

## CHAPTER V

## LAND

According to 1991 census more than 74% of the country's total population live in rural areas and among Scheduled Castes and Scheduled Tribes, more than 85% of them are rural based. Coupled with this predominant rural character of the society in general and of Scheduled Castes and Scheduled Tribes in particular is another important characteristic of its agriculture based economy. Both these characteristics are much more pronounced in the case of Scheduled Castes and Scheduled Tribes where 74.50% Scheduled Caste main workers and 87.19% Scheduled Tribe main workers were eking out their livelihood either as cultivators or as landless agricultural labourers. A comparison of occupational classification of main workers in general, SC and ST population for the four major categories of cultivators, agricultural labourers, those engaged in household industry and 'other workers' for the last four censuses from 1961 to 1991, some very significant conclusions emerge:

Table 1\*

Occupational classification of main workers from  
1961 to 1991 Census (in percent)

S.No.	Category of workers	1961			1971			1981			1991		
		Gen.	SC	ST	Gen.	SC	ST	Gen.	SC	ST	Gen.	SC	ST
1	2	3	4	5	6	7	8	9	10	11	12	13	14
1.	Cultivators	52.78	37.76	68.18	43.38	27.87	57.56	41.53	28.17	54.43	39.74	25.44	54.50
2.	Agricultural labourers	16.71	34.48	19.71	26.32	51.74	33.04	25.16	48.22	32.67	19.55	49.06	32.69
3.	Household Industry	6.38	6.56	2.47	3.55	3.33	1.03	3.99	3.31	1.42	2.56	2.41	1.04
4.	Other workers	24.13	21.20	9.64	26.75	17.06	8.37	29.32	20.30	11.84	38.04	23.08	11.76

5.2 This table reveals that the percentage of SC workers engaged as cultivators decreased from 37.76% in 1961 to 25.44% in 1991. On the other hand, the percentage of SC agricultural labourers registered a high increase from 34.48% to 49.06% during the same period. Similar trend is noticed in respect of the Scheduled Tribes. Percentage of ST cultivators declined from 68.18% in 1961 to 54.50% in 1991 and that of agricultural labourers went up from 19.71% in 1961 to 32.69% in 1991.

\*Source: Census Reports

5.3 It shows that the rural poor, particularly the Scheduled Castes and the Scheduled Tribes who depend heavily on agriculture and allied activities for their livelihood have been successively losing whatever land they had over the years. From the status of cultivators even though as marginal or small farmers they are becoming landless agricultural labourers or turning into 'other workers' where their percentage has also gone up from 1961 to 1991 as is indicated in the above table. This phenomenon shows that there has hardly been any upward mobility or diversification in their occupational pattern. Though there could be many factors responsible for this state of affairs, like forcible eviction of these people from their lands, non-conferment of ownership rights, tardy implementation of allotment of ceiling surplus and other categories of land to them etc. the fact remains that a significant percentage (nearly 25%) of our country's population comprising Scheduled Castes and Scheduled Tribes and among whom more than three-fourth are predominantly dependent on land and activities connected with it, have hardly any land of their own. Whatever land they possess, their holdings are marginal and small in size (less than 2 hectares). In a situation where majority of SC and ST live below the poverty line and hardly have any other material possessions as symbols of social status the significance of their possessing land needs no emphasis. Land not only provides them an assured source of livelihood but also bestows upon them social status.

#### Operational Holdings

5.4 According to the main findings of various Agricultural Censuses from 1970-71 to 1985-86, the number of operational holdings in the country has been steadily increasing over the years for all size classes taken together and for all the social groups including SC and ST as is evident from the following figures:

Table 2\*

Agricultural Census year	No. of holdings (in millions)		No. of SC/ST holdings			
	all size classes	all social groups	Share SC	Share in %	Share ST	Share in %
	Percentage increase					
1	2	3	4	5	6	7
1970-71	71		Separate agricultural Census of SC/ST holding was done for the first time in 1980-81 only.			
1976-77	81.6	14.9				
1980-81	88.9	9.0	10.05	11.3	6.85	7.7
1985-86	97.2	9.3	12.04	12.4	7.65	7.9
1990-91	105.3 (expected)					

\*Source: Report of Agricultural Census 1985-86

The total number of operational holdings for all size classes and all social groups increased from 71 million in 1970-71 to 81.6 million in 1976-77, registering an increase of 14.9%. There was an increase of 9% in the total number of holdings from 1976-77 to 1980-81. The number of holdings which went up to 88.9 million in 1980-81 further increased to 97.2 millions during 1985-86, registering an increase of 9.3%. The Scheduled Caste holdings which were 10.05 million in 1980-81 and had a share of 11.3% of the total holdings also went up to 12.04 millions in 1985-86. Their share during 1985-86 was 12.4% of the total holdings. The share of ST holdings which was 6.85 million (7.7%) in 1980-81 increased to 7.65 million (7.9%) in 1985-86.

5.5 Distribution of operational holdings by major size groups reveals that increase in the total operational holdings and even for different social groups like Scheduled Castes, Scheduled Tribes and others separately has been mainly in the category of marginal and small holdings as is shown in the following table:

Table 3\*

Percentage distribution of operational holdings  
by major size classes

S.No.	Major size Classes	Social Groups					
		SC		ST		Others	
		1980-81	1985-86	1980-81	1985-86	1980-81	1985-86
1.	Marginal	68.9	70.7	39.8	41.3	56.2	57.5
2.	Small	16.3	16.0	22.6	23.5	11.9	18.3
3.	Semi- medium	9.5	8.8	20.5	20.2	14.0	13.7
4.	Medium	4.4	3.8	13.7	12.2	9.3	8.4
5.	Large	0.9	0.7	3.4	2.8	2.6	2.1

Not only that number of holdings of all social groups including Scheduled Castes and Scheduled Tribes has increased in the marginal and small holdings (except in case of Scheduled Castes where their small holdings decreased from 16.3% to 16.0% between 1980-81 and 1985-86) the largest number of total operational holdings of each social group is in the category of marginal holdings followed by small holdings both in 1980-81 and 1985-86. According to 1980-81 Agricultural Census out of total operational holdings of 88.90 million in 1980-81, the Scheduled Castes had 10.05 million holdings. Out of these holdings 68.9% were marginal holdings, (below 1 hectare), and 16.3% were small holdings (between 1 and 2 hectares). Large holdings were only 0.9% of their total holdings. During 1985-86 Agricultural Census the same pattern is noticeable. The largest number of holdings (70.7%) are marginal holdings and the least (0.7%) are large holdings. There is an abrupt fall in the number of various

\*Source: Report of Agricultural Census 1985-86

categories of holdings from marginal to large during both the years.

5.6 The position in respect of Scheduled Tribes is slightly better as compared to that of the Scheduled Castes. In their case, out of 6.85 million holdings in 1980-81, only 39.8% were marginal, 22.6% small, 20.5% semi-medium, 13.7% medium and 3.4% large holdings (10 hectares and above). During the two Agricultural Census periods of 1980-81 and 1985-86, the percentage of marginal and small holdings of Scheduled Tribes have registered a small increase while other categories of holdings have shown a decline.

The percentage distribution of operational holdings in major size groups among the Scheduled Castes, Scheduled Tribes and others is given in the table below:

Table 4\*

Major Size groups	Social Groups (Distribution of holdings in percentage)					
	Scheduled Castes		Scheduled Tribes		Others	
	1980-81	1985-86	1980-81	1985-86	1980-81	1985-86
	1	2	3	4	5	6
Marginal (below 1 hectare)	13.8	15.2	5.4	5.6	80.8	79.2
Small (between 1 and 2 hec.)	10.2	10.7	9.7	10.0	80.1	79.3
Semi-medium (between 2 and 4 hec.)	7.6	8.1	11.3	11.6	81.1	80.3
Medium (between 4 and 10 hec.)	5.4	5.8	11.6	11.8	83.0	82.4
Large (10 hec. and above)	4.4	4.5	10.8	11.1	84.8	84.4
All size Groups	11.3	12.4	7.7	7.9	81.0	79.7

It is seen from the above table that the share of SC and ST is much less in all the major size groups of operational holdings both during 1980-81 and 1985-86. In the category of large holdings the least share was of Scheduled Castes who had only 4.4% and 4.5% of the total large holdings during 1980-81 and 1985-86 respectively. In the case of Scheduled Tribes the position is reverse. Their share in the marginal and small holdings was less than those in respect of semi-medium, medium and large holdings. Their maximum share

\*Source: Report of Agricultural Census 1985-86

(11.6%) out of all the size groups was in the medium holdings (between 4 and 10 hectares) while least share (5.4%) was in marginal holdings during 1980-81. Similar trend is noticeable in respect of the share of Scheduled Tribes holdings in the various size groups during 1985-86. the largest share (11.8%) was in the medium size holdings and the smallest share (5.6%) was in the marginal size holdings.

5.7 The share of non-SC/ST persons in the different major size groups of operational holdings both during 1980-81 and 1985-86 shows an entirely different pattern. In their case the percentage share in all types of size groups is more than 80 in 1980-81 and above 79 in 1985-86 which is much more than the share of Scheduled Castes and Scheduled Tribes in each size group. Moreover, their percentage share in the large size holdings (10 hectares and above) is the maximum (84.8%) in 1980-81 and 84.4% in 1985-86. It is just reverse of the position in respect of Scheduled Castes whose maximum share is in the marginal holdings and minimum in large holdings.

5.8 The above table also reveals another significant fact that while there is a large variation showing abrupt decline in the share of Scheduled Castes in various size groups as one moves from marginal to large holdings (from 13.8% marginal holdings to 4.4% large holdings during 1980-81 and from 15.4% marginal to 4.5% large holdings during 1985-86) there is not such a wide variation in respect of the share of non-SC/ST in different size group holdings which lie between 80.8% and 84.8% in 1980-81 and 79.2% to 84.4% in 1985-86.

#### Number of Holdings and Area Operated

5.9 The number of operational holdings and area operated among Scheduled Castes, Scheduled Tribes and others are shown in the following table:

Table 5\*  
No. of operation holdings and Area Operated in India by  
various Social Groups in 1980-81 and 1985-86

Social Group	No. of Holdings (in lakhs)		Percentage change	Area Operated (in lakh hec.)		Percentage change
	1980-81	1985-86		1980-81	1985-86	
1	2	3	4	5	6	7
Scheduled Castes	100.52 (11.3)	120.41 (12.4)	+ (19.8)	115.22 (7.0)	126.39 (7.7)	+ (9.7)
Scheduled Tribes	68.54 (7.7)	76.48 (7.9)	+ (11.6)	167.04 (10.2)	172.34 (10.5)	+ (3.2)
Others	719.77 (81.00)	774.66 (79.7)	+ (7.6)	1355.71 (82.8)	1346.89 (81.8)	- (0.7)
All Social Groups	888.83 (100.0)	971.55 (100.0)	+ (9.3)	1637.97 (100.0)	1645.62 (100.0)	+ (0.5)

\*Source: Report of Agricultural Census 1985-86

5.10 The total area operated in the country during 1985-86 was about 1646 lakh hectares as against about 1638 hectares in 1980-81. The area operated by Scheduled Castes during 1985-86 showed a significant increase of 9.7% over the area operated by them during 1980-81 from 115 lakh hectares (7.0% of the total area operated) to 126 lakh hectares (7.7% of the total area operated) as against increase in their operational holdings from 11.3% in 1980-81 to 12.4% in 1985-86. In the case of Scheduled Tribes there was an increase of 3.2% in the total area operated by them from 167 lakh hectares (10.2%) in 1980-81 to 172 lakh hectares (10.5) in 1985-86. Their share in the total operational holdings increased from 7.7% in 1980-81 to 7.9% in 1985-86.

5.11 There was an insignificant decrease of 0.7% in the total area operated by other social groups (non SC/ST) in 1985-86 over 1980-81 (from about 1356 lakh hectares to about 1347 lakh hectares). It may be observed that though there was an increase of 7.6% in the total number of holdings of non-SC/ST persons from 1980-81 to 1985-86, there was a small decline (0.7%) in the area operated by them during the same period.

#### Average Size of Holdings

5.12 The distribution of average size of holdings by all social groups according to major size classes in 1980-81 and 1985-86 is shown in the following table:

Table 6\*  
Average size of holdings

Major size classes	Average size of holdings (in hectares)							
	S.C.		S.T.		Others		All Social Group	
	1980-81	85-86	1980-81	85-86	1980-81	85-86	1980-81	85-86
1	2	3	4	5	6	7	8	9
Marginal	0.36	0.37	0.48	0.48	0.39	0.39	0.39	0.39
Small	1.41	1.41	1.43	1.43	1.45	1.44	1.44	1.43
Semi-medium	2.71	2.70	2.74	2.73	2.79	2.43	2.78	2.77
Medium	5.84	5.78	5.98	5.95	6.03	5.97	6.04	5.96
Large	16.44	16.24	15.88	15.87	15.65	17.43	17.41	17.21
All size Classes	1.15	1.05	2.44	2.25	1.88	1.74	1.84	1.69

5.13 According to Report on Agricultural Census, 1985-86, the average size of operational holdings in the country has successively been declining for all social groups in the country. It was 2.3 hectares in 1970-71, 2 hectares in 1975-76 which came down to 1.84 hectares in 1980-81 and further declined to 1.69 hectares during the agricultural census of 1985-86.

\*Source: Report of Agricultural Census 1985-86

5.14 The average size of Scheduled Caste holding came down from 1.15 hectares in 1980-81 to 1.05 hectares in 1985-86. In the case of Scheduled Tribes, the average size of holding declined from 2.44 hectares in 1980-81 to 2.25 hectares in 1985-86. It may be seen from the above table that the average size of holdings for the Scheduled Tribes was more than twice the average size of S.C. holdings during 1980-81 as well as during 1985-86. It was also higher than the average size of holdings for non-SC/ST persons whose average size of holdings was 1.88 and 1.74 hectares during 1980-81 and 1985-86 respectively.

5.15 An analysis of the data relating to operational holdings for different social groups and major size classes as brought out by the Agricultural Census of 1985-86 (latest available) and discussed in the above paragraphs reveals the following:

- (1) Out of 97.2 million operational holdings in the country the share of Scheduled Castes was 12.4% and that of the Scheduled Tribes was 7.9% as against 79.7% share of others.
- (2) The operational holdings of Scheduled Castes registered an increase of 19.8% in 1985-86 over the number of their holdings in 1980-81. This increase was 11.6% for the Scheduled Tribes and 7.6% for others.
- (3) Marginal holdings accounted for the largest proportion so far as number of holdings was concerned for all social groups. It was 70.7% for Scheduled Castes, 41.3% for Scheduled Tribes and 57.5% for others (1985-86).
- (4) The proportion of small, semi-medium, medium and large size holdings to the total holdings was much higher for the Scheduled Tribes as compared to that of the Scheduled Castes. Large holdings formed nearly 2.8% in the case of Scheduled Tribes as against 0.7% in the case of Scheduled Castes during 1985-86. The Scheduled Tribes were in a better position as compared to the Scheduled Castes in terms of size of holdings.
- (5) In terms of the area operated by different social groups out of the total area operated, the Scheduled Castes had the least area (7.7%) to operate as against 10.5% for Scheduled Tribes and 81.8% for others.
- (6) The average size of holdings of Scheduled Castes during 1985-86 was 1.05 hectares which was much less than that of the Scheduled Tribes (2.25 hectares) and that of others (1.69 hectares).

5.16 Although the number of operational holdings of SC and ST has been increasing over the years alongwith a small

Increase in their percentage share of the total holdings, the proportion of the total holdings held by them still remains much less than the percentage of their population in the country's total population as shown below:

Table 7\*

Social Groups	Population Percentage		Percentage share in the No. of holdings during		Percentage share in the area operated	
	1981	1991	1980-81	1985-86	1980-81	1985-86
1	2	3	4	5	6	7
Scheduled Castes	15.47	16.33	11.3	12.4	7.0	7.7
Scheduled Tribes	7.85	8.03	7.7	7.9	10.2	10.5
Others	76.68	75.64	81.0	79.7	82.8	81.8
Total	100.00	100.00	100.00	100.00	100.00	100.00

In terms of area operated the share of Scheduled Castes was much less, less than even half of their population percentage both during 1980-81 and 1985-86. However, the Scheduled Tribes were in a better position as their percentage share in the total operated area was more both during 1980-81 and 1985-86 than their population percentage in 1981 as well as in 1991 Census.

5.17 It is an irony that the Scheduled Castes and Scheduled Tribes who are the very people who provide the bulk of agricultural force to toil on the land as labourers to feed the country's teeming millions do not have a share in the total operational holdings as well as in the total operated area proportionate to their population. Though there may be other factors responsible for this imbalance in the distribution of land among the various social groups, particularly among the Scheduled Castes and Scheduled Tribes, it is evident that one of the major causes for this malaise is improper and half-hearted implementation of various land reform measures.

#### Land Reforms

5.18 According to 1994-95 Annual Report of the Ministry of Rural Development 68% of the country's population depend for its livelihood on agriculture and allied activities. But bulk of the land available (71%) is owned by 23.8% of the population while majority of the population controls only the remaining 29% with holdings mostly less than 2 hectares in size. The national land reforms policy was framed mainly with the intention of bringing about suitable changes in the economic structure of the rural society so as to remove imbalances in the distribution of available land to the various social groups. Although the main objectives of the land reforms policy like abolition of intermediary tenures,

\*Source: Report of Agricultural Census and 1981 & 1991 Census



tenancy reforms, ceiling on ownership of agricultural holdings, consolidation of holdings, compilation and updating of land records and distribution of ceiling surplus and other types of land to the landless had been clearly set during the Sixth Plan and a time schedule was laid down for achieving these objectives, the position in the implementation of various reforms has been hardly satisfactory. The Working Group on Development and Welfare of Scheduled Castes during the Eighth Five Year Plan (1990-95) in their report (August 1990) had observed that "though intermediaries were abolished, the time taken in bringing in legislations in respect of other aspects had resulted in frustration of the original intentions very much". They have further observed:

"The tenancy law, except in one or two pockets like West Bengal, has not provided the security to the target sections as expected as there was no practice of recording of the enjoyment of cultivation properly in most of the areas. Even where it had been done the landlords had managed to use the arm of the law to get rid of the tenants to a large extent under the guise of personal cultivation".

In respect of implementation of ceiling lands the Working Group observed:

"The agricultural ceiling lands have been a mere failure. As against the estimated availability of surplus land of about 30 million hectares, only a little over 7 million acres have been declared surplus so far. Against this the land distributed is 4.5 million acres to about 4 million beneficiaries. The intervention of the courts in frustrating the implementation of ceiling laws have been considerable."

#### Land Records

5.19 In a predominantly agrarian society like ours proper and upto-date maintenance of land records is imperative. Correctly maintained up-to-date land records are not only highly useful for policy formulation but are also very helpful in maintaining harmonious relations among different social groups in the rural society by reducing land related litigation. But unfortunately this vital area did not receive desired attention of the Government, Central and States for a long time and as a result the position of land records in many States in the country is not at all satisfactory. In many States the land records have not been updated while there are areas for which land records do not exist. The importance of proper maintainance of land records was emphasised by the Prime Minister at the Conference of Chief Ministers held on October 4-5, 1991. He observed:

"For a poor person, for the small person, for the weak person, a land record is a weapon. It is not just a record, it is not just a piece of paper or not

one entry tucked away somewhere in the Tahsil Office, but it is a weapon to him. You are giving a weapon in his hands. If he has no weapon, he has no way of fighting the more influential sections of society who may always want or sometimes want to deprive him of his rights. Therefore, giving him land should also be followed by giving him the right in the shape of a record and again making him viable economically."

5.20 The Revenue Ministers Conference held in 1988 had made some very useful recommendations in respect of unfulfilled targets laid down in the Plan relating to land reforms. These recommendations are reproduced below:

- (i) Ongoing survey and settlement operations should be expedited.
- (ii) Lowest level revenue functionaries should be strengthened by rationalising their jurisdiction. These persons may be given orientation training and refresher courses from time to time to reorient their attitudes towards various programmes.
- (iii) The Schemes of Revenue Department should be brought under the Plan. Realising the fact that the State Governments are not paying adequate attention to strengthen the revenue administration due to a variety of reasons, namely, high establishment cost, time consuming processes, it was felt that the Government of India should provide central assistance to States in the matter of strengthening of revenue administration.
- (iv) Given the diversity in the land record systems in the States, it is not possible to have a uniform format of land records. However, the land record formats across the country should contain the basic statistics.
- (v) Patta Pass-Book may be issued to the landlords and the tenants. These Pass-Book holders shall have legal status to their rights/title.
- (vi) Computerisation of land records may be taken up on a pilot basis in each State. This project shall be funded wholly by the Centre.
- (vii) The Central Government should help the States in a big way for strengthening of revenue administration and updating of land records and its modernisation by induction of new technology including computerisation.
- (viii) A central scheme under implementation should be continued in Eighth Plan with greater allocation. The present pattern of sharing of funds should be changed in favour of greater contribution from the Centre considering the paucity of resources available to the States.

- (ix) A National Land Revenue Commission should be set up with the mandate to suggest in consultation with each State how the land revenue and land record administration should be strengthened and modernised and how resources technical, financial and manpower could be generated for this purpose.
- (x) There is an urgent need to rationalise and strengthen land registration offices with a view to modernise the maintenance, storage and retrieval of land registration documents.
- (xi) A technical group may evolve guidelines on how the rights and interests of tribal individuals and community should be recorded in the record of rights.

#### **Strengthening and Modernisation of Land Revenue Administration**

5.21 Land being State subject, it is primarily the duty of State Governments to properly maintain and also to make arrangements for regular surveys etc., to keep the land records up-to-date. The Government of India formulates general policies in consultation with the State Governments and also provides requisite financial assistance to the States for specific projects. The 1993-94 Annual Report of the Ministry of Rural Development mentions that the major difficulty in updating land records has been lack of adequate financial resources for infrastructural development of the Revenue Administration as also to modernise its technologies to keep pace with the huge tasks connected with land revenue administration. There has also not been any review or evaluation study to assess the efficacy of the present revenue administration system vis-a-vis various developmental programmes. However, under a Centrally Sponsored Scheme of Strengthening of Revenue Administration and Updating of Land Records started during 1987-88, the Government of India have released an amount of Rs.79.98 crores as Central share to 31 States/UTs (Statewise details in Annexure 2) till 1993-94 (Rs.24.26 crores during 1993-94 to 21 States) for purchase of equipments and strengthening of revenue machinery for the purposes of updating of land records. Information relating to pooling of funds by the concerned State Governments, financial and physical achievements and the nature of work done with the help of these funds should also be made available by the Department of Rural Development.

5.22 As a first step towards computerisation of land records the Government of India have also started providing central assistance to the States to take up computerisation of land records on a Pilot Project basis initially in one district of each State. An amount of Rs.13.77 crores (0.09 crores during 1993-94) has been released since 1989-90 till 1993-94 to 25 States (Statewise details in Annexure 3) as central share. However, the progress of this scheme in the beneficiary States shows that the amount utilised (Rs.3.88 crores) has been even less than 50% of the amount released and may be the States have not utilised their own share in

the scheme at all. The Ministry of Rural Development may ascertain from the concerned States about their share spent on the scheme.

5.23 Realising the urgency, though belatedly of attending to the task of revitalising revenue administration and land record system, the Government of India set up a seven-member committee on Revitalisation of Land Revenue Administration under the Chairmanship of Shri P.S.Appu, former Chief Secretary, Government of Bihar. The Committee which was to submit its report by the end of August, 1994 has not submitted the same so far. Considering the terms of reference of this Committee it is hoped that useful recommendations may emerge and the land revenue administration is over hauled to keep pace with the fast developing technologies and the land record systems are modernised.

#### **Implementation of Land Ceiling Laws and Distribution of Ceiling Surplus Land**

5.24 Even after more than four decades of having adopted our Constitution there are still large disparities in the socio-economic status of the haves and have-nots. One of the important indicators of socio-economic status is the extent of agricultural land holdings. Though efforts were made by the government soon after independence to frame a national land reforms policy and for the purpose appointed the Congress Agrarian Reforms committee under the Chairmanship of Shri J.C.Kumarappa which submitted its Report in the middle of 1949, the Panel on Land Reforms set up by the Planning Commission in May 1955 under the Chairmanship of Shri Gulzari Lal Nanda and subsequently the High Powered Committee of nine Members appointed by the Congress President, the policy actually took shape during the First Five Year Planning. It was proposed that the policy evolved should be such as reduces disparities in wealth and income, eliminates exploitation, provides security for tenant and worker and promises equality of status and opportunity to different sections of rural society. It was in pursuance of this realisation that the idea of putting ceiling on agricultural holdings emerged. It was envisaged that the ceiling should be imposed in such a way that above a certain maximum level the surplus land is taken away from the holders and is redistributed to the landless or to small holders based on certain priorities.

#### **Enactment of Ceiling Laws and their Enforcement**

5.25 States framed their own laws imposing different ceilings on agricultural holdings and also implemented them during various periods. In fact the land ceiling laws were enacted in two phases - one during the first two Five Year Plans before the national guidelines were laid down in 1972 and the second after the adoption of guidelines i.e. after 1972 onwards. The laws enacted before 1972 contained many loopholes which enabled the big landlords to circumvent them and retain possession of much bigger chunks of agricultural holdings than was permissible. However, after the adoption of the national guidelines many States have modified/amended

their legislations, a list of which is appended as Annexure at the end of the Chapter.

#### Land Ceilings - Limits fixed by various States

5.26 The following table shows the level of ceiling according to the category of land in various States:

Table 8\*

#### Land Ceilings - Statewise limits

State	(IN ACRES)		
	Irrigated with Two crops	Irrigated with One crop	Dryland
Andhra Pradesh	10 to 18	15 to 27	35 to 54
Assam	17	17	17
Bihar	15 to 18	25	30 to 45
Gujarat	10 to 18	15 to 27	20 to 54
Haryana	18	27	54
Himachal Pradesh	10	15	30 to 70
J & K	9 to 12.5	9 to 12.5	15 to 23 in Ladakh 19
Karnataka	10 to 20	25 to 30	54
Kerala	12 to 15	12 to 15	12 to 15
Madhya Pradesh	18	27	54
Maharashtra	18	27	54
Manipur	12	12	15
Orissa	10	15	30 to 45
Punjab	17	27	51
Rajasthan	18	27	54 to 175
Sikkim	12.5	12.5	50
Tamil Nadu	12	30	60
Tripura	10	10	30
Uttar Pradesh	18	27	45
West Bengal	12	12	17

It will be seen from the above table that there is a lot of variation in the level of ceiling in different States. This variation is very wide in the case of Rajasthan and Himachal Pradesh where the levels are from 18 to 175 acres and 10 to 70 acres respectively. There is comparatively narrow range in the level of ceiling in respect of Manipur (12 to 15 acres), West Bengal (12 to 17 acres), J & K (9 to 23 acres) and Tripura (10 to 30 acres). There is no variation in Kerala where the same level (12 to 15 acres) is fixed for different categories of land.

The Commission recommend that it will be desirable to have as nearly uniform ceiling limits as practical in all the States which may also make efforts to bring down the land ceiling as far as possible.

\*Source: Ministry of Rural Development

### **Allotment of Ceiling Surplus Land to Scheduled Castes and Scheduled Tribes**

5.27 According to the information compiled by the Land Reforms Section of the Ministry of Rural Development, 73.52 lakh acres had been declared surplus in various States by the end of March, 1994. As against this the area taken possession of was 64.28 lakh acres (87.43%). The area distributed out of the area taken possession of was only 78.22% (50.58 lakh acres). The area distributed to Scheduled Castes, Scheduled Tribes and others constituted 35% (17.54 lakh acres), 14% (7.06 lakh acres) and 51% (25.98 lakh acres) respectively. Further, available information shows that out of total area of 73.52 lakh acres declared surplus, a significant portion (29.85%) i.e. 21.95 lakh acres was not available for distribution due to various reasons like litigation (12.90 lakh acres), land reserved/transferred for public purposes (3.67 lakh acres), land unfit for cultivation (3.55 lakh acres) and land for miscellaneous purposes (1.82 lakh acres). This shows that more than 58% of the land not available for distribution was involved in litigation in the courts of various States. The highest acreage (2.05 lakh acres) involved in litigation has been reported from Andhra Pradesh. The other States where more than 1 lakh acres of land was involved in litigation were Bihar (1.83 lakh), West Bengal (1.78 lakh), Karnataka (1.45 lakh) and Uttar Pradesh (1.33 lakh). Least area involved in litigation was reported from Orissa (13841 acres).

5.28 It will be noticed from the above analysis that quite a significant acreage (more than 58%) of the land not available for distribution to the eligible landless poor is involved in litigation. A major part of this land is held up in cases before the Revenue Courts. Some of the earlier studies have revealed that in many instances, some of these cases have not even been put up before the concerned courts. In the case of judicial courts, many cases are not even pressed for disposal for an unusually long time. As far as High Courts are concerned the proceedings there take a very long time due to pressure of work and the mounting pendency.

5.29 The Commission feels that a larger number of eligible SC and ST persons could be benefited if adequate suitable measures, executive as well as legislative are taken by the concerned States to free the land involved in litigation as expeditiously as possible and allot the same to landless rural poor including the Scheduled Castes and Scheduled Tribes.

The Commission, therefore, recommends:

5.30 State Governments having sizeable acreage of land declared surplus due to the enforcement of ceiling limits but are not able to allot it due to litigation may immediately undertake an exercise to identify and segregate such cases and set up special Land Tribunals to expeditiously dispose of these cases within a specified time limit. If necessary, monitoring cells may also be set up to watch the disposal of cases involved in litigation.

5.31 An area of 3.67 lakh acres out of the total area not available for distribution have been reserved/transferred for public purposes. The State Governments of Gujarat and Assam have reported 24952 acres and 17250 acres under this category which is very high.

5.32 In spite of repeated requests made by the Ministry of Rural Development to the State Governments not to put the area declared surplus to any other use except distributing the same to the rural poor, the practice continues. The Commission therefore, recommends that the State Government may desist from such a practice and may distribute the surplus area only to eligible beneficiaries among the rural poor including Scheduled Castes and Scheduled Tribes.

5.33 Out of the total area not available for distribution, 3.55 lakh acres have been classified as unfit for cultivation. The States of Andhra Pradesh, Assam, Himachal Pradesh, Maharashtra and West Bengal have reported high area under this category ranging from 13000 to 73000 acres.

5.34 The Eighth Plan Working Group on the Development and Welfare of Scheduled Castes had suggested that fallow land should be compulsorily taken over for allotment to the agricultural labour Scheduled Caste families on preference basis, making necessary provision in the existing laws, where necessary.

5.35 While the Commission endorses the above suggestion it is also of the view that senior officers of the district must ensure that the area declared unfit for cultivation is actually so. It is understood that the Ministry of Rural Development has requested the State Governments to conduct sample checks to see whether the area declared unfit by the lower level functionaries is really unfit. The Ministry has also suggested to allot such area for social forestry, raising of fodder etc., and also to improve fallow land by making available financial assistance to the allottees under various rural development programmes.

5.36 The Commission commends the efforts being made by the Ministry of Rural Development and would expect that the same are followed up to ensure that some tangible results are achieved in this regard.

5.37 The distribution of ceiling surplus land under point 5A of the 20-Point Programme during the year under report (Statewise) is given in the table below:

Table 9\*  
Point No. 05A, Distribution of Surplus Land

UNITS: ACRES

State Name	Target 93-94	Achievement 93-94	%age Ach.
Andhra Pradesh	122810	27139	22
Assam	30430	10596	35
Bihar	94000	7453	8
Gujarat	15140	2923	19
Haryana	4570	308	7
Himachal Pradesh	2870	0	0
J & K	6000	0	0
Karnataka	84270	624	1
Kerala	8240	2894	35
M.P.	64410	566	1
Maharashtra	29980	1715	6
Manipur	51	0	0
Orissa	2690	3022	112
Punjab	23040	392	2
Rajasthan	19380	993	5
Tamil Nadu	3210	3605	112
Tripura	53	0	0
U.P.	52570	3402	6
West Bengal	33330	5000	15
D&N Haveli	1004	255	25
Delhi	75	0	0
Pondicherry	440	0	0
<b>Grand Total</b>	<b>598563</b>	<b>70887</b>	<b>12</b>

**VERY GOOD:** Orissa, Tamil Nadu

**Poor :** Andhra Pradesh, Assam, Bihar, Gujarat, Haryana, Himachal Pradesh, J & K, Karnataka, Kerala, M.P., Maharashtra, Manipur, Punjab, Rajasthan, Tripura, U.P., West Bengal, D&N Haveli, Delhi, Pondicherry

5.38 It is evident from the above table that progress under this scheme has been highly unsatisfactory. The overall achievement was only 12%. There was a target of distributing 5.98 lakh acres in 1993-94 against which actual distribution was 0.70 lakh acres only. There was 'nil' achievement by the States of Himachal Pradesh, Jammu & Kashmir, Manipur, Tripura and the UTs of D&N Haveli and Pondicherry. The States like Madhya Pradesh, Punjab, Rajasthan, Maharashtra and Haryana had a very low achievement ranging from 1% to 7%. Orissa and Tamil Nadu recorded an impressive 112% achievement as against the targets fixed for the year.

#### Financial Assistance to Assignees of Ceiling Surplus Land

5.39 Ceiling surplus land and Government waste land allotted to the rural poor including SCs and STs is usually

\*Source: Ministry of Rural Development



undeveloped and is of poor quality. It cannot be immediately put to use unless it is properly developed. Since the allottees of this land come from very poor landless labourer families from the rural areas including Scheduled Castes and Scheduled Tribes they do not have adequate financial or other resources to develop the land on their own. The Government of India had, therefore, introduced a Centrally Sponsored Scheme during 1975-76 to provide financial assistance as grant to each assignee family for undertaking development of land, purchase of necessary inputs and for meeting their immediate consumption needs. Initially, an amount of Rs.500 per hectare per beneficiary was given as a grant but this amount was subsequently raised to Rs.1000 per hectare per beneficiary to be shared by the Central and the State Governments on 50:50 basis. The rate of financial assistance was again raised to Rs.2500 per hectare per beneficiary and from 1993-94, the scheme has been transferred to the State Sector in pursuance of a decision of the National Development Council taken in their meeting held on December 23-24, 1991. However upto 1992-93, an amount of Rs.59.72 crores had been sanctioned to various States as central share under the scheme. According to the information available with the Rural Development Department the States have reported a total utilisation of Rs.49.08 crores (83.85%). The physical and financial targets and achievements under this scheme during the year under report are not yet available.

### **Tenancy Reforms**

5.40 One of the main and important components of national land reforms policy was the tenancy reforms. In spite of the accepted national policy to provide land to the tiller, many States have failed to adequately protect the rights of tillers even though many States have made legislative provisions to confer ownership rights on them. According to information available with the Ministry of Rural Development as on 25-5-93, 15 States/UTs conferred ownership rights or protected the rights of 112.13 lakh general body of tenants involving an area of 153.32 lakh acres. Though separate figures relating to the number of SC and ST beneficiaries are not available, it is presumed that these people are the major beneficiaries as majority of share-croppers and tenants belong to Scheduled Castes and Scheduled Tribes. Statewise details are given in the table below:

Table 10\*

Number of tenants conferred ownership rights (for rights protected) and area accrued to them

S.No.	States	No. of tenants (in lakhs)	Area accrued (lakh acres)
1.	Andhra Pradesh	1.07	5.95
2.	Arunachal Pradesh		
3.	Assam	29.08	31.75
4.	Bihar		
5.	Gujarat	12.63	25.66
6.	Goa		
7.	Haryana	0.23	0.82
8.	Himachal Pradesh	4.01	NR
9.	Jammu & Kashmir		
10.	Karnataka	6.05	26.32
11.	Kerala	28.42	14.50
12.	Madhya Pradesh		
13.	Maharashtra	14.92	46.21
14.	Manipur		
15.	Meghalaya	Nil	Nil
16.	Mizoram	Nil	Nil
17.	Nagaland		
18.	Orissa	1.51	0.94
19.	Punjab	0.10	0.51
20.	Rajasthan		
21.	Sikkim		
22.	Tamil Nadu		
23.	Tripura	0.14	0.39
24.	Uttar Pradesh		
25.	West Bengal	13.90	NR
<b>Union Territories</b>			
26.	A.N. Islands	Nil	Nil
27.	Chandigarh		
28.	D & N Haveli	0.07	0.21
29.	Delhi		
30.	D & Diu		
31.	Lakshadweep	Negligible	Negligible
32.	Pondicherry	Negligible	Negligible
All India		112.13	153.32

NR : Not reported

5.41. It will be noticed from the above table that the States of Assam, Kerala, Maharashtra, West Bengal and Gujarat have given ownership rights to a large number of tenants even though Andhra Pradesh and West Bengal do not have any legislative provisions for this purpose. Many other States have also given ownership rights to the tenants in earlier years but since the reporting of the progress in this direction is not uniform by all the States, the Ministry of Rural Development compiles the figures as and when received upto a particular date for the purpose of incorporating in their Annual Report. The above information relates to the period ending with 25-5-1993.

\*Source: Ministry of Rural Development

5.42 The position reflected by the above table clearly shows that tenancy reforms have not made much impact as the land in respect of which ownership rights have been given to the tenants constitutes little more than 4% of the estimated total land with the tenants. However, notable success has been achieved in recording of tenancies and in securing rights in some States like Assam, Kerala and West Bengal. In respect of other States, tenancy legislation, wherever it exists, does not provide security to the target groups as expected in the absence of any practice of recording of the enjoyment of cultivation properly in most of the areas. Even where it had been done the landlords had managed to circumvent the law under the garb of personal cultivation.

5.43 In fact tenancy reforms have not been successful because none of the basic objectives like rent should not be more than 1/5th or 1/4th of the gross produce, according permanent rights to the tenants in the land they cultivate, security to the sub-tenants/share croppers against eviction at will, a degree of permanence to the sub-tenants/share-croppers in respect of the land being cultivated by them and the landlord-tenant relationship has been achieved. It is, therefore, not only desirable but imperative for any land reforms policy to be successful that tenancy reforms are undertaken.

5.44 The Commission, therefore, recommends:

(1) All State Governments may be requested to carry out survey and settlement operations immediately to put on record all the tenants/sharecroppers and give them ownership rights/or protect their rights by enacting suitable legislation/amending the existing ones, if already exist, removing all possible loopholes/impediments to frustrate the efforts of vested interests.

(2) If possible, State Governments may also be requested to undertake special drives for a specific time period to record the interests of the tenants.

(3) A regular system of monitoring at all the levels - Tehsils, Sub-Division, District, Divisional and State level should be evolved with active participation of the beneficiary organisations. The Ministry of Rural Development at the Centre should review the progress at least once a year at the level of Revenue Minister/Secretaries.

(4) Tenancy litigation can be given to special tribunal constituted for the purpose.

#### **Distribution of Government Waste Land and Bhoodan Land**

5.45 In keeping with the main strategy of redistribution of all kinds of available lands, of the land reforms policy, distribution of large scale government wasteland has been undertaken in various States. According to an estimate of the Ministry of Rural Development mentioned in the background

papers/agenda notes prepared for the Conference of Revenue Ministers for March 14, 1992, approximately 12.95 million hectares waste land was available in the country. It is an accepted policy of the Government that the wasteland at its disposal should be distributed amongst the eligible rural poor. In pursuance of this policy an area of 127.39 lakh acres of government waste land has been reported as distributed by 20 States. This information does not pertain to the year under report but relates to the periods from 12/90 in case of West Bengal and Goa to March 92. In case of other States the reporting period varies from March 91 to November 1991. This information was compiled by the Ministry of Rural Development as made available to them by 25-5-94. Statewise position is shown in the table below:

Table 11\*

<u>Distribution of Government Waste Lands</u>			
<u>Compiled on 25-5-94</u>			
<u>S.No</u>	<u>Name of the State/UT</u>	<u>Area Distributed in lakh acres</u>	<u>Period of Reporting</u>
1.	Andhra Pradesh	30.40	
2.	Assam	3.75	3/91
3.	Bihar	9.75	10/91
4.	Gujarat	13.81	9/91
5.	Haryana	0.03	1/92
6.	Himachal Pradesh	0.17	
7.	Karnataka	13.22	
8.	Kerala	4.57	3/92
9.	Madhya Pradesh	1.69	10/91
10.	Maharashtra	10.23	
11.	Manipur	0.32	
12.	Punjab	1.10	
13.	Orissa	6.64	10/91
14.	Tamil Nadu	2.07	
15.	Tripura	1.32	
16.	Uttar Pradesh	22.28	11/91
17.	West Bengal	4.32	12/90
18.	Goa	0.05	3/92
19.	Mizoram	0.74	
20.	Rajasthan	0.93	
Total		127.39	

5.46 In view of the fact that allottees of government waste land are dispossessed of the same in many cases, their lands are encroached upon and in some cases the lands had been held back by the ex-intermediaries the following measures were proposed by the Ministry of Rural Development for consideration in the Revenue Ministers Conference held on 4 March 1992, for securing larger land base for the rural poor from Government lands:

- (1) A survey of all Government waste lands should be done so as to determine the extent of Government land still available.
- (2) The survey of extent and nature of encroachments should also be completed in a time bound manner. Proceedings under land encroachment legislations should be started to evict illegal encroachers of Government land.
- (3) There is normally a tendency to permit the encroachment proceedings to linger on indefinitely. It must be recognised that the encroachment proceedings are only quasi-judicial by nature; while rights of natural justice have to be respected, speedy disposal of the cases is as important. The proceedings, therefore, must necessarily be disposed off within a prescribed time period.
- (4) The vacant Government waste land should be allotted to the rural poor of the eligible categories at the earliest possible.
- (5) The order of priorities for allotment of Government waste land should be the same as that governing the allottees of the surplus ceiling land.
- (6) Where a plot has been under encroachment, it should be allotted as soon as it is got vacated. The deed of the settlement or Pattas should be ready and possession should be handed over to the allottee as soon as the encroachment is got vacated.
- (7) Correction in the record of rights should be made prior to handing over the Patta/Deed of the Settlement.
- (8) It has been the experience in the past that incorrect allotment/settlement has often been made on account of the fact that the beneficiary organisations were not associated with the process. The established Gram Panchayats, Institutions, organisations of the beneficiaries voluntary organisations active in the area, etc., should be associated with the process.
- (9) Wherever the waste land is under the control of Gram Sabha, all assistance should be rendered to it by the administration in the fulfilment of the task. Where the Gram Sabha is dominated by the vested interest groups, the administration may exercise its authority in favour of the rural poor.
- (10) Dispossession of lawful allottees should be made a cognisable offence.

The Commission reiterates the above suggestions.

### Bhoodan Land

5.47 The objective of Bhoodan movement was also to bring about equitable distribution of land by voluntary donation with the involvement of non-governmental social welfare organisations. Through the dedicated and sustained efforts of voluntary organisations the movement met with an impressive success, particularly in some States like Haryana, Uttar Pradesh, Orissa, Tamil Nadu, Gujarat and Maharashtra where the percentage of distribution of the donated land varied from 75 to 100. According to the information compiled by the Ministry of Rural Development as on 22-4-94 (reporting period vary from 10/90 to 11/92) 17 States had distributed 23.27 lakh acres of land under this category out of a total area of 45.90 lakh acres available. The overall achievement was 50%. Statewise position is shown in the table below:

Table 12\*  
Distribution of Bhoodan Land  
(Area in lakh acres)

S.No.	States	Area			% area distributed	Period of reporting
		Donated	Distributed	Balance		
1.	Andhra Pradesh	1.96	1.02	0.94	52.0	10/90
2.	Assam	Neg.	Neg.	-	-	
3.	Bihar	21.18	7.00	14.18	33.05	6/92
4.	Gujarat	0.34	0.27	0.07	79.41	
5.	Haryana	0.02	0.02	-	100.00	
6.	Himachal Pradesh	Neg.	Neg.	Neg.	-	
7.	Jammu & Kashmir	Neg.	Neg.	Neg.	-	
8.	Karnataka	0.11	0.05	0.06	45.45	
9.	Kerala	0.02	0.01	0.01	50.00	
10.	Madhya Pradesh	4.10	2.43	1.67	59.27	
11.	Maharashtra	1.10	0.83	0.27	75.45	
12.	Orissa	6.39	5.80	0.59	90.76	11/92
13.	Punjab	0.05	0.01	0.04	20.00	
14.	Rajasthan	6.02	1.41	4.61	23.42	
15.	Tamil Nadu	0.24	0.21	0.03	87.50	11/92
16.	Uttar Pradesh	4.37	4.21	0.16	96.33	9/92
17.	West Bengal	Neg.	Neg.	Neg.	-	
Total		45.90	23.27	22.63	50.70	

As on 22-4-1994

### Consolidation Holdings

5.48 For meaningful planning in any development activity relating to agriculture, particularly for increasing and improving productivity, consolidation of holdings is necessary. It is particularly significant in the case of our country where average size of agricultural holdings is not only small (less than 2 hectares, 1.69 hec) but most of the holdings belonging to marginal and small farmers are fragmented. According to information available with the

Ministry of Rural Development the consolidation operations have not been taken up in Assam while the scheme was kept in abeyance in Andhra Pradesh after January, 1992. The scheme of consolidation of holdings has since been discontinued in Uttar Pradesh since 1965. However, the total area brought under consolidation in various States amounted to 1528.76 acres (618.66 lakh hectares) as on 11-4-94. The Statewise position and the period of reporting in respect of various States is shown in the following table:

Table 13\*

Consolidation of Land Holdings - Statewise

(Area in Lakh Acres)

S.No.	Name of the State/UTs	Area consolidated	Period of Reporting
1.	Andhra Pradesh	8.18 *	1/92
2.	Assam	Nil @	
3.	Bihar	49.50	6/92
4.	Gujarat	68.50	10/92
5.	Haryana	104.50	
6.	Himachal Pradesh	19.94	6/93
7.	Jammu & Kashmir	1.16 *	
8.	Karnataka	26.76	
9.	Madhya Pradesh	95.53	
10.	Maharashtra	526.50	3/92
11.	Orissa	19.96	3/93
12.	Punjab	121.72	2/93
13.	Rajasthan	42.30 (b)	
14.	Uttar Pradesh	441.87	11/91
15.	West Bengal	Nil @	1/92
16.	Dadra & Nagar Haveli	Nil @	
17.	Delhi	2.33	9/92
Total		1528.76	
		or	618.66 lakh hectares

\* Scheme kept in Abeyance

@ Scheme has not been implemented

(b) Scheme discontinued from 1965

Though some of the States have made quite a good progress in consolidating the agricultural holdings it appears that the Governments of States where this scheme has not made much progress will have to take special measures to complete the consolidation operations.

5.49 The Working Group on the Development of Scheduled Castes during the Eighth Five-Year Plan (1990-95) had made the following useful suggestions for effective implementation of various land reforms measures:

- (i) It would be necessary that the enjoyment of the lands is properly brought on record retrospectively. If, necessary, tenancy laws and other provisions should be amended suitably to restore the tenancy rights to the concerned.
- (ii) Land records should be updated correctly.
- (iii) The scope of personal cultivation should be restricted, derecognising the paid labour from its purview. Also the residential qualifications should be insisted on to avoid treating absentee landlords as cultivators.
- (iv) Fallow land should be compulsorily taken over for allotment to the agricultural labour Scheduled Caste families on preference basis, making due provision in the existing laws, where necessary.
- (v) Land available with religious and charitable institutions should be subjected to the normal tenancy, etc.
- (vi) Where lands with religious and charitable institutions are leased out, at least, 50% should be earmarked for Scheduled Caste agricultural labour on mutually fair terms.
- (vii) Loopholes in the agriculture land ceiling legislation should be removed. The enjoyment of the possession of land should be verified and all land covered by benami transactions or otherwise concealed should be identified.
- (viii) Ceiling limit should be lowered, keeping in view the pressure on land and to make available land for cultivation to the landless agricultural labourer.
- (ix) Mostly, lands covered by new irrigation projects are not treated as wet land for the purpose of ceiling. The cultivation test is not taken cognisance of, generally, by the courts. This anomaly should be removed, subjecting the land holders to ceiling provisions strictly.
- (x) Allottees of ceiling surplus or Government land are generally victims of harassment by dispossession, obstruction to cultivation, etc. Invariably in such cases, the administration should defend the Scheduled Caste assignees particularly by getting themselves added as necessary parties in the litigation, etc., and
- (xi) Protecting land with Scheduled Castes as owners or allottees is essential. Very often the others try to trap the Scheduled Caste people by making them borrow money on usurious interest mortgaging the land with them. The conditions of allotment and also the debt relief provisions should be strictly enforced to



frustrate attempts of vested interests to deprive the poor Scheduled Castes of their land. Where the debt relief legislations have lapsed, they should be restored; where not existing, they should be enacted.

The Commission agrees with these suggestions and urges the Government to take expeditious action in implementing these suggestions.

### **Alienation of Tribal Lands**

5.50 Having accepted the policy of prohibiting alienation of tribal land to non-tribals and restoring alienated land to the tribals various State Governments took legislative and executive measures for the purpose. The States having large tribal population, viz., Andhra Pradesh, Assam, Bihar, Gujarat, Himachal Pradesh, Karnataka, Kerala, Madhya Pradesh, Maharashtra, Manipur, Orissa, Rajasthan, Tripura, Uttar Pradesh and West Bengal have enacted Acts/Regulations to prevent alienation of tribal land to non-tribals and for restoration of alienated land to the tribals. However, these laws/regulations are generally applicable to tribals living within the Scheduled and Tribal areas. Although administration of these areas is governed by special provisions available under the Fifth and the Sixth Schedules, respectively, to the Constitution, and in spite of specific provisions under various enactments passed by the State Governments to prevent alienation of tribal land, the practice continues in almost all the States having legislative and executive measures. The main reason for this state of affairs is that the laws enacted by various State Governments are not foolproof and the loopholes in them enable the unscrupulous vested interests to take advantage to harass and exploit the poor tribals. For instance, in some States like Orissa, Bihar etc., the laws contain a provision that tribal land may be transferred to a non-tribal with the approval of a competent authority. The civil courts have jurisdiction over cases of litigation involving transfer of tribal lands to non-tribals. Legal procedures are cumbersome and courts take unusually long periods in disposing off the cases when the poor tribal is completely fed up and tired and is compelled to wash off his hands over the land which is not only his mainstay but is very dear to him. It is because of these factors that in spite of available legal provisions the States have not been able to effectively check transfer of tribal lands to non-tribals and also to restore alienated lands to the tribals. Though some results have been achieved, the progress, by and large, in this respect is very slow in almost all the States as will be evident from the table below.

Table 14\*

Statement showing area of tribal land alienated and restored

as on 1/95

S.No.	State	Alienation		Restoration		Possession given		Cases rejected	
		No. of cases	Area alienated	No. of cases	Area restored	No. of cases	Area Possession	No. of cases	Area invol.
1	2	3	4	5 (Col.5 to 3)	6 (Col.6 to 4)	7 (Col.7 to 5)	8 (Col.8 to 6)	9 (Col.9 to 3)	10 (Col.10 to 4)
1.	Andhra Pradesh	61649	255877	24539 (39.80)	98902 (38.65)	22571 (91.98)	91528 (92.54)	25255	122523 (47.88)
2.	Assam	2023	5174	NA	448 (8.66)	NA	NA	NA	NA
3.	Bihar	84232	102326	50450 (59.89)	43324 (42.34)	28924 (57.33)	42875 (98.96)	31096 (36.92)	47501 (46.42)
4.	Gujarat	35879	107967	30093 (83.87)	95004 (87.99)	NR	NR	3307 (9.22)	5621 (5.21)
5.	Karnataka	38763	115262	20071 (51.78)	63077	NR	NR	17476 (45.08)	48915 (42.44)
6.	Madhya Pradesh	54139	62528	1707 (3.15)	48398 (77.40)	NR	NR	29596 (54.67)	97123
7.	Maharashtra	45634	NR	20824 (45.63)	105497	19943 (95.77)	99270 (94.10)	24681 (54.08)	NR
8.	Orissa	125052	NR	43577 (34.85)	57575	NR	NR	NR	NR
9.	Rajasthan	360	1423	NR	NR	NR	NR	62 (17.50)	212 (14.90)
10.	Tripura	25434	22938	6610 (25.99)	5460 (23.80)	NR	4924 (90.18)	17176 (67.53)	16418 (71.57)

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\*Source: Ministry of Rural Development

5.51 The information in the above table is not uniform in respect of all the ten States which have reported progress. The States of Bihar and Tripura have furnished information upto March 1994, Assam upto April 1994 while the States of Andhra Pradesh, Gujarat, Karnataka, Madhya Pradesh and Maharashtra have reported progress upto July, 1994. Information in respect of Orissa and Rajasthan relates to the period upto September, 1994. Information made available by the Ministry of Rural Development was compiled by them as on 1-1-95.

5.52 It is evident from the above table that all the States where alienation of tribal land is taking place are not reporting the progress of the process of restoration of alienated land and giving possession to the tribals regularly and in time. Even the ten States which have furnished information have reported incomplete information. The Commission, therefore, recommends that the Ministry of Rural Development may urge upon the concerned State Governments to report the progress in respect of alienation, restoration and possession given to the tribals in respect of their alienated lands, periodically and regularly as prescribed by the Ministry.

5.53 Since the information is not uniform for all the States, the position is discussed separately for each State.

5.54 In Andhra Pradesh, an area of nearly 2.56 lakh acres of tribal land involving 61,649 cases was reported alienated till the end of June, 1994. A very high percentage (40.96%) of these cases were rejected while land was restored only in 39.80% cases. In 91.98% of the cases restored land the possession was also given to the concerned tribals.

5.55 In Assam, land measuring 5174 acres belonging to 2023 tribals was reportedly alienated till April, 1994. The State Govt. has not furnished information relating to the number of cases rejected and those to whom the land was restored and possession given. However, area restored was only 8.66% of the total area reported alienated. Progress in respect of the programme of restoration of alienated tribal land to the concerned persons is very slow. State Government of Assam may be requested to expedite the same and also furnish complete and up-to-date information to the Ministry of Rural Development as well as to this Commission.

5.56 The number of cases rejected out of the total cases of tribal land alienation in Bihar till the end of March 1994 was 31096 (36.92%). Alienated land was restored to 59.89% cases but the area involved was only 42.34%. The State Government could not make much progress in giving possession to those tribals whose lands were restored. Available information shows that possession was given only to 57.33% of the cases to whom the land was restored though areawise the achievement was 98.96%.

5.57 The progress was fairly good in Gujarat where the percentage of cases rejected was as low as 9.22%. Information relates to the period upto June, 1994. In 83.87% cases alienated land was restored but the position regarding possession given has not been furnished.

5.58 The number of cases involving alienation of tribal land in Madhya Pradesh was 54139 upto June 1994 but the progress of restoration was very slow - only 3.15%. The percentage of rejection was 54.67, which is very high. Information about possession given has not been furnished.

5.59 The position was equally bad in Maharashtra where a large percentage (54.08%) of cases was rejected. The State Government could achieve only a success of 45.63% in effecting restoration of alienated land and 95.77% success in restoring possession to the concerned tribals.

5.60 In Orissa, 125052 cases of alienation of tribal land were reported upto the period ending September, 1994 and the restoration took place only in 34.85% of the cases. The State Government has not reported either the number of cases in which possession was given or those rejected.

5.61 Rajasthan has reported a small number (360) of cases involving alienation of tribal land till the end of September, 1994. Percentage (17.50%) of cases rejected involving an area of 14.90% of the total area alienated is low but information relating to restoration and possession given has not been furnished.

5.62 In Tripura, 25434 cases involving an area of 22938 acres of tribal land alienated were reported upto March 1994. Restoration took place in 6610 (25.99%) cases but the area involved was very small, 5460 acres (23.80%). There was a very high rate (62.53%) of rejection with an equally large percentage (71.57%) of the area involved. Though the number of cases to whom the possession was given has not been furnished by the State Government, the area restored constituted 90.18% of the total area restored.

5.63 Though above table does not contain information in respect of West Bengal, the same relating to the year, 1994 was made available by the State Government to the Secretary of this Commission who visited the State in March, 1995. According to information supplied, alienation of tribal land has been restricted under Section 13 under Chapter II A of the West Bengal Land Reforms Act. Provisions regarding restriction on transfer of tribal land to a non tribal also existed in the West Bengal Tenancy Act prior to introduction of the West Bengal Land Reforms Act, 1965.

5.64 Section 14B of this Act provides that except as provided under this Chapter Sec. 14C all transfers of tribal lands are void. Also, the provisions of this Chapter shall have effect notwithstanding anything to the contrary contained elsewhere in this Act (14A).

5.65 Under Chapter IIA (Sec.14 C) transfer of land by a tribal raiyat except as provided under 14 C (a) to (e), to a non-tribal will require prior permission in writing of the Revenue Officer. Under the Act, the Special Officer, SCTW acts as the Revenue Officer. These officers at the district and Sub-Division level permit transfers only after being satisfied with the requirements of the provisions of this section.

5.66 In spite of legislative provisions existing in the West Bengal Land Reforms Act, 1965 to prohibit transfer of land belonging to a tribal to a non-tribal, alienation of such lands continued unabated year after year. During the calendar year 1994, seven hundred cases of alienation of tribal lands were reported in West Bengal of which 15 (11.7%) cases out of 128 disposed off were rejected. It is evident that the rate of disposal of cases has not kept pace with the rate of cases of tribal land alienation being received in various district of the State. However, the Government of West Bengal is reported to have vested the authority of Revenue Officer in other responsible officers at the Block level in all the districts of the State to clear the backlog of cases.

5.67 It will be seen from the above analysis that except Andhra Pradesh no other State has furnished complete information on all the items and the same is also not uniformly reported for a specific period by all the States. Moreover, except Gujarat and Rajasthan, the percentage of rejection of cases is more than 40 and in case of Tripura it is as high as 71%. The progress of the process of restoration is also not satisfactory in most of the States barring Gujarat. Though Madhya Pradesh is a State having a high tribal concentration, its achievements in restoring alienated tribal land to the tribals has been dismal (3.15%). Orissa, another State having large tribal population has also been moving slow in this regard.

The Commission, therefore, recommends:

5.68 All States reporting cases of transfer of tribal land to non-tribals must take immediate adequate measures to identify cases of tribal land alienation and set up special tribunals to expeditiously dispose of such cases, fixing responsibility on officers to restore and given possession of the restored alienated land to the concerned tribals.

5.69 It is a common knowledge that inspite of various laws /regulations existing in many States to prohibit transfer of tribal land to non-tribals, the practice continues in almost all the States having such provisions to the great disadvantage of the tribals. In fact one major drawback in all such legislations is the provision that tribal land may be transferred to a non-tribal with prior written approval of a competent authority who may permit such transfer after having satisfied himself. This provision enables unscrupulous vested interests to circumvent the law and grab the lands of poor tribals with active connivance of the concerned Revenue Officers. The Commission, therefore, recommends:

5.70 The only way to check illegal transfer of tribal lands to non-tribals is to totally ban the transfer of tribal land to non-tribals. In fact the provisions permitting alienation of tribal land with the prior written approval of a competent authority should be deleted from the legislations wherever they exist.

5.71 However, the State Government of Orissa is understood to have proposed certain such amendments to the Orissa Scheduled Areas Transfer of Immovable property (by Scheduled Tribes) Regulation, 1956 (Regulation 2 of 1956) and U/s 22, 23, 23(A) and 68(8) of the Orissa Land Reforms Act, 1960 for the benefit of Scheduled Tribes living in the non-Scheduled Areas of the State. It is learnt that after the amendments no tribal can transfer his land if by such transfer he is left with less than one standard acre of land. Moreover, there will be bar of jurisdiction of civil courts and for expeditious trial of offences under the Regulation Executive Magistrates will be conferred powers of Judicial Magistrates. There is a proposal to enhance the existing amount of penalty of Rs.200 to Rs.2000 per acre for each year of unlawful possession.

The Commission therefore, suggests that all States may review their legislations/Regulations relating to alienation of tribal lands and effective necessary amendments to plug the loopholes and also provide more stringent measure to deter prospective vested interests including punishment for the Revenue or other officers/officials who may be a party to such illegal transfers.

5.72 Tribal Development Division of the Ministry of Welfare had also suggested some useful legislative measures to be considered in the Conference of Ministers and Secretaries incharge of tribal development in States/UTs for their November 23, 1992 Conference. Some of these, which the Commission reiterates, are given below:

- (i) The States which have not yet enacted legislation to prevent alienation of tribal land may do so at the earliest. The position may be ascertained in respect of States of Goa, Sikkim, Meghalaya, Mizoram, Nagaland and UTs of Dadra & Nagar Haveli, Daman & Diu and Lakshwadeep. Where these legislations already exist, these may be implemented.
- (ii) The legal provisions for prevention of alienation and restoration of tribal land should be extended to the entire State and should not be restricted to the Scheduled and Notified Areas alone.
- (iii) The transfer of tribal land to non-tribals should be totally banned. The provisions permitting alienation with the approval of authority should be removed from the existing legislation.

- (iv) Where the tribal is compelled to dispose of his land, Government may think of purchasing the same at the prevailing market value.
- (v) The land so purchased may be settled with the eligible tribals of these areas as per the existing customary laws without the provision of 'salami'.
- (vi) Tribal land mortgaged to financial institutions or departments of the State Governments should be made non-transferable to non-tribals.
- (vii) Acquisition of tribal lands for public purposes should be minimised as far as possible.
- (viii) The term 'alienation' and 'transfer' should include all categories of transfers including benami transfer, transfer to husband, wife, sons and daughters taken in adoption, declaratory suits, transfer through marriage with tribal women, surrenders made to the State and to the ex-intermediary as well as encroachment or forcible dispossession of the tribal land.
- (ix) The jurisdiction of the civil Courts should be completely ousted both directly or through collusive and declaratory suits.
- (x) The Collector/Deputy Commissioner should be empowered under the law to take action suo moto for restoration of alienated tribal land.
- (xi) The Collector should also be competent to re-open the cases of tribal restoration where some patent error of law or gross injustice appears to have been committed without attracting either the principle of resjudicata or that of estoppel.
- (xii) The Deputy Commissioner should have the legal competence to put the person to whom the land had been restored earlier back to possession after a summary inquiry.
- (xiii) There should be provision for only one appeal and one revision in cases relating to the restoration of tribal land.
- (xiv) The onus of proving that the transaction was good under law should lie upon the transferee.

#### Study of Land alienation in Chhotanagpur and Santhal Parganas of Bihar State

5.73 In Bihar laws that prohibit alienation of tribal lands like Scheduled Areas Regulation Act, 1969 and the Chhotanagpur Tenancy Act, 1908 exist. Yet alienation of lands belonging to the tribals continues on a large scale pushing

the local tribals into miserable conditions. Shri Bandi Oraon, himself a prominent tribal leader and Vice-Chairperson of the National Commission for SC & ST undertook a study of the working of various legislative measures meant to protect transfer of tribal lands to non-tribals in the State. The study was confined to 15,703 cases registered in the Ranchi Collectorate in respect of tribals living in and around Ranchi city. Details about the position of these cases are given in the following table:

Table 15

S.No.	Details of cases	No. of cases	Area involved (in acres)
1	2	3	4
1.	Total number of cases registered	15,703	22,352.50
2.	No. of cases allowed	6,511	9,420.15
3.	No. of cases rejected	4,213	11,395.41
4.	No. of cases pending	4,979	1,536.98
5.	No. of cases pending in appeal	166	15,062.00
6.	No. of cases in which possession has been given	6,263	8,992.19
7.	No. of cases pending restoration of possession	248	427.96

5.74 The above table indicates that less than half (41.46%) of the total number of cases registered were only allowed and nearly 27% (26.82%) were rejected. Out of the number of cases allowed, in a little more than 96% cases (96.1%) actual possession is reported to have been given.

5.75 Though the position as revealed by the above table is not satisfactory as even less than half of the total number of registered cases were allowed restoration, the study has contested even the correctness of the information supplied by the District authorities based on thorough scrutiny of 447 cases of which the records were actually made available for study. For example, the number of cases pending restoration of possession has been shown as 248 but according to the study there were 181 such cases out of 447 cases scrutinised. The study has also adversely commented on some other anomalies like the number of cases containing orders relating to restoration and giving possession, etc. gathering dust in the Records Room of the Collectorate but having been shown as disposed off. The main findings/recommendations are listed below:



1. Immediate action must be taken to annul the order of the Govt. of Bihar treating children of tribal wives and non-tribal husbands as tribals.
2. Get the areas in and around Ranchi town, Jamshedpur and Dhanbad Towns surveyed by an honest machinery in a bigger scale to locate alienation which may exceed a lakh of acres.
3. Appoint special magistrates in Ranchi to try the pending cases and to renew the cases which have been decided against the tribals.
4. Post local officers, including D.C. and S.I., specially, in Ranchi District where land alienation has been rampant, who will restore the alienated land and check further alienation.
5. Cancel the registration of all private housing cooperatives and take back the tribal lands from them and return to the original owners
6. Return the land to the owners where the public undertakings are lying.
7. Give up the programmes of construction of major and medium irrigation projects, in Chhotanagpur and Santhal Parganas areas, which affect the agricultural lands, specially of tribals, and drains out the public money without any irrigation work. For the same reason the Koel-Karo Hydel Project should be abandoned.
8. No land be acquired for Housing Boards, either Raiyati or Gair Majurara. The vacant lands of the Board be returned to the tribal owners.
9. Return all the 29 acres of land of Konka Village to the ten Adivasi families. This land was acquired for ITI in 1984. ITI never came up and entire land has been taken by the outsiders. It lies in Lower Bazar P.S. area.
10. Many tribal religious lands have been taken by non-tribals or have been acquired. These must be given back to the tribals. These are places of Worship, called Sarna or Jaher, the graveyards called Masna lands, the produce of which were being spent over religious works which were in the possession of the Pahan or Mahto, etc.

Complaints and representations relating to matters connected with land received in the Commission Headquarters during 1993-94

5.76 During the year under report the Headquarters Office of the Commission received 239 complaints/representations from Scheduled Caste, Scheduled Tribe individuals and their associations in respect of their various grievances relating

to land matters: Of these, 89 complaints/representations did not require any action. The subject matter-wise break up of the remaining 150 cases on which the Commission initiated action is as follows:

- |     |  |      |
|-----|--|------|
| (1) | Allotment of land including cases of encroachment/non-possession etc.      | : 27 |
| (2) | Forcible eviction from land  | : 59 |
| (3) | Alienation/acquisition of tribal land                                      | : 18 |
| (4) | Homestead land/sites, etc. allotment, demarcation, forcible eviction, etc. | : 18 |
| (5) | Misc.  | : 28 |

Total 150

Majority (about 40%) of the complaints/representations related to forcible eviction of SC/ST allottees of government land by high caste persons allegedly with active connivance of revenue/police officials.

5.77 The 'allotment of land' cases related mostly to illegal encroachments by upper caste persons, non-possession of the land allotted to SC/ST by Government under various programmes, incorrect/non-demarcation of the boundaries of the allotted land, etc.

5.78 Cases involving alienation/acquisition of tribal lands constituted 12% of the total number of cases received in the Commission's Headquarters. Acquisition was mainly by the governmental agencies.

5.79 Of the remaining, 28 cases were of miscellaneous nature and 18 related to matters connected with homestead land/house sites.

5.80 Some of the typical cases are briefly mentioned below:

- (1) Satpura Kisan and Mazdoor Kalyan Samiti, Baitul (M.P.) forwarded a representation requesting for providing employment to the Scheduled Tribe persons in lieu of their land having been acquired by the M.P. Electricity Board for Thermal Power Station. It was alleged that a portion of the land belonging to the Scheduled Tribes in village Baitul was acquired by M.P. Electricity Board for construction of a Thermal Power station with an understanding that some compensation would be provided to them. The amount of compensation was not sufficient to enable them to purchase land elsewhere. It had also been alleged that M.P. Electricity Board neither provided them employment nor rehabilitated them as

promised while acquiring the effected tribals' land. The matter was taken up with the District Collector Baitul who has not replied so far even after the lapse of more than one and a half year.

- (2) A representation was received from a Scheduled Caste resident of village-Hastmoli, Block-Khanpur, Tehsil and District Haridwar (U.P.) alleging that the Government land of village Hastmoli was being allotted to the residents of adjoining village Prahaladpur by the Gram Pradhan as the Pradhan himself belonged to village Prahaladpur (Panchayat being Joint for both the villages). The matter was referred to District Magistrate, Haridwar in May 1993 who informed that the Land Management Committee had been instructed to allot the land available in village Hastmoli to the residents of that village only.
- (3) A Scheduled Caste resident of village-Lalner, Tehsil-Khurja, District-Bulandshahar (U.P.) represented stating that he was allotted agricultural land in the said village under 20-Point Programme in the year 1975. It was alleged that Tehsildar/Patwari did not give physical possession of the allotted land to him despite requests made from time to time. The matter was referred to the District Magistrate, Bulandshahar in May, 1993 from whom a reply is still awaited.
- (4) A representation was received from General Secretary, Akhil Bhartiya Koli Samaj, Faridabad (Haryana) alleging that some of the Scheduled Caste residents of Machhnagar, District Faridabad, Haryana were allotted plots measuring 100 sq. yards each by Govt. of Haryana in 1976 and since then they had been in possession of these plots and also possess the registered deeds in respect of these plots. It was alleged that the village sarpanch allotted plots of one of the Scheduled Caste person to a non-Scheduled Caste person and had threatened the Scheduled Caste persons to dispossess all of them of their plots. The matter was taken up with the Deputy Commissioner, Faridabad in February 1994 and even after a follow up, a reply in the matter is still awaited.
- (5) A representation was received from Shri Medha of village Indergarh, District Rohtak (Haryana) regarding handing over of actual possession of land allotted to him by the State Government in 1979 for which he had made the requisite payment. It was alleged that the petitioner was allotted 26 bighas 12 Marley of government land and a certificate to that effect was also duly issued to him. Unfortunately the actual possession of land had not been give to him. The petitioner also stated that on Shri Ram Dutt had claimed that as per Government records, the land in question belonged to him. The petitioner has since filed a civil suit. The Deputy Commissioner, Rohtak to whom the matter was referred informed that the case was sub-judice. The latest position is awaited.

- (6) A representation was received from a Scheduled Caste resident of village Daonti, Tehsil Kandaghat, District Solan (H.P.) alledging that he was allotted Nagal land measuring 17 bighas 7 biswas in his village. After making the necessary payment the Sale-deed executed by the Deputy Commissioner mentioned only 16.10 bighas of land having been allotted to him. As against this the actual possession given to him was only of 9 bighas of land. The petitioner visited the Revenue authorities and requested them for correct demarcation of his land but nothing had been done in the matter and his cries fell on deaf ears. The matter was taken up with Deputy Commissioner, Solan for redressal of petitioner's grievance. A reply received from the Deputy Commissioner stated that the concerned village Tehsildar was always available and the allegations made by the complainant were wrong and baseless. The petitioner was informed accordingly who did not pursue the case further.
- (7) A representation was received in the Commission's Hqs. through General Secretary, All India Scheduled Castes/Scheduled Tribes Youth Association, Jahangirpur, Delhi regarding unauthorised and illegal possession of land of a Scheduled Caste by higher Caste people in village Mandas ka Bas, District Sikar (Rajasthan). It was alleged that Shri Makhan Lal (SC) had purchased a portion of land from another Scheduled Caste for Rs.8000/- and got it registered in his name in 1983, but some high caste people did not allow the petitioner to plough the land. The petitioner also filed a writ petition in the court which decided the case in his favour. The police authorities also could not evict the upper caste people. The matter was referred to the District Collector for taking immediate necessary action to get its orders implemented and restore the possession to him. No reply has been received so far.
- (8) A representation was received from a Scheduled Caste resident of Kidwai Nagar, Kanpur stating that he had purchased a residential plot in auction from Kanpur Development Authority for which he had made the necessary payment @ Rs.346/- per sq. yard. The plot was allotted to the petitioner in a special drive for Scheduled Castes. An upper caste person who had a plot opposite to that of the petitioner's illegally occupied his plot. The petitioner represented to the Kanpur Development Authority but they had not been able to give him the actual possession. The matter was referred to District Magistrate, Kanpur on 2-8-94 for facts and a detailed report in the matter. There has been no response yet from the concerned authorities even after a regular follow up.
- (9) A representation was received from a Scheduled Tribe widow resident of Dimna Road, Mango, Jamshedpur (Bihar) alleging that the agricultural land belonging to her late husband had been forcibly encroached upon by a

non-Scheduled Tribe person in connivance with the revenue authorities. The matter was referred to the Deputy Commissioner, West Singhbhum, District Chiabasa in April 1993. The reply was awaited.

- (10) A Scheduled Caste resident of village-Mahajan Purwa, District-Gonda (U.P.) alleged that the 13 Decimal land allotted to his father in 1975 by the State Govt. had been forcibly encroached upon by a higher caste person. The matter was taken up with the District Magistrate, Gonda in September 1993 who informed that action to remove the encroachment of the caste Hindu has been initiated by the Administration. Final outcome was awaited.
- (11) A representation was received in August 1993 from a Scheduled Caste widow resident of Gangashahar, District-Bikaner (Rajasthan) that her land had been forcibly encroached upon by a higher caste person and she had been dispossessed of the same. The matter was referred to District Collector, Bikaner in December 1993 for appropriate action. A reply is still awaited.
- (12) A representation was received from some Scheduled Caste and Scheduled Tribe residents of village and Post-Murar, P.S. Ramgarh, District-Hazaribagh (Bihar) through a Member of Parliament alleging that they had been residing on Garmajrua land for the past 30 years and 10 decimal land had been provided to them by the State Government as 'Basgeet' but a big part of that land had been encroached upon by a higher caste rich person with the connivance of Administration. The matter was referred to Chief Minister, Bihar in August 1993 and to Chief Secretary, Bihar in January 1995. No reply has been received so far.
- (13) A representation was received from Shri C.V.Kurumbam, Advocate High Court of Kerala alleging that the District collector Ernakulam who is a christian had illegally cancelled 1 acre 60 cents of patta land of a Scheduled Caste person r/o Aluva Taluk of District Ernakulam (Kerala) without serving any notice. It was also alleged that the file pertaining to cancellation of patta/property was still lying with the Collector. The matter was taken up with the concerned authority for the facts of the case and suitable action in January 1995. A final reply from District authorities in the matter is still awaited.
- (14) A scheduled caste resident of village Umra, District Barmer (Rajasthan) sent a representation requesting for Commission's intervention to get the land regularised in his name which he had been ploughing for the past 20 years and had also been paying the tax for the said land. He stated that his repeated requests to the Revenue authorities to issue necessary orders for regularising the land in his name had not borne any fruits. The matter was taken up with the District

Magistrate, Barmer, on 15-10-93. The District Magistrate, Barmer informed that the matter had been referred to the Regularisation Committee for taking suitable action in the matter. The final reply is however still awaited.

- (15) A representation was received from some Scheduled Caste residents of Harijan Basti, village-Masoodpur, P.O. Mahipalpur, New Delhi alleging that the Delhi Development Authority had issued to them notice to vacate the land on which they had been residing since 1962 under the pretext that the land had been acquired by the DDA and it proposed to demolish the Harijan Basti in near future. The matter was referred to Vice-Chairman, Delhi Development Authority, New Delhi in September, 1993. A reply is yet to come.
- (16) A Scheduled Tribe resident of village Bajpur, Tehsil-Gadarpur, District-Nainital (U.P.) stated that he had taken a loan of Rs.48000 from a Nationalised Bank to purchase a Tractor. Due to non-payment of loan his land measuring 28 Bighas 17 Biswas and 21 Bighas 18 Biswas was auctioned by the Revenue authorities which was purchased by 3 higher caste persons with the collusion of revenue officials. His tractor was also taken away by the revenue authorities. The cost of land auctioned by the authorities was much more than the amount of loan. The matter was referred to the Revenue Secretary, Govt. of UP in June 1993 from whom a reply was still awaited.

5.81 The position regarding response of Government authorities to the communications from this Commission relating to grievances of SC/ST persons is evidently indicative of their lack of concern to the cause of these persons. Out of the above sixteen typical cases no reply had been received from the concerned authorities in respect of 13 cases. Out of the remaining three cases, one was reported to be sub-judice and the Commission's intervention in the other two cases got them the requisite relief.

5.82 The Commission is constrained to observe that the State Government authorities, particularly at the district level do not pay adequate attention to the grievances of Scheduled Caste and Scheduled Tribe persons. Their lack of compassion and due concern for the cause of these poor aggrieved persons must change if we sincerely wish to bring about a change in the plight of this section of society. The Commission, therefore, suggests that all State Governments should send suitable directives to the field officers to promptly and duly respond to the communications from this Commission, particularly relating to various grievances of SCs and STs. If unduly long time is taken even in furnishing facts of the various cases, the time taken for redressal of the grievances could be indefinite.

**Annexure 1**

**Progress Report (Cumulative) on implementation of Land Ceiling Laws for the Period Ending March 1994**

(Area in acres)

S.No.	States/UTs	Area declared Surplus	Area taken possession of	Area distri- buted to individual	No. of bene- ficiaries	S.C. Beneficiaries		S.T. Beneficiaries		Other Beneficiaries	
						Area in acres	No. of benef- iciaries	Area in acres	No. of benef- iciaries	Area in acres	No. of bene- ficiaries
1	2	3	4	5	6	7	8	9	10	11	12
1.	Andhra Pradesh	\$ 800968	571632	510969	437176	218781	189614	101543	77662	180665	169900
2.	Assam	612380	575837	482868	424364	44138	42364	57389	40964	381341	341036
3.	Bihar	474621	399932	278719	330101	162482	199255	38128	40631	78109	90125
4.	Gujarat	2480320	156003	130335	29814	80552	13007	28685	12871	210990	38560
5.	Haryana	121409	115935	113124	38018	49738	17657	0	0	63386	20361
6.	Himachal Pradesh	284053	281462	3340	4400	2305	2934	139	261	896	1205
7.	Jammu & Kashmir	455575	450000	450000	450000	0	0	0	0	450000	450000
8.	Karnataka	273878	159716	117153	72084	70346	45012	3002	1573	43805	25499
9.	Kerala	136363	94330	64078	143763	25108	61530	5152	7353	33818	74880
10.	Madhya Pradesh	288572 @	256580 @	185673	72209	49752	21601	73516	26991	62405	23617
11.	Maharashtra	723103	648366	556806	139457	160236	41781	101049	28351	295521	69325
12.	Manipur	1830	1685	1682	1258	128	96	97	72	1457	1090
13.	Orissa	174007	162573 @	151242	130880	48184	44959	63362	48695	39696	37226
14.	Punjab	133876	105153	102406	26634	41801	10072	-	-	60605	16562
15.	Rajasthan	609646	552423	440624	76762	139057	28246	44178	10737	257389	37779
16.	Tamil Nadu	184972	171114	149650	124834	59607	56435	233	178	89810	67771
17.	Tripura	1995	1944	1598	1424	212	256	448	359	933	809
18.	Uttar Pradesh	542618	511028	368174	320120	250581	217932	1332	745	116261	101443
19.	West Bengal	1270640	1201684	941382	2059576	349630	764836	180775	395429	410977	899311
20.	D & N Haveli	9406	9305	6811	3313	48	25	6760	3286	3	2
21.	Delhi	1132	394	394	654	277	495	0	0	117	159
22.	Pondicherry	2355	1207	1022	1359	612	797	0	0	410	562
Total :		7351431	6428393	5058070	4887750	1753580	1758984	705788	696158	2598702	2432608

@ Area divested as a result Court Orders.

\$ The State Govt. has furnished QPR for the quarter ending June 1993. The information furnished therein is not correct. Therefore, earlier figures have been retained.

Source: Ministry of Rural Development

**Annexure 2**

Centrally Sponsored Scheme of Strengthening of Revenue Administration & Updating of Land Records-  
Release of Central share since inception of the Scheme in 1987-88 (Rs. in Lakhs)

	1987-88	1988-89	1989-90	1990-91	1991-92	1992-93	1993-94	Total
1. Andhra Pradesh	-	-	100.00	-	-	-	-	100.00
2. Arunachal Pradesh	-	-	-	1.00	-	-	-	1.00
3. Assam	-	-	100.00	50.00	-	40.00	42.125	232.125
4. Bihar	100	-	-	150.00	-	-	45.85	295.85
5. Gujarat	-	-	-	100.00	-	248.70	-	348.70
6. Goa	-	-	-	30.00	4.00	-	15.69	49.69
7. Haryana	-	-	50.00	50.00	25.00	-	78.00	203.00
8. Himachal Pradesh	-	-	-	110.00	-	-	36.00	146.00
9. Jammu & Kashmir	-	-	100.00	-	-	120.00	97.00	317.00
10. Karnataka	-	-	-	7.50	100.00	-	108.00	215.00
11. Kerala	-	-	100.00	75.00	-	54.68	106.20	335.88
12. Madhya Pradesh	-	296.64	-	12.45	143.975	351.89	235.32	1040.275
13. Maharashtra	-	-	-	189.84	10.75	87.66	-	288.25
14. Manipur	-	-	15.00	-	-	-	45.175	60.175
15. Meghalaya	-	-	-	50.00	-	-	-	50.00
16. Mizoram	-	-	15.00	-	29.50	22.10	29.65	96.25
17. Nagaland	-	-	-	17.50	6.50	7.70	37.95	69.65
18. Orissa	100.00	-	-	-	55.215	90.00	110.40	355.615
19. Punjab	-	-	-	162.50	165.87	206.45	380.255	1115.075
20. Rajasthan	-	-	100.00	70.00	43.48	189.15	103.865	508.435
21. Sikkim	-	-	-	16.00	-	-	-	16.00
22. Tamil Nadu	-	-	100.00	10.00	74.00	62.88	75.35	322.23
23. Tripura	-	-	15.00	-	-	-	10.625	25.625
24. Uttar Pradesh	-	-	100.00	-	-	281.89	530.04	911.93
25. West Bengal	-	-	103.31	200.00	173.75	110.90	92.50	680.46
26. A & N Islands	-	-	-	10.68	-	20.85	-	31.53
27. Chandigarh	-	-	-	15.00	17.00	-	-	32.00
28. D & N Haveli	-	-	-	-	-	-	25.00	25.00
29. Delhi	-	-	-	25.00	17.00	-	-	42.00
30. Daman & Diu	-	-	-	-	6.50	-	-	6.50
31. Lakshadweep	-	-	-	-	-	-	-	-
32. Pondicherry	-	-	-	10.00	32.88	-	18.88	61.76
Total	200.00	296.64	898.31	1362.47	905.42	1894.85	2425.815	7963.505

Source: Ministry of Rural Development



Annexure 3

Release of funds and their utilisation for computerisation of Land Records since inception  
1988-89 to 1993-94

S.No.	Name of State/UT	Releases						Total Releases	Utilisation
		1988-89	1989-90	1990-91	1991-92	1992-93	1993-94		
1.	Andhra Pradesh	25.00	-	-	-	-	78.00	103.00	25.00
2.	Arunachal Pradesh	-	-	-	-	-	-	-	-
3.	Assam	25.00	-	-	-	-	33.00	58.00	25.00
4.	Bihar	20.00	-	-	-	-	3.00	50.00	20.00
5.	Gujarat	25.00	-	-	-	-	10.00	35.00	15.03
6.	Goa	-	-	-	-	-	15.00	15.00	-
7.	Haryana	-	15.00	6.00	-	-	19.00	40.00	17.48
8.	Himachal Pradesh	-	25.00	-	-	-	15.00	40.00	19.15
9.	Jammu & Kashmir	-	25.00	-	-	-	4.00	29.00	NR
10.	Karnataka	-	-	25.00	-	-	43.00	68.00	24.96
11.	Kerala	-	-	25.00	-	-	40.00	65.00	NR
12.	Madhya Pradesh	3.00	-	3.00	-	-	45.00	78.00	33.00
13.	Maharashtra	25.00	-	-	-	-	60.00	85.00	19.81
14.	Manipur	-	-	25.00	-	-	-	25.00	25.00
15.	Meghalaya	-	-	-	-	-	-	-	-
16.	Mizoram	-	-	-	-	-	15.00	15.00	-
17.	Nagaland	-	-	-	-	-	-	-	-
18.	Orissa	32.50	-	-	-	-	55.00	87.50	32.50
19.	Punjab	-	-	25.00	-	-	53.62	78.62	25.00
20.	Rajasthan	10.00	10.00	5.00	-	-	50.00	75.00	25.00
21.	Sikkim	-	-	-	12.00	-	-	12.00	9.00
22.	Tamil Nadu	-	25.00	-	-	-	83.00	108.00	24.30
23.	Tripura	-	-	25.00	-	-	40.00	65.00	12.61
24.	Uttar Pradesh	-	25.00	-	-	-	75.00	100.00	10.12
25.	West Bengal	-	25.00	-	-	-	85.00	110.00	25.00
26.	A & N Islands	-	-	-	-	-	-	-	-
27.	Chandigarh	-	-	-	-	-	-	-	-
28.	D & N Haveli	-	-	-	-	-	12.38	12.38	-
29.	Delhi	-	-	-	8.03	-	-	8.03	NIL
30.	Daman & Diu	-	-	-	-	-	-	-	-
31.	Lakshadweep	-	-	-	-	-	-	-	-
32.	Pondicherry	-	-	-	-	-	15.00	15.00	-
Total		192.50	150.00	139.00	20.03	-	876.00	1377.53	387.90

Source: Ministry of Rural Development