

POLITICS OF LAND REFORMS IN ASSAM



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ROOPLEKHA BORGHAIN

The present work seeks to study the politics that influenced the formulation and implementation of the various land reform measures undertaken by the Government of Assam. It is a comprehensive study of the land system in Assam, the various problems associated with this system and the reform measures undertaken by the State government to improve the agrarian structure and the condition of the peasants.

A study of the major land tenures prevalent before and during British Rule and the attempts made by the British to streamline the agrarian structure has also been done so as to trace the origin and evolution of the present day tenures. In Assam there were two major land tenure system; the Zamindari and the Raiyawari tenures. This work deals with those areas where the Raiyatwari system of land prevailed.

As in rest of the country after independence the Congress Party was at the helm of affairs in Assam and the land reforms in the State were based more or less on the lines of the All India land reform policy. However, there have been a number of drawbacks and limitations not only in the Acts but also in their implementation and the result have been far from satisfactory. The author is of the opinion that the class character of the Congress Party was greatly responsible for the manner in which the reforms were enacted as well as implemented in the State. An indepth study of the State Legislative Assembly has been done to show the working of these interests during the formulation of the land reform Acts. The author believes that as elsewhere even in Assam unless the vested interests are done away with land reforms can only be an apology, touching only the periphery of the problem even at the best of times.



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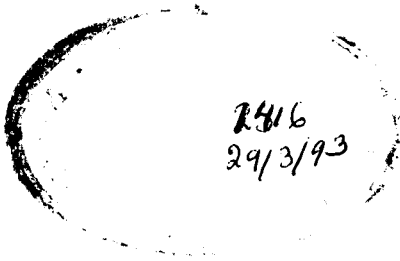
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CHAPTER - I

INTRODUCTION

The agrarian question is one of the most important and complicated problem being faced not only in India, but also in many of the underdeveloped countries.

“In these countries land constitute not only the main source of livelihood, but also the basis of social stratification, power structure, family organisation and belief system”.¹ Yet, the agrarian structure of these countries are characterised by rampant inequality, and the unegalitarian structure of agriculture appears in other sectors of the economy as well. Such a system of land tenancy and the structure and pattern of land ownership have far reaching negative consequences on the rural economic activity and initiative, which in turn has an adverse effect on productivity. As a result agricultural growth and development gets severely restricted.

Therefore, a thorough overhauling of the agrarian structure is an absolute necessity if these countries want to record any progress and realise their developmental targets. The national leadership too realise that there is an urgent need to do away with the defects in the land tenure and land ownership pattern in the rural areas. It was hoped that through land reforms much of the needed changes in the agrarian sector will be brought about not only in agriculture but in the rural areas as a whole. Land reforms were meant to be an integrated set of measures designed to eliminate obstacles to economic and social development arising out of defects in the agrarian structure. It was hoped that the democratization of the rural social order will take place and a rational distribution of agricultural income would come through. Also a higher agricultural productivity leading to the fullest use of productive resources i.e. land and labour would also take place. Thus it was hoped that through land reforms far-reaching changes will be brought about not only in agriculture but in the rural areas as a whole. Land reforms in short have been motivated by primarily two main considerations, the demand for greater social and economic equality and the need for higher productivity, by doing away with the defects of the agrarian structure.

The importance and necessity of land reforms is therefore, very evident, and yet the successful implementation of land reforms has proven to be one of the most difficult task of a nation.

This is mainly because the structural and tenurial aspects relating to land in rural areas are so deeply entrenched in the political, social and economic life of the underdeveloped countries, that the process of change and reform is not and can not be free from power struggles, emotional stress, vested interests and conflicts. The ruling elite for example themselves are a powerful vested interest group wanting to maintain the status-quo rather than bring about any permanent radical reform in the agrarian structure. As a result any substantial change in the land tenure and ownership pattern has been the result of revolt and upheaval, may be more frequently, than because of any genuine desire on the part of the leaders to bring about a radical transformation of the agrarian sector.

It is not difficult to understand therefore why many people believe that "the tenure reform policy model in operation in South Asia has generally failed to achieve its modest aims and has often led to the net deterioration in the life chances of the class it claims to protect and rehabilitate. The causes for failure include the distribution of political power as is frequently recognised but as importantly include the nature of production relations, the social matrix within which production relations are embedded and the consequent ideational multiplex dependency of direct producers as well as certain features of the liberal state. The policy logic of tenure reform depends on assumptions about the rural world and about the relationships between state and society at the local level which are systematically inaccurate for frequently encountered agrarian configurations making an independent contribution to policy failure."²

Yet, what is quite remarkable about the tenure reform model is its persistence inspite of the failures recorded. The policy model is to be found often in the programme recommended by development economists, foreign experts and planning commissions to governments (who even though they lack the political will) to attempt more fundamental reforms.³

This persistence of the policy model exists for a wide variety of reasons for example it being a part of the anti-imperialist struggle, an important political strategy for winning and legitimising power, replacement of unproductive elements, international factors, agrarian revolts and restlessness, keeping a progressive image alive etc.

Agrarian change can be brought about "from below".⁴ It may be therefore, a spontaneous and natural process resulting from the interaction of diverse economic and non-economic forces or it is the result of various socio-economic programmes including land reforms introduced by the ruling elites which took

over the reins of political power on the attainment of independence of their respective nations.

Land reforms are undertaken either with the view to radically transform the agrarian economy and establish a socialist order or they may be undertaken to do away with the feudal order and strengthen capitalism in the agrarian sector. Each country chooses its goal according to its own genius and understanding of their problems. There are others like India who mouth socialist rhetoric on the one hand and pave the way and encourage the development of a capitalist agriculture on the other hand. Any study of land reforms therefore has to analyse the contents of the land reforms undertaken by the Government to understand whether that country is going the capitalist or the socialist way.

Since India is a democratic country, let us now examine some of the problems faced by democratic countries in the implementation of the land reform programmes. Firstly all efforts towards implementation have to be made within the existing political and administrative framework which is by no means always an easy task. For example the administration may be lagging far behind the values the various land reforms seek to propagate and establish.

At the same time in a democratic regime where adult franchise is an important feature it is extremely difficult for the political leadership to brush aside the politically and financially influential landlords and groups in the rural areas for the political leaders are dependent to a great extent on the finances and support these groups can give them. Thus a situation arises where you find that the political leaders pay lip service and a show of pious sympathy to the cause of social and economic justice while simultaneously creating all kinds of procedural, legal and other difficulties for the successful implementation of land reforms.

However, whatever the difficulties faced, whatever the method adopted and long-term goals prescribed, whatever the reasons whether in a socialist or a capitalist country, land reforms have come to stay and the basic objective is to eliminate the defects of the agrarian structure.

One must appreciate however that land reform programmes are bound to vary from region to region and state to state. Therefore, for a comprehensive understanding of land reforms one must study them with reference to the social and economic background of each society as well as the nature of its agrarian structure and its history. The specific reform measures in any

particular context have to be related to the problems presented by the agrarian structure and the social economic and political background in which these problems are sought to be solved. There can not but be diversities and dissimilarities in the problems and their solution but, within all these dissimilarities, diversities and differences it is not hard to perceive the elements of a common theme in the struggle for change through reforms.⁴

Now, what do we understand by and include in the term agrarian structure. The agrarian structure covers the institutional framework of agriculture and it includes distribution of ownership of land, forms of land tenure, the pattern of agricultural employment and the framework of production and supporting services.

The terms ownership implies the freedom to sell mortgage, lease or transfer property. Ownership may be private, public or Co-operative.

The possession of rights to the use of land is known as land tenure. There are various kinds of rights to the use of land In the two extreme are the owner cultivators and the landless agricultural labourers; in between are groups with varying degrees of rights like share croppers bargadars etc Based on these economic divisions a complex social relationship emerges between the various groups.

Pattern of employment refers to the arrangements made to employ agricultural workers i.e. share cropping wage paid labourers etc. These then are some of the features one has to bear in mind in any discussion of the agrarian structure especially in any study of the Indian agrarian structure.

Land Reforms in the Indian context.

In the case of India a study of the agrarian structure and the land reform measures undertaken continues to have tremendous importance since land continues to have a crucial importance in the overall economic structure of the country, where more than 70% of the population is still dependent on agriculture for its livelihood and where the prospect of any substantial transfer of population from agriculture to non-agriculture is still very remote. Before undertaking a study of the agrarian structure in post-independence India and the subsequent land reform measures undertaken, we will briefly trace the evolution of the system in the pre-independence period.

When the British came to India they found that the land revenue system prevalent at that time dated back to the days of the Hindu Kings, in which the king was entitled to 1/6th of the gross produce. Although towards the later part of the Moghul rule some reform measures were adopted the oppression of the cultivators who were forced to pay exorbitant rates continued. The imperial share in fact went upto 50% of the produce.⁵

It was with the coming of the British that the concept of private property in land came about and land became a negotiable instrument. Prior to the arrival of the British the right to land had belonged to the village community.

After the coming of the British, the traditional communal life was not only destroyed but also nothing progressive emerged to relieve those who were adversely affected by all the changes brought about in the traditional system. The basic aim of the British was to ensure the maximum flow of revenue to their coffers, even though it meant the inhuman neglect of the interest of the peasantry.

Every experiment that the British tried out was with the basic aim of how to enhance revenue. Thus they tried out the temporary settlement during Warren Hastings time which however met with disastrous results. The permanent settlement system introduced in Bengal during Lord Cornwallis time proved to be harmful not only to British interest, but it also ruined the peasantry. As is well known under this system the Zamindars were declared full proprietor of land revenue. The revenue was fixed at 10/11th of what the Zamindars collected as rent from the cultivators and the remaining revenue went to the Zamindar himself.

Under this system there were three interests on land i.e. the Government; the Owners and the tenant cultivators and there were two levels of payment i.e. by the tenant, cultivators to the land owners and by the land owners to the Government. The Zamindars became a parasitic class who exploited the cultivators. The British however did not gain much from this kind of an exploitation.

“The fact that in the permanently settled areas, the Government of the day could not enhance the rates of land revenue prevented surpluses when they emerged from accruing into the hands of the Government and hampered activity. On the other hand, there was no such restriction on the enhancement of rents and their device was constantly used to transfer surpluses from cultivators to intermediaries”.⁶

The British gave up the Zamindari system subsequently in favour of the Ryotwari system. It was Thomas Munroe, who introduced this system in Madras in 1772 and later it was extended to Bombay. It was hoped that this would be a better system than the Zamindari system.

Under this system, the ownership rights were vested in the cultivators and the land-holder was made responsible for paying the land revenue to the Government. Failure to pay would lead to the forfeiture of right to the land. Thus the Government sought to approach the peasant without the intervention of an intermediary. Unlike the Zamindari system, there were supposed to be only two interests on land the Government and the owner cultivators and one payment i.e. revenue. However, with the passage of time even this system degenerated and it became no less exploitative or different from the Zamindari system, for the process of subletting began and the 3rd interest on land emerged.

Thus although it was hoped that under the ryotwari system the surplus would go either to the State or the Cultivator (since the intermediary was eliminated) it did not actually take place. Besides over a period of time the owner cultivators began to alienate and sell their lands because of the high revenue they had to pay.

There were other land system like the Mahalwari system in certain parts of the country, but it was the Zamindari and the ryotwari system which were of great importance and significance in the major part of the country.

The land tenure systems determined the relations between land on the one hand and the interested parties (the Government; the owners and the Cultivators) on the other hand and thereby determined rights and mutual obligations of these parties, the share of each in gross produce and amount and the use of surplus.

“They gave India’s agriculture the strait jacket within which alone it was to function for decades to come”.⁷

Thus we see that this kind of a highly exploitative system in the agrarian sector prevented the accumulation of wealth for the purpose of investment.

Also it was seen that the major mechanism for increasing agricultural productivity and developing the land i.e. surplus was just not available for several other reasons. The 19th and 20th Century saw an increase in the value of land because of the development that took place in railway and other means of transportation, developments of post and the growth of population. Land therefore, went into the hands of buyers like the merchants,

money lenders etc. who unfortunately had little interest in developing the land and therefore never invested any money on land but tried to gather as much of profit through rent as was possible. Also as the rent was constantly on the increase hardly any surplus could be accumulated by the peasants. Besides in the areas where share cropping was prevalent the situation was no better. Not only was the rate of land revenue high in comparison to the value of the net output per acre but rent also was increased fairly rapidly. The share croppers fate was no better than the tenants. The absentee landlords went in more for consumption rather than investment and the government remained more or less passive. Thus, before independence, the situation in the rural area was indeed very grim. Land was concentrated in the hands of a minority of landlords who were neither interested in developing the land, nor cultivated it themselves. On the other hand there were the vast mass of peasants who although were the actual tillers of the land had limited or no proprietary rights over the land. Agriculture remained backward and underdeveloped and rack renting landlessness etc. became the order of the day.

Thus land reforms in India sought to revolutionize the relation between the Government, the owner and the cultivator of land, change the size of land in an economically meaningful way and there by revolutionize investment, technology and productivity. Land reforms sought to remove the discrepancy between the owners of land and its actual cultivators.

Prior to Independence, no doubt some attempts at removing some of the worst features of land tenure system were made but they were not radical enough to change the basic structure. With the coming of the popular Governments after the 1936 elections to the Provincial Assemblies, some legislation protecting the interests of the tenants had been introduced for those were the days of mass upheaval of the peasants in some of the Zamindari areas. In certain areas laws were enacted to protect the tenant from eviction with out giving any reasons for it e.g. in Bombay. In Bihar, illegal eviction by Zamindars were made a penal offence and the rent enhancements between 1911-13 were cancelled. In Madhya Pradesh, similarly, ejection of tenants were prohibited. In Uttar Pradesh, the tenancy Act of 1939 gave permanent and heritable occupancy rights to many. However, all these changes were more of a cosmetic nature than anything real.

In India we find that a number of reasons led the ruling elite in the country to take up a number of programmes of land reforms and sponsor the same. Thus agrarian change in India was partly a spontaneous and natural process resulting

from the interaction of diverse economic and non-economic forces and partly it was an elite sponsored change.⁸

The commitment to land reforms (atleast verbally) can be traced back to the period when the leadership of the INC was struggling to vest power from the British. In order to win peasant support for the anti-imperialist movement the elite promised many a change in the agrarian system. These promises took on a more concrete shape with the appointment of the Congress Agrarian Reforms Committee in 1949. After attaining independence, commitment to land reforms, became a very important strategy of legitimising that power and control they had acquired for themselves.⁹

Mass peasant support was very essential for the newly established regime. The Congress Party would have committed political suicide had they gone against the promise made to the people.¹⁰

At the same time there was a growing agrarian unrest and tenant-landlord conflict in several parts of the country which the elite could not afford to ignore at any cost. One way of appeasing the turbulent peasants was to promise them reforms and agrarian reconstruction to their (the peasants) advantage, and this the elite did at least at the policy level with some urgency. Other motivating factors for urgent attention to the agrarian question was the critical situation created by the chronic stagnation of agriculture and the threat to political and social stability arising out of other economic disparities between the different sections of the society i.e. between landlords and peasants. Since the ideal of equality was also fast gaining importance the ruling elite had to atleast talk of an economic and social order which would remove various injustices. Upheavals of any kind had to be avoided at all cost in the interest of the ruling elite.

Also the international factors played a role. International pressure was exercised by various United Nations Agencies which time and again impressed upon Governments in the under-developed countries the necessity for land reforms.

In fact in the post-world war period one of the symbols of respectability happened to be land reform programmes.¹¹ Also on the international scene, the Congress leaders of the country especially Jawaharlal Nehru was faced with the examples of Russia and China striding ahead and putting to practice all that he and the party had been advocating thus far. India could not afford to stay behind and so land reforms took an important place in the elites politics.

As the Indian National Congress was the major spokesman and organ of the Ruling elite in India, by analysing its plans and programmes we can understand how the ruling elite went about making pious declarations about land reforms because of the problems it faced both in the national and international scene, as cited above, on the one hand and on the other hand how it managed to thwart any real transformation of the agrarian structure in India.

The INC as early as its 45th Session at Karachi had recommended substantial reduction in agricultural rent and revenue paid by the peasants and even went to the extent of suggesting exemption of land revenue in cases of uneconomic holdings. Later at Faizpur in 1937 they drew up a more detailed agrarian programme, which included measures like reduction of rent and revenue, assessment of agricultural income abolition of feudal basis and forced labour, fixing of tenure with heritable rights, removal of rural debt, liquidation of arrears, rent¹² etc. Thus we see that the recommendations were indeed very progressive and forward looking.

Later on a National Planning Committee was also set up by the I.N.C.-under the chairmanship of Jawaharlal Nehru. The suggestions made were that the cultivation of land should be organised in complete collectives wherever feasible, that the rights and titles of the intermediaries should be acquired and paid compensation and wherever possible and admissible relief in land revenue burden should be afforded to the petty cultivators on whom the burden falls heavily.

The question of land reforms was again discussed in 1949 and the Agrarian Reforms Committee was constituted with Shri J.C. Kumarappa as its chairman. Some of the major recommendations were the elimination of the scope of exploitation of one class by another, abolition of intermediaries between the state and the tillers, prohibition of sub-letting, setting up of an administrative machinery dedicated to implement land reforms etc. It further recommended a ceiling on the size of agricultural holdings because the supply of land to the landless cultivators was so limited.

The major land reforms therefore which were sought to be implemented in India could be summed up in the following programmes:- (1) Abolition of intermediaries and absentee landlords, land redistribution, transfer of ownership of landholdings from the landowners to the peasants. The change in ownership involved 2 phases i.e. (a) taking over land with or without compensation and (b) ownership rights conferred and size of holdings defined through this reform. Therefore, the basic aim was to remove the parasitic landowners who did nothing for

the development of agriculture. Secondly, to place ceiling on landholdings and redistribute land vested in the State among the landless and marginal farmers.

Third was to protect tenure and bring about tenancy reform and lastly agrarian reorganization including consolidation of middle holdings and prevention of fragmentation.

One must note however that although tenure reforms in India were legislated mainly in the years 1948-54, there were many variations from State to State and Region to Region and it was subject to many a change in the subsequent years.

All the above mentioned land reforms took concrete shape and were incorporated in the first five year plan of the nation. The main objective of the first five year plan was to establish social justice and high priority was given to agricultural production. In the 2nd five year plan land reform measure were designed for a balanced economic development and social justice. The 2nd five year plan's target was to remove such impediments upon agricultural production as arise from the character of the agrarian structure. It further sought to create conditions for the highest levels of efficiency and productivity in agriculture. Stress was also laid on tenancy reforms, security of tenure, resumption of personal cultivation, abolition of intermediaries, consolidation of holdings.

The progress achieved were reviewed by the Standing Committee of the NDC in September 1957 and it decided that:-

i) Tenants should be given effective protection from ejection and from the so called "voluntary surrenders".

ii) The voluntary right of purchase of ownership not having been generally exercised, tenants should be brought into direct relationship with the Govt. and steps should be taken to make them owners on non-resumable areas on payment of compensation in easy instalments.

iii) Ceiling on future acquisition of land should be imposed in States where such action had not already been taken and

iv) Legislation in regard to ceiling on existing agricultural holdings should be implemented speedily and states which have not yet enacted legislation should complete the legislative measures by the end of 1958-59.

The third Five Year Plan's ideal was to set up the "Socialistic Pattern of Society". It also reiterated the provisions of the 1st two plans and the elimination of exploitation and social

injustice in the agrarian system.

By the time of the 4th Five Year Plan, it was realised that the role of administration in the implementation of land reforms was also crucial. Thus this factor was highlighted and also the 4th Plan tried to ensure that land reforms became a reality.

It was decided to include a programme for institutional changes, concrete implementing machinery, peoples involvement and the allocation of adequate funds for financing land reforms in the fifth five year plan. A critical assessment of the past experiences in land reforms was also made.

The Sixth Five Year plan adopted a strategy for the removal of poverty, it was also decided to find out the hardcore of poverty specially the landless labourers small and medium farmers etc. Such households below the poverty line were to be assisted through appropriate package of technologies. The need to plug loopholes to ensure a more effective implementation of ceiling provisions were also highlighted. This plan also sought to provide security of tenure to cultivators and consolidation of holding with Management and village planning. Measures to fix a reasonable rent had also been undertaken. Maximum rent payable by a tenant was not to exceed a fixed proportion of the value of the crop. The Planning Commission had also recommended that:

“Produce rents which are difficult to enforce should be abolished and replaced by fixed cash rents so that the uncertainties arising out of annual fluctuations in the crop rents may be eliminated and the tiller assured of the full benefits of his investment”.¹³

As far as evictions are concerned, a tenant can be evicted only on the basis of legal provision. It was also provided that if a tenant is evicted, such land should be leased to other cultivating tenants. Resumption for self cultivation can be asked for by landowners, but there is an upper limit beyond which they can not resume land. The definition of self cultivation is vague, with the result that according to the Indian Planning Commission in many cases lands may have been resumed ostensibly on grounds of personal cultivation, but are cultivated through arrangements lacking some of the essential elements of personal cultivation.¹⁴

Another problem regarding security of tenure is that quite often the tenancy arrangements are made on an oral informal basis and thus the tenant can face ejection and be forced to pay rent,

higher than the prescribed limit, without having any resort to legal protection. The landlords who came back to the villages often leased out part of the land they owned under various forms of open and disguised tenancy, taking extreme care to forestall any kind of permanent rights to the tenants. Many informal share cropping arrangements had been in existence in different parts of the country. There had been forcible eviction of tenants through devices such as voluntary surrenders. Statutory rents on the share of the crop payable by the tenant to the landlord was still high in many areas.

The fifth Five Year Plan had in fact recorded that "there were large scale ejections through the device of the voluntary surrenders. Many tenancies had been converted into *Nawkarnamas*, and crop sharing arrangements remain largely oral and informal. Thus the objectives of tenancy reform still remain to be attained."¹⁵

Since the achievement of Peasant proprietorship seems to be the cornerstone of India's land policy, the States have enacted legislation to enable tenant cultivators to become owners of lands on which the land owners cannot resume ownership. An important part of land reforms relates to the fixation of ceiling or upper limit on landholdings and also, by implication defining a "floor" level or lower limit on land holding. Although in the 50s and 60s ceiling laws were enacted, to remove inequalities, in fact it was not very effective. Until 1972 ceiling legislation largely treated individual landholder as the unit of application. This enabled larger families to keep larger amounts of land e.g. a family of five in Andhra Pradesh could keep $300 \times 5 = 1,500$ acres of land.¹⁶ Besides, if the landlord concealed information, there was hardly any machinery to check except by chance detection. The ceiling laws further exempted tanks, fisheries, orchards, efficiently managed farms, religious institutions from their purview. The Central Land Reforms Commission had pointed out that taking advantage of the exemption provisions of state laws, big landholders converted their estate into orchards overnight. The legislation had kept the levels of ceiling high in most parts of the country. The legislations also provided in most cases that every person holding in excess of the ceiling should furnish a statement within a specified time, but it was hardly ever followed. Again, the landowners took recourse to malafide transfer of land to people outside their family, with a view to evading ceiling. Recourse to litigation by the big landowners on one pretext or the other led to delays in the implementation of land reforms. Another reason for the unsatisfactory state of affairs was the working of the Revenue Depart-

ment in the various States, which were concerned with enforcing ceiling laws. They showed a strong bias in favour of the big landowners and the big land owning classes. Thus as the Fifth Five Year Plan admitted, the results achieved have been meagre due to the high ceiling level, large number of exemptions, and poor implementation. Until 1974 only about one million hectares of land had been declared surplus and about 0.53 million hectares had been distributed to landless agricultural workers and small farm holders.¹⁷

Towards the end of the sixties there was a widespread opinion at the government level and even in some academic circles that considerable progress in land reforms had been made and the gradual and almost imperceptible transformation of the semi-feudal agrarian structure of pre-independence India into a largely peasant economy had taken place. But on closer scrutiny, it was evident that land reforms had not really been as successfully implemented as the political leaders would have us believe. One need not have to go beyond the reports of officially sponsored evaluation of land reforms to know that implementation of the Acts had been slow and ineffective. The reasons were many. The enforcement of land reforms was given to the normal administrative agencies of the government without any time-bound programmes and without any obligation to associate the peasants with the process of reform implementation. The government too was apathetic. In fact, more often than not, it was prepared to use all the instruments of coercion and force for suppressing protest movements by the peasantry whenever it tried to stand up for its rights. Reform legislation was thus undertaken only halfheartedly and enforced hesitatingly.

Almost all evaluation studies on land reform have reported that land reform legislation led in its wake to eviction of tenants by the landlords on a scale which was without precedence and parallel in recent Indian history. Infact, the insecurity to which the tenants were exposed were many. While the traditional tenancy was either losing its importance or getting re-adopted to the new situation, commercial tenancy based on leasing of land far from becoming more diffused had tended to get more concentrated than before. The strong landed interests in the legislatures conceding radical reform in the first flush of post-Independence enthusiasm became stumbling blocks subsequently. Another reason for the non-success of land reform legislations in India is the failure to evolve an appropriate institutional and organisational arrangements following land reform legislations. Land reforms are being viewed as an end by themselves rather than as a means for rural transformation. As Khusro has pointed out, perhaps the most painful failure of land reform is found in the

constitution and a possible upsurge of the share cropping tenancy.

Share cropping tenancy is a subtle form of tenancy the essence of which consists in the contribution in addition to labour of a part of the working capital and often fixed capital by the tenant who receives in return a proportion of the produce from the land owner.¹⁸

This makes this form of tenancy highly lucrative for the landlord. Share cropping tenants have this in common with farm servants, they give their labour to the farm and they receive a part of the farm's produce, but tenancy is distinguished from service by the contribution of capital. A servant serves but need not and does not give capital, a tenant does. While the norm of 'fair rent' generally enjoins upon revenue administrators to fix a rent amounting to not more than 1/4 th or 1/16 th of the gross produce, share cropping rents are conspicuous by their oppressive nature.

"A share of 50 : 50 is a common phenomenon wherever share cropping exists. Thus both owing to its insecurity and to the high incidence of rent, share cropping works out to be a highly exploitative form of tenancy".¹⁹

The total situation in India proved much more favourable for the stabilization of the upper layer of the peasants as independent peasant proprietors and their rise into the new dominant class in the emerging agrarian structure. Land reforms were a contributory factor in bringing about their shift of social and political power from old style landed gentry to the new class of medium landlords or rich peasants. Where landlords succeed in evicting the tenants, the latter are reduced to landless proletariat and with the threat of mechanisation of large farms, are also faced with the menace of reduced prospects of employment. Here it will be relevant to refer at some length the observations made by the Task Force on Agrarian relations constituted by the Planning Commission in February 1972, incorporated in the report of the National Commission on Agriculture, 1976. The Task Force observed that the laws for the abolition of intermediary tenure have been implemented fairly efficiently while in the fields of tenancy reforms and ceilings in holdings, legislation has fallen short of the proclaimed policy and the implementation of the enacted laws have been tardy and inefficient. It further attributed the poor performance of land reforms mainly to the lack of political will. It is said that with resolute and unambiguous political will all the other shortcomings and difficulties could have been overcome, in the absence of such will even minor obstacles become formidable road blocks in the

path of Indian land reform. Considering the character of political power structure it was only natural that the required political will was not forthcoming. Emphasising the absence of adequate pressure from below, it observed that it happened because the beneficiaries of land reform, particularly the share croppers and agricultural labourers were weighed down by crippling social and economic disabilities. Except in a few scattered and localised pockets practically all over the country the poor peasants and agricultural workers were passive unorganised and inarticulate. Describing the inadequacy of the administrative machinery the Report said that in all the states the responsibility for the implementation of measures of land reform is only one among its many functions. Traditionally high priority was given to maintenance of public order, collection of land revenue and other regulatory functions. Land reform does not, therefore, get the undivided attention it needed. The Task Force opined furthermore that the attitude of the bureaucracy towards the implementation of land reforms was generally lukewarm and often apathetic. This of course is inevitable because as in the case of men who have political power those in the higher echelons of the administration are also substantial land-owners themselves or they have close links with big landowners.

The Task Force emphasised that interference by law courts was a major hurdle in the implementation of land reforms, since in every state prolonged litigation had obstructed and delayed the work of implementation. Explaining the socio-economic causes of the situation it observed that in a society in which the entire weight of civil and criminal laws, judicial pronouncements and precedents, administrative tradition and practice is thrown on the side of existing social order based on inviolability of private property, an isolated law aiming at the restructuring of property relation in the rural areas has hardly any chance of success. And whatever little chance of success was there, completely evaporates because of the loopholes in the laws and protracted litigation.

The other points emphasised by the Task Force in connection with the poor performance of land reforms were: (i) absence of correct and updated land records, (ii) lack of financial support for land reform programmes, (iii) weakness and irregularity of the reporting system and of evaluation which makes it difficult to get reliable and up-to-date information on different aspects of land reforms and (iv) lack of proper co-ordination and guidance from the Centre for the formulation of uniform tennorial laws for the country as a whole and their effective and quick implementation.

While executing agrarian reforms, the Commission feels there should not be any deviation at any stage from the intention of the schemes of Acts concerning land reforms. If any deviations do take place, the Commission is of the strong opinion that progress in land reforms will be stalled and the commitment made to the Nation will remain forever a distant dream. It is to be noted therefore that the framework of policy adopted by the ruling elite favoured neither of the two courses of wholesale expropriation of landlordism in the interest of peasant ownership or of expropriation of tenant cultivators in the interest of large scale cultivation by former landlords. In other words, they favoured a policy of curtailing and not eliminating conversion of non-cultivating landlords into cultivating land owners. So far as the peasants are concerned they favoured a policy of upgrading the upper layer of tenants and of giving some relief to the other tenants.

The Indian Ruling Elite and Land Reform

The question, therefore, is why do the political leaders not favour a course of thorough going agrarian transformation? To raise this question is to raise the fundamental issue of the class character of the political leadership and their interaction with the agrarian classes. The national bourgeoisie (through their spokesmen, the political leaders) and their allies in the rural areas have always tried to formulate policies which served their own class interest. To that end, they have even skillfully exploited the peasant movement in their favour, for they made only such demands on the old landlord classes as would yield maximum benefits for the newly emerging economically rich and powerful agrarian class, rather than to the rural poor. This newly emerging class made a joint front with the rural power to oppose the feudal burdens imposed by the landlord class. But it made common cause with the landlords in order to oppose any interpretation of land reform in terms of redistribution of land in favour of the rural poor, and hence they adopted the middle of the road policy discussed above.

In the Indian context, therefore, a clear distinction should be drawn between the ideology of land reforms on the one hand and the programme of land reforms on the other. The ideology of land reform is generally anti-landlord and represents an articulation of general peasant interest. The political leaders speak of the interests of the entire peasantry. But the programme of land reform serves primarily the interests of the superior tenants and peasant proprietors, rather than the rural poor.²⁰ The class bias of the rulers and

the nature of power balance in India, can thus be said to be important factors determining the class content of agrarian reform programmes. The most important characteristics of these programmes were (i) that they did not seek to attack land concentration but only to modify it and (ii) that they seek to extend protection not to all the classes of tenants but to certain specified sections belonging to the upper layers of the tenantry.

It should be also noted that the tall claims of the political leaders of establishing an egalitarian agricultural sector cannot really take off, for an egalitarian agricultural sector is an incongruity, where the economy in general is marked by inequalities of all kinds like of income and wealth, where there is social stratification etc. That is why, despite the various measures undertaken to change the agrarian structure and land relations, there has been no significant change in the basic structure or in the pattern of land relations. The loopholes in the various land legislations, the obstacles encountered on account of the constitutional provisions and attitudes of the judiciary, the half hearted administrative measures have all contributed to the failure of land reforms in India.

There is now a gradual move towards the establishment of a capitalist mode of production, over feudal and semifeudal land relations. The criterion employed to distinguish feudal from capitalist elements is the method of exploitation. The distinguishing feature of capitalist relations in land is the use of wage labour. Available data on the structure of agricultural classes indicate that the percentage of agricultural labour in the working population has increased from 17% in 1961 to 26% in 1971 and is continuously increasing.²¹ However, the capitalist transformation is limited to only certain areas of the country.

It has been pointed out that the newly nationalised banks and other state financial bodies, now underwrite new issues of big enterprises besides of course the latter being allowed to fully realise their own investible resources through hundred and one concessions. The banking bourgeoisie, representing the core of finance, commercial, industrial, agricultural bourgeois conglomeracy, collected by the grace of the legal system its pound of flesh in the form of handsome compensation in cash with full freedom to profitably employ it in avenues of its own choice. Meanwhile, the poor peasants and share croppers are still waiting for bank credits.²²

For the success of land reforms, much also depends on the objectives of rural development since land reforms constitute a major plank of rural development. Until the latter half of the last decade, rural development in India was sought to be brought about

by the Community Development Programmes. The basic objective of which was to secure the fullest Development of material and human resources on an area basis and thereby raise the rural community to higher levels of living with the active participation and on the initiative of the people themselves. However, as the Mehta Committee Report observed, most of the technical facilities made available by the government under the programme were cornered by the big landlords and rich rural population. There was very little scope for effective participation in the programme to small farmers and landless labourers. This further proved that in a society where there is skewed distribution of asset holdings, naturally benefits went to the higher circles. The implementation of area specific rural development programmes like IADP, HYVP, further accentuated income inequalities in rural areas.

No doubt population pressure on land, the customary relationship sanctioned by a long history of social and religious traditions etc. have negatively affected legislations designed to break old institutional models. But it should be borne in mind that it is really the politicians who makes or unmakes agrarian reforms. It is they who provide the impetus or lack of it, who decide between reform and "Reform". The role of the political leadership vis-a-vis land reforms therefore is of special significance in every country whatever its form of government. As has been pointed out by Wolf Ladejinsky neither success nor failure can be attributed primarily to the presence or absence of experts or to a special reform measure. There is no country in Asia, he claims, however underdeveloped which does not know how to write a reform law or what its implications might be. They have written them and mainly have not been carried out precisely because the political decision makers understood their implications and their inevitable repercussions. Thus we see that it is the political will which can really make or break a reform measure.

It must be noted that the content and implementation of Agrarian Reform is a reflection of a particular balance of forces in a country. The Politics behind Land Reforms, or the play of politics in the formulation and implementation of the land reform measures therefore becomes a very important area of study.

Through the innumerable studies done on land reforms, it seems that the national and state legislatures in Asia do not really represent the interests of the peasantry if they did, reform might have perhaps taken on a different character altogether.

"The reality is that even where voting is free, the peas-

entry in Asia is not yet voting its own interest.'"²³

The challenge of land reforms has to be also met ideologically.

"by redefining the whole approach to the property question in general and the question of property in land in particular, in the dynamic content of building a new type of society and policy in India. It has to be met politically by mobilizing the widest support for this new approach and by realising social forces wedded to this approach."²⁴

The question of efficient administrative systems as promoters of land reforms acquires a new importance as the need for land reforms assumes urgency in the light of past experience and in response to new socio-political compulsions. The administration of land reforms requires an efficient reporting and evaluation system to help review the progress made periodically for initiating corrective measures. Land records needs to be updated and maintained systematically for ready reference. Credit and other support should be arranged through small and marginal farmers development agencies.

"Moreover, our traditional enemy delay in distribution has to be overcome."²⁵

Reforms imply a revolutionary change in the thinking and attitude of the government and the people, a complete transformation of the social order, but we see that the basic framework within which land reforms have to be carried out are spelt out at the national level by the national leaders who reflect a particular class interest. In India, the concrete reform measures have to be undertaken by the State Governments as the Indian Constitution provides it that way. If the party in power at the state level belongs to the same class there is no clash in the measures as formulated at the State and as propagated at the National level. Since the Indian National Congress was in power both in the Centre and in the States soon after independence, all state Governments inspite of the initiative given to them dutifully followed the national policies in these matters. All the proposals of the Planning Commission and the suggestions given by other Central Committees and Commissions, were not only adhered to at the State Level, but was also duly sought to be implemented, with out any major change. As a result, land reform legislation in most states of India followed broadly a similar pattern. The differences were there only in recognition of certain regional disparities that may be there.

Since the Constitution of India vested land reform measures in the hands of the Constituent states, the State Legislatures have the conclusive power to enact the laws pertaining to rights in or over land at least theoretically. However, other clauses and subsequent amendments have reduced even those powers of the state Governments considerably. For, any piece of legislation pertaining to acquisition of property e.g. Article 31 including of course land, will be hit by the provisions of Article 14 and 19 and considered repugnant unless the President has accorded his assent to it. You cannot redistribute land unless you first acquire the land. But any statute initiated by a State Government for acquiring land is enforceable only if the President has assented to it. By the 42nd Amendment of 1976, the President has no will of his own, he has to act in accordance with the aid and advice rendered to him by his Council of Ministers, with the Prime Minister as the head. So whether any State Bill concerning land reforms receives the Presidential assent depends on the will and whim of the Union Government which ultimately means the ruling class. Therefore, it is this class interest which influences the policies on land reforms.

This study is an attempt at understanding all these problems in the State of Assam.

Assam situated in the North East Corner of India is a State of plains and hills. It comprises the Whole valley together with the intervening range of hills which form the water shed between them. In Assam as in the rest of the country, agriculture is the main stay of the people. It gives employment to some 76.6% of the total population of the State (according to the 1971 Census). Over 25 lakh families are directly connected with agriculture. Since the industries are so underdeveloped and neglected the agricultural side has to bear practically the whole burden of a growing population. Agricultural development has not however got the impetus that it urgently needs. The implements of agriculture are not up-to-date, the techniques of cultivation is outdated and the condition of the cultivator is bad if not worse, for they eke out a precarious living and live constantly on the verge of starvation.

According to a Sample Survey on rural economic conditions in Sibsagar the average family in that district consists of 6 members and the families have to depend on a meagre monthly income of Rs.80/- only. The same survey also reveals that the average rural family budget is a deficit one. The agricultural worker is occupied in agriculture on the average only for 152 days during the year. It is seen that the cultivator has no reserves also to fall back on in times of need.²⁶ It is evi-

dent from the number of agricultural labourers in Assam, that there is a large number of landless peasants.

The scope of this book is confined to the Brahmaputra Valley where the Ryotwari system of land prevailed. In Assam, there were two major land tenure systems, the Zamindari and raiyatwari tenures. In the greater part of Assam it was the raiyatwari system which prevailed. The area under permanent settlement were in Goalpara and Cachar districts. This book focuses mainly on the raiyatwari areas of the State in which the government deals directly with the actual occupant and his separate holdings. There is no middle man. The raiyat holds the land for a given number of years and remains responsible for the payment of revenue. After the period of settlement the land is again assessed by the government and the rate of revenue is decided on the basis of that assessment. The period of settlement varies from area to area. In the Ryotwari areas, the temporary settlement either annual or periodic settlement prevailed in most of the area. There were however, a few grants in perpetuity granted to temples, religious and charitable institutions and these were revenue free estates. In course of time the owners of these revenue-free estates called themselves the Lakhirajdars. The term denoted a class exempted from the payment of revenue. These were perpetual grants, made in ancient times, and honored by successive rulers. They were absolute alienations made by the king without any obligation to them. They were known as the Lakhiraj Land. These were not however zamindari estates, in fact they were a class by themselves found in the Brahmaputra Valley. There were three categories of Lakhiraj lands. The Debouttar or temple land, the Brahmattor or personal grants to the Brahmins for religious services and Dharmattour or grants to religious communities.

After the advent of the British the Brahmattour and Dharmattour lands which were originally revenue free were made to pay half-revenue. These half-revenue paying grants were called nisf-khiraj lands, and the owners the nisf-khirajdars. The Lakhiraj estates were acknowledged as having permanent heritable and transferable rights. The nisf-khiraj estates although their origin was the same as the Lakhiraj lands were not put in the same class, instead they were classed alongwith the periodically leased lands.

In Goalpara and Cachar, the permanent settlement or the Zamindari system prevailed, except for a few areas like Hailakandi and Silchar. But these are excluded from this study. Our main aim is therefore to study the ryotwari areas of Assam of the Brahmaputra Valley. The temporary and annual set-

tlement and the Lakhiraj and nisf-khiraj estates that were prevalent there, how they evolved, its nature and most importantly what reform measures were brought about in these areas and with what result.

The outstanding features of the agrarian structure in the state as in the other States, are existence of intermediaries between the State and the actual cultivators, high rent and insecurity of tenure, increasing number of uneconomic holdings and landlessness of a large part of the rural population. There is still concentration of landed property in the hands of a few. An analysis of the individual land holdings in Assam shows that 12,60581 small holdings with areas of 1 hectare or less occupy 5,54,598 thousand hectares of land. The average size of holdings in this category is about 0.44 hectares. While 48 holdings with areas of 50 hectares or more occupy 4313 thousand hectares of land. The average size of holdings in this category is about 91.96 hectares.²⁷ The extent of rural poverty in Assam can be gauged from the fact that 52.65% of the rural population live below the poverty line. This figure is 1.83% higher than the national average. There is also a tremendous pressure of population on land. This can be well understood from the fact that the per capita net area declined from 0.61 acre in 1950-51 to 0.46 acres in 1960-61.²⁸ The food requirements are outpacing local production and the gap is steadily widening. It is indeed a sad contradiction that in a State blessed with rich soil conditions where most crops can grow in abundance, poverty is slowly on the increase. The extent of land hunger in the State can be understood from the fact that in 1953-54 41.5% of the households had either no land or land less than 0.005 acre.²⁹ The excess demand for land over its limited supply created the problem of rack renting and the actual tillers do not get a reasonable return for their labour. All this has become a serious obstacle to the improvement of agricultural efficiency. It is in the light of all these problems that we undertake this work on the agrarian structure and land reforms in the State of Assam.

In Assam, as in the rest of the country, after independence the Congress Party was at the helm of affairs and the land reforms in the State are based more or less on the All-India level reforms policy. The factors which influenced the evolution of the All-India land reform policy have also led to the formulation of land, reform policy in Assam resulting in a number of land reform Acts. In the pre-independence days, three rent laws or tenancy laws as they were commonly known existed in Assam. These laws are:

- (1) The Goalpara Tenancy Act, 1929.

(2) The Assam (Temporarily Settled Districts) Tenancy Act, 1935, and

(3) The Sylhet Tenancy Act, 1936.

All these Acts were framed taking the Bengal Tenancy Act of 1885 as a model. For the first time in Assam these Tenancy Acts conferred occupancy rights on those raiyats and under raiyats who were in possession of land as such for 12 consecutive years. The occupancy rights included the right of inheritance, transfer and mortgage. Ejectment of an occupancy tenant in an arbitrary manner was prohibited except in the due process of law.

Unfortunately, these Acts left out the share croppers who constituted the bulk of the peasantry in the State. They continued to remain as tenants at will without any legal protection from arbitrary eviction and rack renting. The tenancy laws could not really give absolute protection to the tenants from big land owners for the reasons that the ordinary raiyats could hardly prove consecutive possession of land for 12 years. Besides, chaotic conditions prevailed as far as the record of rights were concerned. Only few influential ryots could take advantage of the provisions of the tenancy laws. The benefits of the tenancy laws did not percolate to the oppressed peasantry, and the share croppers. The man behind the plough continued to live a miserable life. The Assam Adhians Protection and Regulation Act was passed in 1948 to look after the interests of these share croppers. It was also amended from time to time in the subsequent years. The Adhiar Act was followed by a whole host of other reform measures.

For example, the Govt. of Assam had taken steps in the direction of land ceiling legislation in the State as early as 1956. This Act was subsequently amended several times to make it more meaningful to the landless cultivators. However, the successful implementation of this Act did not take place.

The Assam Consolidation of Holdings Act was passed in 1960 and a number of other acts and amendments followed. It was also decided to prepare a record of rights in respect of the Estates in Karimganj without which it was not possible to acquire them. On the face of it therefore, it appeared that the Govt. of Assam had made comprehensive legislation for effecting agrarian reforms in the State. The question is to what extent have they been successfully implemented.

Since not many extensive or systematic work on the land system and more so on the politics of land reforms in Assam

have been done, we hope this study will contribute to a better understanding of this problem. In this way, it is hoped that this study will prove to be an important contribution to the study of at least one aspect of Assam Problems.

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