

IMPLEMENTATION OF LAND REFORMS AND LAND CONSOLIDATION

(Item No.2(a))

Land Reforms aim at redistributing ownership holdings from the point of view of social justice, and reorganising operational holdings for the optimum utilisation of land. Besides this, there is the problem of tenancy, i.e., the rights and conditions of holding land. Land reforms aim at providing security of tenure, fixation of rents, conferment of ownership, etc.. The entire concept of land reform aims at the abolition of intermediaries and bringing the actual cultivator in direct contact with the State. Along with this, the provisions of security of tenancy and rent regulation provide a congenial atmosphere in which the agriculturist feels sure of reaping the fruits of his labour.

2. The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 was enacted with a view to reducing the disparity in the ownership of the agricultural land, concentration of such land with a few persons with a view to distributing such land among the landless poor. The Act came into force on the 6th April, 1960. Initially, the overall ceiling for a family was 60 standard acres. With effect from 1.3.72 the ceiling limit for a family consisting of 5 members was reduced to 15 standard acres with 5 standard acres more for every additional person subject to a maximum of 30 standard acres. Surplus land over the ceiling limit is acquired for distribution among the landless poor at the rate, not exceeding 3 acres of dry land or 1 1/2 acres of wet land to the eligible persons under the provisions of the Tamil Nadu Land Reforms (Disposal of Surplus Land) Rules, 1965.

3. The Government of India have formulated a Centrally Sponsored Scheme for providing financial assistance to the assignees of such ceiling surplus land. Financial assistance is given at the rate of Rs.2,500/- per hectare. The expenditure is shared equally by the Central and State Governments. A Special Component under this scheme is set apart for the benefit of the Scheduled Castes and Scheduled Tribes exclusively.

4. In addition, the Government introduced a number of tenancy laws to bring about agrarian reforms. The important among them are:

- (i) The Tamil Nadu Cultivating Tenants Protection Act, 1955.
- (ii) The Tamil Nadu Cultivating Tenants (Payment of Fair rent) Act, 1956.
- (iii) The Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961.
- (iv) The Tamil Nadu Land Public Trusts (Regulation of Administration of Agricultural lands) Act, 1961.
- (v) Tamil Nadu Agricultural Lands Record of Tenancy Rights Act, 1969 (Tamil Nadu Act 10 of 1969).
- (vi) The Tamil Nadu occupants Kudiyiruppu (Conferment of Ownership (Tamil Nadu Act 40/71) Act, 1971.
- (vii) Tamil Nadu Rural Artisans (Conferment of Ownership of Kudiyiruppu) Act, 1976 (Presidents Act 38 of 1976).
- (viii) Tamil Nadu Kudiyiruppu Law Amendment Act 1990 (Tamil Nadu Act, 39/1990).

5. With a view to expediting the disposal of the land reforms cases, Land Tribunals presided over by District Revenue Officer was constituted. One Land Tribunal at Thanjavur is functioning for the entire State. There are four Revenue Courts in the Districts of Salem, Villupuram Ramasami Padayatchiar, Madurai and Tirunelveli Kattaboman functioning under the control of the Special Deputy Collectors. The Special Deputy Collectors (Revenue Court) are appellate authorities who decide appeals against the orders of the Tahsildars concerned.

Administrative Set up

6. The Revenue Department is the custodian of all lands and it is concerned with all land disposals. The works relating to land acquisition, land assignment, alienation of land, updating and maintenance of land revenue records, grant of Pattas, Land Reforms, Land Ceiling, Levy and Collection of Urban Land Tax and Agricultural Income Tax are all looked after by the Revenue Department.

Legal provisions in Tamil Nadu Panchayat Act :

7. The Tamil Nadu Panchayats Act, 1994 (Tamil Nadu Act of 21 of 1994) conferred certain powers with regard to transfer of endowments and inams, use of porambokes, and communal lands of the Panchayats. Operationalisation of the following provisions in the Act is necessary.

Section 122 of the said Act provides that -

(1) (a) "Subject to the control of the Government, the Commissioner of Land Administration may, by notification, make over to a panchayat union council, with its consent, the management and superintendence of any charitable endowment in respect of which powers and duties attached to the Commissioner of Land Administration under the provisions of the Tamil Nadu Endowments Regulation, 1817; and thereupon all powers and duties attached to the Commissioner of Land Administration in respect thereof shall attach to the panchayat union council as if it had been specially named in the said Regulation, and the panchayat union council shall manage and superintend such endowment.

b) The Commissioner of Land Administration may, of his own motion and shall on a direction from the Government, by notification, resume the management and superintendence of any endowment made over to a panchayat union council under clause (a) and upon such resumption, all the powers and duties attached to the panchayat union council in respect of the endowment shall cease and determine.

(2) The Government may assign to a panchayat union council with its consent, a charitable inam, resumed by the Government or any other authority, provided that the net income from such inam can be applied exclusively to any purpose to which the funds of such panchayat union council may be applied exclusively to any purpose to which the funds of such panchayat union council may be applied; and may revoke any assignment so made.

(3) The management and superintendence of any charitable endowment which immediately before the constitution of a panchayat union council for any panchayat development block under this Act was vested in a district board under the Tamil Nadu District Boards Act, 1920 shall, on such constitution, vest in the panchayat union council exercising jurisdiction over the place where the endowment is situated".

Section 123 of the said Act envisage that -

"Subject to such rules as may be prescribed, the Government, the Commissioner of Land Administration, the Collector or Revenue Divisional Officer or any person or body of persons may transfer to the panchayat union council with its consent and on such terms as may be agreed upon, the management of any institution or the execution or maintenance of any work, or the exercise of any power or the discharge of any duty whether within or without the panchayat union and whether provided for in this Act or not.

Section 134 of the Act provides:-

(1) The provisions of this section shall apply only in ryotwari tracts.

(2) The following porambokes, namely, grazing grounds, threshing floors, burning and burial-grounds, cattle-stands, cart-stands and topes shall vest in the village panchayat, and the village panchayat shall have power, subject to such restrictions and control as may be prescribed to regulate the use of such porambokes, provided and porambokes are at the disposal of the Government.

(3) The Collector, after consulting the village panchayat, may, by notification, exclude from the operation of this Act, any poramboke referred to in sub-section (2), and may also modify or cancel such notification.

(4) The village panchayat shall also have power, subject to such restrictions and control as may be prescribed, to regulate the use of any other poramboke which is at the disposal of the Government, if the village panchayat is authorised in that behalf by an order of the Government.

(5) The village panchayat may, subject to such restrictions and control as may be prescribed, plant trees on any poramboke, the use of which is regulated by it under sub-section (2) or sub-section (4).

The Tamil Nadu Panchayat Act in Section 135 provides that -

(1) In estates governed by the Tamil Nadu Estates Land Act, 1908, notwithstanding anything contained in that Act, the village panchayat shall have power subject to such restrictions and control as may be prescribed:-

(a) to regulate the use of lands which are set apart for any of the purposes referred to in item (b) of clause (16) of section 3 of the said Act, namely, threshing floors, cattle-stand, village-sites and other lands situated in the village which are set apart for the common use of the inhabitants of such village;

(b) in exercise the powers vested in the Collector by section 20-A of the said Act, namely, to direct that any land referred to in clause (a) which is no longer required for its original purpose shall be used for any other specified communal purpose, provided that the sanction of the Collector is obtained therefor; and

(c) to plant trees on any land the use of which is regulated by the village panchayat under clause (a):

Any immovable property which any village panchayat or panchayat union council is authorised by this Act or any rules made thereunder to acquire may be acquired under the provisions of the Land Acquisition Act, 1894, and on payment of the compensation awarded under the said Act, in respect of such property and of any other charges incurred in acquiring it, the said property shall vest in the village panchayat or Panchayat Union Council, as the case may be (Section 137).

The Government shall pay to each panchayat union council a sum representing one rupee for each individual of the population of the panchayat development block concerned from out of the total land revenue (including water-cess) collected in the State during that year. The sum thus credited to the panchayat union council shall be referred to as the Land Revenue Assignment of that block (Section 170).

8. In spite of sincere effort made in the past for nearly 50 years, in the land reforms, the tenancy laws and rehabilitation of those with surplus ceiling lands, much remains to be done both in terms of quantity and quality. Experience also shows that even the complexity of the subject of land and tenancy reforms the task cannot be achieved exclusively either by the administrative machinery or by the respective panchayat bodies. In the circumstances, more satisfactory and speedy results can be achieved, if the administrative machinery and the Panchayats can act in consultation with each other. With this in view, the State Planning Commission Group recommends to entrust the local bodies with the powers to review, monitor and assist in the implementation of Land Reforms activities. The demarcation of role between three tiers of panchayats may be as follows: The District Panchayat may be empowered to supervise and coordinate the works of the District Revenue authorities. The review may be done by the District Panchayats. In case of reports received from the Panchayat Union Councils and Village Panchayats in updating and maintenance of land records, tenancy laws, and distribution of surplus lands. The Panchayat Union Council may assist the legal machinery in conduct of legal proceedings regarding the implementation of land ceiling and tenancy measures. The Panchayat Union Council may arrange for compilation of Panchayat-wise data on land ceiling measures taken and proposed to be taken for the entire Panchayat union area. The Village Panchayats may assist in the identification of land ceiling surplus land, and the families or individuals needing allotment of land. They may also assist the revenue machinery in its task of securing and regulating tenancy rights. The Village Panchayats will extend their assistance in updating of land records and use data. The details of proposed entrustment of powers to Panchayat Raj Institution are given in the following Tables.

I. VILLAGE PANCHAYAT

<i>ACTIVITY</i> (1)	<i>ENTRUSTMENT OF POWERS</i> (2)
1 Implementation of Land Ceiling Measures	i) Assist in the identification Ceiling Measures of potential surplus land owners/ their total land in the Panchayat Village and other areas. ii) Assist the revenue machinery in conduct of legal proceedings for the enforcement of land reforms laws. iii) Assist in identification of families/individuals needing allotment of surplus land. iv) Assist in organising land development and productivity raising measures for individual allottees or groups of them.
2 Implementation of tenancy measures.	i) Assist in the identification of tenancy (including share-tenancy) status, open as well as clandestine. Assist the revenue machinery in its task of securing as well as regulating tenancy rights, or conferring ownership rights, as the case may be.

<i>(1)</i>	<i>(2)</i>
3 Land Consolidation.	i) Secure active and continuing involvement of inhabitants of the local area in different stages of the operations, as set out in the law. ii) Assist Revenue authorities in the Revenue compilation of data on issues like possession and use of land, different gradation of land rights, status of common land and other common property etc., and assist in the consolidation of land holdings of each pattadar. iii) Assist the Revenue machinery in ensuring that after consolidation, possession of assigned plots/holdings actually accords with the implemented scheme of consolidation.
4 Updating and Maintenance of Land Records.	i) Assist in continuous updating of data relating to agricultural records, and other community lands that is, pasture, wasteland, water reservoirs, water-ways, roads, embankments etc., ii) Assist the Revenue machinery in the updating of land records (record-or-rights) and mutation proceedings.

II. PANCHAYAT UNION

<i>ACTIVITY</i> <i>(1)</i>	<i>ENTRUSTMENT OF POWERS</i> <i>(2)</i>
1 Implementation of Land Ceiling Measures	i) Assist the Taluk level Revenue Ceiling Measures machinery to implement various land ceiling laws. Consult Village Panchayats in the identification of surplus lands in different VP areas etc., and co-ordinate in the work of allocation of surplus lands to poor farmers.
2 Implementation of Tenancy Measures	i) Assist the Revenue authorities in its tasks for the tenancy law and share cropping system implementation.
3 Land Consolidation.	i) Assist to the Revenue and land administration authorities for the consolidation of fragmented lands. Co-ordination with the legal machinery on a continuing basis.
4 Updating and Main of Land Records.	i) Review the works of Tahasildar, Authorised Officers in the and updating of land records of ownership, possession etc.,

III. DISTRICT PANCHAYAT

<i>ACTIVITY</i> <i>(1)</i>	<i>ENTRUSTMENT OF POWERS</i> <i>(2)</i>
1. Implementation of LandReforms in the District	i) Prepare a status report annually on the implementation of all land reforms laws in the District and advise the Government on legal changes if required and implementation deficiencies for correction. ii) Review the land reforms activities in the district through the Standing Committee on Agriculture. District Revenue Officer will attend all such reviews.

Administrative Implications:

9. The Land Reforms and Land Consolidation activities are looked after by the Revenue Department right from the District Collector at district level to Village Administrative Officers at Village level. In the event of the Panchayat Raj Institutions becoming operational it is imperative that the elected local bodies should be involved in the identification and distribution of surplus lands and maintenance of land and tenancy records at Village level. The Village Panchayat, Panchayat Union and District Panchayat will play specific role. Interaction between the Village Administrative Officer with the Village Panchayat is necessary in the identification of surplus lands, tenancy, share cropping and the poor deserving to get surplus lands. At Panchayat Union level, Tahsildar's and Authorised Officer's works need review to ensure proper and prompt implementation of land reform laws. District Panchayat role will be mainly on the co-ordination, planning and advise for smooth implementation of land reforms and consolidation programmes in the district. The Revenue department should take into confidence the rural local bodies for consultation and involvement with regard to Land reform activities.

Financial Implications :

10. Under land reforms an amount of Rs. 25.00 lakhs is provided annually for the development and cultivation of surplus land and implementation of land ceiling and special component plan for Scheduled Caste.

Legal Implication

11. In para 7 it has been indicated that many sections of Tamil Nadu Panchayat Act empower Village Panchayats and Panchayat Unions to discharge their duties in land administration matters. Though all these statutory provisions are adequate for the rural local bodies to exercise the powers in respect of land reforms, notification of these provisions by Government or appropriate authorities will hasten the exercise of powers by the Panchayat Raj Institutions.