than the marginal sizes.

While 72 per cent of the 'other' category households would be classified in the marginal landholding category, which would essentially mean poor peasants, the corresponding number for the OBC households and SC households is found to be 77 per cent and 73 per cent, respectively. A very significant pattern that emerges here, even in this broad categorization of social groups, is that a substantive majority and a similar percentage of households across these groups is found to be in a similar class positioning of the poor peasantry (even here, the lot of SC households can be seen to be much worse). The difference amongst these groups begins to show significantly as one move up the landholding category, Specially for the SC households. While only 3 per cent of the 'other' category households are found to be in the large landholding category of more than 4 hectares, the corresponding percentage for OBC households is only 0.7 per cent, with no SC household to be found in this class of rich peasantry.

While this report suggests a fall in the average size of the land owned by the upper castes by almost 50%, the fall is significantly lower around 20% for the dominant castes among the OBCs. While this indicates weakening of the upper caste groups control over the local agrarian economy, the fact that except for the Yadav, the Kurmi and the Koeri, the percentage fall in the average area for the OBC-II is 61.03%, clearly pointing out that the castes falling in the grouping of the other backward classes are not a homogenous group at least in terms of economic standing and opportunities. The average size of landholding for the Backward-I too is seen to become further precarious in this period, having fallen from 1.31 acres to 0.75 acres, and worse is the fate of SCs whose landholdings' average size fell by 50.38%, from already precarious 0.63 acres to 0.31 acres. Thus, the SCs and Backward-I are seen to be pushed to the brink of landlessness in this period, while the upper caste groups are also seen to be losing land significantly.

while agricultural labour is seen to be losing nearly 60% of its landholding, similar is the fate of all other classes, except for the class defined as the "poor middle peasant" whose average land size grew in this period by almost 14%. As for the other classes, the fall is comparatively milder for the middle and big peasants, their land sizes falling by 32% and 37%, respectively. But the fall is huge for the non-agriculturalists whose average land size fell by almost 78%, from 1.40 acres to 0.31 acres. Similarly, landlords too lose their share of fat by around 52% with their average size of landholding falling from 6.13 acres to 2.93 acres. Thus, while on the one hand, we see a trend towards proletarianisation in rural Bihar, we also find a weakening of the grip of traditional elites, non-agriculturalist on the agrarian economy.

For scheduled castes too, the percentage of households buying land (4.48%) is more than households selling land (1.99%). For all caste groups, size of land bought is more than the size of land sold, except for the OBC II group, where though the percentage of households purchasing land (11.11%) is more than the percentage of households (9.72%) selling land, but the average size of land sold is 0.73 acres while the average size of land bought is 0.62 acres. This could well be a case of erstwhile cultivators moving out of cultivation in distress, and the ascendant groups/classes across all the caste groups investing in land. This could well be marker of a new dynamics taking shape in the agrarian Bihar with the weaker segments across different caste groups moving out, leaving the contest for agrarian control between the ascending/powerful segments of different castes.

### Land ownership and Employment scenario

Employment profile in the rural areas is also closely related to the pattern of land ownership. While an overwhelming majority of landless is agricultural labour, their resort to this profession has increased in the decade of nineties. In 1993-94, while 70.3% of landless were agricultural labour, in 1999-2000 this proportion went up to around 77 % (Table 11). Seen in the light of a decreasing participation overall in agricultural labour, this segment's increased participation in the same seems to be more of an outcome of an act of compulsion rather than an act of volition. The point to be taken note of is that the landless are also the most wretched and deprived, right at the bottom of the social ladder and facing worst kinds of deprivations. The un-freedom of choice under these circumstances for this segment comes as no surprise and their condition seems to have worsened in the period. This period has also seen increased involvement of landless in casual non-farm labour and cultivation. While marginal landholders are also seen to be moving out of agricultural labour into cultivation and casual non-farm labour, their regular non-farm employment scenario too has registered a marginal increase in the nineties.

### Implementation of Land Reforms in Bihar: Problems

After having overcome the legal hurdles in May 1952, when court's ruling established the validity of the Bihar Land Reforms Act, 1950, the government of Bihar still lacked the means of implementing it fully. When the Bihar Land Reforms Act was passed, such records of interests in land as were in possession of the government were of little value in connection with the implementation of the act because of the passage of time from the dates of completion of the last Survey and Settlement operations in various districts of the state. The latest Survey and Settlement operations were nearly thirty years old, and the most obsolete, relating to certain portions of the state, were over fifty years old. Similarly, among others, following were the legal and administrative problems, which virtually

stalled any effective implementation of land reforms in Bihar.

Updating of land records – in 1973, the State government enacted the Maintenance of Land Records Act to provide a legal basis for the updating of land record. But the Act was notified in only nine out of 587 anchals of the state, and even there it was not fully implemented. In 1977-78, the Janata Dal government led by Karpoori Thakur launched a project called Kosi Kranti to first update land records, including recording of the rights of share-croppers, and only then implement rural development programmes. The project was transferred to the Rural Development Department and eventually scrapped for the fear that it would lead to disturbance of agrarian peace. It should be noted that the present scheme of settlement takes a very long time to complete. Many of the settlements had taken place a long time back; the field bujharat started in the wake of the zamindari abolition was never carried to its logical conclusion; the original Register II was prepared on the basis of information provided by the landlord and does not contain details of plots comprising the Khata. The original khatian was prepared only at the time of settlement operations, and no proper record has been maintained of subsequent changes in land ownership.

Problems were posed by the verification of the returns filed by landowners. Landowners were expected to furnish returns of land owned/transferred by them after 22 October 1959. The returns filed by them were often false and therefore the task of verification was entrusted to revenue functionaries who had to do it in the presence of the landowners. The classification of land in accordance with the Ceiling Act was based on the irrigation capabilities and this differed from the classification under survey records. To further complicate matters, the Courts held that such reports were not statutory reports and would have to be proved if challenged.

The Classification of land also proved a trouble area where different views were possible. As classification was based on irrigation facilities, consultation with irrigation officials became necessary in cases where land fell under command area but was not irrigated, it was possible to take the view that though unirrigated, it was capable of being irrigated, and therefore should be classified as Class 1. A solution would have been to obtain irrigation commands in each village and superimpose them on revenue maps. The reports regarding classification were also not held to be statutory reports and thereby posed yet another problem.

The next major issue was determination of age of majority as on 9 Sep 1970. The dates of birth of very few persons are recorded under the Birth and Death Registration Act. As such, suddenly there were cases where students reading in colleges were declared illiterate. A full bench decision of the Patna High Court stated (though in a different context) that a matriculation certificate is not a conclusive proof of age.

As a lot of time elapsed before any teeth were put into the Ceiling Act, the landholders were able to make a lot of transfers including those permitted by law. The legal position as it obtained was that revenue officials were entitled to look into benami and farzi transfers made after 22 October 1959 with a view to defeat the provisions of the Ceiling Act. The Patna High Court in one of its judgments has held that if a document created before 22 October 1959 has not been acted upon the revenue officials can look into it for determining the surplus land held by the landholder. The onus of proof initially is, however, on the state in such cases. The crucial evidence again rested on who was exercising possession of the land. Matters which could be looked into were whether all transfers were on the same date, where were the registrations made, whether marfati rent receipts were being issued in favour of some persons, and whether they were being issued on the same date, etc. These reports had to be filed on affidavit or the report had to be formally proved. The Administration was hampered with lack of evidence. If workers of the political parties embedded the philosophy of land reforms had been available to lead evidence on these points it would have assisted the administration. In this context it may be interest to note that in Purnea district many of the landowners holding more than hundred acres of surplus land were former socialists.

#### **OBJECTIVES OF LAND REFORMS IN BIHAR:**

- i. Restructuring of agrarian relations to accomplish a populist structure.
- ii. End of misuse in arrive relations.
- iii. Actualisation of the objective of "land to the tiller".
- iv. Change of financial states of the country poor by extending their property base.
- v. Expanding agrarian generation and profitability.
- vi. Encouraging area-based improvement of rustic poor.
- vii. Imbuement of an awesome measure of equity in nearby foundations.

In fine, development and social equity are the fundamental targets of land change measures.

#### **Conclusion**

In this examination we looked into the monetary contentions for arrive change and demonstrated that they depend on erosions in the designation of land. These contacts could either be because of office expenses or blemished property rights. At that point we assessed the proof ashore changes in India. The proof proposes that land changes negatively affected neediness, while the impact on profitability is blended. In states where these measures were emphatically executed, the impact of land change on profitability appears to be sure.

#### **RECOMMENDATIONS:**

Land reforms mean equitable redistribution of land with the aim of increasing productivity and decreasing poverty.

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