

Land Reforms in India: Prospects and Challenges

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ABSTRACT

Land is a critical input that impacts on revenue generation of many stakeholders over different eras of socioeconomic development. However, the importance of land on livelihood generation of farming communities through agriculture has been taken very seriously during these days when any outcome becomes more accountable one for grassroot living and its own sustenance. So, reforms and policy formulations have been carried out to overcome any challenges in the sector. As land is a limiting factor, its importance could not be overlooked in the populous country like India where agriculture to industry is necessity for social existence. The present article highlights the history of land, its importance and substituent challenges in present days of socioeconomic development.

INTRODUCTION

Since time immemorial, land has been regarded as a source of pride and ownership. Possessing a piece of land is a key indicator of wealth and social status. The UN defines land as “a delineable area of the earth’s terrestrial surface, encompassing all attributes of the biosphere immediately above or below this surface including those of the

near-surface climate, the soil and terrain forms, the surface hydrology (including shallow lakes, rivers, marshes and swamps), the near-surface sedimentary layers and associated groundwater reserve, the plant and animal populations, the human settlement pattern and physical results of past and present human activities”. India is ranked 7th in the

world in terms of land area with a total of 3.288 million sq kms (FAO, 2023).

Given the vastness and diversity of the country, it is essential to govern land policies effectively. This involves developing new criteria to address evolving situations and modifying existing policies to adapt to changing circumstances.

Historical Context

The necessity for land policies has been evident since ancient India, where rulers established regulations to manage land use and revenue collection. During this period, kings implemented policies that required landowners to pay a fixed revenue based on various factors such as the productivity of the land, the fertility of the soil, and the type of soil. The Arthashastra stipulates that high ground and lowlands should be documented separately. Initially, Kautilya set the revenue rates at 1/10th of the total. However, later texts mention two types of taxes: Bali and Shudbhaga, which were fixed at a rate of 1/6th of the total revenue (Singh & Kumari, 2018).

Mughal era

The major changes in land policies were seen during the Mughal era especially during Akbar's reign when Raja Toddar Mall formulated the revenue system by measuring the land and assessing the land's productivity. The revenue demanded from farmers was based on the surplus of their produce. This system ensured that farmers retained enough of their harvest for their own sustenance, while the excess produce was collected as revenue.

The Zamindari system was a notable feature during the Mughal era. In this system, Zamindars were considered vassal chiefs with the primary responsibility of collecting revenues from farmers and delivering them to the kings. The agreements on the amount of revenue to be demanded, known as patta, were

established in the presence of both the Zamindars and the cultivators of the land, ensuring transparency and accountability. During the Mughal period, crop sharing was regarded as the most effective method for accurately measuring and compiling revenue, as it directly correlated the tax with the actual agricultural yield.

Land policies and revenue system during British era

Under British rule in India, there was a significant transformation in the land ownership pattern. The British altered the system of land revenue collection, resulting in changes to land ownership itself. They introduced policies that allowed for eviction and sale of land if revenue payments were not made in full. This shift made land a movable asset, contributed to the impoverishment of many peasants, and increased the wealth of zamindars. The British introduced three types of land revenue policy in India, they are:

1. **Zamindari system:** It is also known as the Permanent Settlement System. This method was introduced by Lord Cornwallis in 1793 following the acquisition of the Diwani of Bihar, Uttar Pradesh, Odisha and West Bengal. In this system, Zamindars served as intermediaries between the British colonial government and the peasants. They were granted ownership rights over their land tracts and the authority to collect revenue from the peasants. The revenue collected was divided between the British and the Zamindars, with 10/11th of the revenue allocated to the British and the remaining 1/11th retained by the Zamindars. This arrangement established a fixed revenue rate and formalized the roles of Zamindars in the administration of land and revenue collection.
2. **Ryotwari system:** It was introduced by Thomas Munro in 1820 in Madras and

Bombay. Over the years, the British government realized that Zamindars were reaping most of the benefits from the Zamindari system, while the government was not receiving its full share. To address this, they began the direct collection of revenue from the 'ryots' (peasants), eliminating the role of intermediaries. In this new arrangement, peasants were recognized as the owners of their lands and were directly responsible for paying revenue to the government. However, the revenue demands were set so high that many peasants found them unaffordable.

3. **Mahalwari system:** It was Introduced by Lord William Bentinck in 1833 in the Punjab province. This system considered the village community, or 'Mahal,' as the unit of revenue assessment. The responsibility of paying revenue rested collectively with the entire village community. Revenue was determined based on the land's productive capacity and the socio-economic conditions of the village. Because the whole community was responsible for the payment, the burden fell on everyone, leading to exploitation and inequality within the community.

Post-Independence Policy

Over the years, leaders fighting for India's independence witnessed the cruelty of land policies and their detrimental effects on the country's peasants. As a result, the primary focus of independent India was on agrarian reforms to strengthen the nation's backbone. To address this, a committee was appointed under the chairmanship of J. C. Kumarappa to eliminate the harsh policies of the British government and alleviate the burden on the peasant community. In post-independence India, land governance has evolved as a state responsibility. The land-revenue department serves as the primary custodian, but the actual responsibility is distributed among various

departments and agencies at the state and local levels. Following the establishment of this committee, four significant land reforms were implemented.

1. **Abolition of intermediaries** – the primary focus of the land reforms was to remove the intermediaries who were burdening the revenue on peasants. The reform was made to strengthen the actual landholders, the cultivators. Almost 2 crore tenants were made owners of the land, and more land was brought to government possession for distribution to landless farmers. This reform was not implemented in many states and this uneven implementation of Zamindari abolition left many issues unresolved, perpetuating landlordism, tenancy, and sharecropping, while causing widespread evictions and various social, economic, administrative, and legal problems.
2. **Tenancy reforms** - The tenancy reforms following Zamindari abolition aimed to regulate rents and provide tenure security, yet implementation varied widely across states. While some achieved radical restructuring and tenant ownership (e.g., West Bengal, Kerala), most states struggled to enforce these laws effectively, limiting the number of tenants gaining ownership rights despite reducing overall tenancy. Tenancy was completely banned in states like Kerala, J&K and Manipur while some states have bans with some exception.
3. **Ceilings on landholdings** - Land holding pattern during the 1940s & '50s was extremely skewed. About 50 percent of the land was held by about 8 percent large farmers; 28 percent of submarginal and marginal holdings owned about 6 percent of the area. So, between the years of 1961-62, state government passed ceilings on the land possessed by individuals. Despite the implementation of Land Ceiling Acts

aimed at curbing land concentration, effectiveness was limited due to loopholes and strategies used by landowners. While some large estates were divided, many landholders evaded ceilings through benami transfers or legal maneuvers like divorcing wives to circumvent provisions. This undermined redistribution efforts meant for landless and marginalized groups, highlighting challenges in achieving equitable land distribution.

4. **Consolidation of landholdings** – While agrarian reforms were being implemented, the government's focus shifted to economic reforms, attracting foreign investments into the Indian economy. This created a demand for large landholdings to establish multinational corporations and undertake significant projects. Concurrently, the need to introduce the Green Revolution to support the growing population arose. Consequently, land consolidation became necessary, undermining the land ceiling reforms, as substantial land tracts were now required.

Recent Developments

1. **Land Acquisition Act, 2013** – This act is also known as the right to fair compensation and transparency in land acquisition, rehabilitation and resettlement, RFCTLAR&R. It is a significant modification of the colonial-era Land Acquisition Act of 1894. This modern legislation aims to establish a more humane, participative, informed, and transparent process for land acquisition, with minimal disturbance to landowners and other affected individuals. The act facilitates land acquisition for purposes such as industrialization, infrastructure development, and urbanization, ensuring that the process respects the rights and livelihoods of those impacted.

A core objective of the LARR Act is to provide fair and remunerative compensation to families whose land is acquired for various public, private, or public-private partnership projects. The act mandates comprehensive measures to ensure that affected families are adequately compensated, rehabilitated, and resettled. By addressing the shortcomings of the 1894 Act, the LARR Act seeks to balance developmental needs with the rights and welfare of landowners and communities, fostering a more equitable and just approach to land acquisition in India.

2. **Model Agriculture Land Leasing Act 2016** – The Model Agriculture Land Leasing Act, 2016, was developed and approved by NITI Aayog under the leadership of Dr. T. Haque. This act provides a well-structured framework that serves as an ideal template for states and Union Territories (UTs) to create their own legislation. The act is designed to be adaptable, allowing states and UTs to draft laws that align with their specific local requirements while adhering to the overarching principles outlined in the model act.

A key objective of the Model Agriculture Land Leasing Act is to facilitate and legalize the leasing of agricultural land. This provision aims to enhance land access for landless and marginal farmers, enabling them to participate more actively in agricultural activities. By simplifying and promoting the leasing process, the act seeks to provide these disadvantaged farmers with greater opportunities to cultivate land, improve their livelihoods, and contribute to a more inclusive and equitable agricultural sector. This model act thus addresses critical issues of land accessibility and aims to empower vulnerable farming communities through legal and institutional support.

3. **Digital India Land Records Modernization Programme** – This land

reforms division was implementing two centrally sponsored schemes viz. Computerization of land records (CLR) and Strengthening of Revenue Administration and Updating of Land Records (SRA&ULR). Later, the cabinet approved merger of these schemes into a modified scheme named Digital India Land Records Modernization Programme (DILRMP). DILRMP is a tool to achieve a modern, comprehensive and transparent land record management system with the aim to develop an Integrated Land Information Management System which will inter alia provide error-free, transparent and tamper-proof land records by adopting modern technology such as AI, Machine Learning and Block chain technology thereby providing security of tenancy to citizen, reduce land disputes, simplify procedure of transfer of property title, assist in policy / planning etc.

Land Reforms Prospects in India

Land policies in India have undergone a significant transformation over the decades, adapting to the country's evolving socio-economic landscape. The prospects of these policies are crucial for a country's sustainable development, agricultural productivity, and socio-economic equity. Some key prospects of land policies include:

Digital land records and transparency – Digital land records significantly enhance transparency in land administration. Utilizing advanced technologies such as blockchain makes the management of land records more efficient and less time-consuming, providing accurate and reliable results to end users. This technological advancement reduces the prevalence of disputes that were common in the past, ensuring a more transparent and streamlined land management process.

Improved land management and planning -

Land management using geospatial technologies like GIS, GPS, Remote Sensing, helps in accurate mapping and efficient land use planning, supporting infrastructure development, urbanization, and rural development.

Industrial Growth – Clear, accurate, and transparent land records enable efficient execution of developmental projects by avoiding complicated legal procedures. Policies designating specific areas as Special Economic Zones (SEZs) can attract both domestic and foreign investments, thereby fostering industrial growth and technological advancements.

Reduced land disputes – Transparent land records facilitate the swift resolution of land ownership disputes. To address these issues efficiently, the government has established numerous special tribunal courts dedicated to providing rapid solutions.

Sustainable development - Modern land policies incorporate sustainable practices, encouraging the conservation of natural resources, soil health, and biodiversity. This ensures that land use supports long-term environmental sustainability. Policies that guide urban development help in creating sustainable cities with adequate infrastructure, green spaces, and efficient land use, contributing to improved living conditions and environmental quality.

Challenges in Land Reforms

Implementation gaps - The execution of land policies often suffers from bureaucratic red tape and administrative delays, which can result in inconsistent application and enforcement across different regions. Corruption at various levels of administration can obstruct fair and transparent implementation of land policies, leading to favoritism and exploitation.

Gender disparities and cultural barriers –

Limited access of land ownership to women and scheduled groups, lack of legal awareness, limited access to resources, etc. are the major challenges to the implementation of land policies. There is an urgent need to address these gaps and provide equal rights of each section of the society to have the ownership of land.

Land records and management –

The ownership of land changes over many years as it is divided among the successors of the lands and sometimes it is very difficult to trace the actual owners of the land. Earlier the records were mentioned on papers and to convert it into digital form is a very cumbersome process.

Land mafias – land mafias has been over the years been seen as one of the major threats towards implementing land policies in a better way. Many lands across the country has been taken over these land mafias through illegal means and there is the involvement of bureaucratic inefficiencies.

CONCLUSION

India's land policies offer opportunities with reforms enhancing transparency and

governance. Coordinated action between central, state and local government agencies would be critical to moving the needle. Planning needs to be focused on the demands of people, sector demand, land demand, and land use demand for various uses. Land mafias issue should be considered primary importance by the government as this is a serious threat towards the enactment of land policies in a better way. Gender, caste, and religion disparity issues if solved with careful measure can lead to better implementation of land policies and can provide equal opportunities to all the section to reap the benefits of the policies.

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