

Vol 5 Issue 10 July 2016

ISSN No : 2249-894X

*Monthly Multidisciplinary
Research Journal*

*Review Of
Research Journal*

Chief Editors

Ashok Yakkaldevi
A R Burla College, India

Ecaterina Patrascu
Spiru Haret University, Bucharest

Kamani Perera
Regional Centre For Strategic Studies,
Sri Lanka

Review Of Research Journal is a multidisciplinary research journal, published monthly in English, Hindi & Marathi Language. All research papers submitted to the journal will be double - blind peer reviewed referred by members of the editorial Board readers will include investigator in universities, research institutes government and industry with research interest in the general subjects.

Regional Editor

Manichander Thammishetty

Ph.d Research Scholar, Faculty of Education IASE, Osmania University, Hyderabad.

Advisory Board

Kamani Perera Regional Centre For Strategic Studies, Sri Lanka	Delia Serbescu Spiru Haret University, Bucharest, Romania	Mabel Miao Center for China and Globalization, China
Ecaterina Patrascu Spiru Haret University, Bucharest	Xiaohua Yang University of San Francisco, San Francisco	Ruth Wolf University Walla, Israel
Fabricio Moraes de Almeida Federal University of Rondonia, Brazil	Karina Xavier Massachusetts Institute of Technology (MIT), USA	Jie Hao University of Sydney, Australia
Anna Maria Constantinovici AL. I. Cuza University, Romania	May Hongmei Gao Kennesaw State University, USA	Pei-Shan Kao Andrea University of Essex, United Kingdom
Romona Mihaila Spiru Haret University, Romania	Marc Fetscherin Rollins College, USA	Loredana Bosca Spiru Haret University, Romania
	Liu Chen Beijing Foreign Studies University, China	Ilie Pintea Spiru Haret University, Romania
Mahdi Moharrampour Islamic Azad University buinzahra Branch, Qazvin, Iran	Nimita Khanna Director, Isara Institute of Management, New Delhi	Govind P. Shinde Bharati Vidyapeeth School of Distance Education Center, Navi Mumbai
Titus Pop PhD, Partium Christian University, Oradea, Romania	Salve R. N. Department of Sociology, Shivaji University, Kolhapur	Sonal Singh Vikram University, Ujjain
J. K. VIJAYAKUMAR King Abdullah University of Science & Technology, Saudi Arabia.	P. Malyadri Government Degree College, Tandur, A.P.	Jayashree Patil-Dake MBA Department of Badruka College Commerce and Arts Post Graduate Centre (BCCAPGC), Kachiguda, Hyderabad
George - Calin SERITAN Postdoctoral Researcher Faculty of Philosophy and Socio-Political Sciences Al. I. Cuza University, Iasi	S. D. Sindkhedkar PSGVP Mandal's Arts, Science and Commerce College, Shahada [M.S.]	Maj. Dr. S. Bakhtiar Choudhary Director, Hyderabad AP India.
REZA KAFIPOUR Shiraz University of Medical Sciences Shiraz, Iran	Anurag Misra DBS College, Kanpur	AR. SARAVANAKUMARALAGAPPA UNIVERSITY, KARAIKUDI, TN
Rajendra Shendge Director, B.C.U.D. Solapur University, Solapur	C. D. Balaji Panimalar Engineering College, Chennai	V.MAHALAKSHMI Dean, Panimalar Engineering College
	Bhavana vivek patole PhD, Elphinstone college mumbai-32	S.KANNAN Ph.D , Annamalai University
	Awadhesh Kumar Shirotriya Secretary, Play India Play (Trust), Meerut (U.P.)	Kanwar Dinesh Singh Dept.English, Government Postgraduate College , solan

More.....



Review Of Research



THE MADRAS CULTIVATING TENANTS PROTECTION ACT OF 1955

M. Senthilkumar

**Ph.D. Research Scholar , Department of History,
Annamalai University, Annamalainagar.**

ABSTRACT:

The question of Tenancy reform, which rewards the tenant with the fruits of his labour or me substantial share of it that he can partly consume and partly exchange according to his wish, can make him work at his maximum. The degree of uncertainty encountered in the operation of a farm is



governed by the tenancy arrangements. One advantage of secure tenancy conditions is greater utilizations of family labour and hence higher cropping intensity. Insecure tenancy is a formidable obstacle to the modernization of agriculture. Under the Madras Cultivating Tenants protection Act, protection is given only to

cultivating tenants. A cultivating tenant is a person who contributes his own labour or the labour of a member of his family in the cultivation of the land. It seems only fair that the definition of a cultivating land-owners, i.e., the definition of personal cultivation by an owner corresponds to this provision. Revenue Secretary, Madras with whom I discussed this question felt that it would not be feasible to include contribution of labour in the definition of personal cultivation by the owner. He further mentioned that there are cases where cultivation is supervised through a manager, agent or other paid employes of the owner. It is suggested for consideration that the definition of "personal cultivation" suggested in the Plan may be adopted and a tenant may be defined to correspond with it. It may, perhaps, be provided that supervision may be exercised by the landlord or a member of his family or by a paid employee. As test of supervision, residence in the village or a neighbouring village within an area

to be specified, may apply to the landlord or a member of his family or to a paid employee.

KEY WORDS: *tenancy arrangements, economic inefficiency, agricultural productivity.*

INTRODUCTION:

Tenurial or tenancy arrangements are concerned with the terms and conditions on which land is leased. Tenancy subsumes tenure. Tenure refers to the right of holding land. It is the possession of rights to the use of land. It denotes the conditions, that is, rights and duties, on which land is held by the person who occupies and uses it. Tenancy is occupancy of land by a tenant. It signifies holding of land by a tenant. It involves the two principal rights of the tenants-one, regarding the period of tenancy and, the other, regarding the rent which they have to pay.¹ On account of the importance of land in the rural economy the tenancy arrangements have special importance. Good tenancy arrangements can combat whatever economic inefficiency that is inherent in the land-re-distribution measure.² Because of their influence of the tenants' legal status and their incentives and motivations the tenancy arrangements are one factor determining agricultural productivity. Improved tenancy conditions can lead to increased agricultural productivity. In terms of effect on agricultural productivity tenancy reform has an "advantage over land re-distribution."³

Tenancy reform, which rewards the tenant with the fruits of his labour or me substantial share of it that he can partly consume and partly exchange according to his wish, can make him work at his maximum. The degree of uncertainty encountered in the operation of a farm is governed by the tenancy arrangements. One advantage of secure tenancy conditions is greater utilizations of family labour and hence higher cropping intensity. Insecure tenancy is a formidable obstacle to the modernization of agriculture.⁴

Tenants who have become owners, lease lands to sub-tenants. A large number of tenancies are on oral lease with no written agreement at all. Substantial areas in some regions of India are still cultivated through informal crop-sharing arrangements. In them we have disguised tenancy without security of tenure.⁵ Tenants-at well are generally engaged in the cultivation of lands belonging to small and middle owners.

At the margin, the small farmer and the landless labourers shade into the share-cropper, whose benefits hinge principally on the terms of the crop-share and the share of the costs of production. The proportion of total land cultivated, as operated by share-croppers, is nearly 40 per cent in the densely populated rice regions.⁶

The proportion of agricultural labourers in the densely populated rice regions has almost approached that of farmer-cultivators.

Reasons for the Ineffectiveness of Tenancy Laws

Many tenants have been ignorant of their legal rights. Even when they have known their legal rights, they have found it extremely difficult to claim them. The tenants are generally in too weak a position economically and socially to insist on their rights. Besides, seeking the protection of the law is a costly and time-consuming process.

Another difficulty has emanated from the phenomenon that most of the leases, particularly crop-sharing arrangements, are oral and informal and successful tenancy rights cannot be claimed on their basis. The share-croppers have been accorded a lesser degree or protection in the protection in the tenancy laws.

Tenancy legislation has more an exhortatory moral influence than a practical force. Tenancy

laws have worked no better than the tenants' law in cities. Tenancy legislation has frequently proved in fructuous because lack of administrative arrangements for enforcing it.

The zest with which tenancy reform was pursued in earlier years declined as the years rolled on because it began to be realized that agricultural production could be achieved with less bother and trouble by emphasizing the new agrarian technology rather than the land reform measures. Tenants know where power lies and acquiesce in that.⁷

The high pressure of population on land makes it possible for land-owners to impose their own arrangements on the landless agricultural population. Both the sociology of rural areas and the balance of political forces in the countryside make it difficult for the latter to secure in this kind of situation the rights which they are titled to by the letter of the law. There still remains considerable disparity of interest between the small and the middle land-owners, the tenant and the landless worker in India.

To make the provisions of tenancy reform meaningful and effective, the tenants and share-croppers must be properly educated in order to enable them to take cognizance of them. Furthermore, they should be provided free or concessional legal assistance by the State and justice should be speedy. The tenants and share-croppers should have administrative support if the tenancy laws are to be effective.

So long as land leasing is there, abuses in tenancy relations will persist. Therefore, land leasing should be abolished altogether and there should be either co-operative farming or a system based on owner-cultivators. Land records must be correct and up to date. Tenancy reform and land ceiling legislation must operate simultaneously.

The tenancy frame work should be re-built to ensure that rewards and efforts are strongly correlated within it. Tenancy reform must be followed by appropriate institutional and organizational arrangement if the social relationship between land-owners and their tenants and share-croppers is to improve and exploitation of tenants and share-croppers by their land-owners is to be minimized and greater equality based on egalitarian ethics is to be created.⁸

Coercion as a means of promoting tenancy reform must be rejected, for a process of social change initiated only on the basis of agitation could rapidly lead to chaos and anarchy and the emergence of a new elite. It is easier to incite the tenants and agricultural labourers to demonstrate or to rise against the land-owners and the Government by refusing to pay levies and rates and repay loans but it is far more difficult to organize them into a dedicated and disciplined work-force in order to build up the country, for the requires appositive political ideology to guide the movement. Tenants and share-croppers should be induced to introduce existing innovations by making available easy credit and expertise to them.

In the election manifesto which the Working Committee of the Congress issued December 1945, it was urged that the reform of the land system was urgently needed in India. It was also felt that reform of tenancy measures was quite necessary to see that food production keeps pace with the growth of population, that food supply was very much connected with the mode of agriculture in this country as elsewhere and that unless the man who cultivates the land gets his due from out of the produce of the land he will not be interested in producing the food d thus meet the demands of his countrymen. In order to create a living interest in him for the land he, cultivates he must be given fixity of tenure adequate margin of profit, protection of tenancy, protection of kudiyruppu, etc, So as to take up suitable legislation to better the lot of the tenancy folk, the Government set up the Land Revenue Reforms Committee'.⁹

RECOMMENDATIONS OF THE COMMITTEE

1. For the purpose of our discussion we take capitalist farming to mean farming carried on by a limited company or a corporation, or by an individual on large blocks of land, farming operations being carried on a mechanized basis under the supervision of paid managerial staff and by labour engaged on a permanent or on a casual basis or both, obliterating all traces of tenancy and proprietorship and previous enjoyment, and reducing everyone engaged in the operations to the status of a paid employee, same as in a business or an industrial concern, whether operated by a Joint Stock Company or an individual also, or a group of individuals, take to farming of the above mentioned type their own holdings.

(a) Capitalist farming is not to be encouraged as matter of active State policy in areas already under cultivation except in respect of plantation products in plantation areas.

(b) Capitalist farming in existing holdings, should not ordinarily be interfered with; in areas already under cultivation in a holding by other methods, it should be open to the land-lord or the tenant, as the case may be, to resort to capitalist farming, if he so desires, up to the limit of personal cultivation allowed to him.

(c) But, if as a result of the reforms proposed, this type of farming should be resorted to in an increasing measure, tending to serious displacement of agricultural labourers with no alternative avenues of employment open to them, preventive steps may be called for.

2. In areas already under cultivation except in the plantations, it is desirable that no companies should be started afresh to take up cultivation, or existing companies allowed to extend their area of operation.

iii) In order to allow for rapid development of lands in private holdings hitherto not brought under cultivation, however, capitalist farming by individuals or associations or companies of that type, religious and charitable institutions being excluded, may be encouraged in those areas and for that purpose specific exemptions may be given from the general prohibitions recommended by us relating to:

- Sales of land to non-cultivators;
- Maximum limits on land purchase in future; and
- Maximum limit on personal cultivation

Fair rent in Madras is very high, being 40 per cent of the normal gross produce in the case of wet-lands and 33 ½ per cent in the case of dry-lands.¹⁰ A person who wishes to avail of this provision, has to make, an application for fixation of fair rent to the Rent Court. The Court will then determine the normal gross produce which would be expected from the holding if the rain-fall and the soil were of a normal character and, in cases where the rent is to be paid in cash, the value thereof on the basis of the average market price during the preceding 3 months at the headquarters of the Taluk. 33 per cent to 40 per cent of the normal gross produce imposes a heavy liability particularly when there is a bad season.

It is true that in a bad season if the crop is less than 75 per cent of the normal, the tenant may get a proportionate reduction in the rent. But this again involves a reference to Court and is not given suo moto on the basis of local inquiries as is the practice in the case of agricultural calamities when suspension or remission of land revenue is given on the basis of local enquiries by the revenue officers.¹¹

A tenant has thus to weigh the doubtful advantages of this provision, against the disadvantages of a somewhat slow and burdensome procedure and the risk of incurring the displeasure of the landlord. The rent fixed after this procedure 'to remain in force only for 5 years. It is not surprising therefore that during 1962 only 4,078 applications were filed for fixation of fair rent and in 1963 (from 1st January to 30th September) only 422 applications were filed by cultivating tenants and 344 by land-owners. During the period from January to September 1963, 49 appeals were filed by land-owners and 26 appeals by cultivating tenants to the Rent Tribunals. The disposal of these cases was somewhat slow, as is shown by the fact that out of 576 applications filed by the land-owners (including 232 pending cases), 350 remained undisposed of. The position with regard to appeals with the Rent Tribunals is no better. Out of 72 appeals from land-owners, (including 23 pending cases), 47 remained undisposed of and in the cases of appeals by cultivating tenants, out of a total number of 31 cases, 19 remained undisposed of.

No special staff was appointed for dealing with cases under the Fair Rent Act except in Thanjavur where two Special Tashildars were appointed for dealing the cases under the Fair Rent Act as well as the Thanjavur Pannaiyal Protection Act.¹²

Not much use appears to have been made of the provision of fair rent in the case of calamities. Fifty Four applications for remission of fair rent were pending at the beginning of the period from January 1st 1963 to 30th September 1963 and 10 applications were filed during the period making a total of 144 applications of which as many as 85 remained undecided. Relief was given in a few cases involving a total area of less than 160 acres. Figures showing remission or revenue during the same period were not readily available.

The law is somewhat limited in scope. It does not apply to:-

- (i) Kanyakumari District where there is no law fixing fair rent.
- (ii) The Gudalur Taluk of the Nilgiri District, where, however, the Malabar Tenancy Act applies, and
- (iii) Areas transferred from Andhra Pradesh by the Pataskar award; for this area, however, a bill has been passed and is awaiting Presidents' assent. (It has since been assented to and enacted)

The Act does not apply where a cultivating tenant owns or holds as tenant a total area exceeding 10 acres of wet land. Where he holds land not exceeding 10 acres of wet-land, he has to surrender a part of his land so that remaining with him does not exceed 6 2/3 acres of wet-land, before the fair rent provisions can become applicable. Further, the fair rent provisions do not apply to sugarcane, plantation or betel vines or a crop which does not give any yield for a continuous period of 2 years or more from the time of cultivation.¹³ For such crops fair rents have not been fixed and the contract rents generally continue to apply.

It appears that the provisions of this Act have not been effectively enforced, Mr. Ladejinsky has in his report of Thanjavur come to the finding that 60 to 65 per cent of the crop is paid to the landlord and that it is only in the case of lands leased to the religious institutions which are managed by Trust Board that the fair

rent provisions are observed.¹⁴ In the 3 villages of Chingleput District which I visited, the prevailing share was about 50 per cent of the gross produce, but the tenant gets in addition the entire straw and also a small quantity of grain in the form of keepings. In a few cases, contract rent is a fixed rent, which is higher even than share.

No records are maintained in Madras regarding lands cultivated by tenants. Mr. Ladejinsky has estimated in Thanjavur (which is said to be the District where the problem is most acute, Trichy being

the next most difficult district the area under tenancy is more than 50 per cent of the total cultivated area. The census of landholdings showed that in 1953-54, the area under tenancy in Madras as a whole was about 10 per cent of the owned area. Considering the lack records and the slow progress of tenancy reforms, there is likely to be much concealed tenancy.¹⁵

Under the Madras Cultivating Tenants protection Act, protection is given only to cultivating tenants. A cultivating tenant is a person who contributes his own labour or the labour of a member of his family in the cultivation of the land. It seems only fair that the definition of a cultivating land-owners, i.e., the definition of personal cultivation by an owner corresponds to this provision. Revenue Secretary, Madras with whom I discussed this question felt that it would not be feasible to include contribution of labour in the definition of personal cultivation by the owner. He further mentioned that there are cases where cultivation is supervised through a manager, agent or other paid employes of the owner. It is suggested for consideration that the definition of "personal cultivation" suggested in the Plan may be adopted and a tenant may be defined to correspond with it. It may, perhaps, be provided that supervision may be exercised by the landlord or a member of his family or by a paid employee. As test of supervision, residence in the village or a neighbouring village within an area to be specified, may apply to the landlord or a member of his family or to a paid employee.¹⁶

END NOTES

- 1.Planning Commission, Report of the Taskforce on Agrarian Relations, 1973, p.25.
- 2.G. Venkataramani, Land Reform in Tamil Nadu, Sangam Publishers, Madras, 1973, p. 32.
- 3.D.K. Gadgil, Indian Journal of Agricultural Economics, July 1966, p.3.
- 4.N. Rajalakshmi, Tamil Nadu Economy, Serials Publications, Madras 1999, p. 303.
- 5.Ibid, p. 304.
- 6.G. Venkataramani, Land Reform in Tamil Nadu, Sangam Publishers, Madras, 1973, p. 32.
- 7.H.D. Malvaiya, Land Reforms in India, All India Congress Corrtmittee, New Delhi, 1955, p. 450.
- 8.N. Rajalakshmi, Tamil Nadu Economy, Serials Publications, Madras 1999, p. 303.
- 9.G.O. No. 1376 (Confidential) Revenue, dated 9th May, 1950, Government of Madras, Madras, p. 26.
- 10.Recommendations of the Land Revenue Committee date 9th May 1950, Government of Madras, Madras, 1990-51, p. 15.
- 11.First Report of the Land Revenue Committee on 8th December 1950, Government of Madras, Madras, p. 67.
- 12.Madras State Administration, Government of Madras, Madras, 1952-53, p. 65.
- 13.Report of Shri. Ameer Raza, Joint Secretary, Planning Commission on Implementation of Land forms in Madras, Madras, 1952-53, p.12.
- 14.B.S. Baliga, Thanjavur District Hand Book, Government of Madras, Madras, 1957. p. 167.
- 15.Gopala Krishnan, Gazetteer of India, Tamil Nadu State, Kanniyakumari District, Government Tamil Nadu, Madras, 1995, p. 307.
- 16.B.S. Baliga, Thanjavur District Hand Book, Government of Madras, Madras, 1957. p. 165.



M. Senthilkumar

Ph.D. Research Scholar , Department of History, Annamalai University, Annamalainagar.

Publish Research Article

International Level Multidisciplinary Research Journal

For All Subjects

Dear Sir/Mam,

We invite unpublished Research Paper, Summary of Research Project, Theses, Books and Books Review for publication, you will be pleased to know that our journals are

Associated and Indexed, India

- ★ Directory Of Research Journal Indexing
- ★ International Scientific Journal Consortium Scientific
- ★ OPEN J-GATE

Associated and Indexed, USA

- DOAJ
- EBSCO
- Crossref DOI
- Index Copernicus
- Publication Index
- Academic Journal Database
- Contemporary Research Index
- Academic Paper Database
- Digital Journals Database
- Current Index to Scholarly Journals
- Elite Scientific Journal Archive
- Directory Of Academic Resources
- Scholar Journal Index
- Recent Science Index
- Scientific Resources Database

Review Of Research Journal
258/34 Raviwar Peth Solapur-413005, Maharashtra
Contact-9595359435
E-Mail-ayisrj@yahoo.in/ayisrj2011@gmail.com
Website : www.ror.isrj.org