
THE LAND REFORMS

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Abstract

This article aims at presenting the historical background to the Land Reforms. In connection with the Social Distributive Justice it would be appropriate to note how the seeds of Social Distributive Justice were sown in the beginning. Land is the most important of all material resources. Therefore if the objectives of Article 39 (b) and (c) are to be achieved through equal distribution of material resources, certainly there should a distribution of lands. Thus the land reform was an essential phenomenon in the achievement of social distributive justice.

Keywords: Land Reforms, Landless persons, Land to the tillers, Inequalities, Social, Political and economic, Revenue, Abolition of intermediaries, Tenancy reforms, Redistribution, Land to Dalits, Panchami lands

Introduction

This article aims at presenting the historical background to the Land Reforms. In connection with the Social Distributive Justice it would be appropriate to note how the seeds of Social Distributive Justice were sown in the beginning. Land is the most important of all material resources. Therefore if the objectives of Article 39 (b) and (c) are to be achieved through equal distribution of material resources, certainly there should a distribution of lands. Thus the land reform was an essential phenomenon in the achievement of social distributive justice.

Historical Background to the Land Reforms

Land is the most important of all material resources. Therefore if the objectives of article 39(b) and (c) are to be achieved through equal distribution of material resources, certainly there should a distribution of lands. Thus the land reform was an essential phenomenon in the achievement of social distributive justice. Hence this chapter aims at presenting the historical background to the land reforms. In connection with the social distributive justice it would be appropriate to note how the seeds of social distributive justice were shown in the beginning.

Early Concept of Ownership of Land

It is not without significance that land was called real property. It was considered as the most secure and substantial form of property almost from the beginning of

civilization. According to our ancient law gives land belongs to him who first occupied it. whoever cultivated waste land acquired the property in them. Cultivated land was pronounced to be the property of given judicial recognition from the early times and a right to possession of land was acquired by the first person who makes a beneficial use of the soil. The ruler never claimed any proprietorship in the soil but only climbed revenue. Private ownership of land was recognised and protected. Even in cases where a country was conquered by another ruler, the conqueror, it was said, could claim only the right which the Conquered had namely the right to levy tax or revenue and the ruler never laid any claim for ownership of the land.

Idea of Land Reforms

Land reforms were considered as a panacea for reducing the inequalities in land holdings. Land reforms have for a long time been perceived as an instrument not only of promoting land productivity but also of achieving equity in a highly unequal society. Indeed transfer of land from the land_owning to the landless is considered as an effective measures of both reducing economic inequalities and inequalities in regard to social and political power in the rural society .Since Land reforms are seen as a potential instrument of income wealth and power leveler, many political parties made it a point to keep them as one of their political goals and election promises

Indian National Congress and Land Reforms

The question of "land to the landless" and "land to the tillers" was first raised by the leaders of the Indian National Congress during the freedom struggle to involve the common peasantry in their fight against the colonial power. It was expoused mainly by the Congress socialists like Rammohan Lohia, Jayaprakash Narayan and Jawaharlal Nehru when the country achieved freedom the natural expectation of the poor especially the landless Peasantry, was to get some agricultural land. Their expectation Rose high when Jawaharlal Nehru the president of the Indian National Congress and a champion of socialism became the prime minister of free India. There were contradictions within the Indian National Congress, as it considered of diverse groups with varying interest. In spite of the differences and contradictions the national government of Nehru spelled out certain land reform measures beginning with the first five year plan .Directives to all the state governments were also issued to make necessary legislations for land reforms and accordingly almost all the state governments enacted laws on land reforms. However the contradictions within the Congress surfaced when there was a demand for the proper implementation of land reform. Every time the issue was raised by congress, socialist, left parties or by the people. The proponents and opponents of Land reforms policy reached an agreement which advocated and incorporated radical reforms in the policy resolution. but making

sure at the same time that no action was actually initiated to make the reforms effective.

Land reforms mainly came in the form of (a) abolition of intermediaries (b) tenancy reforms and (c) redistribution of existing land holding through imposition of ceilings. These are the three main planks of Land reforms strategy in the country. Since the land reforms is a state subject under the constitution of India, each state adopted these laws and had its own pace in implementing these reforms.

The Need for Land Reforms

The principles of distributive justice appear to be the main argument in favour of imposing a ceiling on land holdings. Further the "Directive principle of State policy" which perforce provide inspiration to economic planning in India, Call upon the state to promote the welfare of the people by creating a social order in which justice, social, economic and political will prevail. Thus the emphasis on reduction of inequality and promotion of distributive justice is obvious and its influence on Indian planning is natural and inevitable. It can be rightly suggested that the objective of land policy form the social aspect which is not less important than the economic. A policy for land may be considered adequate in the measures to be taken by government in which now and in the coming years ,it reduces disparities in all respects and finally promises equality of status and opportunity to different sections of the rural masses.

Right to Property and the Land Reforms

The right to property is one of the foremost rights of a common man. It has been a subject matter of controversy, since independence. In order to achieve the goals enshrined under the provisions of the constitution of India, the successive governments tried to regulate the property rights from time to time. Originally under article 31(1) of the constitution it was provided that 'no person shall be deprived of his property save by authority of law ' The right to property was a fundamental right included under part 111 of the constitution. This right was replaced by the constitution (44th amendment) Act 1978. Along with article 31 the article 19 (1) (f) was also deleted ,which enabled every citizens to acquire, hold and dispose of property. Now the right to property is available only as a constitutional right under article 300 A of the constitution, which says "No person shall be deprived of his property save by authority of law" this right to property is no more a fundamental right and has no place in part 111 of the constitution which deals with Fundamental Rights.

Land to Dalits

The Dalit were the most landless people. A great challenge in land reforms was how to empower the landless the Dalits by providing lands to them. A piece of land assigned to the dalits in 1933 by the British government was called the Panchami land.

The Panchami land which were provided to the dalits during the British period were also taken away by the upper caste people and other mighty people and so they had to fight a battle to get back those panchami lands also. Hence their struggle to get land is an essential aspect to be dealt with when we deal with the Land Reforms in general.

Panchami Lands in Contemporary Tamilnadu

The issue of Panchami lands had a dormant existence in the post colonial Tamilnadu, but for the periodic circulars from the Revenue Department amending the conditions attached to them. Despite these conditions which attempted to prevent the upper castes from taking over these lands, part of these lands have indeed become their possessions over time. It is their struggle around the question of recovering these lands back, which gave a fresh and vibrant life to Panchami lands in Tamilnadu in the 1990s.

Conclusion

Social distributive justice does not aim at weakening the landlords but strengthening the landless. It is not a negative process but an affirmative process of achieving the constitutional ideal of equality through distribution of material resources. Land is one of the most important material resources. Land holding offers power and domination. India's land policy came to be one of effecting social change through democratic means, viz., to remove the defects in institutional framework, to correct social injustices and to permit tenants to become owners of the holdings by paying a price. This in effect is a white revolution as against a red one. These ideas have been fortified by the Directive Principles contained in the Indian constitution. And therefore equal distribution of land to all citizens is very essential. Article 38 says, "The state shall strive to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice, social, economic and political shall inform all the institutions of the nation life." The Social Distributive Justice is directly intended by the Article 39(b) and 39(c).

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