

# Paper on LAND REVENUE ADMINISTRATION – A HISTORICAL LOOK

## Land Cell

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# LAND REVENUE ADMINISTRATION – A HISTORICAL LOOK

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## 1. Introduction:

1.1 The Revenue Department is the oldest arm of the Governments existing from times immemorial in the Country. The history of mankind is intimately associated with land relationship.

1.2 From times immemorial, the Land Administration / Revenue Administration centered around collection of taxes/land revenue, which was the main source of revenue to Rulers. The village was the basic unit of administration and has remained so through out the centuries. Land and its people define basic frame work of any civilization. The resources, their ownership and accessibility of land are some of the fundamental constituents of any system which is considered an essential aspect of human societies over the centuries.

## 2. Evolution of Revenue Administration in the Country:

2.1 A historical analysis of ancient Indian Policy suggests that tax on land played a pivotal part in the evolution and maintenance of the systems of governance. The history of Land Administration dates back to the olden days of kings and kingdoms. From times immemorial, land administration is considered as prime domain of the State. According to classical

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doctrine, all lands belong to the King / State which can alienate some of it for cultivation and other purposes to individuals.

2.2 Right from the time of Manu, the Land Revenue has been a major source of income of the sovereign. During the Mauryan and Gupta periods, the revenue was collected by the paid officials, which resembles the present day Revenue Administration system. During the Post Mauryan and Gupta periods, the State revenue was collected by donees of Brahmadeya, Devadana, and Agrahara Lands. The donees were feudal intermediaries who passed on a part of the revenue they collected to the King. Later, in place of the above Revenue Collectors, the Jagirdars, Subedars and Inamdars who were intermediaries passed on the revenue to the kings during the rule of Sultanates which extended for more than 300 years. During their rule the source of Revenue was two fold, religious and secular. The former called **Zaker was due from the Muslims and Jigya** which the non-Muslims had to pay.

2.3 The process of Revenue Administration was started by Sher Shah Suri

(1540-45). It was continued and improved upon under the reign of the Mughal Emperor Akber (1556-1605). Todar Mal - greatest revenue expert who started his career under Sher Shah Suri joined in the service of Akbar, is remembered even to this day for evolving a system of revenue assessment and survey, a system which drew a balance between the demands of the State and needs of the subjects. The Revenue Administration during the regime of Mughals consisted of a heterogeneous class of persons, which included direct officials of the imperial administration, like the provincial governors, amils, or the qanungos, jagirdars (revenue -assignees) and their officials and agents, and representatives of the peasants like the village headmen (muqaddams) and the chaudhris.

2.4 With the advent of the British in India, the political and economic

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scenario underwent far reaching changes. The Revenue Administration was systematized scientifically during British rule by introducing "permanent settlement" (by Corn Wallis - 1793) and Ryotwari system by Sir Thomas Munro - 1802). The colonial Government out of its interest to administer the country effectively, did not make any substantial changes in the land - revenue systems but promoted the class of non-cultivating intermediaries. The British inherited the institutional form of agrarian system from the Mughals. The British superimposed a system over the existing pattern in tune with British customs and laws relating to land. During the British times the Revenue Department was the pivot of Administration. The Collector was the virtual monarch at the district, around whom the entire administration revolved.

2.5 After Independence, by and large, the same institutional structure has been adopted with a few changes for better delivery of services. One of the many areas concentrated upon by the successive Indian Governments has been the "land reforms" and "agrarian reforms". In that direction the land policy in India has undergone broadly four phases that included viz.,

1. Abolition of intermediaries
2. Tenancy reforms
3. Fixing ceiling on land holdings
4. Assignment of Government lands and Ceiling Surplus lands

The Laws imposing ceiling on Agricultural Holdings have been enacted in all the States. According to available reports, over 54 million acres of Ceiling Surplus land was distributed to 57 Million beneficiaries. ((Source Government of India, Ministry of Rural Development). The protection of tenants and regulation of rent is the first step in the tenancy reforms. As a result of tenancy legislations in

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India 12 million tenants or share croppers were conferred occupancy rights (Source: Government of India, Ministry of Rural Development Report 2002-03). In more recent decades, focus has been less on Land Reforms and more on Land Development and Administration such as Drought – Prone Area Programme, Desert Development Programme and Watershed Development Programme.

### **3. Evolution of Land Revenue Administration in A.P.**

3.1 For the purpose of better understanding of the Revenue Administration in Andhra Pradesh, it is necessary to deal with the Revenue Administration in Andhra, Telangana and in Andhra Pradesh (formed in the year 1956) separately.

#### **3.2 Andhra Region :**

3.2.1 The history of Revenue Administration dates back to the olden days of kings and kingdoms. Till the advent of the British, several minor dynasties were existing in Andhra and had never acknowledged a single ruler except the major dynasties like Kakateeya and Vijayanagar. Under the Vijayanagar kings, the Revenue Administration had reached the high level of efficiency, who determined the extent of land by the quantity of seeds sown.

**The vast empire was divided into Mandalams, Nadus and Seemas so that every remote village could have the benefits of effective administration.** The present system of preparing and maintenance of land records originated from the Mughal period and it reached its scientific form during the British rule.

3.2.2 In Andhra area the Board of Revenue was established in erstwhile

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Madras State in 1786 with the sanction of the Court of Directors of East India Company. The Board, subject to the control of Governor had to superintend the whole of Land Administration, collect revenue and control subordinates. It marked the beginning of departmentalizing the functions of Government.

3.2.3 The East India Company consolidated its position in Andhra during the first half of the nineteenth century. It reorganised the administration by dividing the entire region into a number of districts and appointed Collectors over them. As the term implied, the main function of the Collector who was the head of the District Administration was the collection of revenue. The coastal area was divided into five Collectorates of Ganjam, Visakapatnam, Godavari, Krishna and Nellore around 1800. The Rayalaseema area ceded by the Nizam to the East India Company in 1800 was constituted into a single Collectorate with Ananthapur as the head quarters.

3.2.4 Thomas Munro was appointed as the Principal Collector of ceded districts on 24 October 1800. From 1800 to 1807 he worked as the Principal Collector of the ceded districts which were acquired by the East India Company from the Nizam of Hyderabad. Four Sub-Collectors functioned under him at Harpanahalli, Adoni, Cuddapah and Cumbam. In 1808, the area was divided into two collectorates of Bellary and Cuddapah. Kurnool, Ananthapur and Chittoor were constituted as separate districts in 1858, 1882 and 1911 respectively. By 1856 Andhra had eight collectorates. They were 1) Ganjam, 2) Visakapatnam, 3) Godavari, 4) Krishna, (Machilipatnam) 5) Nellore, 6) Bellary, 7) Cuddapah, and 8) Kurnool. Subsequently, the districts of Guntur, East Godavari and West Godavari were formed during 1904, 1904 and 1925 respectively.

3.2.5 The intuitional structure of the Revenue Administration in Andhra

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Region prior to Independence is given in diagram 1.1

State Level

District Level -

Division Level -

Taluk Level -

Firka Level -

Village Level -

3.2.6 With the formation of separate Andhra State the Andhra

Board of Revenue was formed in 1953. It was a replica of Madras Board. It was the link between the Government and the Districts.

Board of Revenue

Collector

Sub – Collector / RDO  
Tahsildar  
Firka Revenue Inspector  
Village officers (Hereditary)  
(Karnam & Munsiff)  
Deputy Tahsildar  
Village Servants  
Diagram 1.1

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### **3.3 Telangana Region :**

3.3.1 Originally Hyderabad State was divided into six regions or subas. Each suba was divided into Sarkars or Divisions and each Sarkar was divided into Talukas or Districts Each suba was headed by a Subedar. In the early decades of the 19<sup>th</sup> century the subas were abolished. Each Taluka, which roughly corresponded to a district, was under the charge of a Talukdar whose position was akin to that of servants of the Government. They were given commission on the revenues collected. The Talukdars were appointed on account of their position and influence and were required to pay a 'Nazar' which was nothing but a bribe. Sometimes the Nazar was as high as a year's revenue. The Talukdars were not required to stay at district head quarters. They usually resided at Hyderabad leaving a 'naib' or deputy in the district to collect the revenue. As this system was full of abuse, Metcalfe, the Resident at Hyderabad appointed British officers in the districts to supervise the work of the Talukdars, but in 1830, these European Supervisors were removed and native officers called 'Amins' were appointed in their place. But as they proved to be inefficient they were removed in 1840.

3.3.2 In 1855 Salarjang introduced his first administrative reform by appointing paid Talukdars (Collectors), in the place of contractors or revenue farmers.

3.3.3 In 1865 the 'Zila bandi' System was introduced. The State was divided into fourteen districts. Each zila (District) was headed by a Awal Talukdar (District- Collector). He was assisted by Doyum Talukdars who roughly corresponded to sub-collectors in British India. The third category of officials were know as Soyum Talukdars, who corresponded to Tahsildars of British India.

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3.3.4 To supervise the work of the Talukdars, an Administrative Board known as Majlis-i-Malguzari was created in 1865. It was however abolished within two years. After its abolition, the fourteen districts were grouped into five regional divisions. Over each Regional Division a Sadar Talukadar was appointed. He corresponded to the Revenue Commissioners of British India

3.3.5 The institutional structure of the Revenue Administration in Telangana Region prior to Independence is given in diagram 1.2

#### **State Level**

District Level -

Division Level -

Taluk Level -

Firka Level -

Village Level -

Diagram 1.2

Girdawar (Firka R. I)

Village officers (Hereditary) (Watandars  
i.e; Mali & Kotwal Patels and Patwaries)  
Subedars (up to early decades of 19<sup>th</sup> Century)  
Sadar Talukdar heading each Regional Division  
(Equivalent to Revenue Commissioner of British India)  
Talukdar (Collector)  
Doyum Talukdar (Sub-  
Collector / RDO)  
Soyum Talukdar  
(Tahsildar)  
Naib – Tahsildar – Dy. Tahsildar  
Village Servants

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3.3.6 The Board of Revenue was established in erstwhile Hyderabad State in 1949 and it existed up to 1956 by and large modelled on Madras pattern

### **3.4 Andhra Pradesh:**

3.4.1 After formation of Andhra Pradesh in 1956 the integrated Board of Revenue constituted on Madras pattern enjoyed some of the powers of Hyderabad Board also.

3.4.2 During the year 1977, as one of the important measures of Administrative Reforms, the Board of Revenue was abolished and in its' place, Commissioners, were appointed as independent Heads of Departments, by virtue of the provisions contained in the A.P. Board of Revenue (Replacement by Commissioners) Act, 1977.

3.4.3 In 1999 as part of revamping the Office of the Commissioner of Land Revenue, the post of Commissioner of Land Revenue was re-designated as Chief Commissioner of Land Administration. The posts of Commissioners, Survey Settlements & Land Records and Land Reforms & Urban Land Ceiling were abolished. The posts of Commissioner Appeals in the Cadre post of I.A.S and Commissioner Legal Affairs in the cadre of District and Sessions Judge Grade - I were also created to assist the Chief Commissioner of Land Administration.

#### **District Level Revenue Administration :**

3.4.4 Originally, prior to Independence the Revenue Administration at the District level was based on 5-tier system i.e., District, Division, Taluk, Firka and Village Level. With a view to bring the administration nearer to the people and to

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make all public services easily available to them, the 5-tier Revenue Administrative set up at the district level was replaced by a Four – Tier system by abolishing the exiting 320 Taluks and 1450 Firkas and creating in their place 1127 Revenue Mandals consisting of a compact group of 20 to 30 villages each. This change was brought out by the Government by way of amendment (Amendment Act 14 of 1985) to the A.P. Districts (Formation) Act 1974.

#### **Village Level Revenue Administration :**

3.4.5 The village was the basic unit of Administration and has remained so throughout the centuries. The system of Village Officers was very ancient. The “Karanam” in Andhra Area of the State of A.P. was the Village Accountant and in the Telangana Area, the equivalent designation was “Patwari”. The “Village Munsiff” in Andhra Area was discharging certain police and revenue functions and in Telangana Area, Mali Patel / Police Patel were discharging

Revenue functions and Police functions.

3.4.6 After Independence, the hereditary system of appointment of the Village Officers in the Andhra Area was abolished through the A.P. (A.A.) Proprietary Estates village service and the A.P. (A.A.) Hereditary Village Officers Laws (Repeal) Act, 1969. Similarly, in Telangana Area also, the watandari system of appointment of the Village Officers was abolished by the enactment called the A.P. Watans (Abolition) Act, 1978.

3.4.7 Thereafter, the Government of A.P. considering that the system of part-time Village Officers is outmoded and does not fit in with the modern needs of village administration brought out an enactment called the A.P. Abolition of posts of part time Village Officers Act, 1985 abolishing the posts of part time

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Village Officers in the State. In their place, the fulltime Village Assistants were appointed @ one for 5 to 10 villages.

3.4.8 Subsequently, the above system was also abolished and in its place the system of Village Administrative Officers was introduced in the year 1990. Under this system, for every village or group of village, one Village Administrative Officer was appointed either from the ex-village officers or by direct recruitment.

3.4.9 Later on, the system of Village Administrative Officers was also dispensed with and the work relating to Village Administration was entrusted to the Village Functionary called the Panchayat Secretary from 2002 onwards. He was working under the administrative control of the Mandal Parishad Development Officers and was attending to both Panchayat Raj and Revenue items of work at the village.

3.4.10 After having considered the need to strengthen the Revenue Administration at the village level, the Government of A.P in G.O. Ms. No. 1950 Rev. (VAI) Department dated: 30-12-2006, have issued orders creating the posts of Village Administrative Officers exclusively under the administrative control of the Mandal Revenue Officers (Tahsildar) for attending to work relating to land and Revenue matters at the village level. The erstwhile Village Administrative Officers who were working as Panchayat Secretaries under the Mandal Parishad Development Officers were appointed as Village Revenue Officers with effect from 8-2-2007. Each Village Revenue Officers was kept in charge of one or more villages.

3.4.11 After formation of Andhra Pradesh the districts of Prakasham, Rangareddy and Vizianagaram were formed in the year 1970, 1978 and 1979 respectively. At present Andhra Pradesh consists of 23 districts, 81 divisions 1127 Mandals and 26,614 Revenue Villages.

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3.4.12 The institutional structure of Revenue Administration in A.P. during the post Independence [period is given in diagram 1.3

### **Andhra Region Telangana Region**

District Level

Divisional Level

Mandal Level

Firka Level -

Village Level-

Board of Revenue

Board of Revenue abolished vide the A.P. Board of Revenue (Replacement by independent

Commissioners) Act 1977.

Chief Commissioner of Land Administration (Supported by  
Commissioner of Appeals & Commissioner, Legal Affairs – from 1999)

Tahsildar before 1985 - Mandal Revenue Officer

after formation of Mandals in 1985, Tahsildar 2007

Firka Revenue Inspector - Firkas abolished during

1985 after formation of Mandals -Revenue Inspector

Village Officers Karnam & Munsiff in Andhra Region - 1969 –

Watandars in Telangana Region – 1978, Part-time Village Officers

(abolished in -1985), Village Assistants -1985, Village Administrative

Officers- 1990, Panchayat Secretaries-2002, Village Revenue

Officers -2007

Collector

Joint Collector (1967)

RDO /Sub-Collector

Deputy Tahsildar

Village Servants

**State Level**

Hyderabad Board of Revenue

(1949) – Merged with Andhra Board

of Revenue 1956

Diagram 1.3

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## **Conclusion:**

3.4.13 The new Mandal system introduced had not achieved the objective, contemplated. On the other hand, it had resulted in serious dislocation of work, loss of records etc.,; with no improvement worth the name in the service delivery. Apart from this, there is no such system prevailing in any State and the nomenclature “Mandal” is creating confusion while processing the centrally sponsored schemes. However, the Mandal Revenue Officer has since been redesignated as Tahsildar.

3.4.14 The sudden abolition of the time tested hereditary system of village officers had created a vacuum and the Revenue Administration at the village level had almost crumbled. The Village Officers who were natives of the subject village were very much in the know how of the things in the village with good command over men and matters. They were very supportive to the Revenue Administration at the village levels. This advantage was lost with the abolition of the Village Officers system.

3.4.15 Subsequent appointment of Panchayat Secretaries system did not work well as they were drafted from various Departments and they were not having the basic knowledge of Revenue matters. Further, they were kept under the control of Mandal Parishad Development Officer entrusting them both the Revenue and Panchayat Raj functions at village level.

## **4. Land Tenure Systems:**

4.1 In order to appreciate the evolution of Revenue Administration during the British period, it is pertinent to know the different land revenue systems introduced by British India such as 1. Zamindari System, 2. Ryotwari System and 3. Mahalvari System.

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### **1. Zamindari System:**

**Cornwallis**, who was appointed as the Governor General in 1786, was especially directed to devise a satisfactory solution of the land revenue system which would ensure the Company's interest as well as that of the cultivators. Commenting on the company's revenue policy, Cornwallis remarked in 1789 that "one-third of the company's territory in Hindustan is now jungle, inhabited only by wild beasts". Cornwallis held prolonged discussions on three vital questions.

1. With whom was the settlement to be made-the Zamindars or the actual tillers of the soil?
2. What should be the State's share in the produce of land?
3. Should the settlement be permanent?

Cornwallis, who was an English landlord himself, accepted the view that the Zamindar was the land owner and the settlement was declared permanent. Accordingly he reorganized the land taxation in India known as the permanent settlement of 1793.

Under Zamindari or permanent settlement system introduced in 1793, feudal lords (Zamindars, Jagirdars etc.) were declared as proprietors of land on the condition of fixed revenue payments to the East India Company. This system prevailed over most of North India, including present-day Uttar Pradesh (except Oudh and Agra), Bihar, West Bengal most of Orissa and Rajasthan (except Jaipur and Jodhpur), and covered around 57% of the total area cultivated.

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## **2. Ryotwari System:**

The other major system was the Ryotwari system introduced in Madras Province in 1802 and in Bombay in 1817-18. In this case, individual cultivators i.e, ryots were recognised as proprietors of their land with the rights to sublet, mortgage and transfer their lands by gift or sale. Their tenure of land was secure so long as revenue payments were paid directly to the Collectors.

This system prevailed over most of South India including present day Maharashtra, Karnataka, Tamil Nadu, Kerala, Andhra Pradesh and most of Madhya Pradesh and Assam. The princely states of Jaipur and Jodhpur in Rajasthan also fell under Ryotwari-type systems. Pockets of Zamindari-type tenure existed within these Ryotwari areas, particularly which were administered by local rajas or nawabs. Ryotwari systems accounted for around 38% of total cultivated area.

## **3. Mahalwari System:**

This system was introduced between 1820 and 1840 in Punjab (including both present-day Punjabs in Pakistan and India, and the State of Haryana), parts of what are now Madhya Pradesh and Orissa and the princely states of Oudh and Agra in Uttar Pradesh. This tenure system was much less extensive and accounted for some 5% of the cultivated area.

Under this system, the village lands were held jointly by the village communities, the members of which were jointly and severally responsible for the payment of land revenue. Land revenue was fixed for the whole village and the village headman (Lumbrdar) collected it for which he received 'panchatra' i.e. 5 per cent as commission.

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## **5. Interventions and Rights over land during British**



## **Administration**

5.1 British Government ruled the territories in Andhra Area through intermediaries called Rajahs, Zamindars etc., subject to payment of Peishkush (taxes) to Government. The interventions made by the British Government in Andhra were to mitigate hardship to ryots and also to safeguard the precarious tenure of these intermediaries, and brought out series of legislations. Important among them are:

1. The A.P. (A.A.) Permanent Settlement Regulation XXV of 1802: To convert precarious tenure of intermediaries into permanent one and to vest the proprietary rights on Zamindars subject to payment of Peishkush.
2. The A.P. (A.A.) Estate Land Act of 1908 – Mainly to ensure permanent occupancy rights to the ryots. For the first time in the history of Land Tenure, this Act defined very important terms among others (i) Estate (ii) Agriculture (iii) Ryot (iv) Ryothi land (v) Private land (vi) Land holder (vii) Rent etc., The definitions of these terms helped considerably in adjudicating the claims of land holders and the ryots. This is one of the important pieces of legislation of the composite Madras State, which had gone a long way in alleviating the suffering of the ryots in Estate areas.

## **6. Interventions and rights over land by Government in Post Independent Andhra Pradesh :**

6.1 The Government gave top priority to Land Reforms which included abolition of intermediaries, tenancy reforms, imposition of ceilings on landholdings, distribution of surplus land, allotment of Government land, consolidation of holdings and protection of lands of Scheduled castes and Tribes.

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6.2 As a part of Land Reforms and Agrarian Reforms and to mitigate hardship to ryots and also to safeguard their precarious tenures, the State Government after independence brought out series of legislations.

Important among them are:

1. Andhra Pradesh (Andhra Area) Estate Land (Reduction of Rent) Act, 1947: The Major objective of this Act was to provide for reduction of rents payable by ryots in Estates approximately to the level of assessment levied on lands in Ryotwari areas in the neighbourhood.
2. The Andhra Pradesh Estates (Abolition and Conversion into Ryotwari) Act, 1948: It provided for the repeal of the permanent settlement, the acquisition of the rights of land holders in permanently settled and certain other estates in the province of Andhra area and the introduction of the Ryotwari settlement in such estates which includes primarily grant of Ryotwari pattas to the actual cultivators, with alienable rights. "Estate" means a Zamindari or under tenure or an Inam Estate. This Act extends to the whole of the State of Andhra.
3. A.P. (T.A) Jagir Abolition Regulation 1949. It provided for abolition of Jagirs in Telangana area and rights to the ryots on par with Diwani rights.
4. The Andhra Pradesh (Telangana Area) Tenancy and Agricultural Lands Act, 1950: The major objective of this Act is to confer ownership rights to the protected tenants. In addition to it, it envisages (i) Regulation of the relations of landlords and tenants of agricultural lands (ii) regulation of alienations of land (iii) prevention of excessive sub-division of agricultural holdings and (iv) provision for the legislation of co-operative farm and (v) empowering Government to assume in certain circumstances management of agricultural

lands. It is said to be one of the best pieces of legislation in the Country.

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5. The A.P. (T.A.) Abolition of Inams Act, 1955. It provided for abolition of all Inams and vesting the same in the State. The Act envisages registration of various kinds of tenants as occupants.

6. The A.P. (A.A.) Inams (Abolition and Conversion into Ryotwari) Act, 1956. To abolish and convert certain Inam lands into Ryotwari lands which includes grant of ryotwari pattas to the cultivators. It extends to the whole of the State of Andhra.

7. The A.P. (A.A.) Tenancy Act of 1956 provides for the payment of fair rent by cultivating tenants and for fixing the minimum period of agricultural leases in the State.

8. The Andhra Pradesh Land Reforms (Ceiling on Agricultural Holdings) Act, 1973, which provides for a ceiling area of one standard holding ranging from 4.05 hectares (10 acres) to 10.93 hectares (about 27 acres) in the case of wetland and from 14-16 hectares (35 acres) to 21-85 hectares (54 acres) in the case of dry lands and allotment of Ceiling Surplus lands to the land less poor. According to reports available an extent of 5.82 lakh acres was distributed to 5.4 lakh beneficiaries under this Act. (Source Annual report 2004-05 Ministry of Rural Development, GOI & Velugu).

9. A.P. Scheduled Areas Ryotwari Settlement Regulation 1970. It provided for Ryotwari settlement of certain lands in the Scheduled Areas of Andhra area, granting Ryotwari pattas to the cultivators with alienable rights both in the estates and ryotwari area.

6.3 By virtue of the above legislations, the tillers acquired proprietary rights over the lands cultivated by them and the tenants have got security.

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6.4 The Government have noticed that in the recent years, there has been some slackness in the distribution of land and enforcement of pro-poor land laws as a result of which, the poor are either not getting increased access to land or losing control over land. After having considered these aspects, the Government have constituted a Land Committee under the Chairmanship of Sri Koneru Ranga Rao, Hon'ble Minister for Municipal Administration and Urban Development with eight members, vide G.O. Ms. No. 1091 Rev. (Assignment – I) Department dated 23-12-2004, to assess the over all implementation of land distribution, suggest measures for its more effective implementation, suggest required changes and amendments to the land related Acts / Rules and suggest measures for removal of obstacles in their implementation with action plan. The above Committee after conducting public hearings, filed visits, commissioning of studies and elaborate examination of the various issues involved, made 104 recommendations.

The Government have accepted 90 (Ninety) recommendations. The recommendations accepted are under implementation.

## **7. Evolution of private property rights in Land in A.P.**

### **Introduction:**

7.1 Land is a fixed asset on the surface of the Earth. It can neither be enlarged nor reduced under natural conditions. Private ownership of land is a western concept that was first introduced into many developing countries by the Europeans. Various systems of land ownership had developed throughout the world under the influence of historical, cultural and economic factors.

These systems were exposed to a continual process of change.

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7.2 There are two forms of rights to the land - rights, of disposition over the land and right to use the land. The owner has the right of disposition. He has the right to decide whether to sell, lease, bequeath, give away or lend etc., a piece of land. The occupier has the right to use the land. This right regulates the cultivation of the land. A tenant, in contrast, has no right of disposition over the land, but can only use it.

7.3 Though there was no competition for land and plentiful waste land was available for anyone to cultivate yet a cultivator would naturally like to keep possession of an already cultivated piece of land so long as he might continue to derive his subsistence. Moreover, land is the centre of a network of legal and social relations.

7.4 The concept of ownership was practically absent in Andhra as well as other parts of the country before British period. Sir Thomas Munro, writing in 1807, says "Nothing is plainer than that landed property has never existed in India except in the Malabar Coast". In the Punjab, "sale of land was unknown before the British conquest". Sir John Strachey wrote, "While our policy has been to encourage the growth of private property in land ... former Governments hardly recognized the existence of such property". Elphinstone points out, "practically, the question is not in whom the property resides, but what proportion of the produce is due to each party". Bennett in the Gonda Survey Report says, "there is yet no trace of private property, whether individual or communal". To quote Sir George Campbell, "we are too apt to forget that property in land as a transferable marketable commodity, absolutely owned and passing from hand to hand like any chattel, is not an ancient institution, but a modern development". After a lengthy discussion Baden Powell concludes. "Ownership is not in the soils, but in the shares of the produce and in the business of cultivation or of paying the revenue".

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### **7.5 Rights Over Land during Pre-Sultanate Period:**

From times immemorial the concept of the land was that it belongs to the king and the proprietary rights of the individuals were not specified in the records maintained. But, the "Ardhasastra" (Koutilya) has evidence of the cultivator being able to sell and alienate his land. But, it also states right of the king to replace him in his holdings, if he fails to pay the rent. So, this lends strength to the view that all agricultural land was ordinarily recognised as being Crown land but the peasants were not unduly disturbed in their holding so long as they regularly paid the rent. This system was existing in the past till the advent of the British rule. This position was holding not only in Andhra but also in other areas of the country.

### **7.6 Land Rights Administration under Mughal Period :**

7.6.1 In the past, the Ruler was the owner of the entire land in his kingdom and any type of usage of land is only as a tenant under the king. In medieval India, Sher Shaw Suri was the first ruler to introduce a rudimentary form of land settlement which was followed by Mughals.

7.6.2 During the rule of Mughals the king used to collect tax from the land, but the propriety was vested to the peasant, the tiller of land. The King's right to levy tax was justified by the fact that he gave his subjects protection. The king's right to eject the peasant from his holding; the peasant's right is based on the same basis as the merchant's right to merchandise; as the payment of a

tax did not interfere with the proprietary. The proprietary rights were only heritable but not transferable.

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7.6.3 In the past the concept of ownership was generally absent as the cultivable land was plentiful and practically there was no value for the land. Thus the competition for the land did not exist at all. Pre-independent India had a feudal Agrarian structure. A small group of large land owners including absentee landlords has had land rights. The vast majority of cultivators did not have any right or had limited rights as tenants or sub tenants.

7.6.4 Before the advent of the British, the rights in land arose by inheritance and very seldom by purchase. In the first instance, land belonged to those who cleared it and cultivated it. Thereafter, it devolved on the heirs in successive generations, descending from the father to all the sons of the same mother in equal proportions. Such instances were, of course, strictly within the castes, since it could only pass on to the members of the family or nearer relations in the absence of male heirs. The waste lands were generally left undivided for common use.

## **7.7 Land Rights (ownership and operational) Structure in British Period:**

7.7.1 The British brought about in the course of time a complete transformation in the land tenure system which deals with conferring ownership rights to certain land holders, basing on the concept that all the land belongs to the State and was thus at their disposal.

7.7.2 The British inherited the institutional form of agrarian system from the Mughals. The British superimposed a system over the pattern existing in Mughal period, in tune with the British customs and laws relating to land. The British has introduced two broad land tenure systems such as 1. Zamindari System and 2. Ryotwari System.

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### **1. Zamindari System**

It is said that the British introduced Zamindari system to achieve two objectives. First, it helped in regular collection of land revenue from a few persons i.e, Zamindars. Secondly, it created a class of people who would remain loyal to the British ruler in the country.

The right to the land conferred on the zamindars was alienable, rentable, and heritable. This meant the introduction of a system completely novel, in India. The privilege of utilizing land had become a saleable good. Those who had been cultivators until then obtained the status of 'occupancy tenants.' These occupancy rights were heritable and transferable and were not tampered with as long as the holders paid their taxes. In contrast to these, the tenants who cultivated land owned by the tax collectors were "tenants at will", i.e., they could be evicted.

### **2. Ryotwari System**

It was introduced by Sir Thomas Munro first in Madras (Composite State including Andhra) State during 1802 and then in Bombay State.

In this system, there was a direct relationship between Government and the tenant or Rayat i.e., individual land holder. Every registered holder was recognised as its proprietor and he could sell or transfer the land. He was assured of permanent tenure as long as he paid the land revenue. The land

holder was also allowed to sublet his land. It was a better system as compared to Zamindari or Mahalwari and similar other forms of tenure.

In South India, one of the most common types of intermediaries have been Inamdars. The 'Inam' is a grant either personal or service, in the form of land given to a person by the rulers of the past and most of the 'Inam' lands were exempted 25

from payment of land revenue either wholly or in part. The 'Inams' were previously called 'Manyams' in Telangana and Andhra Areas of the Andhra Pradesh. The difference is in case of former, it is a political Grant subject to condition of some service but in the case of latter, it is a small grant, individual in nature and mostly without any conditions of service.

### **Land under different types of systems in different districts in Andhra, 1940-41 (area in thousand acres)**

**Name of the District Ryotwair Inamdari Zamindari Total Area**

Visakhapatnam *	792.5	504.0	3901.1	5198.1
East Godavari	1315.4	4.0	1032.9	2352.3
West Godavari	1026.5	181.5	373.9	1561.9
Krishna	1039.6	230.2	952.4	1222.2
Guntur	3452.3	225.8	11.8	3689.9
Kurnool	4732.2	123.3	---	4855.5
Anantapur	4153.6	158.6	---	4307.0
Kadapa	3596.0	194.7	---	3790.7
Chittoor	1853.5	538.7	1386.7	3778.9
Nellore	2530.1	426.7	2130.4	5087.9
<b>Total</b>	<b>24491.6</b>			

**(66.44)**

**2582.4**

**(7.00)**

**9789.7**

**(26.56)**

**36863.7**

**(100.00)**

**Note:** \* including Srikakulam District, Source : Krishana Rao, Y.V. Gata Adrdha Shatabdam to Andhra Pradesh Vyavasaya Ardika Vidhanam lo Vachhina Marupulu Pp 71-72

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## **8. Other related aspects:**

8.1 The British colonial administrators also introduced a system of registration of all land transactions relating to transfer of rights and title by private individuals. Since 1908 the Registration Department came to be added to the land administration into three basic units.

1. Survey settlement Department dealing with demarcation of boundaries of individual holdings, measurement of land, classification of lands, and determination of land revenue.

2. The Revenue Department dealing with demarcation of boundaries of individual holdings, and to decide disputes relating to transferring of land rights among the individuals or organisations and the Government apart from collection of land revenue from the land holders.

3. Registration Department dealing with Registration of all land transactions relating to immovable property (Land, Site or Building).

These three Departments invariably exist in every State of India. Their composition, powers, functions, administrative control etc., largely vary among the states.

## **8.2 Tenancy:**

Under the Zamindari and Ryotwari systems, tenancy cultivation had been quite common in our State. Similar position was existing in the other parts of the country also. Tenancy cultivation was done by small proprietors who find that they had insufficient quantity of land or it may be carried on by landless labourers, some times the tenants holding the land from an intermediary, may sublet it for cultivation. Broadly speaking they are divided into three categories.

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1. Occupancy tenants enjoyed permanent heritable rights on land, they had security of tenure and could claim compensation from land lords for any improvement on the land.
2. Tenants at will-did not have security of tenure and could be evicted from the land, wherever landlord so desired, no security of tenure for them are also made to pay exorbitant rents to the land lords.
3. The sub tenants were appointed by the occupancy tenants.

## **8.3 Structure of Land Rights Princely / Nizam States**

There were two types of land tenures which conferred ownership rights in Hyderabad State, prior to its liberation from Nizam rule. A major portion of land was under Governmental land Revenue system known as Diwani which was similar to Ryotwari prevalent in British India. The other type of tenure existing was that several types of fiefdoms such as Jagirs, Paigahs and Samsthanas and they were conferred heritable rights.

The Zamindari system of revenue collection introduced by the British was an adaptation of the Jagirdari and Inamdari systems of the Muslim rulers. Only that the Zamindars did not have wide administrative powers which the Jagirdars and Inamdars had. But the various forms of land tenure that were reared under the Zamindari system were also basically similar to the ardha-sitika share-cropping system of ancient India. Only after Independence and abolition of Zamindari system, an attempt was made to make the tiller the owner of the land and for the State to collect revenue directly from him without any intermediary.

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## **9. LAND RIGHTS OF DALITS :**

**“We have no land because other s have usurped it”**

**Dr. Ambedkar**

**“The caste system is an economic order. It prevents someone from owning land or receiving an education. It is a vicious cycle and an exploitative economic arrangement. Landowning patterns and being a high-caste member are co-terminous. Also there is a nexus between (being) low-caste and landless, a tool to perpetuate exploitative economic arrangements”**

**R. Balakrishnan**

**(Chairman Talmilnadu Commission for SC & ST)**

### **9.1 Pre-British Period**

9.1.1 From times immemorial the owners of the land are landless that is Dalits. Historically they are one of the long persecuted humanities betrayed of rights over land and any form of resources.

9.1.2 If we look at it from critical distance 'time' and 'space' have never belonged to the dalits. The rights during the feudal period were negative in that they were entitled only to certain demeaning rights. They were excluded psychologically, socially, politically, emotionally, economically and of course, culturally from the mainstream of Indian life.

9.1.3 They had no freedom to walk on the main streets of the villages or small towns, and even if they had to walk through these streets in the service of their feudal lords, they were supposed to clean those streets with brooms which were tied to their waists owners of space. In other words, freedom of space was denied to them.

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9.1.4 The exclusion of the dalits was, of course, cumulative as they were also excluded from the more dignified occupations and from education. This exclusion was achieved by the upper caste by making available to dalits only those occupations which were considered defiling, such as tanning of leather scavenging and leatherwork. The dalits were also excluded from the field of politics and from the cultural and social life of the feudal world.

9.1.5 Analyzing it from the historical viewpoint they are the first plebeian community of the country. Due to the obvious paucity of land or resources or employment the largest number of migrants from one state to another were Dalits. Sizeable numbers among them were bonded labourers too. Their life condition was wretched and extremely inhuman. Women and children were subjected to atrocious harassment and torture, particularly in the migrated workplace. Practically there is no any kind of right what so ever to the Dalits over the land during the Pre-British period.

## **9.2 During British Period :**

9.2.1 For the first time in India the right over land was provided to dalits during the British period. In the later half of 19<sup>th</sup> Century, the European Missionaries working in Madras presidency who studied pathetic and deplorable conditions of dalits submitted a memorandum to the then British Government pleading for the intervention of the Government.

9.2.2 The Government of Madras Presidency appointed Sri Tremenheere, the Collector of Chengalpat District in 1891 to conduct an enquiry into the conditions of dalits. After due conduct of enquiry he sent a report describing the pitiable plight of the dalits.

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9.2.3 After discussing the situation prevailing in respect of dalits, the colonial Government enacted a law in British Parliament in 1892 to assign cultivable land to the Depressed Class people. In pursuance of it the Government of Madras Presidency issued two important orders on 30-9-1892 and 1-2-1893 to assign Government lands to dalits on a condition of keeping a right with the Government to resume the lands assigned in the event of alienation and reservation of Government lands and lands purchased by Government at sales for arrears of Land Revenue (Bought in lands) to be reserved for depressed classes for assignment. The category of D.C lands find place in Resettlement Registers in Andhra area strengthening the above Government Orders.

9.2.4 In consonance with the above policy, the wastelands were measured and a good portion was reserved for Depressed Classes (dalits). Where wastelands were not sufficient, large blocks of land in the form of unreserved forests, un-assessed wastelands, Poramboke lands were transferred for

assignment to Depressed Classes (dalits) for cultivation. The policy of assignment of land to Depressed Classes started from 1918 in every Ryotwari village. In 1919, a Special Officer was appointed to protect Depressed Classes and the officers started co-operative societies for the benefit of SCs. In addition to assignment of Government lands, the private lands were acquired and assigned to Depressed Classes which began in the Tanjavur during the First World War and it slowly spread over to other districts from 1924.

9.2.5 From 1930, lands were distributed to the dalits by the Government in all the districts of Madras presidency. In one instance, 1400 acres of land was granted for forming agricultural settlements for the dalits. And in another instance 1000 acres of land was granted for the formation of agricultural settlements for Veppur pariahs in South Arcot district. By 1931 the total number of house sites provided by acquisition of land was 36,530. Land assigned for cultivation rose from 19,251 acres in 1920-21 to 3,42,611 acres in 1931 (Boag, 1993; 131-132).

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9.2.6 Thus it could be seen that the treatment of dalits was comparatively better during the British period than earlier periods.

### **9.3 Post Independence Period :**

9.3.1 In order to protect the interest of the tillers to land and bring equity in agriculture, the Government gave top priority to Land Reforms which included abolition of intermediaries, tenancy reforms, imposition of ceilings on landholdings, distribution of surplus land, allotment of Government land, consolidation of holdings and protection of lands of Scheduled castes and Tribes.

9.3.2 The Government of Andhra Pradesh made a provision in A.P. Land Reforms (Ceiling on agricultural Holdings) Act, 1973 that as far as practicable not less than one half of the total extent of Ceiling Surplus Land vested in Government shall be allotted or transferred to the members of the Scheduled Castes and Scheduled Tribes.

9.3.3 As per the reports available, an extent of 10,15,424 acres has been distributed so far to 7,84,217 Scheduled Caste beneficiaries against total extent of 48,30,712 acres distributed which represents 21% under Assignment of Government lands. (Source Report of the CCLA). The details are furnished in Annexure - I

9.3.4 An extent of 2,32,221 acres was distributed to 1,88,086 beneficiaries for cultivation purpose against the total extent of 5,85,659 acres distributed under A.P. Land Ceiling Act 1973 which represents 39.65%. The details are furnished in Annexure – II.

9.3.5 Almost every socio-economic indicator shows that the position of scheduled caste families is awful. In many cases their plight is getting worse.

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## **10. Dalit Women's Rights**

**“You can tell the condition of a nation by looking at the status of its women ”**

**- Pandit Jawaharlal Nehru**

10.1 Dalit women constitute 80.5 million people – 8 out of every 100 citizens in the country – and approximately 48% of the total Dalit population, 16% of the total female population and 8% of the total Indian population. Vulnerably positioned at the bottom of the caste, class and gender hierarchy, Dalit women



are India's worst victims of discrimination, deprivation, exploitation and violence. Dalits are commonly clustered together in segregated hamlets at the edge of a village. They are a small and vulnerable minority in any given region, making resistance to exploitation and violence very difficult.

10.2 In recent years a sea of change has taken place and Dalit women have started asserting for their rightful place in Indian society due to interventions and initiatives of Governments and Civil Society Organizations.

10.3 From time immemorial, the women in this land of ours were treated as a sort of thing. Her placing in the society was not at par with other human being. The women in India have traditionally been deprived of property rights. The rights of women to succeed to any property vary from one religion to other depending on the personal laws followed by them. The religion played a very important role in the devolution of property on the woman in the earlier days.

### **11. Position before 1956 (Before codification of Hindu Law):**

11.1 Before 1956, the property of a Hindu woman was divided into two heads viz. (a) Stridhan (b) Woman's Estate. The Hindu women had full rights of alienating the "stridhan" being its absolute owner. She could sell, gift, mortgage,

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lease or exchange the same in any manner she liked. In the case of devolving women's 'estate' she has no right to alienate the property.

### **11.2 Interventions of Government after 1956 :**

11.2.1 The Parliament has enacted the Hindu Succession Act, 1956 to amend and codify the law relating to intestate succession among Hindus. This Act is applicable to all the Hindus, Buddhists, Jains and Sikhs by religion.

11.2.2 The Hindu Succession (Amendment) Act, 2005 is a land mark which removed gender discriminatory provisions in the Hindu Succession Act, 1956 and gives the following rights to daughters including married daughters :

- Ø The daughter of a coparcener cell by birth becomes a coparcener in her own right in the same manner as the son;
- Ø The daughter has the same right in the coparcener property as she would have had if she had been a son;
- Ø The daughter shall be subject to the same liability in the said coparcener property as that of a son; and any reference to a Hindu Mitakshara coparceners shall be deemed to include a reference to a daughter of a coparcener;
- Ø The daughter is allotted the same share as is allotted to a son;
- Ø The share of the pre-deceased son or a pre-deceased daughter shall be allotted to the surviving child of such pre-deceased son or of such pre-deceased daughter;
- Ø The share of the pre-deceased child of a pre-deceased son or of a pre-deceased daughter shall be allotted to the child of such pre<sup>34</sup> deceased child of the pre-deceased son or a pre-deceased daughter.

11.2.3 The same Law applies to dalit women also but there is no separate law on the rights over the land to dalit women. The difficult question of implementing the 2005 Act remains.

11.2.4 In the case of assignment of Government lands for cultivation and house site purposes, the pattas are being issued in the name of the women since nearly one decade in Andhra Pradesh.

### **12. Conclusion :**

12.1 It could be said that the land reform measures adopted by the States soon after independence, provided a sound basis for agricultural developments that took place in the country in the later period.

12.2 The most important beneficial result of the reform is that it put an end to the system of parasitic intermediaries. On the other hand it has not put an end to absentee ownership of land nor has it led to the disappearance of tenancies. All in all, although the contribution of tenancy reforms could not be totally neglected but the programmes including these reforms since independence did not lead into any significant redistribution of land, or the removal of all the obstacles to increasing agricultural production. The policies adopted in case were ambivalent and there were large gaps between policy and legislation and implementation.

12.3 Despite all the legislative efforts which generated several hundreds of land legislations by various State Governments necessitating 13 amendments to 35

the Constitution particularly to abolish the right to own property as a fundamental right and to protect 277 so-called progressive land legislations incorporating them in the Ninth Schedule of the Constitution, and also payment of over Rs. 6,000 million as compensation to ex-landlords, the ultimate shift of agricultural land to tillers was not as estimated or expected.

12.4 It has also been observed that large number of tenants still remain outside the protection of the law as they are not recorded as tenants in the prevailing land records. Hence, tenancy reform also failed to achieve any great impact, either in terms of creating additional or significant access to land for the tenants or in elevating their economic condition. Due to poor tenancy laws the investment in the agriculture has also come down. A perpetual insecurity on the part of the tenant inhibits investments.

12.5 The whole question of land rights of Dalits has gone into dilation through poor implementation or laws. The implementation of land reforms has been subverted by the absence of political will and bureaucratic commitment, loopholes in the law, tremendous manipulative power of the landed class, lack of organisation among the poor and unequal battle in the courts. Therefore the intended benefits to the poor in general and particularly the Dalit failed to materialize. From various studies and reports yet another reason for the failure of land reforms is the failure to update land records in all states particularly in Andhra Pradesh. In addition to this tardy implementation of legal and legislative initiatives, Judicial delay in settling disputes, inadequacy of the laws and so on had contributed a lot in affirmation of Dalit land rights in India.