

POLITICS OF LAND REFORMS IN BIHAR 1947-67

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MASTER OF PHILOSOPHY

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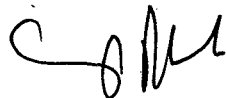
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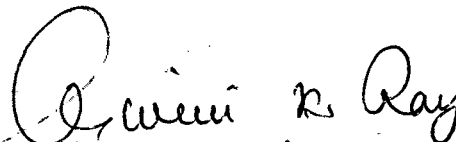
DECLARATION

Certified that the Dissertation entitled "POLITICS OF LAND REFORMS IN BIHAR", for the award of the Degree of Master of Philosophy, has not been previously submitted for any other diploma or degree of this or any other University.



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INTRODUCTION

Land still remains an important material basis for man's existence, especially as a vast section of Indian society continue to derive their livelihood from its produce. To own land or to hold it securely becomes significant, both from the point of agricultural production and men's relations in land. Ownership and security of tenure were the crucial features of the Indian land reform programme. Yet the hiatus between these objectives and its achievement, made security of tillage a remote possibility in many parts of the country. It is such an empirical reality that prompted this study.

The problem of non-implementation of land reform policies, in India is not uniform and there are vast regional differences, thus requiring an analysis of one region. Keeping in mind such diversity the state of Bihar has been chosen, as it is in contemporary India, probably the most paradoxical of states.

It was the foremost state to pass legislation on land reform and has a record of the most inefficient implementation of it. With rich mineral deposits, isolated islands of industrial growth and a few districts experiencing the green revolution on the one hand, it contains on the other acute backwardness in agriculture which is the

chief occupation for a majority of the population. The preponderance of agrarian interests has provided continuity to feudal relations, taking sharp caste and class lines. Such polarization leading to rivalry, frequently takes the form of violent eruptions in the countryside. The dominant position of the upper castes faces questioning from the backward castes owing to the slow extension of politicization amongst them. Nevertheless, the landed interests during this period, have been influencing and directing politics.

It is in this environment that we are attempting to study the nature of land reforms in Bihar and the political pressures that went into the making of the laws. From the temporal angle, the present study has been demarcated from independence (1947) to the fourth general elections in 1967. Apart from the practical problem of an M.Phil dissertation, the need for this timeframe was conceptually to analyse the programme of land reforms of the Congress party, which was in power at the centre and in Bihar continuously during this period. For the present, the work stops at 1967, as the fourth general elections brought an end to the Congress hegemony in the state and ushered an era of new forces and events which gave different pressures to the Land Reform Programme in the 70's. This work thus analyses the first two decades of post-independence,

as a period of initiation and verbalization of land reform policies as also entailing within it the sources of its non-implementation.

Chapter-1 has been framed as an Overview, the first section entitled, Theoretical Formulations concerning Land Reforms, deals with the varied definitions, the motivations and the factors needed for a fruitful implementation of Land Reforms. This has been done with the purpose of highlighting the specific definitional scheme adopted by the Congress party of India. In the second section, Agrarian Structure, a brief historical sketch of the changes British introduced in terms of land tenure systems and new economic concepts is discussed. Statistical evidence of land ownership and use is also highlighted to state the peculiar agrarian structure India inherited from colonialism. This provided the structural context in which the anti-imperialist struggle emerged and developed. The third section deals with the evolution of agrarian thinking during the national movement, its culmination in Zamindari Abolition and Suggestions for a Post-Independence Land Reform Programme as recommended by the various committee's appointed at the turn of Independence, for example the Congress Agrarian Reforms Commission.

Chapter-2, entitled Bihar Profile deals with the pre-Independence history of Bihar. The first section deals with the land tenure system introduced by the British, the permanent settlement and its effects on the life of the state. The creation of Bihar as a separate state is dealt with in the next section. The emergence of a educated class seeking employment in government services, soon realised the need for severing Bihar from Bengal. The third section deals with the national movement in Bihar, the Congress, its support base, the development of peasant consciousness and the relations between peasant leaders and the Congress leadership. This relationship has been discussed in three phases, the period of amiable relations: alignment, the period of strains and tensions: dissassociation and the final rupture or separation of peasant organizations from the Congress. These developments are discussed in the wake of the emergence of other organisations like the Kisan Sabha, the Congress Socialist Party and their mutual relations. The Quit India movement and the Second World War are discussed briefly to trace chronological events till independence. The Chapter closes at the point where opinion from all sides accepted the demand for Zamindari Abolition.

Chapter-3, named Land Reforms in Bihar is divided into three sections, the first entitled Developmental Dimension discusses the Congress strategy of development which

necessitated the adoption of an evolutionary method of introducing reforms. This in the context of land reforms has been termed the Spiral Syndrome, wherein laws to deal with one facet of the problem were introduced one at a time, thus providing ample scope for delay in introductions, amendments, approval and implementation of the laws. The second section, Legal Dimension, deals with each of the facets of land reform in detail namely, Zamindari Abolition, Tenancy, Ceiling, Homestead and Consolidation of Holdings, first stating the provisions of the law and then its implementation or non-implementation. The reasons of failure stemming from the laws itself have been discussed alongside and are summed up again at the end of the chapter under the headings, Performance, Programme and Policy. The third Section entitled, Politico-Social Dimension, analyses the content of the Congress Party, its membership thus highlighting the predominance of landed interests in the Congress. The politics of the state, and its control by the Congress Party which itself was dominated by the upper castes is substantiated by use of data from secondary sources. Thus we have attempted to draw out the nexus between the political elite and the landed in Bihar. Their close association during this period which led to the framing of such laws that allowed numerous escape clauses for the protection of private property of the rural power bosses.

In conclusion, we have used Tai's scheme of political elites (Hung Chao Tai, Land Reform and Politics: A Comparative Framework, University of California Press, Los Angeles, 1974) applying the category of 'cooperative-conciliatory' type for Bihar. Under this the power of the elites is equally shared between the landed and non-landed groups. The formulation of the land reform programme under such elites and its implementation has led to a particular type of reform, wherein the agrarian structure has been so changed that it makes any further change difficult, meanwhile fulfilling the demands of developing capitalism and the aspirations of the rich peasant.

Chapter - 1

OVERVIEW

I. Theoretical Formulations - Concerning Land Reforms

The essential paradox with land reforms or "agrarian reforms"¹ in its definitional status itself, is that, widely varying meanings are ascribed to it. Innumerable scholars point out the difficulties in providing a universal definition, applicable and acceptable by all.² The most simply the "wish to define as land reforms only those agrarian changes that seem to the definer, to be desirable".³ From the most personal, to the relatively general definitions, which thus broaden the content of reforms, whereby "no single panacea meets the issue"⁴ and in fact one is in a situation wherein "almost the whole

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1. W. Ladejinsky, "Agrarian Reforms in India" in Louis J. Walinsky (ed.), *Agrarian Reform as Unfinished Business*, (Oxford University Press, 1977), p. 369.
 2. Ladejinsky, *ibid.*, pp. 369-70; Also see David Lehmann (ed.), *Agrarian Reform and Agrarian Reformism*, (Faber and Faber Ltd., 1974), p. 13; Doreen Warriner, *Land Reform in Principle and Practice*, (Oxford University Press, 1969), p. xiv; K.N. Raj, "Some Aspects of Land Reform and Economic Development in India", in Walter Froeblich (ed.), *Land Tenure, Industrialisation and Social Stability*, (Marquette University Press, Wisconsin, 1961), p. 215.
 3. M. Lipton, "Towards a Theory of Land Reform", in D. Lehmann (ed.), *ibid.*, p. 270.
 4. Ladejinsky, *op. cit.*, p. 369.

gamut of agricultural policy"⁵ finds its way into the scheme of reforms.

The divergencies stem largely from the different ideological positions and class interests held by the elites sponsoring the reform. As also by the stage of political and ideological evolution their society has reached.⁶ The proportion of complexity working around land reforms is evident by the fact that "men who otherwise disagree on fundamental political values", agree on this issue as one of crucial importance.⁷ This reiterates that land reforms "commences essentially as a political question"⁸ and entails within it a potentially latent, revolutionary dimension.

It would be pertinent, to examine some definitions at this juncture, so as to establish the above argument. The various definitions can be subsumed under three categories, namely the moderate mixed type, the capitalist type, and the communist type.

Moderate Mixed Type

The most widely mentioned and problematic of definitions states that, "land reforms means the redistri-

5. K.N. Raj, op. cit., p. 215.

6. Ibid.

7. Lehmann, op. cit., p. 13.

8. Ladejinsky, op. cit., p. 371.

bution of property or rights in land for the benefit of small farmers and agricultural labourers".⁹ In accepting this as a narrow definition, Warriner clarifies that her attempt is to denote "land reform to its simplest element" not ignoring the wider conception of reform, which would involve, governmental policy on "other measures, such as the improvement of the conditions of tenancy, agricultural credit, cooperative organisation etc....".

T.T. Byres defines it as an "attempt to transform the agrarian structure by altering the distribution of land and the terms upon which land is held and worked".¹⁰

For Schickèle, land reforms includes "two major remedies, (1) land expropriation with or without compensation and redistribution of land to the tenants at a purchase price payable over a period of years or free of charge and (2) restriction on the landlord's exercise of his bargaining power by governmental control of rents and protection of the tenants occupancy rights, access to credit and free participation in community affairs".¹¹

9. Warriner, op. cit., p. xiv.

10. T.T. Byres, "Land Reform, Industrialization and the Marketed Surplus in India: An essay on the Power of Rural Bias", in D. Lehmann (ed.), op. cit., p. 223.

11. R. Schickèle, Agrarian Revolution and Economic Progress, (Frederick A. Praeger, 1968), pp. 165-66.

For Parsons, land reforms gets translated from the definitional to a set of policy measures, classified in distinct categories, like, "(1) consolidation, (2) settlement and colonization, (3) landlord-tenant relations, (4) cooperative farming, (5) redistribution of land, and (6) programs to improve the relative position of small or family farms in the economy".¹² These approximate quite closely with the land reform measures classified under separate headings by the United Nations in its Report on Progress in Land Reforms.¹³

Capitalist Type

Another trend of definitions of land reform, views it less as a means to change the agrarian structure and more as the introduction of mechanized technological farming generating capitalist relations of production and forces in land. Such 'technocratically minded economists' therefore speak of, the "need for a reform of land rather than for land reform".¹⁴ Extending this line of thought, land reforms has been viewed as a supportive measure, i.e.,

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12. K.H. Parsons, "Land Reform and Agricultural Development", in K.H. Parsons, Raymond J. Penn, Phillips M. Rapp, (eds.), Land Tenure (University of Wisconsin Press, 1951), pp. 18-20.
 13. United Nations, Department of Economic and Social Affairs, Report on Progress in Land Reforms, (New York, 1954), p. 49.
 14. E. Jacoby, "Has Land Reform Become Obsolete" in Nobsbaum, et. al (eds), Peasants in History: Essays in Honour of Daniel Thorner (Oxford University Press, 1980), p. 298.

in terms of feeding capitalism. For this 'urban bias' approach land reforms are necessary as it "would improve the terms on which the marketable surplus is extracted from agriculture", retaining the interest of the urban bourgeoisie.¹⁵

Peter Dorner bridges the gap between these two approaches by subsuming both the distributive and the technological aspects of land reforms as part of the "overall requirement of economic development". Therefore, reform for Dorner "has the dual purpose of serving as both a redistributive instrument and as a vehicle for achieving increased productivity... for without increases in productivity, redistribution alone will achieve only modest and temporary benefits".¹⁶

Rather than simply provide another definition, M. Lipton in his paper "Towards a Theory of Land Reform" delimits three errors in defining land reforms, as 'insufficient', 'more than sufficient' and 'plain wrong'.¹⁷

The last error pertains to specific characteristics that do not really belong to the object of land reforms,

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15. C. Bell, "Ideology and Economic Interests in Indian Land Reform" in Lehmann (ed.), op. cit., p. 195.
 16. P. Dorner, Land Reform and Economic Development, (Penguin Books, 1972), pp. 18-19.
 17. Lipton, op. cit., p. 269.

but may nevertheless indicate it. As the "reform of land", "implying, the moving of mountains" would be a plain wrong usage of the term.¹⁸

The "insufficient" error highlights that land reform 'does not connote the reform of the basic relations between man and land' which could be achieved by the "use of a new plough".¹⁹ Following this agreement Lipton gives little credence to "green revolutions" or "injections of capital" to further the desired aim of "intra-rural equalization" which he judges to be the central aim of reform.

The "more-than-sufficient" deficiency has been used in a dual sense namely, "over liberal definition" and the "over rigorous definition" the former Lipton ascribes to a programme formulated by those who seek to avoid land reforms and therefore find it "politically convenient" to broaden their definition by adding extraneous requirements as well as 'pseudo reforms', (settlement schemes, change in tenure conditions, technical improvements etc.);²⁰ while the latter encompasses the "rigorous distributist" as well as the "rigorous collectivist", both "involve radical equalizing change in the land based structure of rural power."²¹

18. Ibid.

19. Ibid., p. 270.

20. Ibid., p. 272.

21. Ibid., p. 273.

What further mystifies the errors in defining land reforms, are the numerous evasions arguments. The most common of all, as pointed by Lipton is "that only 'integral reform' with full fledged system of credit, support services etc., ready for the beneficiaries is "really" land reforms: don't do anything till you can do everything, so do nothing".²² Lipton's definition of land reforms in fact connotes "reform of basic relations among tillers of the land and of basic relations between them and other direct beneficiaries from the land tiller interaction.... the programme comprises, first, the compulsory take over of land, usually by the state from the biggest landowners with partial compensation and secondly the farming of that land in such a way as to spread the benefits of the man-land relationship more widely than before the takeover".²³

Communist Type

The social philosophy at the basis of this kind of reform stresses the existing class contradictions in society, building alliances with the exploited peasants and working classes in an effort to lead a successful socialist revolution. The communist land reform is introduced in two phases, the first when feudalism is over

22. Ibid., p. 274.

23. Ibid., p. 270.

thrown and land is distributed to the masses, thereby implementing 'land-to-the tiller' and second when land is nationalized to set up state-run collective farms. In both cases, redistribution is involved, in the former, land is distributed while in the latter, the use of land is distributed.

From the above definitions, the redistributive element emerges easily as the most common focus of change. Becoming thereby controversial as well as operationally difficult because redistribution implies expropriation and thus requires some degree of compulsion. It thus raises an important 'conflict of interest' by striking at the root of property structures and rights. Conversely, K.N. Raj is sympathetic to the diverse definitions, and argues that "the diversity of situations needing "reform"... is so great that a restrictive definition would exclude many pertinent kinds of policy from the purview of land reform.

Rather than definitions, the intention of change is located within the motives and objectives behind the pursuit of land reform. Warriner asserts²⁴ quite categorically that there are no "universal motivations", but from the historical experience of countries engaged with reform a "common ground", can be cleared and a typology of motivations be listed. Land Reform laws are enacted,

24. Warriner, op. cit., p. 4.

- to reduce the concentration of land wealth and income (Tuma, '65),
- to break the rigidity of social institutions "so as to release forces for" economic development and social mobility (Tuma, '65),
- to promote political stability and prevent a revolution (Ladejinsky, '65; Tuma, '65),
- towards political democracy and reduction of conflict between classes (Huntington, '68),
- to raise output and improve the Efficiency of Resource use (Bell, '74),
- to raise agriculture's marketed surplus and its taxable capacity (Bell, '74),
- to capture and secure a rural power base (Bell, '74),
- to abolish feudalism (Warriner, '69),
- to arouse nationalist sentiments for the removal of institutional hangovers from the past (Warriner, '69),
- to achieve the political need of establishing full economic and political citizenship for the excluded masses, (Dorner, '72), and finally,
- to achieve social and economic equality (Warriner, '69), which appears in almost all agrarian policy formulation, only the exact verbalization differs from "intra-rural equalization", (Lipton, '74)

to raise rural equity (Bell, '74), or to achieving greater social and economic justice (Ladejinsky, '65).

Often more than a single of these motives become the injectors or pointers of reform. The numerous motives within a particular land reform policy may be diverse, as well as opposed or contradictory in nature as pointed out by Byres.²⁵ The desire for social justice and the 'goal of maximum output' may be real but in its programmatic stance, justice (hedonistic purposes) may remain at the level of rhetoric, while increasing productive gains becomes the focal aim. The actual motives ultimately are traceable to the contextual reality of the society for which the reform is intended and the historical juncture (timing) at which it is introduced.

Intentions, motives and objectives of land reform policy become explicit when translated into specific programme of action. Hitherto, the United Nations has classified land reform measures into eleven headings, widening the dimensions of a land reform programme. Some of them are "measures to provide opportunities of ownership, regulate conditions of tenancy and protect hired workers;

25. Byres, op. cit., p. 223.

measures to establish rural industries, cooperatives and machine services, fiscal measures to stimulate agricultural development... and so on. This implies that a land reform programme is a combination of various 'ingredients' "not all of them of equal importance".²⁶ For Ladejinsky, proprietorship and security of tenure head the list of a successful reform programme. He states clearly that "unless those who work the land, own it or hold it securely... the rest will not have the anticipated results".²⁷

K.N. Raj has grouped reform measures into categories, which correspond to 'definite stages' through which the reform has to pass, as "(1) Liberative measures, (2) Distributive measures, (3) Organisational measures, and (4) Developmental measures. However, he regards only the first three as land reform measures, as they "determine the institutional framework... in which farmers (are) engaged in productive activity".²⁸ The liberative, aims at emancipating the actual tillers from the burdens of an "onerous and merely exploitative landlordism". It is mainly negative, i.e., removes the "feudal fetters on production". The distributive includes "consolidation of

26. Report of the Progress of Land Reform, op. cit., p. 49.

27. Ladejinsky, op. cit., p. 370.

28. K.N. Raj, op. cit., pp. 215-17.

holdings and the redistribution of land ownership"...
inspired mainly by "considerations of equity and social
justice".

The organisational involves "choosing and promoting or compulsorily enforcing a particular form of organisation for productive purposes. Considerations in selecting the particular form of organisation like large scale commercial farming, family farming, cooperative or collective farming and state farming are "primarily ideological" each possessing strong arguments for "efficiency, equity and capital formation".

The fourth, i.e., "developmental measures" are services that assist agricultural production and marketing and are therefore regarded as part of a farm policy but not land reform, despite being the category which is "positively production oriented". This distinction is in keeping with, the division made earlier between 'land reform' and 'reform of land'. Such supportive schemes fit under the latter and therefore must not be viewed in tandem with land reforms which has to do with restructuring ownership and control patterns in land thereby seeking to change the existing power balance in the social order.

It is precisely this redistributive process that makes the land reform proposition a mammoth task for any

government and 'unpalatable' to those whose, secure interests are challenged. Therefore land reforms are difficult to attain, its success depending much on the scale of 'tough political decisions' and efficient implementation. As Galbraith points out land reforms cannot be compared to other governmental policies like giving "pension to old soldiers" or "reforming the administration of justice" because in fact land reform is a revolutionary step".²⁹

The enactment of laws on the subject are only modest beginning. The complete successful operation of any programme, in accordance with the declared intentions hinges on various factors. Neale's following statement is a pointer towards the first factor"... 'land reform does not make new men of peasants... new men make land reforms'.³⁰ In this context it is important to know whose "brainchild" the reform is. An elite, formulated programme, whatever influences on it, of 'ideals and social conscience' cannot completely reform society. For upper classes would not voluntarily give free entrance to the lower classes in its "class monopolies".³¹ Since agrarian reforms

29. J.K. Galbraith, Quoted by Henry C. Harb and Ronald J. Herring, "Political Conditions of Land Reforms" in Frykenburg (ed.), Land Tenure and Peasant in South Asia (Orient Longman, 1977), p. 233.

30. Walter C. Neale, Quoted by Ladejinsky, op. cit., p. 395.

31. G. Myrdal, op. cit., p. 394.

has the potential of overturning power in the countryside, it simultaneously signals towards a new source of support for the government. The "more radical the reform, the greater the spoils to be distributed" however, the parameters of the programme would depend much on the political balance of forces as well as the pressures on the elite.

Another central institutional requirement to make land reforms a success is identified by a number of authors, as "political will".³³ If this ingredient is missing the entire programme may be sidetracked, ineffective and ultimately made a farce.

For the present the factors highlighted are those which can be typified as the effort syndrome, i.e., the attempt towards land reform both 'from above' and 'from below'. The most benefitting and complete scheme needs keen supervision. This can be achieved by an agrarian movement from below which would build constant pressure and thus consistent enforcement. Both Myrdal and Neale opine that effective reforms are not 'gifts' but that they "must be fought for by the 'lower orders in the hierarchy' taking the responsibilities that go with such effort".³⁴

32. Bell, op. cit., p. 211.

33. Warriner, op. cit., p. 8; Huntington as discussed in Hart and Herring, op. cit., p. 236.

34. In Ladejinsky, op. cit., p. 394.

This would become a reality by the "politization of the countryside" which Huntington refers to as the "Green Uprising".³⁵ He further lists two ways in which the "movement from below" can be intensified. To make aware and conscious "the future peasant beneficiaries as a preparation" for reform, and secondly "to bring small holders, tenants and labourers into the implementation of the reforms at the local level".

II. Agrarian Structure

In the above section one's pursuit has been bringing forth the varied definitions and approaches on the question of land reforms. Such variety stems largely from "the diversity of situations needing reform". Any land reform policy or programme must be seen in relation to the specific agrarian structure that commands change. The agrarian structure as defined by Warriner is "understood to mean the institutional framework of agriculture; it includes the distribution of ownership in land; the forms of land tenure... and the forms of agricultural employment....,"³⁶ in the words of Andre Beteille it signifies the "ownership, control and use of land".³⁷ Thorner,

35. Ibid., p. 237.

36. Warriner, op. cit., p. xvi.

37. Andre Beteille, *Studies in Agrarian Social Structure*, (Oxford University Press, 1979), IIIrd Impression, p. 3.

further clarifies that the agrarian structure is not an external framework within which various classes function, but rather it is the sum total of the ways in which each group operates in relation to the other groups".³⁸

Therefore, visibly the most concrete dimension of the agrarian structure is land and its ownership patterns, on which is built a complex web of relations and inter-relationships. Some of these are "defined and enforced by law" while other are 'customary', 'flexible' or 'fluctuating'.

To grapple with the totality of the Indian land reform programme, it would be useful to briefly sketch the evolution of the agrarian structure in India and its nature towards the middle of the twentieth century, as the same coincides with the completion of the anti-imperialist struggle and the beginning of reform and development in the country's post independent era.

In its historical context, the genesis of the Indian agrarian structure has been largely evolutionary, with the most profound break or "rupture" coming during the colonial period. Superimposing on the earlier existing land systems, the British rule introduced new land tenure patterns which over time led to 'fundamental changes in the

38. Daniel Thorner, *The Agrarian Prospect in India*, (University Press, Delhi, 1956), p. 2.

nature of production' and relations in land. By doing so the colonialists sought to transform Indian agriculture 'into a sphere of primitive capital accumulation' siphoning off, the maximum benefits for the metropolis.³⁹

In pre-British India, land did not belong to any private landlord but communally to the village, although ultimate ownership remained vested in the state.⁴⁰ Such ownership however was not in the nature of private but of collective ownership. Thereby the king himself was no owner of land, but possessed only rights in it, that of revenue collection. He simply delegated to some the specific rights of revenue collection, the responsibility for the payment of which was not individual but collective.

Land settlements finalized by the British retained the traditional claim of rights of the state on the produce. The officials of the company assumed that since the state collected a revenue/rent it must be the supreme owner of all land. Therefore all rights (those introduced by different land tenure systems by the British), in land were made subordinate to the rights of the state, by recognizing 'superior and inferior' claims in the same land.⁴¹

39. Anupam Sen, *The State, Industrialization and Class Formation in India* (Routledge & Kegan Paul, 1982), pp. 67-68.

40. *Ibid.*, pp. 20-23.

41. *Thornex, op. cit.*, p. 7.

As the spheres of control under the British in India extended from province to province, the system of assessing and collecting revenue underwent changes. The time factor, i.e., the specific period in which the area came under British administration, the existential circumstances of that particular province relating to land revenue assessment and 'administrative convenience' all worked in combination to spell out the varied and often overlapping land tenure systems of the British. Of these three main types, each following a distinct principle of revenue assessment, were established, labelled by Baden Powell, as 'estates under one landlord' (Permanent Settlement 1793), 'under individual occupancies' (Ryotwari System 1812) and under village communities, (Mahalwari System around 1822).⁴² Soon one or two local variants developed, depending on peculiarities of agricultural conditions and features prevailing therein.

The Permanent Settlement was conceived by Lord Cornwallis and first introduced in Bengal in 1793. It created a host of intermediary interests in land: the 'zamindars' with whom the 'revenue demand' was fixed in perpetuity'.⁴³ It was the responsibility of the new landlords to collect revenues on behalf of the state, in return

42. Baden & Powell, Administration and Land Revenue and Tenure in British India (ESS, ESS Publications, New Delhi, First published - 1907, first Indian Reprint, 1978).

43. Ibid., p. 151.

for which a legal proprietary title as well as rights of collecting rent from the tenants were bestowed upon them.

Incapacitated to enhance revenue, having once settled it permanently, the British after 1812, ordered that the Ryotwari System "be adopted for all estates which were not already established as zamindaris".⁴⁴ Under this system land was individually settled with a ryot or occupant, who was directly responsible for the payment of land-revenue to the government. The holder of the land however was a mere occupant, maintaining his status so long as he paid his revenue which was revised periodically giving an opportunity to the government to raise the land revenue.⁴⁵

The tenurial pattern which most closely approximated to the pre-British times was the Mahalwari or village settlement system, introduced in the north-western regions of the country. Here the entire village community was regarded as the landlord, with the 'joint body of co-shares' responsible for the assessed sum of revenue.⁴⁶ Frequently, "a sharer of standing and respectability undertook the primary liability and signed the revenue engagement

44. Ibid., p. 200.

45. P.A. Wadia and K.T. Merchant, quoted by Sen, op. cit., p. 66.

46. Baden & Powell, op. cit., p. 171.

on behalf of the whole-body, the burden of which was distributed amongst the co-sharers, according to the principles of sharing and constitution of the estates".⁴⁷

Apart from such structural changes the British also introduced a multitude of new concepts that soon determined agrarian economic relationships. The institution of private property, immediately transformed land into a commodity that could be brought, sold or mortgaged. Cash revenues collected efficiently swung into operation a money economy, while the opening of the rural interiors via railways and ports, saw the peasant producing "not only for home consumption but also for the market".⁴⁸

Cash crops overtook the cultivation of traditional crops because of their remunerative returns, thus beginning the tendency towards 'commercialization of agriculture'.⁴⁹ The imperial interests lay in the capitalist penetration of India without consciously introducing the capitalist mode of production or transforming agrarian relations along progressive lines.⁵⁰

47. Ibid., p. 174.

48. D.R. Gadgil, *The Industrial Evolution of India in Recent Times* (Oxford University Press, 1938, reprint of 3rd edn., 1933), pp. 19-21.

49. Ibid., p. 153.

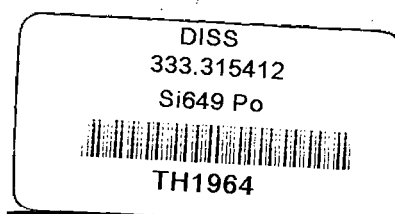
50. A. Sen, *op. cit.*, p. 65.

The 'secular trend towards a rise in the level of prices', the widening scope of 'alienable land rights' a set of fixed rules and regulations especially upholding the right of the creditor to seize land' in the event of failing honours, all led to the emergence of rural indebtedness. Following these conditions, the debt burden of the agrarian population accelerated bringing in non-agricultural groups like money lenders and traders, if not to secure proprietary rights in the village, then at least to draw maximizing incomes "from agriculture or agriculturists".⁵¹

Thus there came to be two parallel groups, one stemming from land, while the other coming to control classes in land, both being non-cultivators sharing a status-quoist interest of extracting parasitic returns from rents, interests and loans.

The already unequal rural setting based on, land ownership, leisure, enjoyment of status and authority, became further stratified into new class divisions. The working of the new economic relationships led, in due course of time, to the emergence of several gradations in the agrarian hierarchy. Thorner has sifted three principal groups, from amidst enormous regional diversities, whom he

51. Thorner, op. cit., p. 10.



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calls, "Maliks, Kisans and Mazdurs". These however must be taken as pure categories, because in reality each corresponds to further subdivisions.

'Maliks' or landlords are those whose property rights are confirmed and who derive their incomes, without partaking in the productive process, largely in the form of rent. Such proceeds may be taken in cash, i.e., for the use of land, or in kind, where share-cropping is the practice or alternatively cultivation of his land by hiring labour and managers. The masters have been divided into two groups, one consisting of the "absentee landlords who typically have holdings in more than one village"⁵² and the others having smaller estates, but 'residing personally in the village involved to some degree in the 'management and control' of the cultivation. Despite these differences, the economic interests of the 'maliks' remain similar i.e., keeping up the level of rents and keeping down the level of wages.

The group of 'Kisans' or the working peasants cannot be easily defined or categorised in definitional terms, owing to the various gradations that have appeared with the passage of time. Drawing an analogy between Hobsbawm's

52. Ibid., p. 5.

'horse' and the Indian peasant, Joshi states that it may not be so difficult to recognise one, (a peasant like a horse) but it definitely is a complex matter to provide a sufficient definition.⁵³ Generally they also have recognized property interests in land, though smaller in size and with varying degree of security. Normally their main source of income is the produce from their own lands, but they may also lease land from larger owners, or work on other people's land. The peasant depends on his own land and his family's labour but may also engage outside labour during the peak season.

With the option of securing ownership rights in land many working kisans appealed for the restoration of their traditional claims as actual cultivators. The British administration through subsequent legislation taking the form of 'tenant protection' confirmed occupancy rights on certain brackets, thus further complicating, this already overlapping and interwoven category.

Agricultural labourers or 'mazdurs' (Thorner's third group) "are for the most part simply peasant without land". The evolution of the agrarian labour has not been parallel to that of the urban proletariat as Gramsci

53. P.C. Joshi, "Peasants and Struggle for a New Society", April 26, Mainstream, 1980, p. 9.

points out, the workers of the agricultural industry have not "developed through concentration of capital and the division of labour...." Their psychology is therefore, with all due exceptions, the same as that of the farmer and the small holder".⁵⁴ What further complicates the rural scene, in the absence of homogeneity in terms of classes, is the persistence of the traditional stratified structure of caste. To the extent that in the agrarian sphere it has been called, "neither a large estate nor a peasant' system, but a system of caste".⁵⁵ The lower ranks of the agrarian classes are as a result almost indistinguishable, from the lower castes with no strict demarcation between various sections. Primarily they gain their livelihood, from working on other people's land even though they may own a tiny piece of land. They relate to their 'maliks' as 'free labourers' receiving wages or as 'share-croppers' sharing the produce in kind, or as 'tenants-at-will' attached for generations to a particular family and piece of land.⁵⁶

The caste system acquires particular significance as it represents a systematic and structural arrangement of groups. It is also a 'system of values' in which the

54. Gramsci, quoted by Joshi, *ibid.*, p. 10.

55. Warriner, *op. cit.*, p. 141.

56. Thorner, *op. cit.*, p. 6.

idea of hierarchy determines the boundaries of 'mutual interaction' rights, duties and obligations.⁵⁷ As a result of the entrenched inequalities that have existed for centuries, the social organization of agriculture bears of 'low degree of autonomy'.⁵⁸ Apart from being the basis of social divisions in attitudinal terms it has vis-a-vis agriculture a highly rigid labour syndrome, with the large landowners usually upper castes having the privilege of not performing physical labour. It is for this reason that small holders or those acquiring some amounts of land would rather parcel out land to tenants, while themselves abstaining from the actual manual labour of farming.⁵⁹ The large owners continue to draw their incomes from property, belonging to Brahman, Bhamihar, Thakur or other upper castes, or alternatively may be members of cultivating castes in certain regions like the Kammas and Reddis of Andhra Pradesh. The 'heterogeneous working peasants' primarily belong to the cultivating or artisan castes, while the "majdur log" to Harijans, scheduled or backward, castes. The caste barrier widens the gulf between the poorer sections even though in economic terms there may not be much difference.⁶⁰ Thus social mobility works along

57. Beteille, op. cit., p. 39.

58. Ibid., p. 56.

59. Ibid., p. 67.

60. Warriner, op. cit., p. 148.

traditional lines of status and prestige, rather than on progressive directions of investing capital and transforming agriculture.

Thus the Indian agrarian structure posited a peculiar 'blending of remnants from the pre-British economic order' along with the 'semi feudal and semi capitalist system' imposed by the colonial state.

A brief detour into statistical evidence would delineate the nature of ownership and land holdings in terms of numbers and percentages, thereby illuminating another facet of the agrarian problem. Warriner clearly asserts that this data "cannot easily be fitted into usual classifications",⁶¹ nor can it alone lead to a sufficient understanding of the relationships in land.

Two tables are cited below, one in which the size of holdings has been bracketed along a range upwards, and the other in which the 'size group' is aggregated in cumulative terms. Both provide evidence in the same direction (see below) and are used here for purposes of quantification.⁶²

61. Warriner, op. cit., p. 147.

62. Since aggregate data, prior to independence is not available, for the entire country, post independence data is being used to bring out the characteristics of ownership and operational holdings. As both recommendations and concrete measures to reform the agrarian structure were discussed and adopted during

The tables summarise the pattern of distribution of rural households and area owned and operated by size of holdings.⁶³

Table 1 : Percentage Distribution of (all) Rural Households and Area Owned by Size Groups

Holding size in Acres (including purely non-agricultural holding also)	Households in %	Area in %
0.00	23.09	-
0.01 to 2.49	38.15	6.23
2.50 to 4.99	13.49	10.09
5.00 to 9.99	12.50	18.40
10.00 to 49.99	11.83	47.74
50.00 to 99.99	0.76	10.34
100.00 and above	0.18	7.20

Source: NSS Report on Landholding 1954-55, 1st Report.

cont...

1946-1952, it would not be totally outside the context to use the National Sample Survey reports on Landholdings for the years 1954-1955, as it contains the most comprehensive data on the subject for the national level.

63. M.L. Dantwala, "Agrarian Structure", Seminar, No. 38, October, 1962, p. 30.

Table-2: Distribution of Landholdings in India

Size group	Ownership % of Rural Households	Holdings* % of Total Area	Operational % of Rural Households	Holdings** % of Total Area
0.00 or less than 0.005 acres	22.00	-	6.34	-
Less than 1 acre	46.89	1.38	40.23	1.25
Less than 2½ acres	60.76	6.31	54.80	5.93
Less than 5 acres	74.42	16.77	70.71	16.79
Less than 10 acres	87.29	35.99	85.58	36.42
Less than 20 acres	95.07	58.94	94.42	59.71
Less than 30 acres	97.57	71.95	97.28	72.81
Less than 50 acres	99.14	84.40	99.09	85.51
- - - - -	- - - - -	- - - - -	- - - - -	- - - - -
TOTAL	100.00	100.00	100.00	100.00

Source: National Sample Survey, First Report on Landholdings, Rural Sector, 1958, Taken from K.N. Raj, op. cit., p. 229.

* Ownership holding was defined as the area of land held in permanent heritable possession (occupancy right) with or without the right to transfer such title.

** Operational holding was defined as all parcels of land located anywhere, under a distinct unit of technical and economic management for cultivation or other purposes. It included land owned, self operated and land leased. K.N. Raj, op. cit., p. 229.

A close analysis of Table 1 reveals some crucial features of our agrarian structure. At the bottom, a little over one-fifth of the rural households (23.09) owns no land. While more than one-fourth of the households have a small parcel of land less than one-acre in area. Thus a little less than half of the rural households have either no land or own less than one acre. Still another group of rural households constituting more than fifty percent of the total (38.15 + 13.49) owns less than five acres of land each. While at the top less than one per cent (0.76 + 0.18) of all rural households own more than fifty acres of land, the total area amounting to 17.54 per cent. (10.34 + 7.20).

By taking into account another set of data (see Table 3) it can be shown that as much as fifty five to fifty six per cent (13.01 + 22.95 + 19.22) of the owned and operated land existed in farm units between five to thirty acres.

Table 3: Owned and Operated Holdings

Owned or operated Holdings	% of owned land in the group	% of operated land in the group
50 acres and more	15.60	14.43
30 - 49.99	12.45	12.76
20 - 29.99	13.01	13.10
10 - 19.99	22.95	23.29
5 - 9.99	19.22	19.63

Source: M.L. Dantwala, "Small Farmers not Small Farms" in A.M. Khusro, (ed.), Readings in Agricultural Development, (Allied Publishers, 1968), p. 419.

Therefore if about three-fourth's of all the households have either no land or less than five acres, at least two-thirds of the cultivable land was tilled in units which could not be characterised as uneconomic.⁶⁴

It can be concluded from the above examination of data on the Indian pattern of land ownership and rural populace that:

- (a) a large proportion of rural households are either landless or hold tiny pieces of land.⁶⁵
- (b) a large proportion of land is held on a 'spectrum' of small holdings, ranging from the very miniscule to the relatively big.⁶⁶ (middle sized shown as 5.30 acres).
- (c) heavy concentration of land ownership in the hands of a minority of landowners (less than one per-cent).⁶⁷

Thus as Warriner points out the Indian land structure is an amalgam of 'elements not commonly found in conjunction'.*

64. According to Indian techniques and standards the Congress Agrarian Reforms Commission, fixed five acres as an economic holding.

65. Warriner, op. cit., p. 143.

66. Ibid.

67. Dantwala, op. cit., p. 31.

* See Appendix A for more recent data on Landholdings which highlights that statistically little change has been observed.

Whereas (a) is generally 'characteristic of large estate system', (b) is a peculiarity of 'peasant economics', and (c) is an aberration of a feudal system. What emerges as the Indian agrarian pattern is a combination of features found in different land tenure systems. The highly complicated and 'mixed' nature posited the need for different strategies of reform, so as to tackle each at its own plane. It is with a background of this reality that the nationalist option began to crystallize towards accepting the 'mixed-moderate' type of reform for India. It is attempted in the next section to delineate the genesis of this thought process during the national movement.

III. Movement Towards a National Policy on Land Reform

At the intellectual plane, the changes that were taking place within the socio-economic materiality, soon induced amongst the urban educated milieu an understanding of the growing contradictions in the sub-continental economy. It is precisely in interpreting this reality that the intelligentsia were caught with a new found vision which emerged forth in an inventive response. In other words they developed a 'critique' of colonialism. The impetus for such a critique came from, the effects, of the earlier introductions by the British in the agrarian field.

The drain of wealth from India denuded her of her agricultural surpluses, savings and sources of capital accumulation, leading to famines, starvation and backwardness. Moreover the "official British diagnosis" took an "insular view of her agrarian problem, analyzing it in isolation from the overall economic underdevelopment characteristic of colonial domination".⁶⁸ The remedy accordingly lay in a 'technologically bias' development unrelated to the depressive effects of the agrarian structure.

Thinking on the land problem, began during the national movement and was associated with an entire climate of opinion, that was essentially nationalist. The 'economic nationalists' or the moderates approached the agrarian problem from a scientific standpoint' convinced that only a holistic treatment could provide suitable remedies. For both Ranade and R.C. Dutt agriculture could not be divorced from industry. The accelerated development of the latter, as well as the transformation of the former on capitalist lines in which a new class of entrepreneurial farmers would play central role were the main features of their prescription.⁶⁹

68. P.C. Joshi, "Pre-Independence Thinking on Agrarian Policy", Economic and Political Weekly, February 25, 1967, p. 447.

69. Ibid., p. 448.

Though they were not unaware of other specific issues like the landlord-tenant relationship and the peasant problem, it is with Tilak and the 'extremists phase of the Congress' that references were made to the peasant as the "soul of India". Another tendency generated during this period was the futility of a national movement, within which no new manifestation relating to an Indian genius emerged.⁷⁰

The protagonist of this genius was the Indian peasant, who arrived on the national scene with his apostle, Gandhi. In the aftermath of the latter's entrance, the anti-colonial movement, till then identified with the cities and small towns came to be oriented towards the village. By adopting a number of peasant problems as demands of the Indian National Congress, Gandhi was able "to arouse their consciousness and their age old passivity for active participation in the national cause".⁷¹ The launching of the two peasant movements at Champaran (1917) and Kheda (1918) under his leadership made no-tax campaigns a central cause of protest for the peasants. That revenue assessments were not sacrosanct was thus proved to them in actuality. Yet it was his attempt always to direct peasant grievances towards the

70. Shankar Ghosh, *Political Ideas and Movements in India*, (Allied Publishers, First Published, 1975), p. 45.

71. Joshi, *op. cit.*, p. 451.

colonial government, rather than the native landlords so as not to raise any class issue thereby injuring the unity and national character of the movement.⁷²

Although for him individually there was a deeper concern for pursuing this tactic, and that was the philosophy of 'trusteeship', according to which Gandhi was not in favour of either the landlords or the peasant's exclusive control over the land but an 'economic partnership' between them.⁷³

The Gandhian era as the period, post-1920 is known as, was one in which the Congress identified itself with the peasantry, but ideologically it also signalled the splintering of the existing consensus into various camps.⁷⁴

International revolutionary developments both in arenas of thought and movements had a profound influence on the younger elements in the Congress. Led by Nehru and Bose, this group heralded the banner of socialism, articulating a specific commitment on the socio-economic

72. See Francine Frankel, *India's Political Economy 1947-1977: The Gradual Revolution*, (Oxford University Press, 1978), pp. 33-47. Also see P.C. Joshi, *ibid.*

73. Joshi, *op. cit.*, p. 452.

74. Suntharalingam, *Indian Nationalism: An Historical Analysis* (Vikas Publishing House, 1983), p. 296.

objectives of political independence. If the 'masses', the 'landless labourers', the 'peasantry', had to profit from this independence "the social fabric would have to be changed and I think that the only effective change can be the foundation of a democratic socialistic state".⁷⁵

By the late 20's these ideas had begun to crystallize, which became evident at the Jhansi conference (1928) of the UP Congress Committee. In the evolution of India's agrarian policy this marked a historical turning point, as the issue of land tenure systems, especially the case of the zamindars was discussed. Commenting on it, "a leader of national importance" said, "we must... face this problem of landlordism and if we face it what can we do with it except to abolish it? There is no halfway horse. It is a feudal relic of the past utterly out of keeping with modern conditions".⁷⁶

The peasant question had arrived. Congress resolutions, espoused the urgency of revolutionary changes "in society to remove gross inequalities". The Independence pledge at Lahore made mention of peasant exploitation and burdens on the peasantry.

75. Jawaharlal Nehru, quoted by H.D. Malaviya, Land Reforms in India (Economic and Political Research Dept., A.I.C.C., New Delhi, 1954), p. 19.

76. Ibid., p. 20.

During the Civil disobedience movement (1930) 'no tax campaigns' were launched particularly in areas of Gujrat, UP and Andhra. Experiencing effects of the global depression, erratic weather and poor harvest, the peasantry joined with enthusiasm, adding intensity to these agitations.⁷⁷ Thus when the Resolution, on 'Fundamental Rights and Economic and Social Changes' came it incorporated a few peasants demands, like reform of land tenure' and substantial reduction in agricultural rent and revenue paid by the peasantry".⁷⁸

Following large scale government repression, thousands of political leaders were imprisoned. Entrapped in iron frames they pursued an intense debate on the content of freedom for India. The removal of foreign shackles must also mean 'the end of exploitation and social freedom' for the masses, was widely accepted.⁷⁹ That tinkering merely at the super-structural level, especially in the agrarian sector, would not achieve these desired ends, was clear. Nehru considered it "highly doubtful if this problem can be solved piecemeal and without changing completely the land system".⁸⁰ The new ideas of change,

77. Suntharalingam, op. cit., pp. 318-19.

78. See Malaviya, op. cit., pp. 27-29; and Suntharalingam, ibid., p. 325.

79. Malaviya, ibid., p. 56.

80. Nehru, quoted by P.C. Joshi, op. cit., p. 453.

were emphatic that no solution was possible without completely overhauling the system of land tenure.

Meanwhile peasant unrest particularly in UP, took on the slogan of 'no-rent' sanctioned by the Congress Committee of the province.⁸¹ Mass mobilization of the peasantry not only extended the social base of the Congress, it also threw up a leadership championing their cause. This was evident organizationally by the setting up of 'Kisan Sabhas' in various provinces, the Congress Socialist Party (1934) and finally the All India Kisan Sabha in 1936. Using the cover of the Kisan Sabha, the Congress held a conference at Allahabad in April 1935 under the presidentship of S.V. Patel. It is here that a number of important resolutions were adopted, including 'conferring occupancy rights on all statutory tenants, reducing rent pending the abolition of the zamindari system; the introduction of peasant proprietorship under which the tiller of the soil was himself the owner of it.⁸² The payment of 'reasonable compensation' to the zamindars in several instalments so as to become owners of the land and the overall supervision of these changes to be made by the government.

81. Suntharalingam, op. cit., p. 326.

82. Malaviya, op. cit., pp. 58-59.

These proposals accepted outside the platform of the Congress, were incorporated officially the following year, as the famous 'Faizpur Agrarian Programme'.⁸³ Through the mediation of Nehru, the AIKS, the Congress High Command were able to chalk out a common ground plan on which to cooperate. The same became part of the Congress Election Manifesto of 1937, which the Kisan Sabha openly supported.

Nevertheless, such support was only temporary. The Congress ministries formed in 1937 soon had to face popular street demonstrations and 'strident' criticism launched by the AIKS. This was directly a result of infiltrating the ranks of the Congress, by communists and Royists through the open membership of the CSP.⁸⁴

With the increasing involvement of the peasantry in the forefront of agitational politics, the need for land reform became imperative. The swelling membership of the Kisan Sabhas,⁸⁵ with its atmosphere increasingly being pervaded by socialism and communism further rarefied the lines, the debate was to take on any future agrarian change.

83. Frankel, op. cit., pp. 56-58.

84. Haithcox, Communism and Nationalism in India, (Princeton University Press, 1971), p. 234.

85. N.G. Ranga claims that the membership of the Sabha at this time was a total of 572,300, of which a substantial number belonged to Bihar (250,000), Cited by Frankel, op. cit., p. 59.

✓ Three distinct world views on the post-independence agrarian solution each having its vocal supporters within the Congress, emerged.⁸⁶

The most radical, of them was the communist blueprint, which highlighted -

- 1.1 the shape and effect of the colonial economy on the institutional framework of agriculture,
- 1.2 that the negative consciousness aroused during this time i.e., the national movement had two facets, (a) anti-colonial and (b) the 'awareness of internal class cleavages',
- 1.3 the perception of class contradictions in society for which the 'conservative nationalist prescriptions of economic development was inept.
- 1.4 The necessity of a 'political revolution' which would simultaneously attack 'feudalism' and 'capitalist landlordism' so as to change the balance of power in favour of the peasants.
- 1.5 In the intermediate phase, take over land above a certain ceiling without compensation, and distribute it, to make the slogan 'land to the tiller' a success.

86. Adapted from P.C. Joshi, Land Reforms, Trends and Perspectives, (Allied Publishers, New Delhi, 1975), p. 38.

- 1.6 Ultimately the nationalisation of land with the aim of setting up collectives and state farms.

Second, the Gandhian blueprint which was worked out within the exigencies of the national movement, and therefore remained the most pliable.

- ✓ 2.1 During the anti-colonial struggle, Gandhi was not willing to sanction anti-zamindar campaigns. He said "I shall be no party to dispossessing the propertied classes.... I am working for cooperation and coordination of labour and capital, landlord and tenant".⁸⁷

- 2.2 However in his conception of free India, the village occupied a pivotal position wherein the positive traditions' based on interdependence, cooperation and balance was to be resuscitated.

- 2.3 Such regeneration entailed according to him a 'change of heart'. Both village life as well as property relations could be significantly altered via trusteeship, whereby through moral conversion the landlords would hold their lands in 'trust' for the tenants giving them a major share of the produce.

87. Gandhi, quoted by Abha Gandya, "Gandhi and Agrarian Classes", Economic and Political Weekly, September 30, 1978, p. 1078.

- 2.4 For equitable distribution of wealth, urge the landed classes through social pressure to voluntarily surrender a part of their land for the landless.
- 2.5 Towards the later years, Gandhi's views underwent substantial changes and he submitted that if the zamindari system "cannot be mended it should end itself.
- 2.6 By 1947, he gravitated towards the position that "sabhi bhoomi gopalki" (all land belongs to Gopal or the state). He now came to believe that if change did not come, the state would intervene and end the system of exploitation.

As is evident from above no definite steps towards a land reform policy were enunciated. The "radical nationalists" to whom the third viewpoint has been ascribed⁸⁸ stood for a modernized, progressive and developing India. While using the same analytical framework of the first, they arrived at a different set of solutions.

- ✓ 3.1 The backwardness that India had been relegated to because of colonial exploitation could be corrected via centralized national planning and state control over development processes.

88. Nehru and his associates, Joshi, op. cit., p. 38.

- 3.2 The emphasis on economic development especially the industrial sector as the core answer to her problems.
- 3.3 Agriculture to be seen in relation to the overall strategy and more particularly the changes within the agrarian sector.
- 3.4 Abolition of feudalism and subsequent land reform keeping in mind agricultural output both of food-grains and 'marketable surplus' for industrial growth.
- 3.5 The goals of development being socio-economic equality and justice to be achieved within a democratic framework.

The gaps in these divergent alternatives had to be bridged, and it is in this, that Nehru's role must be seen as a 'creative contributor', in tackling problems of socio-economic development.

✓
Nehru
Aware of and a witness to the crises facing western capitalism, Nehru was in search of a new path of development, adaptable to India's peculiar socio-cultural milieu.⁸⁹ The modernist intellectuals alongwith the socialist wing of the Congress headed by Nehru were finally able to

89. Joshi, "Pre-Independence Thinking on Agrarian Policy", op. cit., p. 452.

piece together an acceptable framework which Frankel calls the "Gandhian-Socialist consensus".⁹⁰

On the threshold of independence the report of the Congress Economic Programme Committee, made public some aspects of this consensus. Accordingly the "next great task" before the Congress was to extend democracy from the political to the social and economic spheres, leading to decentralization of power.⁹¹ Having included zamindari abolition in the party's election manifesto of 1946⁹² the committee made a plea of placing acquired surplus land at the disposal of village cooperatives.⁹³ Within the rural sector it also recommended; an end to all forms of tenancy, ceiling on property in land, elimination of the middleman and the formation of village credit, marketing and processing societies.⁹⁴ The direction of decentralization was set into motion.

Another high level committee was appointed by Rajendra Prasad the then President of the INC to examine and make recommendations on post-abolition agrarian reforms. Headed by Kumarappa, the Congress Agrarian Reforms Committee submitted its report in July 1949.

90. Frankel, op. cit., p. 15.

91. Malaviya, op. cit., p. 78.

92. Frankel, op. cit., p. 67.

93. Thorner, op. cit., p. 56.

94. Frankel, op. cit., p. 68.

The committee set down four main standards, to govern the government's agricultural policy. They were

- ✓(a) the agrarian economy should provide an opportunity for the development of the farmer's personality;
- (b) there should be no scope for exploitation of one class by another;
- ✓(c) there should be maximum efficiency of production; and
- ✓(d) the scheme of reform should be within the realm of practicality.⁹⁵

Keeping in tune with earlier Congress recommendations, the report reiterated that there was no place for intermediaries and that land must belong to the tiller. Subletting was prohibited except in exceptional cases of widows, minors and other disabled persons. In the transitional period, the actual tillers, if they could prove continuous cultivation over six years were to get automatic full occupancy rights. The Report categorised land holdings into economic, basic and optimum types.

Economic: those which could afford a reasonable standard of living, and full employment to an average size family (five members) and at least a pair of bullocks. Basic: holding below the economic, which are palpably uneconomic by standards of the economic holding but "may not be inefficient for purposes of agricultural operations".

Optimum: Given the extent of land hunger in the country,

96. Report of the Congress Agrarian Reforms Committee (A.I.C.C., 2nd Edn., Delhi, 1951), p. 7.

the report came out flatly to support a ceiling to the size of holdings which any one farmer should own and cultivate, "as not doing so would be irrational and unjust". It therefore recommended that the optimum size should be three times the size of the economic holding.

Such categorisation had a dual usage for other recommendations.

1. ✓ Owners who had been cultivating their lands were allowed to retain land upto optimum while those who had been leasing out land to tenants were allowed to resume land for personal cultivation from tenants who had land in excess of an economic holding. Protected tenants were given the option to buy land from owners already personally cultivating land in excess of the optimum. If at the end of this process there still remained land, it was to be acquired at prescribed rates by the village community for cooperative working.
2. ✓ No single system.

Corresponding to the variegated land tenure systems and people supported by land, no one particular type of farming was proposed by the committee. Instead each category of land holding was to farm on a different pattern. For the economic holding, individual peasant farming

supported by multipurpose village cooperatives was recommended, while the basic or below that were to be amalgamated into joint cooperative farms, pooling in land, farm implements and bullocks. On reclaimed waste lands or those acquired through ceilings, the rehabilitation of landless labourers by introducing collective farming or sold out to an economic holders, was suggested. Lastly state farms were to be started purely for reasons of agricultural research and experiment on government owned lands.

The main instruments of implementing the slogan of 'land to the tiller' thus were, individual peasant ownership and cooperative farming.⁹⁶ The report however did not specify any definite time span in which these changes would emerge. It only candidly expressed the hope that it would, 'after an indefinite period of transition'.

This was in fact a feature of all the recommendations spelt out by the report, i.e., they related largely to principles alone making no mention of actual extents, size or terms of compensation. There were of course reasons for this. The complexity of varying land tenure systems from state to state made it impossible as well as impracticable to frame precise measures applicable for all India.

96. Warriner, op. cit., p. 151.

The federal framework that India adopted for governance divided subjects between the centre and the states in a manner whereby land reform came to be a part of the state list. This was done so that the different land tenure systems inherited, could be tackled at the local level by the state governments. Thus the centre delegated the task of making laws, affecting majority of the populace supported by land, to the states, while itself taking on the role of initiating, guiding, suggesting and exerting pressure on state power structures to enforce land reforms. The avenue of foci had certainly shifted to the Vidhan Sabhas (State Legislatures) of state capitals which became centres of the 'realpolitik' behind land reform legislation.

The aim in this chapter has been to discuss the various perspectives on the meaning of land reform, and how a land reform policy, which is pursued must relate to the agrarian structure in which it is to operate. The purpose of this discussion was to relate it with the specific agrarian structure of India, and the official definition adopted by the Congress. To sum up, the Congress adopted the mixed-moderate type of reform, combining a multitude of objectives. Those of abolishing landlordism with compensation, accepting in principle that ownership should belong to the cultivator, to make this a reality by redistribution

and to energize agriculture so that it could effectively participate in the expanding capitalist domestic market. In other words, Congress adopted the framework of 'economic growth with social justice'. The attempt further is to analyze how this land reform policy was operationalized in the state of Bihar between 1947-1967.

Chapter - 2

BIHAR PROFILE

I. Historical Antecedents

Of the different land tenure systems introduced by the British, Bihar came under the permanent settlement. Being part of the eastern provinces, it was amongst the earliest areas, to be hegemonized by British imperial interests.

Internally, the existing Moghul order had started disintegrating, with the local governors becoming more and more independent of the 'court at Delhi'.¹ A weakening centre gave them the opportunity to become financial administrators' asserting their hereditary and proprietary rights over the areas under their control. At the time when the British received the Diwani of Bengal, Bihar and Orissa, the area was a chaotic ensemble of revenue farmers who were involved in a disorganized scramble for securing greater amounts of income from the land. Thus the East India Company came to be charged with the right of revenue collection and alongwith invested with extensive powers in fiscal and civil jurisdiction. With practically no experience of revenue administration and an insufficient knowledge of indigenous land tenure systems the merchants

1. Atul Chandra Guha, Land Systems of Bengal and Bihar (Thacker, Spink & Co., 1915), p. 72.

and officials of the company found their new tasks quite onerous.²

At first, apart from appointing 'Reza Khan as its naib-diwan to manage the revenue collection' the company made no other change. But when anticipated returns did not flow in, 'supervisors were appointed to superintend the collection of revenue' they also consequently proved to be ineffective leading to the takeover by the British in 1772 of the revenue collection under its own direct supervision.³

Entrusted with the task of, tackling the problem of revenue fixation and collection, Warren Hastings the newly appointed Governor General, launched a number of short term experiments to discover the 'rent potential of land' and the most suitable agency for collecting it. Without introducing a new land revenue policy, the quinquennial settlement was concluded with farmers offering the highest bid. The result was a medley of rights newly found, and rights dispossessed of. So as to correct the mistake, annual settlements followed which only shifted the mosaic relations pertaining to land revenue. Successful bidders apprehensive of whether the same lands would be re-let to them the following year, increased the number of exactions, thus

2. Ibid., p. 73.

3. Ibid., p. 75.

collecting whatever they could in the interim. This further aggravated revenue management, of which the absence of uniformity, became a distinctive feature.⁴

The court of Directors soon realized that only a long-term settlement would ensure a stable return from land. For this effect an enquiry was ordered into the existing agrarian conditions, while Cornwallis the most 'appropriate person' to mastermind such a change was sent out to India.

An intense debate followed which while, weighing various proposals sought to introduce an expedient tenural system capable of circumscribing the chaos that prevailed in the countryside. The common concern of all opinion and consensus seemed to focus on permanence. Convinced of the failure of the five-year system, Hastings proposed "that the revenue should be farmed out to persons, preferably zamindars for life".⁵ The Pitts India Act (1784) directed

4. Ram Narayan Sinha, Bihar Tenantry (Progress Publishing House, 1968), pp. 19-21. Sinha lists a number of holdings-types in which the rent varied according to the nature of the soil; the 'thika' holding which was rated at a fixed sum per bigha. The 'bhauri' where the assessment was based on a share of the crop. Further the 'bhil' lands were subdivided into (a) 'teckoore' and (b) 'punchdoo'. The distinction between the two, was based on the mode of sharing the produce between the ryot and the government. While in the former it was 1/3rd and 2/3rd respectively, in the latter it came to be 2/5th and 3/5th. Lastly land around Tirhut called 'hooda' was one in which the whole produce was assessed at a certain sum of money, subject to no further deduction or additions.

5. Ibid., p. 11.

the company to "establish upon principles of moderation and justice permanent rules by which the tributes and rents... "could be paid to the company".⁶ The Court of Directors also agreed that a permanent revenue on the basis of a review of earlier years was the most practicable. However the person most convinced about a permanent settlement was Cornwallis himself. Determined to bring an end to the 'state of uncertainty', he argued cogently against all objections raised by his ardent lieutenant, John Shore.

Accordingly it was proposed that the decennial settlement introduced in 1789 would become permanent, with the lapse of the former.

Shore's dissent related to the 'timing and details' rather than the principle behind the operation. According to him the government lacked the necessary information of the existing resources, the extent of waste land and the real persons deserving settlement. He warned that a irreversible decision at this juncture would deprive government "of its share in the future increase of the rentals", and that the 'permanent settlement would mean a permanent loss' to the British in coming years.⁷

6. Guha, op. cit., p. 77.

7. R.B. Chaudhary, *The British Agrarian Policy in Eastern India, Bengal and Bihar 1859-80*, (Janaki Prakashan, Patna, 1980), p. 3.

Cornwallis on the other hand was not patient to wait for the results of any enquiry, and as Guha asserts, he alone was "responsible for making the settlement permanent upon imperfect information".⁸ He also decided that the zamindars were the "proper persons" with whom settlement would be made. Since the new system of tenure was conceived in a liberal spirit, it bestowed 'inform status' to all zamindars. Thus obliterating all previous differences based either on custom, source of origin, or law.

As to, future fiscal losses, Cornwallis rebutted, that the increase in income from the taxes upon articles of trade as well as the volume of trade because of agricultural prosperity would amply compensate for it.⁹ He was also expecting the zamindar class to become patrons of British manufactured goods thereby expanding the market for them here.

By analyzing the existing rent rates Cornwallis came to belief that the rent in Bengal at that time had reached its maximum possible level.¹⁰ That is, since land was in abundance, but population sparse, there was no competition to push up rents beyond the customary rates. On no other

8. Guha, op. cit., p. 83.

9. Chaudhary, op. cit., p. 5.

10. Guha, op. cit., pp. 95-96.

point was Cornwallis as shortsighted as on this, as the increasing population, subletting and sub-divisions, led to 'competition rents' enhancing the same multifold.

He was convinced that proprietary rights in perpetuity, would attract capital to land, and the landlords once assured of their profits would 'revolutionize' the agrarian structure. It was argued that the 'magic touch of property would set a certain productive principle in operation. Shore doubted the capacity of the zamindars to shoulder such responsibilities. In his opinion they were "incapable, profligate and completely ignorant of estate management, and instead of improving their estates would ruin them completely".¹¹

Another lacuna for the British was that, little was known of the actual rights and rents demanded from the ryots. Shore was of the opinion that unless their interests were protected no agricultural prosperity would be possible. Therefore it was necessary to reduce "the complex and confused relation of landlords and tenants to simple principles".¹² Cornwallis however had faith that the zamindars would conduct themselves with moderation towards the tenants. The combined effect of, the permanent settlement, a fixed revenue demand, and patta regulations would automatically

11. Chaudhary, op. cit., p. 3.

12. Ibid.

adjust relations between them, on a secure footing. The element of failure was slight, nevertheless in case of its occurrence, Cornwallis retained the prerogative to intervene and pass legislation to protect the ryots in future.

Shore felt that it would be advisable to await the result of further enquiry before concluding a settlement. But Cornwallis remained undeterred. He viewed imperial needs from a 'wider perspective of being able to furnish large annual investments to Europe, to give considerable assistance to the treasury at Canton, and to supply the pressing and extensive wants of other presidencies'.¹³ Moreover as Chaudhary, points out, the Governor General wanted "to introduce his scheme, in his own tenure which was to expire in 1793".¹⁴

Thus the permanent settlement became a reality. Its broad aims were, (a) the creation of a 'contented middle class' who would prove to be a reliable ally to British rule in India. In fact the settlement was made without a survey or detailed valuation of land. Apart from being a laborious task, it was also thought that any attempts "to pry into the interior concerns of the states

13. Ibid.

14. Ibid., p. 2.

would be prejudicial to the interests of the new landlords and excite their distrust".¹⁵ Besides a secure landholder "in the quiet enjoyment of a profitable estate can have no motives for wishing a change".¹⁶ (b) the permanent limitation of the government land revenue demand would be an incentive to improve the cultivation of their lands, as also to extend the area of tillage by clearings forests, including waste lands. (c) to create an atmosphere of peace and stability in the rural areas.¹⁷ (d) to rid the British from the burden-as well as the expense of future assessments of revenue. (e) to ensure a 'punctual and regular source of income for the government, and (f) as a policy of administrative convenience, 'relieving the burden of maintaining an elaborate arrangement for the collection of rent and management of revenue affairs'.

The working of the new system soon enfolded numerous discrepancies detrimental to the interests of the cultivators and the development of the economy.

The chief problem of the settlement lay in the absence of any 'active provision' for safeguarding subordi-

15. Badel and Powell, op. cit., p. 158.

16. Chaudhary, op. cit., p. 4.

17. Girish Misra, Agrarian Problems of Permanent Settlement: A Case Study of Champaran, (Progress Publishing House, 1978), p. 7.

nate interests. The authorities contented themselves with a vague reservation of the right to interfere to protect the ryots. However such reservation was a 'dead letter' as it remained inoperative and when it did operate, it strengthened the hands of the zamindars.

To bind revenue for all time has also been questioned on constitutional grounds.¹⁸ Limiting the taxable potential of one class would lead to an inequitable and unjust situation in which one group would never be called upon to enhance its burdens, while others would have to cope with regular increments.

Impact of Permanent Settlement

In the immediate aftermath of the new introduction, the zamindars came under severe strain in the changed tenurial system, they were deprived of earlier police and judicial powers, as well as their rights to levy sairs on trade through their territories. Their existence was linked primarily to the fulfilment of economic responsibilities, of which the most crucial was the payment of revenue. This itself was not moderate, but 10/11ths of the gross rental value, whose every instalment had to be paid promptly and punctually.¹⁹

18. Guha, op. cit., p. 99.

19. Chaudhary, op. cit., pp. 6-7.

Neither the zamindars nor the ryots were in the habit of paying dues rigidly. The old temperament and tax attitudes were not to be changed by rules and enactments, thus leading to numerous cases of defaulting defrayments. Since property rights had transformed land into a marketable commodity, the provisions of regulation I of 1793 made it possible to sell estates for arrears of revenue. Thus a number of old zamindars broke up, and as Guha sums up "it was a great social revolution in which more than a third of the landed estates changed hands".²⁰ The landlords, in due course of time, however were able to consolidate their positions, because of their innate nature, the developments in the economy and by the connivance of the state machinery.

Not willing to bear the burden of efficient management of their estates, yet retaining its status, many a smaller estates of minor value were carved out for an agreement to pay a fixed sum of money. This arrangement retained the superior status and name of the landlord, while also procuring revenue dues more easily. These inferior holders of tenures followed the "same practice till tenure within tenure became the order of the day"²¹ and many

20. Guha, op. cit., p. 124.

21. Ibid., p. 106.

layers of intermediaries emerged between the cultivator and the proprietor. This has been described as sub-infeudation. Such a process, made it possible for the zamindars "to maintain and advance their local political position", by "increasing the number of people under their control". Further 'they displayed, little interest in new techniques, or in re-investing their profits in capital improvements' rather they used them to service extensive patronage and credit net works and to bolster their prestige by means of conspicuous consumption".²²

New economic conditions also greatly improved their resources. Under the permanent settlement, all waste lands were part of the zamindari tracts, and as these 'formerly uncultivated lands came under the plough' they added to the coffers of the landlords. Secondly the rapidly swelling population figures led to the growing demand for land which "meant that rents could be raised without a commensurate increase in production". In addition this implied "an over-supply of labour keeping wage bills low".²³

To safeguard the customary rights and privileges of the ryots, the Permanent Settlement included, the grant of

22. Stephen Henningham, Peasant Movements in Colonial India: North Bihar 1917-1942 (Australian National University, 1982), p. 19.

23. Ibid.

pattas or leases, specifying the area of the holding, the conditions of tenancy and the due rent. By the enactment of Regulation IV of 1794 such interchange of pattas, 'for the zamindars to give and the ryots to accept' was made compulsory.²⁴ Further to prevent rack-renting, the imposition of any new abwabs were to be regarded as exaction and declared punishable by subjection to gross penalty.²⁵ (Regulation VIII of 1793). The receipt of a patta, implied fixity of rent, security from eviction at the discretion of the zamindar and freedom to take decisions regarding production. The aim of such regulations was to make the tenant the main beneficiary of increasing production.²⁶

The optimism of such a logic working out was based on a self enforcing principle than on reality. V.A. Smith goes to the extent of saying that the reasoning behind it was so weak "that it hardly deserved the trouble of refutation".²⁷ Sinha points out, that in the absence of an effective machinery to enforce these regulations, it remained merely an assumption that mutual interests of the zamindars and ryots would automatically create this protection. In

24. Chaudhary, op. cit., p. 9.

25. Sinha, op. cit., p. 66.

26. Misra, op. cit., p. 8.

27. Smith, quoted by R.N. Sinha, op. cit., p. 65.

a majority of cases the patta system remained inoperative. In fact in Bihar, Regulation II of 1794 suspended the enforcement of pattas in Bhagalpur, while Regulation IV of the same year exempted Ramgarh and Purnea as well. It also failed to take roots in Shahabad and Champaran.²⁸

The structural debility with granting patta, was the disinclination of both sides to be party to it. The zamindars began to evade their obligations, as it had the tendency to stagnate rents and thus prevent enhancements. Those who did grant them, inserted such extortionary rates that the ryots refused to accept them. Secondly since the term of pattas was limited to ten years, the ryots feared eviction on the expiry of that period, as well as weakening the force of their customary rights to hold land. Thirdly, the ryots were apprehensive of consolidating all demands into 'one lump sum' as it would form the basis of a new asul (original rent) to which fresh abwabs or cesses might be imposed. Fourthly, the cultivators as a rule held more land than they were rated for in the village registers and therefore avoided any agreement which specified the exact areas held.²⁹

28. Rakesh Gupta, Bihar Peasantry and the Kisan Sabha, 1936-1947 (Progress Publishing House, 1982), p. 10.

29. Guha, op. cit., pp. 121-22.

The unwillingness of the tenants to accept the pattas, made it easier for the zamindars to put up notification in their kutcheries granting pattas at rates unacceptable to the former. The failure to receive pattas forced the ryots to appear in the court to prove the pargana rates.³⁰

To do this was an improvable and tedious task, as the pargana rates 'were not universal'. It was, in fact "discovered by officials of the government that these rates were not properly fixed and at places it was impossible to ascertain what they were".³¹ The failure to define these precisely led to its illegal enhancement by the zamindars. Having opened avenues to enhance rents as well as impose new cesses, the zamindars found themselves with no commensurate powers to realise the same, from ryots, especially the defaulters. Complaining zamindars solicited the need for additional powers via which they could recover their rents promptly.

Aware that their own finances might be in jeopardy, the government passed various measures arming the landlords with extra-coercive authority. Regulation IV of 1794 was passed which gave zamindars the right to collect rent at

30. Gupta, op. cit., pp. 10-11.

31. Colebrooke, quoted by Gupta, Ibid.

rates offered in the lease, whether it was agreeable to the ryots or not.³² Rules were relaxed for the recovery of revenue arrears from the zamindars by providing that no sale of their estates was to take place, at least till the end of the year.³³

The epitome of such regulations came in 1799 as Qanun Haftam (Regulation VII of 1799) which enabled farmers of land "to realize their rents with greater punctuality" so as to pay public revenue without unnecessary delay.³⁴ It equipped them with 'practically unrestricted power' of arrest and distraint of the 'defaulters crops, cattle and personal properties', without sending any notice to any court or public officer.³⁵

Soon the infamous 'Haftam' and its evil results' became too widespread and glaring to be ignored. The extent of exaction and oppression was amounting to the near total obliteration of the ancient rights, enjoyed by the ryots of Bengal and Bihar.

That amendments in the land laws were urgently needed, if the ryots had to be protected was obvious.

32. Guha, op. cit., p. 123.

33. Chaudhary, op. cit., p. 10.

34. Ibid.

35. Guha, op. cit., p. 126.

'Qanun Panjam' or Regulation V of 1812 was enacted to release the tenants from the strangle-hold of the landlords, but in effect it only dampened the severity of Haftam. It abolished the power of arrest and made a written demand a necessary precedent to distraint, defaulters property. Further, all implements of husbandry and cattle used for agriculture were exempted from distress and sale. All attachments for rent were to be withdrawn if the tenant disputed the demand in a court of law.³⁶

Later regulations, neutralised the above provisions, thereby defeating the purpose of relief. Under Patni Regulation VIII of 1819, a system of sub-infendation was sanctioned by which, any engagement entered into by the previous holder and the ryot was made void. The tenants were thus placed entirely at the mercy of the new landlord. The Sale Law Regulation XI of 1822 and XII of 1841 further increased their powers in this direction. By the former the new 'auction purchasers' could evict all tenants except the Khudkast ryots who had their origin prior to the Decennial Settlement. In all cases however rents could be enhanced to a certain extent. By the latter a sale would nullify all tenancies and tenures created since the Settle-

36. Ibid., p. 128.

ment of 1789, thus leaving all tenants subject to enhancement, at discretion, after due notice was provided.³⁷

The simultaneous working of these laws, proved gravely injurious to the rights of the ryots, whose position was reduced to that of tenants-at-will in large numbers.

The expectation behind these changing laws was, that in time the relations between the landlords and tenants by mutual agreement could become analogous to that of the English landlord and farmer. To oversee and help in such a development the Patwari and the Kanungo were created. The patwari was entrusted with maintaining accounts, thereby ensuring permanency in rates. Also he was to furnish all information and explanation that was required by the courts to settle disputes. The Kanungo was to supervise the patwari in executing his functions as well as maintain public revenue accounts, to receive the returns and registers of zamindars.

The patwari who existed prior to the Permanent Settlement, now underwent a serious change. From a village servant being paid partly by small grants of government land and allowances from the body of cultivators, he was reduced to a

37. Chaudhary, op. cit., pp. 26-27.

servant of the zamindars, who appointed and paid his salary. The presumption that the patwari would act as a guarantor of ryots rights was too far-fetched, as in most cases he remained subservient to the landlord.³⁸ Thus the two offices largely worked contrary to the purposes intended for, leading to abolishing the Kanungo in 1827³⁹ and the patwari becoming a dead letter by the 1920's.

The final proof of both the rights and status of the tenants was the rent-receipt, which was denied to them by the zamindars. Thus it was difficult to ascertain the 'real rates' or the extent of enhancements for the want of documentary evidence. The bargaining position of the ryots, as a result weakened further deteriorating their traditional and long-term privileges as occupants of land.

Questioning, the efficacy of the Cornwallis system had begun by the early years of the 19th century and in time was given up for other land tenure systems. However within the permanently settled territories, it was becoming imperative for the state to intervene effectively to resuscitate the tenantry so as to save the system from a total collapse. This initiated a process, which ended, the first phase of

38. Gupta, op. cit., p. 13.

39. Guha, op. cit., p. 119.

'state intervention' leading to the second in which a series of measures seeking to restore the ryot at least partially were undertaken.⁴⁰

Sixty six years after the original settlement the Rent Act was passed with the earnest hope of protecting the interests of the ryots. In so doing it classified ryots in the following categories:

- (a) Those who held lands at unaltered rentals since the Permanent Settlement.
- (b) Those who had paid the same rental for twenty years were to be regarded as paying at unvarying rates since 1793.
- (c) Those ryots who cultivated or held land for twelve years, received a right of occupancy in it, as long as 'fair and equitable rents' were paid.
- (d) Those who held land for less than twelve years.

This last category got no rights which clearly pointed out that in actuality the Act protected the rights

40. Rakesh Gupta has divided the 'State Intervention' into two phases, upto 1859 and after 1859. In the first phase the Zamindars were given enormous powers to collect rents from ryots causing hardships to the latter. While in the second phase, the imbalance thus created was sought to be corrected at least partially, op. cit., p. 6.

of 'substantial middlemen farmers' rather than the real cultivators of the soil.⁴¹

The Act also amended the existing law, thereby making the exchange of pattas and kabooliyats compulsory, amending the law of distraint, making it difficult for the landlords, except on the previous production of kabooliyats. It abolished the power of the landlords to force the attendance of tenants against their will; arranged for the registration of transfer of tenures, and afforded the remedy of a summary process for the settlement of disputes concerning rents. Previously rent suits were tried in revenue courts but following the Act of 1859, they were transferred to the civil courts.⁴²

The Act proved formidable for both the tenants and the landlords. It demanded from the landlord the impossible proof that the value of the produce had increased in proportion to the enhancement sought.⁴³ While it gave to the ryot, rights that were impossible to establish in the absence of any documentary evidence. Thus it amounted to giving the ryot "a right which he could not prove...".⁴⁴

41. Chaudhary, op. cit., p. 40.

42. Gupta, op. cit., p. 18.

43. Guha, op. cit., p. 142.

44. Bاده and Powell, quoted by Gupta, op. cit., p. 19.

In response to these flaws, in 1879, a commission was appointed to examine and report upon the whole agrarian situation and draw up a consolidate enactment.

In accordance with the recommendations and the ensuing debate on it, the Bengal Tenancy Act of 1885 was framed. In contrast with the earlier Acts, this one set out to define terms with precision so as "to assist the development of legal rights and juridicial concepts". Terms like tenure-holder settled ryots, occupancy ryots, under-ryots were defined alongwith explanations in the Act.⁴⁵

To correct an abuse existing in Act X of 1851, it was specified that for a ryot to acquire an occupancy ryots status, he did not need hold the same land for twelve years, as long as he held any land for twelve years in the village, such a status would be guaranteed to him.

Enhancements of the money rent of an occupancy ryots could be made only under the following conditions, (a) the rate paid by the ryot was below that being paid by other 'occupancy ryots' for similiar type of lands, (b) a rise in the local prices, (c) that the productive powers of the land had been increased by the landlords resources or had

45. A.G. Roy, The Bihar Tenancy Act and Rules Act No. VIII of 1885, (Novelty Law House, Patna, 1974-75), pp. 6-15.

increased by fluvial action.⁴⁶ (This was not applicable to 'produce rents' which prevailed on a considerable scale in Bihar leading to continued harassment by the landlords and his agents).³

However, the act did give the power to ryots and landlords to apply for commutation of rent payable in kind to a cash rent.⁴⁷

Further the ryots of higher status (i.e., ryots holding at fixed rates and occupancy ryots) were given protection against arbitrary eviction. Unless (a) the ryots had broken a condition consistent with the Tenancy Act, (b) used the land in a manner which rendered it unfit for the purposes of the tenancy and only after a six month notice was supplied, could eviction be served.⁴⁸

A non-occupancy ryot who objected to pay enhanced rents, could get his rent fixed by the court, the regular payment of which entitled him to occupy, the land for five years. However the failure to pay rents could lead to ejection.

With a view to protect ryots in future as well as to introduce security and stability amongst the tenantry, the

46. Guha, op. cit., p. 164.

47. Gupta, op. cit., p. 47.

48. Guha, op. cit., p. 171.

Act directed the government to prepare a record of rights in the local areas.

The Act was subsequently amended, the most important change coming in 1907, which gave greater authority to the record of rights prepared under the Act and provided that every entry in it would be presumed to be correct, until proved by evidence to be incorrect. With some modifications the Act of 1885 later became the Bihar Tenancy Act. What is of import is that the Act still remain operative today even though it has been changed beyond recognition.⁴⁹

The other acts passed were more in the nature of supplements, as they dealt with specific districts like Champaran, Santhal Parganas and Chottanagpur.

Notwithstanding the ultimate purposes in these Acts, of fair rents, fixity of tenure and freedom to transfer, the consistent principle underlying the Permanent Settlement remained security of governmental revenue. The prime consideration of the British throughout was public revenue pushing into the background questions of who possessed or cultivated the land. At its best the Permanent Settlement can be called a 'benevolent blunder'⁵⁰ as it strengthened the

49. Arvind Das, Agrarian Unrest and Socio-Economic Change in Bihar 1900-1980, (Manohar, 1983) p. 23.

50. Guha, op. cit., p. 109.

hands of the land owning classes empowering them with excessive authority.

As most of the legislative enactments intended to look after the tenants, like the patta regulations, the pargana rates, the grant of rent receipts was also a failure. As also the twelve year stipulation of occupancy given in 1859 and amended by 1885, complicated land rights further. While it became the ambition of every tenant to retain his land for twelve years, it became a routine function of every landlord to change the tenants within the said period. This led to a high incidence of oral open agreements wherein additional levies were demanded of the tenants under one pretext or another. These illegal exactions were imposed by the zamindars and in most cases collected by their amlas. The abwabs were in excess of the rent, but over a span of time, they became part of the asal rent, thereby making it possible to extract fresh abwabs.⁵¹

The East saw the rise of a multiplicity of tenure rights. Sub-infeudation, the absentee landlord and difficulties in rent collection led to the development of numerous intermediate tenures. At the time of the Permanent Settlement these were recognized as 'shikmi', 'mazkuri' and 'shamili' tenures. Later the patnidar system emerged in

51. See Rakesh Gupta, op. cit., p. 24 and R.N. Sinha, op. cit., p. 28.

Bengal. Specific to Bihar, but parallel in form, came up the 'isitmari' the 'mukarrari' and the 'maurusu' tenures.⁵² These came under, tenures of permanent character and comprised ninety nine percent of the total number of estates in Bihar.

Two other types of tenures also existed, one, created for a temporary period forming 0.51 per cent of the total estates and the second, those estates which were held directly by the government.⁵³

Despite the capitalist concepts introduced by the British, the rent structure in Bihar continued to retain, produce rents especially in the South Gangetic plains. There were three distinct types of produce-rents the batai, the bhaoli or danabandi, and the mankhap.⁵⁴ The system

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52. Isitmari, a tenure which was permanent but did not imply fixity of rent. Mukarrari, a tenure of fixed rent but not necessarily one that was permanent and hereditary though it was commonly used for tenures that carried all the three qualifications. Maurusu, an ancestral tenure, more often of a ryots holding as distinct from tenancies acquired without memory, it did not usually in Bihar denote fixity of rent. See Rakesh Gupta, op. cit., p. 36.
53. Gyaneshwar Ojha, Land Problems and Land Reforms, (Sultan Chand and Sons, n.d.), p. 36.
54. Batai, a system in which the actual crop is divided usually half and half either in the field or on the threshing floor. Bhaoli or Danabandi, wherein the value of the crop was appraised on the ground, shortly before the harvest and a specified share of that value was paid by the ryot either in cash or in kind. Mankhap, under this system the ryot paid a fixed quantity of grain usually from eight to ten maunds per bigha, irrespective of the actual output.

has been compared to the Metayer tenure, but whereas the European metayer was secure of his land, certain at least of half the gain resulting from improvements, towards which the landlord also contributed, the Bihar ryot was insecure and had neither incentive nor capital to improve his lands. Under the Act of 1885, the landlord was given the responsibility of maintaining and improving irrigation works, for which his share in the produce was fixed at 9/16th of the total output.⁵⁵ Majority of the Bihar landlords however fulfilled, this responsibility in a lukewarm manner, claiming higher rents.⁵⁶ In fact the principle of dividing the crops between the landlords and tenants was frequently iniquitous. While the agents of the former were adept in the art of extracting more than what was due from the cultivator, some higher castes paid lower rents than the lower ones, and certain superior ryots manipulated matters in such a way so as to escape by paying only nominal rents.⁵⁷ Thus the bulk of the rental burden fell on the under-ryots and the lower ranks of the agrarian hierarchy.

To egress from this onerous burden tenants in large numbers sought commutation of rents into cash. However this transition in Bihar coincided with a period of

55. Guha, op. cit., p. 166.

56. Gupta, op. cit., p. 29.

57. Ojha, op. cit., p. 43.

'exceptionally high prices',⁵⁸ thus commutations were made for in excess of cash rents, prepared during the last record of rights. Moreover the revenue officers in most cases ignored the 'old cash rents' thereby raising the rents rates which remained relevant only for a short temporal length.

For soon the falling prices increased the incidence of defaulters, which resulted in large scale lands being sold in execution of rent decrees. Such landlord-tenants conflict led to swelling of rent suits, its unending proceedings exhausted the tenants of their financial resources forcing them deeper into debts."

Viewed in totality the agrarian situation in Bihar came to be infested by exploitative relations based on unequal principles, and feudal attitudes which were unable to transform the structural reality, whereby progressive forces could be unleashed. Therefore, Pradhan rightly labels the emergent land-structure as 'semi-feudal'.⁵⁹

58. Gupta, op. cit., p. 31.

59. Pradhan H. Prasad, "Semi-Feudalism: The Basic Constraints of Indian Agriculture", in Arvind N. Das and V. Nilakant (ed.), Agrarian Relations in India, (Manohar, 1979), p.36.

II. Creation of Bihar

While the Permanent Settlement was applicable to all provinces of the East, in its working out certain differences crept in especially between Bihar and Bengal. In the original settlement itself, the choice in Bihar was more accurate as most zamindars were descendents of local talukdars rather than Moghul Tax Farmers or Company Banians.⁶⁰ Apart from a handful of 'latifundists', (for ex., Bettiah and Darbhanga) most of the zamindaris were much more modest in scale than their Bengali counterparts. Moreover Bihar in large proportions escaped the disastrous effects experienced in the other, by the introduction of the 'Sunset Law.'⁶¹ Being away from Calcutta, distanced Bihari landlords from governmental norms and regulations, because of which it was possible for them to live in isolated splendour. These features nevertheless gave the region a continuity and a distinctive character of its own.

To situate the specificity of the province in differences alone would amount to highlighting the agrarian dimension only, especially as, Bihar's separate identity can be found in other commonalities also. Bihar's histori-

60. McDonald, "Unity on Trial: Congress in Bihar 1929-1939", in D.A. Low (ed.), Congress and the Raj, (Arnold-Heinemann, 1977), p. 292. See also in the same volume, Max. Harcourt, "Kisan Populism and Revolution in Rural India: The 1942 Disturbances in Bihar and East United Provinces", p. 318.

61. McDonald, Ibid.

cal tradition can be traced back to Magadha, the seat of Imperial greatness. It also had a long tradition of separate administration as a 'subah' of the Mughal Empire. Despite pockets of Muslim influence, it has been the 'home of extreme Hindu orthodoxy' which has survived intrusions on the strength of the caste system. An institution which played a very important role in generating and directing a modern consciousness.⁶²

Under the British, this identity was at first blurred as Bihar was administratively included in the Bengal presidency. As a result of an early start, in terms of western education and services, the Bengalis came to dominate majority of the new opportunities opened in governmental offices, plantations and Courts of Wards.⁶³ A small section of Bihari youth receiving modern education had to move out in search of employment. With no industrial development of worth, the "most energetic and intelligent of the younger generation were lost to the social and political life of the region"⁶⁴ as the economy was stagnating, and alternative sources of mobility were monopolized by an

62. Ibid., p. 290.

63. Girish Misra and Braj Kumar Pandey, "Socio-Economic Roots of Casteism in Bihar", in N.L. Gupta (ed.), *Transition from Capitalism to Socialism and Other Essays*, (Kalamkar Prakashan P. Ltd., New Delhi, 1975), p. 158.

64. McDonald, op. cit., p. 292.

outside community. The slow realization of the fact that Bihar would economically, politically and educationally flourish only if ^{it} were constituted into a homogeneous and separate administrative unit was a direct result of a late developed regional elite. Once a Bihari consciousness aroise, it soon verbalized the demand of "Bihar for Biharies".⁶⁵

The means to seek such a seperation, fitted with the larger national methodology of constitutionalism and gradualism. In keeping with this strategy, a newspapers called the 'Bihar Herald' was started in 1874. The educated political miliey also sought entrance into the Bengal Legislative Council. They succeeded in 1882, when for the first time Sri Harvansa Sahay of Arrah was nominated to the council. He was followed by Rai Bahadur Jayprakash Lall, the Dewan of Dumraon.

A number of leading personalities like, Rai Bahadur Gajadhar Prasad, Mahesh Narain, Sharfuddin, Syed Fazal Inam, Tej Narain Singh, Sir Sachidanand Sinha came together to discuss the need for an organ to voice their demands. This gave birth to the 'Bihar Times' in 1894 edited by Mahesh Narayan. The paper became a forum, in which a

65. Misra and Pandey, op. cit., p. 159.

fierce controversy raged between the supporters and opposers of the movement.⁶⁶

At first the leadership of the movement remained in the hands of the Kayasthas, who were not only the traditional literates but also had the benefit of modern education. Slowly the movement devolved to include members of the other upper castes like, Bhumihars, Rajputs and Brahmins.

They hoped to win consent and get patronage for their movement from the leaders of Bengal. Having failed in this objective, they changed tack by impressing the British rulers of the merit in their demand. They went to great lengths in this, by supporting the partition of Bengal in 1905 and opposing the movement against it.

When the government of India, began to think of transferring the Chittagong Commissionerhip to the Assam administration, the Biharis got a golden opportunity to canvass their issue. Public meetings were organized and a book entitled, 'The Partition of Bengal or Separation of Bihar' written by Mahesh Narain and Sachidanand Sinha circulated both in England and India.

66. Ibid., p. 160.

In 1908 the first Bihar Provincial Conference was held at Patna under the presidentship of Ali Imam, who later became the Standing Counsel to the Government of India in the Calcutta High Court. At the first elections held after the Morley-Minto Reforms, Sachidanand Sinha was elected to represent the Bengal Council in the Imperial Legislative Council, while Mazharul Haque was elected as the representative of the Muslims. Thus out of the four seats, two were captured by Biharis, thereby amply demonstrating their identity.

The Governments' Despatch of August 1911, recognized the claim of separating Bihar from Bengal, as a legitimate, one and made an appropriate announcement to that effect. Bihar and Orissa were thus separated with Patna as its Capital. In 1935-36 Orissa was taken out thereby the state of Bihar gained independent status.⁶⁷

The formation of a separate state, threw open a flood of opportunities for the "intelligent and energetic Biharis." The establishment of a High Court (1916), a University at Patna (1917), and a Provincial Secretariat all lent towards absorbing the newly emergent intelligentsia.

67. Radhakrishna Choudhary, History of Bihar, (Motilal Banarsi Das, Delhi, 1958), p. 306.

Political Involvement

The assertion of a distinct identity, while indicating cohesive forces simultaneously placed them within a broader national spectrum. This new found network of communication soon, brought forth a response to the sentiment of nationalism. The established elite enthused with national sentiments thus came forward to participate in the ongoing movement. Realizing that more significant and radical concessions could be wrested from the colonial rule by forging a broad national unity, the new leaders imbibed quickly the Congress vocabulary. Their singular influence on the existing consensus could come from a focus on their own peculiar societal aberrations. The Bihar agrarian admixture with its land relations formed an expansive area from which controversial issues pertaining both to numbers as well as to intensity could be raised. The next few decades are crucial examples of how the politics of Bihar got interlaced with its land structures. Even before this association could be made, isolated outbursts of peasant anguish took place at intervals in Bihar. The Santhal Insurrection of 1855-56, Munda Uprising of 1899-1901 and Indigo Riots of 1867, 77, and 1907 are indicators of the same.⁶⁸

Nevertheless looking at it holistically, the agrarian structure mirrored relations wherein the upper sections

68. Das, op. cit., p. 57.

lived off by extracting surplus from an increasingly impoverished peasantry. The tenantry who had long borne their oppressions and hardships slowly became exposed to whole set of new socio-economic concepts. Though in comparison to other provinces, nationalist activity began late in Bihar, by the end of the first decade of the twentieth century the Bihar peasantry had started stirring. More aware of its rights⁶⁹ and possible contribution in the 'broad national anti-colonial struggle' the peasant came forth with the many sided-land question. The problems of forced labour, illegal exactions, friction between the landlords and tenants, owing to the process of "sanskritization" amongst the lower castes, the attempt to commute produce rents into cash rents, the dispute over usage of diara lands and the bakasht, all charged the atmosphere with increasing strain. The unbearable nature of this load received impetus from the spirit of nationalism, of which a peasant consciousness, was a direct result.

III. Congress in Bihar

It seems logical thus, that when the restive peasantry gave vent to venom, it was directed at the white-skinned landlords, under the leadership veil of the Congress, proxied by Gandhi. The Champaran uprising against the

69. Ibid., p. 79.

indigo planters, provided an apt testing ground for the dominant methodology of nationalist thinking. That was, the determination to preserve the social order by uniting all sections against manifestations of British rule.

Though used to a limited extent, the satyagraha highlighted the potential in mass action.⁷⁰ It can also be said that the movement in Champaran was a barometer indicating the rising temperatures of the people, which Gandhi wanted to gage before working out a strategy for any large scale onslaught. According to Judith Brown, Champaran was for Gandhi an exercise in forging his own political vehicle, ahead, in the national context.⁷¹

Whatever the ascription, the Champaran movement was the first under a 'national' leadership in Bihar. Discontent had been simmering in the district, post large scale migration of indigo settlers from Bengal. The situation was more complicated in this district because in addition to the usual mechanics of exploitation, indigo cultivation imposed various others demands of the peasantry. The forced planting of indigo on the best lands, under the tinkathia system', the first claim on labour available during peak periods, and the usurping of money lending activity of the

70. Henningham, op. cit., p. 68.

71. Judith Brown, as discussed by Das, op. cit., p. 65.

native mahajans, all aggravated the people.⁷² The upper sections of the peasantry faced competitions, the up-coming rich peasants, numerable obstructions in their growth, while the lowest strata additional formes of exploitation. In Champaran the grievances of all indigenou elements thus coincided against the European planters. An outside leadership provided it with the means of expression. The movement though 'limited and restrained' did mobilize the peasantry and enthused in them a new waltanhuung.

Gandhi's independent enquiry, the Champaran Agrarian Act and the curtailment of indigo plantation that followed all increased the importance of this movement. However it is interesting to note that the synthesization of an artificial aniline dye in Europe was, as pointed out by Das, the most significant cause for driving out the 'alien planters'.⁷³

While the force of the Champaran struggle started diminishing, its spirit spread to adjacent districts where under the leadership of Swami Vidyanand, agrarian protests were registered. Though Vidyanand 'knitted together' peasant grouses his demands did not attack the 'legitimacy of the zamindari system' nor was he able 'to establish an

72. Das, *ibid.*, pp. 60-62.

73. *Ibid.*, p. 68.

enduring organization to represent peasant interests'.⁷⁴ His demands included, (a) to immune rents from increase, (b) common grazing lands to be provided in villages, (c) ryots to have an unrestricted right to all trees in their holdings, and (d) should be allowed to dig wells and build houses on their holdings without asking the permission of the zamindar.⁷⁵ Styling himself on Gandhi, it is argued that he was stirring the peasants keeping in view the forthcoming elections. By using names of national leaders, including Gandhi's four of his nominees were able to win elections. Thus his activity got side-tracked, especially after the emergence of the 'pre-changers and no changers in the Congress in 1922'.⁷⁶

Meanwhile socio-religious movements amongst certain castes desiring ritual and hierarchical mobility began. Notable of these were the Bhumihar and Yadav castes, both largely agriculturists, who found the new political dimension highly useful for their ends. Caste Sabhas were formed, which became forums for disseminating consciousness as well as for throwing up a grassroot leadership which really became the substratum of the national leaders in Bihar. Swami Sahajand Saraswati was the most important example of the same.⁷⁷

74. Henningham, op. cit., p. 88.

75. Ibid., p. 76.

76. Das, op. cit., pp. 80-82.

77. See Misra and Kumar, op. cit., p. 165 and Das, op. cit., pp. 70-78.

Established in 1907, the Bihar Provincial Congress, had been mostly inactive till 1912, after which because of its new found identity, it began to gain momentum. The social basis of the Congress at this time consisted of small zamindars, lawyers and landlords, but from around 1919, the membership of its organization broadened. Professional groups, merchants, businessmen joined while its support structure also came to include the 'rent paying tenantry'. This conglomerate of allies felt, handicapped in the face of larger landlords and the conservative professionals who because of administrative support were able to dominate life at all levels. The difference between the 'big zamindar' and the small one was based on an objective conflict of interests, which included firstly the problem of land acquisition, and secondly the question of franchise. The Act of 1919, granted suffrage to the landed elements. These aspirants of political power, gravitated towards the Congress which gave them a political strategy with which to expand their own local influence.

The language of Indian nationalism especially Gandhi's 'particular brand' fitted very well with the requirements of this group. His stress on non-violence and class harmony enabled the mobilization of widespread support while keeping intact their interests as landowners. The Congress of the 20's in Bihar remained as alliance between the professional groups, small landlords and tenants, an alliance

which was further cemented by the fact that those drawn from the professionals class were also in many cases small landlords.⁷⁸ The nature of the Bihar Congress was essentially, one of conservatism which sought to put pressure on the British without 'exacerbating existing tensions' particularly those which had the potential to disrupt the social order (i.e., between the peasants and the landlords). To mobilize mass agitation and keep it focussed upon the British, the Bihar Congress relied on the village elite to exercise restraints on the masses, because of their high caste status and control over land, labour and credit.

When such a Congress passed the resolution, approving of the Non-Cooperation Movement it was bound to attempt change only at the super-structural level. The detailed programme sanctioned by the central Congress High Command was implemented enthusiastically all over the country. In Bihar however, it began to take an 'agrarian shape', whereby in various places the crowds challenged the authority of the government, invaded police stations and stopped paying taxes. The "proposal to start a campaign for non-payment of rent (to the landlords) was being openly discussed".⁷⁹ The

78. See Henningham, op. cit., pp. 92-93, and McDonald, op. cit., p. 294.

79. Das, op. cit., p. 83.

peasants ascribed the raison d'etre of the movement to dues which supposedly struck at the roots of their burdens. The movement thus activized numerous peasants giving them the actual experience of participation in non-cooperation for the first time.

Gandhi's announcement of launching a no-tax campaign in late 1921 was soon retraced following the violent incident in Chauri-Chaura. It lead to the immediate withdrawal of the movement as a whole, resulting in wide-spread opposition from certain quarters of the Congress, while the newly aroused peasantry found itself in a state of confusion. The period between 1922-28, saw the Congress, on the one hand, with the rise of the Swaraj party and the dilemma of council entry, and on the other, with the introduction of the 'Constructive Programme'. However for the substratum leaders this was a time of cogitation. Could the Congress which professed to be a Kisan body, view the peasant question with sympathy ?

Emergence of the Kisan Sabha

Meanwhile peasant struggles against zamindari oppression continued in localized form in various districts,⁸⁰ and few individuals like Rahul Sankrityayana and Swami Sahajanand

80. Those of Madhubani, Gaya, Bhojpur, Darbhanga, see Das, op. cit., p. 84.

Saraswathi made 'abortive attempts' to form a Provincial Kisan Sabha. Numerous factors gravitated towards making it clearer that a separate organization for the kisans was imperative.

The general agrarian crisis of rack-renting, exploitation impoverishment, subversive land tenure systems, stifling relations of productions and decreasing productive capacities all acted as a backdrop to the emergence of the problem in the immediacy, like protection of tenants from high rents, rent arrears, land eviction and rural indebtedness.⁸¹ In order to 'mollify the peasants' and give them some relief, the British government attempted to intervene but with no respite: for, the zamindar dominated Legislative Council succeeded in suffocating every such attempt. In 1922 Macpherson introduced such a bill in the form of a tenancy amendment but had to withdraw it later owing to the attitude of the landlords. Following which the government decided to intervene only under extreme circumstances" ... either the differences between the two parties became so acute as to demand intervention or there was a reasonable expectation of attaining an amicable settlements".⁸² The latter seemed improbable in a situation of fast deteriorating relations between the landlord and the tenants.

81. Gupta, op. cit., p. 77.

82. Ibid.

The Swaraj Party, an offshoot of the Congress in 1923 also played a role in awakening the peasants by its proposals for amending the tenancy laws. While under the Swarajist banner an effective and bitter attack on the landlords was launched. This further aroused the peasant consciousness who pinned their hopes on an early prospect of agrarian reform.

The rise of a pro-peasant leadership, which received support and help from national leaders enhanced confidence amongst them. The tour of Bihar by Sardar Vallabh Bhai Patel was the most significant of its kinds. His 'inflammatory speeches' against the landlords and characterization of the peasants as the 'backbone of the nation' greatly enthused the 'grass root level activists'.

However the immediate cause for the establishment of the Kisan Sabha was a pro-zamindar move in the Legislature Council. The Bihar Home Secretary, Sifton introduced in the house an amendment to the Tenancy Act, which feared to be detrimental to the interests of the tenants. In the absence of substantial tenant representation within the legislature, ryot leaders decided to exert pressure from outside. That effective pressure could be streamlined only through a permanent organisation became clearer. A number of Congress leaders came forward with their support but

essentially it was the initiative of Pandit Yamuna Karjee, Ramdayalu Singh and most of all Swami Sahajanand Saraswati that a separate platform of the kisans was launched. The Sonapur Fair where annually the peasants gathered, became the venue of the first Provincial Kisan Conference in November 1929.⁸³

Congress and the Kisan Sabha

Once formed the Kisan Sabha evolved through different phases, slowly coming into confrontation with the Congress, thus acquiring a distinct identity of its own. Though established from a position and awareness of seperatedness, the Kisan Sabha in the interim had to face the domineering presence of the Congress at the political level. Thus throughout this period the Sabha leaders got intertwined with Congress leadership over agitational as well as organisational matters. Both the historical conjunction of the national movement and the potential revolutionary forces amongst the peasantry were responsible for such a relationship.

Period of Unity: Allignment

During the first phase, till 1934, the Sabha functioned largely as a 'front organization' of the Congress. Its attitude can be characterized as one of accomodation and compromise, ascribing the label of 'allignment' to this phase.

83. Ibid.

Sahajanand, the most important architect of the Bihar Kisan movement had started off as a casteist, by starting a Bhumihar-Brahmin Sabha the objective of which was to spread knowledge amongst the young children of the Bhumihar landowners. A little, later he imbibed the Gandhian tenets, becoming a committed devotee, throwing his energies into the national movement as directed by Gandhi. However, after the suspension of the non-cooperation movement the Swami started moving away from the inner core of the Congress. With the passage of time the distance between them grew as also it got coloured in ideological differences.⁸⁴

However, at the time when the Bihar Provincial Kisan Sabha was started he conceived of it, "in the spirit of a reformist.... At that time I did not know what revolution was... what we had in our mind was to do some good to peasants by exerting constitutional pressure and getting their grievances redressed".⁸⁵ This was to be achieved by developing friendly relations between the landlords and peasants so that their mutual interests could be promoted through conciliation, harmoniously.⁸⁶

84. Das, op. cit., p. 99.

85. Swami Sahajanand Saraswati, quoted by B.B. Chaudhari, "Agrarian Movements in Bengal and Bihar, 1919-1939", in B.R. Nanda (ed.), *Socialism in India*, (Vikas Publications, 1972), p. 201.

86. Das, op. cit., p. 89.

The same was reflected in the definition of the peasant by the BPKS in 1929. It did not stipulate clearly who it meant by the word Kisan and in fact sought to protect the interests of all Kisans. At this stage it adopted a general functional outlook by describing the peasant as one whose primary source of livelihood was agriculture.⁸⁷ By this broad application the Swami hoped to unite various gradations like the landless labourers, share-croppers, occupancy tenants and small zamindars into a coalition against the great zamindars and the administration. Such a loose definition, led to rich peasants and occupancy tenants taking the lead and impetus for the movements while the poor and middle peasants became the support base for participation.

Even before the BPKS was formed in 1929, a small Kisan Sabha was started in Patna district. However the organizational structure was formalized in stages through two modes, i.e., the constitution that was adopted in 1929 itself and the details as developed in 1936. Peasants were to be admitted as members of the Sabha via the payment of two annas (Later reduced to one pice Rs. 0.15 in 1936) as membership fees. The organization was patterned on a four tiered basis, on the principle of electing members from the local to the state level. Thus the subsidiary

87. Gupta, op. cit., p. 43.

branches were (a) gram kisan sabha, (b) thana kisan sabhas, (c) sub-division or district body, and (d) the Provincial Kisan Sabha. The latter also comprised of the Kisan council including specifically designated office bearers. Provision was made for annual conferences of the several bodies of the kisan sabha with the requirement of printing their reports. In practice however, there was a large gap between the written word and its operations. In most cases variation came to be the norm. Thus Walter Hauser rightly points out that the Kisan Sabha never really became an organization in the strict sense of the term, remaining a loose and flexible movement.⁸⁸

At this time, Sahajanand held the view that the national struggle should take precedence over other political campaigns and that the Indian National Congress must play the central role in the achievement of the goal of national independence. It is with this attitude that the Kisan Sabha began as an adjunct to the larger anti-imperialist movement, and decided that it would not go against the Congress in political matters.⁸⁹

The withdrawal of the tenancy bill by the government because of the BPKS opposition came to be the first major

88. Das, op. cit., pp. 109-113; and Henningham, op. cit., p. 143.

89. Gupta, op. cit., p. 90; and Henningham, op. cit., p. 144.

victory of the sabha 'in the very year of its birth'.⁹⁰ It was soon to be sucked into the vortex of a Congress backed movement. Declaring Purna Swaraj as its ultimate goal the Congress found the time opportune to launch another mass movement. The Civil Disobedience campaign with its innovative methods of struggle' like the illegal manufacture of salt, boycott of government officials, non-payment of taxes, mass courting of arrests, campaign against foreign cloth, liquor and chowkidari levies, all fired the imagination of the people. At such time, the Congress leaders found the Kisans 'useful' who as 'reserve stocks' were "necessary to establish the party's claim to mass support through processions and demonstrations".⁹¹

The country once again became engulfed in the throes of mass upsurge. Unlike the earlier movements the Civil Disobedience gave the provincial level committees a greater autonomy in the choice of issues. This broadened the scope of the programme thereby successfully mobilizing vast numbers of 'agrarian population in union with the urban masses'.

In the Bihar countryside the peasants 'translated the movement in their own terms' working on a multi-pronged

90. Ibid., p. 92.

91. Harcourt, op. cit., p. 328.

scheme. In certain districts Kisan Sabhas were formed (Patna, Gaya, Monghyr, Champaran and Palamau) while the fiery speeches by orators touring Bihar, activated scores of peasants into action. Regular camps were set up where volunteers were trained in 'lathi play and drill'. The movement itself helped in arousing the consciousness of the dissatisfied Kisans driving them at times to violence. At many places, village officials and police posts were attacked by mobs of villagers with threats of murder.⁹² The violence employed during the Civil Disobedience movement "consisted of the use of physical force against people and property. It incorporated sabotage, intimidation, physical assault and social boycott...;" Henningham characterises such force as 'limited violence' emerging from the nature of the Bihar Congress and the social setting within which it operated. Moreover this violence had to fit itself within the framework of 'limited tolerance' of the British government.⁹³

While in UP, the Congress Committee at least 'flirted with the motion of a rent strike' the Bihar leaders did not press for rent or revenue remission, nor did they show much enthusiasm for the radical declarations made at

92. Das, op. cit., pp. 117-21.

93. Henningham, op. cit., pp. 112 and 137.

Karachi. According to Das this was because most of the Congressmen in Bihar were "Gandhians" and went along with Gandhi when he said,

"While we will not hesitate to advise the Kisans when the movement comes, to suspend payment of taxes of the government. It is not contemplated that at any stage of non-cooperation we would seek to deprive the zamindars of their rent. The Kisan movement must be confined to the improvement of the status of the Kisans and the betterment of the relations between the zamindars and them".⁹⁴

But infact they essentially represented landlord interests with quite precise interests to protect. The repressive action unleashed by the British, included attachment of property and imposition of heavy fines which greatly dampened the zest of the landed elements in the Congress. Aware that the British were going to introduce new reforms, many Congress leaders made a hasty retreat from 'direct action' to a more subdued 'constitutional agitation'. They became anxious to participate in the mechanics of governance and obtain their share in the redistribution of power.⁹⁵ Victory in the elections to be held symbolized prestige and publicity for the national movement while for the local Congress Committees more concretely it meant

94. Gandhi, quoted by Das, op. cit., p. 120.

95. McDonald, op. cit., p. 297.

command over powers of patronage with which it could "rally supporters and award the faithful".⁹⁶

The Gandhi-Irwin Pact signed in March 1931 negotiated cooperation, to work out a 'durable constitutional settlement'. For the immediate, it restricted the movement especially in the urban areas⁹⁷ but in the countryside "instead of pacifying... stimulated the forces of disorder".

According to Harcourt, the pattern of protest during this period followed a cyclical form. "Long periods of low key agitation marked by small scale, localised confrontation between the Kisans and landlords, altered with shorter upsurges of intense disturbance involving riots, rent strikes and forcible occupation of zamindari land spreading over much larger areas".⁹⁸ The latter kind tended to coincide with economic crises both local and international. The depression of the late 1920s and 1930s in fact provided the material basis for the next round of protest.

After a relative stable rise in prices during the first two decades of the twentieth century, prices plummeted sharply with the coming of the economic crises. By the end

96. Henningham, op. cit., p. 110.

97. Das, op. cit., p. 117.

98. Harcourt, op. cit., pp. 327-28.

of 1931, grain was selling at one half of its 1929 price, reaching its lowest in 1933, when prices equalled those of 1912.⁹⁹ This led to a tremendous 'rent price discrepancy' especially for those, whose rents had been enhanced in the years of high prices, or those whose land were on produce rents, and had been commuted to cash rents under similiar conditions. Besides the severity of rent collection, led to swelling number of rent suits.

Pandey points out to two differential effects resulting from crists. A 'scarcity crisis', adversely affecting the landless labourers but enriching the 'Jotedars' while a 'price depression crisis' touches the Jotedar more than the labourer who could buy his food cheaper. For the 'Kisan' however both were calamitous.¹⁰⁰ As a result, a majority of the peasantry was adversely affected by the economic crisis.

Their burdens were compounded by other natural developments and calamities. The population of Bihar recorded a ten per cent increase since 1921. Given the rural nature of Bihar society it was the agrarian sector that felt the full effects of this increase.¹⁰¹ These years were also

99. Das, op. cit., p. 125.

100. Harcourt, op. cit.

101. McDonald, op. cit., p. 298.

punctuated with floods wiping out crops, followed by drought and most serious of all, the 'great earthquake' of 1934. It demolished houses, disrupted communications and reduced the productivity of the land because deposits of sand emerged from fissures that opened in the earth.¹⁰² This restricted money in circulation, resulted in depressed wages, thereby leading the plight of the peasant to one from which would take years to recover.

Under these severe problems, the question of the peasant could not be neglected any further. The Bihar Provincial Congress Committee instituted an Enquiry Committee in 1931 to report on the conditions of the peasants. The committee presided by Rajendra Prasad, never came to publish a report of its findings. Another committee appointed by the Congress to give suggestions regarding agrarian problems, excluded all representatives of the peasants from its membership. Gupta concludes that this stemmed largely from a 'pro-zamindar bias' of the Bihar Congress. Sahajanand writing about the same incident says,

"This has been the regular trick of the provincial Congress leaders to take the help of the peasants when the occasion demands, assure them that everything will be done to remove their grievances and finally assume an impenetrable silence".¹⁰³

102. Henningham, op. cit., p. 139.

103. Sahajanand, quoted by Das, op. cit., pp. 122-23.

So as to fill the gap left by the Congress, the Bihar Provincial Kisan Council appointed a Committee for the same purpose. Amongst its five members was Sahajanand who reported in detail about the 'Karon Kahani' (Pitiable story) of the Bihar peasants. The report aptly indicated that Sahajanand's position had altered, to completely identify with peasant grievances. Reacting to the report, some called him a 'dangerous individual' with sinister designs of a Communist revolt, while others admitted a 'solid substratum of fact' in what the Swami was saying.¹⁰⁴ The government launched its own investigations and concluded that the charges levelled by Sahajanand were true. It was admitted that in a number of cases like rent receipts, rent reduction, rent suits, the law favoured the zamindar and the Kisan was exposed to numerous oppressions.

The response to this situation can be divided into three, one emanating from the zamindars, the second from the subjective element and the third, the ideological dimension which also marked the beginning of the second stage in the relationship between the Kisan Sabha and the Congress.

Recognizing the potential threat in the working of the Kisan Sabha, the zamindars of Bihar came forward to meet the challenge by forming their own party. Though it comprised of all the noted zamindars and had the blessings

104. Ibid., p. 124.

of the British government,¹⁰⁵ the attempt was "to hide the organizations' basic class character".¹⁰⁶ Called the United party, it was supposed to represent the interests of various sections of the population. Though the leadership was in the hands of Maharajadhiraj of Darbhanga and Raja of Surajpura it also included representatives of the tenants like Sheo Shankar Jha.¹⁰⁷ The latter while supporting the resolution for founding the party, said that the "tenants were always prepared to throw in their lot with the landholders provided the latter would look after their interests and concede to them their just demands". In so doing the zamindars drew up a tenancy bill which Rai Bahadur Shyammandan Sahay presented on their behalf. While the bill gave minor concessions to the tenants it essentially proposed to enhance the powers of the zamindars in matters of rent collection and granting of certificate powers.¹⁰⁸ To meet the governmental requirement of 'zamindar-tenant unity' the United Party attempted to form a 'Kisan Sabha' which held its meeting at Patna in 1933.¹⁰⁹

105. Gupta, op. cit., p. 81.

106. Das, op. cit., p. 109.

107. Gupta, op. cit., p. 83.

108. Ibid., p. 84.

109. Das, op. cit., p. 110.

Such activity brought to the fore, genuine peasant leaders with a new vigour to galvanize peasant forces. Sahajanand tried to give it once again an organizational structure but the Kisan Sabha worked more through meetings, rallies and struggles. Thus one can agree with Das when he says that the "Kisan Sabha drew its organizational vitality from the different movements and struggles".¹¹⁰

In the mid 1930's the most important issue around which movement was launched was that of bakasht lands. Unable to pay the increasing rent-burden, the tenants had been losing their lands in lieu of rent arrears to the zamindars. Such lands, originally belonged to the ryots, had been 'resumed' by the landlords for their personal cultivation. In actual fact most of this lands were being cultivated by share-croppers who in many cases were the original ryots. With a view to protect the ryots interests, the Tenancy Act stated that evidence of one years' possession or actual cultivation by the original tenant, was suffice for him to be given back the status of occupancy ryot on such bakasht land. The landlords on their part resisted all means of granting 'proof of cultivation' to the tenants, by denying them rent receipts, by the continuous shifting of ryots from one plot of land to another, or settling their lands with other tenants.¹¹¹

110. Ibid., p. 112.

111. Ibid., p. 87.

The actual loss of their lands and more importantly their permanent heritable rights in it, aggravated and roused peasantry. This recently found confidence via the establishment of the Kisan Sabha and the involvement of political leaders in agrarian issues encouraged them and gave them the support required to launch a movement. The bakasht struggles of the mid 1930's (1936-38) erupted largely in the districts of Patna, Gaya and Monghyr but also spread to other areas.¹¹² Noted substratum leaders, like Rahu¹ Sankrityayana, Karyanand Sharma, Panchanan Sharma, Anil Mishra and others organized the peasantry. Tours, lectures, political indoctrination, made possible the articulation of a programme for bakasht. The peasants forcibly occupied their lands, and sowed and harvested crops. At numerous places it led to violent clashes, followed by firing, lathi charges, arrests and trials. The situation came to be so grave that even the support from the state machinery in the form of police presence, court's injunction or private retainers were not of much use. Finally landlords had to seek help from the top political leaders of the Congress to arbitrate and work out a compromise. The tenancy legislation of the Congress ministry in 1937-38, was directly in response to the above problem (discussed below).

112. Ibid., pp. 130-31.

Growing Differences : Disassociation

As has been stated above, the third response to the withdrawal of the Civil Disobedience movement was the development of ideological differences, of the peasantry vis-a-vis the inner core of the Congress. While the Kisan Sabha from the days of its establishment had been an ally of the Congress, recognizing it as the only effective, all India anti-imperialist forum, it became more and more difficult for it to maintain its earlier compromising position. The increasing socialist militancy brought it into collision with the 'conservative Congress'. Though it continued to support the Congress politically, it faced a serious dilemma of determining a definite relationship with it. The three years that followed can be thus characterized as ambivalent, ascribing the label of disassociation to it. Not able to break its association with the Congress, yet at the same time unable to resolve this dilemma for itself, the Kisan Sabha started to manifest its differences more openly, thereby disassociating itself from the parent body.

The post-earthquake setting of 1934, saw the release of the younger Congress elements. Once in the open they were faced with a situation of political stalemate. The civil disobedience had come to a close, and the senior Congressmen were not planning another mass assault. Instead they looked with favour at the proposed reforms to be introduced the following year.

The younger elements, representing the Kisan Sabha and dissatisfied groups within the Congress, started questioning the efficacy of the Gandhian programme, methodology and leadership. There was, however, not a unified rejection but a response developed from their own peculiar experience and outlook. The struggle of disassociation can be divided into two kinds, a "power struggle" backed by an "ideological struggle".¹¹³

The group that was politically ambitious but faced suffocation in the presence of the entrenched Congress leaders realized that the one possible way of political mobility was by building its own independent mass base. Having been defeated or deprived of seats in local boards or council elections they were convinced, that their interests could be looked after only by mobilizing the tenantry. Though earlier the Kisan Sabha leaders came from the small landlord bracket, this generation had a number of prominent leaders coming from tenant families. Jamuna Karjee, Dharaj Sharma and Jadunandan Sharma to name only a few. In the case of these three, they had a personal ground to settle as well as all of them had been eusted in elections to district boards and were anxious to regain their lost position.

The foci came to be the Kisan Sabha, which they saw as a means to capture power for themselves and thus "an

113. Macdonald, op. cit., pp. 301-03.

entry into institutional politics or even to Congress leadership". They sought to build the Kisan Sabha movement by taking up the economic grievances of the tenants, thereby highlighting the need for a separate organisation to protect peasant interest. Some went to the extent of insisting that the Congress must no longer be a 'multi-interest organisation' but develop into a purely peasant organisation.¹¹⁴ The power struggle had started. The 'dispossessed' and the aspiring became aware of the fact that 'control of the District Congress committees' could be a stepping stone to local or provincial political office".¹ Open clashes followed between the Congress and the Sabhaite leaders over elections to the DCC's.

"For example, in Gaya, the attempt by Jadunandan Sharma to gain control of the local DCC through enrolling, as members of Congress the members of Gaya Kisan Sabha, resulted in a clash which virtually paralysed Congress activities in that district for over a year... while, in Bhagalpur and Shahabad factional leaders ousted in pioneer struggles within the local DCCs turned to the Kisan Sabhas for support".¹¹⁵

Harcourt views the above struggle as more of a factional opposition wherein the dissent could be construed as a 'generational rebellion'.

114. Ibid., p. 299.

115. Ibid., p. 302.

The ideological colouring of this younger generation was undergoing change. Most of them had been drawn into the national movement as students under the Gandhian scheme, but since then, were increasingly becoming alienated by it. The tenets of revolutionary Marxism and Fabian socialism caught their imagination, as it provided to their sympathetic minds a methodology of direct action including class struggle and violent revolution.¹¹⁶

Congress, Socialists and Kisan Sabha

In Bihar, the socialist party had been formed in 1931, when a number of leaders while still in jail decided to launch a group, to pressurize the Congress to adopt a more radical programme. As most of its members were imprisoned the party remained inactive, till 1934 when it was renewed both at the provincial and national levels. The Congress Socialist Party, existed as a 'ginger group' within the Indian National Congress and came to argue that the goal of national independence was inadequate unless accompanied by a socialist system.¹¹⁷ They attributed the failure of the civil disobedience movement, to the surrender of 'vested interests'. Accordingly only the workers and peasants should be in the forefront of the struggle as they

116. Marcourt, op. cit., p. 330.

117. MacDonald, op. cit., p. 303.

have "nothing to lose but their chains". To mobilize them it was essential to appeal to their economic interests. Rejecting the 'constructive programme' as useless Jayaprakash Narayan said they (Congress) would, "...go to the peasant but we shall go to them not with spinning wheel but with the militant force of an economic programme".¹¹⁸

Although the Congress socialists were willing to abide by the Gandhians for the ultimate end of independence and national unity, in the immediate, it sought to broaden the Congress programme by including socio-economic rights for the workers and peasants, thereby attempting to free India from all forms of economic exploitation.

In Bihar the Congress socialist leaders were up against the 'extreme conservatism of the Bihar Congress and their intolerant attitude towards any deviation from the path of orthodox Gandhism'.¹¹⁹ Thus they lost no time in identifying with the cause of the Bihar peasantry. The already existing Kisan Sabhas provided them with the organizational basis they needed to attain their objectives. The Congress socialists and 'Sabhaites' leaders came together the former bringing a 'revolutionary programme' and an

118. Jayaprakash Narayan, quoted by MacDonald, *ibid.*

119. *Ibid.*

an intellectual ability to work out a rationale for the latter's agitations during the 1930's. Under their tutelage and influence the Kisan Sabha "came of age as a class organization".

The impact of the Congress socialists on the Kisan Sabhas was almost immediate. By April they had succeeded in gaining almost complete control of the Executive Committee of the Bihar Provincial Kisan Sabha, and a majority of its Divisional Secretaries.¹²⁰ The major achievement of the CSP was the discovery of Swami Sahajanand Saraswati who was getting more and more 'disenchanted' with the Congress. His conversion to their fold provided them, with the Sabha at their disposal and more importantly a "figuerhead of proven charismatic appeal".¹²¹

Having come together to work for the cause of the peasantry, the CSP was keen to pass radical resolution in a bid to win favour with the kisans. Their socialist programme met with initial opposition but this was converted into an intense debate centering on the issue of the zamindari system. During numerous meetings throughout 1934 the demand for abolition of landlordism was raised. Speaking as the Chairman of a Kisan Conference in Monghyr district, Pandit

120. Ibid., p. 304.

121. Harcourt, op. cit., p. 330.

Derbrat Shastri said that unless the Kisans were free from the stranglehold of the system of landlordism they could not experience real and complete progress.¹²² Thus in August 1934, the socialists attempted to pass a resolution on the abolition of zamindari, which was opposed by the Swami resulting in the conference breaking up in confusion. Later the same year after Sahajanand resigned, but was persuaded to continue, was the resolution withdrawn.¹²³ Another reason why the resolution could not be passed at this juncture was the absence of an agreement on the question of compensation. A number of socialists were in fact in favour of compensation being paid after the abolition of zamindari. Sahajanand however, insisted that if zamindari abolition was demanded then in principle there was no question of paying compensation.

Such a vibrant issue could not be avoided for long and in 1935, at the Patna District Kisan Conference under the Chairmanship of a socialist, Rambriksha Benipuri, the resolution proposing the abolition of zamindari was adopted. This was followed by meetings under socialist influence at Muzaffarpur, Shahabad, Gaya and Patna demanding that the above resolution be adopted among the fundamental rights of the tenants. The BPKS adopted the resolution in November the same year in its third session at Hajipur in Muzaffarpur district.¹²⁴

122. Gupta, op. cit., p. 49.

123. Das, op. cit., p. 140.

124. Gupta, ibid.

The Sabha did not undertake any struggle for the implementation of this resolution, as it was engaged in issues which assumed immediate priority. Moreover the All India Kisan Sabha was formed after BPKS adopted the resolution in 1936 which came to accept the abolition of landlordism only by 1946.¹²⁵ Therefore, it would not be wrong to say that the demand for abolishing zamindari arose in Bihar from where it was extapolated for all India.

The BPKS adopted its Manifesto and Agrarian Programme, in 1936, in which it clearly specified that the poverty and misery of the tenants was due "fundamentally to the nature of the land tenure, revenue and credit system and the merciless exploitation of Imperialism".¹²⁶ According to the BPKS, this 'misery' could be rooted out only by drastic changes in the land tenure and revenue system. By overthrowing Imperialism and the establishment of a 'National State' which would guarantee land to the tiller. This being the long term aim, the BPKS shortlisted its immediate demand as the following :

- (a) cancellation of agrarian debts;
- (b) the granting of ownership rights over their holdings to peasants;
- (c) exemption from taxation of all those whose income was below the minimum necessary to keep them and their families at a reasonable standard of living.

125. Ibid., p. 50.

126. Ibid., p. 101.

- (d) provision of gainful employment for the landless;
- (e) legislation for common pasture lands in every village; and,
- (f) cancellation of arrears of rent.¹²⁷

That the aims and demands of the BPKS were more progressive, was amply demonstrated by the 'Faizpur Agrarian Programme' a plan of the Congress which did not include 'land to the tiller'.¹²⁸ The means to achieve these ends included 'class struggle, violence and revolution'. This shift from compromise to confrontation had been made possible by the 'new ideological framework' provided by the socialists.

The Kisan Sabha soon became the focus for the 'real left wing challenge, that was taking shape against the Bihar Congress.' The Congress socialists, meanwhile adopted a programme calling "transfers of all power to the producing masses.... Elimination of princes and landlords and all other classes of exploiters without compensation; Redistribution of land to peasants, Encouragement and promotion of cooperative and collective farming by the state".¹²⁹ The struggle between the two was largely a result of the

127. Henningham, op. cit., p. 145.

128. Gupta, op. cit., p. 50.

129. Das, op. cit., p. 148f

socialists and sabhaites seeking to extend the Congress programme, to include into it, their own socio-economic demands.

At the Lucknow session of the Congress in 1936 the Bihari delegates were divided amongst themselves. In fact at the meeting, heated exchanges followed over the issues of 'office acceptance' and the Congress agrarian programme. Swami Sahajanand and Jayprakash Narayan openly attacked Rajendra Prasad.¹³⁰ Indeed the earlier consensus visible at the AICC meetings was cracking. While at Lucknow, the important Kisan leaders from all over, formed the AIKS,¹³¹ in which the Bihari leaders played a major role, as they came from a province which had an experience of kisan movement and upheaval. Besides the BPKS by then had a history in 'struggles'. It also came to align itself with the most exploited section of the peasants, when Sahajanand included the agricultural labourer for the first time as a peasant.¹³²

Not going as far as the CSP, but definitely under its pressure, the Congress adopted a resolution calling for 'mass contacts' by its members, and a radical agrarian programme based on the Karachi resolution. It was from this

130. MacDonald, op. cit., p. 305.

131. Gupta, op. cit., p. 42.

132. Das, op. cit., p. 136.

that both the Faizpur Agrarian Programme and the Election Manifesto of the Congress in 1937 was framed.¹³³

Though the distance between the Bihar Congress and its Provincial Kisan Sabha and allies during this period kept increasing, on certain crucial issues they retained a 'fragile unity'. The elections under the Government of India Act 1935, held in 1937, was one such. At this point both needed the other; on their part the socialists and sabhaites knew that they "could mobilize sufficient support to threaten the position of the older Congressmen, but not sufficient to wrest control from their hands".¹³⁴ In a situation where apart from the Patna and Gaya DCC, others were firmly held by orthodox Congressmen. While the Congress desired to maintain a façade of unity, firstly to preserve its image of a broad national front against imperialism,¹³⁵ secondly, because of the usefulness of the kisan support in campaign activities, processions, rallies, and thirdly because the newly enfranchised peasantry constituted a sizeable 'vote bank' to achieve victory in the ensuing elections.¹³⁶ Thus 'kisan activism' proved to be an electoral asset from which mainstream Congressmen were glad to benefit and against which they could not afford to protest too openly.

133. Ibid., pp. 148-49.

134. MacDonald, op. cit., p. 305.

135. Ibid.

136. Marcourt, op. cit., p. 331 and Henningham, op. cit., p. 146.

As MacDonald points out, the 'Shared experience' of the national struggle against the Raj, also served to reinforce the tendency towards unity.¹³⁷ This was manifest by the fact that the Kisan Sabha 'did not field their own candidates' in the elections but worked and supported the Congress. It should also be noted that the Congress socialists and their allies could construe the Congress Agrarian Programme, as the first step towards the acceptance of their economic programme.

Congress Ministry in Bihar

The three years prior to the elections had seen the differences between the two coming to surface, despite which the earlier grip of unity was retained, resulting in landslide victory of the Congress in Bihar. It had contested 107 out of 152 seats and won 98 or 92% of the total seats contested.¹³⁸ Radical overtones in the Election Manifesto, an efficiently organized party hierarchy with a 'vast army of workers' who reached even the remotest villages, were all responsible for this victory.

The 1937 elections marked the turning point in the relations between the Bihar Congress and Provincial Kisan Sabhas. The facade, the superficial links and the past

137. MacDonald, op. cit., p. 306.

138. Ibid.

glory were entering a breakdown in the face of office acceptance and pursuance of power. Far from being able to patch-up the earlier 'differences', entrance into office in fact hastened the process towards a 'rupture' between the two.

The socialist or at least the egalitarian intentions of the national Congress, suited well the purposes of the Bihar Congress, which having achieved its end, sought to quickly control all arenas of governmental machinery. That the orthodox and conservative sections still dominated the organization was amply demonstrated with the formation of the Congress ministry in which "all but one, ministers were zamindars".¹³⁹ Steps were taken to exclude left wing leaders from the Bihar Provincial Congress Committee as well. So 'bereft of power' the left in Bihar decided to pressurize the government by means of mass protest.¹⁴⁰

Having opposed office entrance and deprived of any share in ministry formation, the socialists and subhaites felt justified in mounting anti-Congress protest meets. Convinced that such action was a reflection of the 'growing reformist mentality of the Congress', the Kisan leaders

139. Das, op. cit., p. 133.

140. Henningham, op. cit., p. 148.

asked the peasants throughout Bihar to muster strength on the opening day of the Assembly, the 23rd August 1937.¹⁴¹ Peasants in thousands gathered in front of the house, shouting slogans like "Lath Hamara Zindabad" (long live our lathis), thus beginning a 'whirlwind campaign'. Huge demonstrations followed at regular intervals (1st September, 19th and 26th November 1937, and again in Summer of 1938),¹⁴² demanding agrarian reform and zamindari abolition. A few weeks later the Kisan Sabha representatives in the Legislative Assembly presented a memorial to the provincial Premier Sri. Krishna Sinha, asking for drastic changes in the tenantry laws. This was backed at the empirical level by real agrarian struggles in Monghyr, Shahabad, Saran, Darbhanga, Patna and Champaran.¹⁴³

Simultaneous to this, the Congress faced internal factional strife which further complicated the situation. Those left out, in the selection to the ministry and the nominations to the legislative council were greatly disappointed and disgruntled. The Kisan Sabha reaped benefit of their bitterness as a number of the defeated candidates, walked out and joined branches of the Socialist Party in the area.¹⁴⁴

141. B.B. Chaudhari, op. cit., p. 221.

142. Das, op. cit., p. 153.

143. MacDonald, op. cit., p. 307.

144. Ibid., p. 308.

Further, the landlord element grew more alarmed by the radical rhetoric of the Congress socialists who showed their displeasure by raising anti-Congress voices. They (landlords) maintained that the 'Congress ministers were not their own masters' and at meetings of the Bihar Landholders' Association called for being vary of "unjust laws" that might be passed. These meetings were not sponsored only by the large landlords, but also attracted the support of the small landlords the base to which numerous Congress ranks belonged.¹⁴⁵

The Congress became the focal point of criticisms from all directions. Its 'moment of decision' had arrived. The question was whether the Congress as a 'multi interest' organization would be able to cope with the varied pressures and pulls on it. The tenants on the one hand, stood for radical agrarian reforms verbalized by the Kisan Sabha, whilst on the other, the landlords stood for disciplining the 'radical elements' in a bid to dampen their efforts,¹⁴⁶ while the internal factional struggle along caste lines took deeper root.¹⁴⁷ The Congress in Bihar, in the above situation had to work out 'means' which, while preserving 'stability and social harmony' could also initiate 'policies designed to improve the position of the tenantry with-

145. Ibid.

146. Ibid.

147. Misra and Kumar, op. cit., pp. 180-81.

out substantially affecting the position of the small zamindars'.¹⁴⁸ This was made clear by the following statements made by the Prime Minister, Sri Krishna Sinha in the legislative assembly. Assuring the landlords he said, "...it is not the intention of the government to trench upon their (landlords) legitimate rights. I want that they should get their rent, but I also want that the tenants should feel that there is no power on the earth which will deprive them of their just earnings". He further clarified that such help from the government did not sanction a class war, not did it mean "... an attack on the system of landlordism in Bihar. This government has no mind to abolish the system...".¹⁴⁹

In line with the Congress policy of balancing the two sides, members of the Congress ministry attempted to meet the representation of the landlords and the Kisan Sabhas so as to work out a 'compromise' on impending tenancy legislation involving 'rent' and 'bakasht'. Keen to cooperate with the government the landlords were willing to negotiate, but the Kisan leaders at this point 'refused' insisting that their entire agrarian programme be adopted.¹⁵⁰

148. Henningham, op. cit., p. 148.

149. Gupta, op. cit., pp. 72-73.

150. MacDonal, op. cit., p. 309.

The unpliant stand of the kisan representations, alongwith a background of increasing rural violence made it easier to enforce the much demanded 'discipline' on Sabha leaders. In December of 1937, the DCC's of Saran, Champaran and Monghyr, refused permission to the Swami to enter the district and address Kisan meetings. The Saran DCC called on Congressman not to attend, organize or even help in organizing Sabha meetings. The Monghyr DCC went further and passed a resolution placing a ban on any Congressmen from becoming a member of the local Kisan Sabha. The Sabha leaders condemned the actives of the DCC, while the Swami decided to defy the ban by organizing and addressing a series of meetings.¹⁵¹ This precipitated an open confrontation between the Congress and the Kisan Sabha.

Rajendra Prasad and other veteran Gandhian leaders of Bihar decided that the time had come to reiterate the Gandhian nature of the Bihar Congress. To do so, an organised and systematic attempt was made to ensure the election of 'orthodox' Congressmen as delegates to the Haripura session of the All India Congress, as AICC members.¹⁵² That this section still commandeered power was evident by the fact that only "five of the thirty-six members elected to the AICC were prominent Kisan or socialist workers".

151. Das, op. cit., p. 156.

152. MacDonald, Ibid.



Furthermore, none of them found a place on the new Provincial Working Committee.¹⁵³ To ensure its organizational seperatèness the Congress, in view of 'violent propoganda' by Kisan activists, barred Congress members from participating in Kisan Sabha activities.¹⁵⁴

Made to thus feel, peripheral the Kisan leaders once again plunged into mass agitation. This time they openly attacked the Congress ministry and demanded the quick enforcement of their demands. It movement for reduction of rent was followed with one, centered on the issue of bakesht and abolition of zamindari'.¹⁵⁵

The Congress ministry in a mood to pacify all sections, as well as to implement the Faizpur Agrarian Programme passed a number 'reformist' Acts in 1937 and 1938.

The first proposal to become law, was in the form of an amendment to the Bihar Tenancy Act dealing with rent reduction. It provided for :

- (a) cancellation of all enhancements of rent between January 1911 and December 1936;

153. Ibid., p. 310.

154. B.B. Chaudhari, op. cit., p. 223.

155. Gupta, op. cit., p. 65.



- (b) the reduction of all rents commuted between January 1911 and December 1936, in the same proportion in which the prices had gone down.
- (c) Total or partial remission of rent in cases where the soil has deteriorated by deposit of sand or submersion under water or another specific cause or where the landlord has neglected the irrigation arrangements which he is bound to maintain.
- (d) Reduction of rent where there has been a fall in the average local prices of staple food crops (not due to a temporary cause) during the currency of the present rent.
- (e) Settlement of fair rent in other suitable cases.
- (f) Reduction of rent in cash and in kind.
- (g) Peasants holdings could be transferred without the prior consent of zamindars and the galami that was previously payable at the time of such transfers was greatly reduced.

In another law passed by the Ministry, dealing with Reduction of Arrears of Rent (1938) it was provided that,

- (a) in the case of those holdings where the rents had been either settled or reduced under any provision relating to the settlement or reduction of rents, the

landlords could not through any suits or proceedings be able to recover arrears of rent;

- (b) in the case of those holdings as well, where rents had not to be settled or reduced as in (a) the landlord similarly could not recover arrears of rent;
- (c) in those cases not covered by (a) or (b), on the ryots' application, the collector could reduce the arrears to such an extent as he considers proper....";
- (d) sales by zamindars of the entire holdings of peasants on grounds of non-payment of due rent were made illegal.
- (e) They could, however, sell only a part of the holdings which was enough for the realization of the arrears of rent.

Chaudhari maintains that despite the disappointment of the kisan leaders, 'some of these measures undoubtedly helped the peasants.¹⁵⁶ Contrary to this, the laws were vehemently criticized by the most notable kisan leader, Swami Sahajanand Saraswati. In the two pamphlets written by him, he made explicit the real intentions of the Congress, by highlighting that the "rent reduction law is administered

156. Chaudhari, op. cit., p. 221.

to the disadvantage of the Kisans".¹⁵⁷ The Swami further pointed to the fact that whatever little concessions being granted were sought to be curtailed by the "instructions given to the rent officers" by late 1939. These instructions prohibited the application of a number of sub-sections of the Act, (112A(d) of the Bihar Tenancy Act, p. 5) thus tying down the hands of the rent officers. It is commonly maintained, that the effect of reduction of rent, on an average came to be twenty five percent. Swami, however, indicates that the reduction would amount to 25% if only the price of one staple food crop, namely rice was taken. But the government in a circular over-ruled its previous direction (of one food crop) and 'now' specified two crops to be taken into account. So doing, resulted in the mean price of barley and rice coming to only 18½ per cent, which meant, "in actual practice nearly two annas per rupee have been lessened, making this clause practically dead".¹⁵⁸

Where the rent was to be reduced, following the failure of the zamindars to maintain irrigation facilities, a provision which very closely touched the landlord, the government in a circular directed that the rent reduction officer should direct the landlord to make good the specific defects" by giving him "reasonable and sufficient time" to

157. Sahajand, Rent Reduction in Bihar: How it Works, (S.S. Saraswati, P.O. Bihta District Patna, 1939), p. 2.

158. Ibid., p. 7.

do so. Sahajand points out that this directive more clearly than any other brings out" the change the government outlook has undergone of late" and the "growing pro-zamindar tendency of their part".¹⁵⁹ In the 'Other Side of the Shield' the Swami went on to show how the Faizpur Agrarian Programme, of the Congress had not been fully implemented. In a detailed discussion, (item wise) Sahajand pointed to the fact that only four of the thirteen items had laws passed by the legislature. Some others were only touched upon, thus leaving a lot to be still done to ameliorate the peasant demands as recognized in the Congress document.¹⁶⁰

In view of the bakasht struggles waging high, there was urgent need to pass legislation to restore lands to the original tenants. The Bihar Restoration of Bakasht land... in 1938 was largely the product of a compromise between the landlords and the Congress. Initially it was opposed by some of the landlords, for example Sir Ganesh Dutt objected to it on grounds that it violated the right to property.¹⁶¹

The bill provided under certain conditions, for the return to tenants, lands which had been sold up, in the period from 1929 to 1936. In return the tenant was to pay, within a period of five years, half the auction price of the holding

159. Ibid., p. 12.

160. Gupta, op. cit., pp. 158-60.

161. Ibid., p. 221.

as well as its legal costs.¹⁶² The strength of the restoration bill was eroded by a number of exemption clauses. These were,

- (a) if such land had already been settled with another occupancy tenant;
- (b) if it was under the direct cultivating control of a 'petty Zamindar' who tilled the land by means of labourers...;
- (c) if it had been converted by the landlord into a garden, tank or building site.

Further the term 'petty Zamindar' had been defined (so) broadly that ultimately only a small minority of landlords came under the purview of the Act. In many cases former tenants, were displaced by zamindars anxious either to resettle the holdings with other peasants 'willing and able' to pay a better price for them, or else to bring their holdings under their own direct cultivation.¹⁶³

Moreover, the Act 'moved at a snail's pace through the legislature, which allowed zamindars additional time to find ways to avoid its provisions.¹⁶⁴

162. Henningham, op. cit., p. 153.

163. Ibid., p. 154.

164. Ibid.

The tenants, whose actual interest the Act sought to promote could not in fact always benefit from it for (a) they could not afford to pay the legal costs and half the auction price for the bakasht lands, (b) their inability to bring convincing documentation before the courts. Documentary evidence usually favoured the landlords because through their agents, namely the patwaris, they kept a strict control over the making and distribution of such evidence.¹⁶⁵

By its internal weaknesses as well as its compromising attitude, the bakasht restoration was largely a failure. Where it was a partial success, the responsibility lay with the Kisan Sabha and its organized movement. At Gaya, the activities of the Sabha made possible, the restoration to 90 per cent of their holdings of an original 1500 bighas through a compromise, to dispossessed tenants.¹⁶⁶

But on the whole the appeal of the bakasht issue was coloured in 'conservative connotation'. As even the Kisan Sabha's agitation over bakasht lands was an attempt to 'work within the zamindari system, either to re-establish rights which had previously existed or else to take advantage of rights under the law' enacted during these years. Instead of taking a 'radical initiative' and calling for the

165. Ibid., p. 155.

166. Das, op. cit., p. 159.

break up, of large holdings and the distribution of land to the landless it sought to grant full ownership rights to tenants.¹⁶⁷

Towards a Final Break: Rupture

In time, however, the class position of the Kisan Sabha and the Congress became more coherent. That the Congress was necessarily leaning more towards the zamindars came to light with the tributes paid to it by noted landlords. Sir C.P.N. Singh who was then the leader of the opposition and also a very big landlord was so satisfied with the Congress Ministry's functioning that he talked of an "All India Congress Zamindar Agreement". He further said that, "The government in Bihar... was very reasonable and some concessions were secured by the zamindars which no other government would have allowed."¹⁶⁸

The Kisan Sabha also gradually adopted a class approach and sought socio-economic reforms in the interest of the tenantry. Once it had definitely aligned itself with peasant interests, its relations with the Congress government worsened. The tenancy legislation passed by the Congress were for them 'disappointing from the point of view of the kisans'. The AIKS at its Calcutta meeting

167. Henningham, op. cit., p. 167.

168. C.P.N. Singh, quoted by Sahajand, op. cit., p. 1.

(27th and 28th October 1937) passed a resolution in which it was stated, that though the Congress had "...taken some concrete measures and foreshadowed some more" in the long-term it, "deeply deplores and expresses its strong dissatisfaction with the superficial and perfunctory manner in which the Congress Ministries have dealt with only some of the problems affecting the kisans".¹⁶⁹

Among the other issues which marked the relations between the two was firstly, the question of adopting a separate flag. In adopting the Red Flag as the flag of the Kisan Sabha, the kisan leaders were stressing on the autonomy of the class organization from the national one. A number of Congress leaders objected to this, as to them it 'was an insult to the national flag'. At the same meeting in Calcutta the AIKS explained its position thus, "while asking Kisans to respect and maintain the national flag as a symbol of our anti-imperialist struggle for a national freedom; it calls upon kisans and the Kisan Sabha to adopt the Red flag as their own and hoist and march under it".¹⁷⁰ Clarifying their position Swami once again 'stressed' the importance of the tricolour for national purposes and said "whereas the tricolour is a symbol of nationalism the Red

169. Gupta, op. cit., p. 148.

170. Ibid., p. 142.

Flag is that of the international solidarity and aspirations of the exploited and the oppressed".¹⁷¹ While this did not convince the Congress leaders, the ideological shift amongst the Kisan Sabha leaders was becoming more visible.

Another issue was that of the 'danda' (stick) which the kisans had been asked to carry with them wherever they went, by the Swami. The Congress disapproved for it feared that this would spread the 'danda cult' which was opposed to the creed of non-violence and might lead to 'mass violence'. In a resolution at the Gaya session, the AIKS stated that the kisans had demonstrated 'restraint and discipline' in spite of 'grave provocation' at times. Despite its strict adherence to peaceful methods, its workers were being charged of 'implicit and overt violence' which were wholly false and propogandist.¹⁷² Nevertheless, Jadunandan Sharma stated that peace and non-violence were adopted by them by 'circumstance' and ^{not} as a 'policy', and therefore would not be used as a "cloak to conceal the weakness and impotence of the kisan" thus suppressing their power of "resistence to oppression and tyranny".¹⁷³

The schism between the Congress and the Kisan Sabha, thus came to take the shape of a permanent divide. The

171. Ibid., p. 143.

172. Ibid., p. 145.

173. Ibid., p. 146.

Congress Ministries found the activities of the Kisan Sabha "incompatible with the basic principles of the Congress".¹⁷⁴ The agrarian disturbances, processions and public meetings sponsored by the Kisan Sabha threatened the Congress capacity to maintain law and order. The latter reacted strongly, drawing on all the repressive machinery to contain the kisan agitation. The 'breaking point' however came "when Patel questioned the right of the peasants to form class organizations at all".¹⁷⁵ In line with this at the Hari-pura sessions, the Congress adopted a resolution reiterating that it "itself is in the main a kisan organization". Though it recognized the right of the kisans to form their separate organizations, it disassociated itself from the activities of the Kisan Sabha.

The Kisan leaders no doubt took exception to this, yet they resolved to support all genuine anti-imperialist activities that might be carried on by the Congress. At the Comilla session of the AIKS (1938), Sahajanand attacked the Congress Ministries of having a "reformist mentality.... it seems they have begun to be afraid of the revolutionary forces and have a distinct tendency in them to discourage the manifestation of radical forces in the forms of strikes and demonstrations by peasants".¹⁷⁶

174. Ibid., p. 149.

175. Das, op. cit., p. 157.

176. Gupta, op. cit., p. 150.

In mid 1939, the final blow came when the Congress Committee took the decision of prohibiting Congressmen from "organizing any form of satyagraha in the (Congress) administered provinces without the previous sanction of the Pradesh Congress Committee...." It was obvious that this resolution was against the right of the kisan members of the Congress to "resort to peaceful satyagraha" as well as from joining the Sabha activity. The latter was clarified by another resolution, stating that disciplinary action would be taken against those "Congressmen who as members of the Kisan Sabhas help in creating an atmosphere hostile to Congress principles and policy. "It also directed its Provincial units to take action against Congressmen who participated in the Kisan Sabha activities which went against the Congress policies."¹⁷⁷

The Congress socialists and the Sabhaites had so far, with a few exceptions, worked together harmoniously. Of late however, the relations between them came under strain especially on the 'question of relationship with the Congress'. Whereas Sahajanand was veering round to the view that the Congress not only stood for the propertied classes but even for the protection of zamindari, under various ways represented best by Gandhi, the CSP held that the initiative for a mass movement could only be taken by

177. Ibid.

the Congress led by Gandhi. They further gave prime importance to national unity in the fight against Imperialism and accepted Gandhi as the 'supreme leader'. Their, this stand made them support the Congress in opposition to Subhas Bose at Tripuri and later at Ramgarh.

To build an effective alternative to Gandhian leadership, Sahajanand sought to unite all left forces, but the vacillating position of the socialists, convinced him that they could not "cut their umbilical cord with the Congress".¹⁷⁸ Notwithstanding their reservations, Sahajanand sought to include them in the left unity'. In June 1939, the Left Consolidation Committee with N.G. Ranga as representative of the Kisan Sabha was formed. Through 1939 it held various meetings, but the socialists did not participate.¹⁷⁹

Second World War and After

With the outbreak of the Second World War in September the same year, the British declared India a party to it without consulting the Congress. In protest the Congress Committee called upon all Congress Provincial Governments to resign. Following the resignation in eight provinces they re-emphasized their goal for complete independence,

178. Das, op. cit., p. 162.

179. Ibid., p. 163.

and in the interim to form, a war time Indian Government responsible to the Legislative Assembly. It refused to support the war, unless the British declared their war aims, but at the same time agreed not to call an immediate satyagraha. The socialists went along with the Congress in general, but wanted to utilise this moment of crisis for 'securing Swaraj', by intensifying national struggle.

In the situation where the CSP 'edged closer to the position of the official Congress, Sahajanand moved towards the communists. He said, "My experiences during these years have convinced me that the communists are more prompt and interested in the welfare of the kisan than the socialists...".¹⁸⁰

At the Ramgarh session of the Congress in 1940, the two had moved quite far and Das asserts that they had for "all practical purposes, split". It was formalised only at the Dumron session of the BPKS in March 1941, where Sahajanand was decried as a 'faction leader' and the socialists went ahead to form a rival Kisan Sabha.¹⁸¹

Sahajanand, looking for some drastic action was not satisfied with the call for 'individual satyagraha' of the Congress, supported by the CSP. His search for direct

180. Ibid., p. 164.

181. Ibid., p. 165.

action brought him closer to Subhas Chandra Bose, with whom he sympathised and included in the Left Consolidation attempt.¹⁸² Taking Bose's 'stridently' anti-imperialist stand to be 'radical' Sahajanand combined with him, giving a call for 'sounding the bugle of struggle for national freedom' and opposing any form of compromise with imperialist forces. They organized an "All India Anti-Compromise Conference" at the venue of the Congress session in 1940. Despite disraption from their Congress colleagues, the conference made its mark as more than 10,000 persons attended it and raised slogans to "stop all talks of compromise and launch the fight for freedom."¹⁸³

Soon after, both of them were arrested, thus ending their sojourn in the circumstance of the war. However, this alliance proved costly to Sahajanand, as some of his 'closest comrades' like Pandit Dhanraj Sharma and Mathura Prasad Mishra who left to join the Forward Bloc did not come back to his fold but in fact broke off from his organisation to form a seperate Kisan Sabha.¹⁸⁴

While in jail, Sahajanand came in close contact with the communists and soon began to appreciate their aspira-

182. Ibid., p. 166.

183. Gupta, op. cit., p. 111.

184. Das, op. cit., p. 168.

tions of a social revolution making possible a just egalitarian and democratic society. Deserted by Congress socialists and the Forward Bloc, the Kisan Sabha and the Communist Party of India (CPI) closed in. Between September of 1939 and June 1941, the CPI saw the war as an imperialist one, and like the CSP, the Kisan Sabha, the Forward Bloc stood for a 'revolutionary utilisation of the war crisis' by an 'active struggle'.¹⁸⁵ German attack on the USSR, in 1941 however, reversed their position to one of characterizing the war as a 'people's war'. It was decided to support the war effort in order to protect "the only state of the peasants and workers...".¹⁸⁶

At the time when the Bihar branch of the CPI was started, the only notable peasant leader to join it was Rahul Sankrityayana. Later a number of other prominent leaders joined in. Slowly the control of the Kisan Sabha's organizational machinery passed into the hands of the CPI. Once allied they sought to promote the CPI sponsored 'Grow More Food Campaign'. Sahajanand agreed with them and was then released from jail. He threw his lot in the above campaigns, alongwith his associates.

In 1942 at Nagpur the Central Kisan Council (AIKS) adopted a resolution urging Kisans to align themselves on

185. Gupta, op. cit., p. 113.

186. Das, op. cit., p. 170.

the side of progressive forces like Soviet Union and China, "in waging a relentless war for the final extermination of fascism". The resolution further said that "this war can be effectively converted into the Indian people's war only when it is fought under the leadership of a national government and with the willing and hearty cooperation of the people of India".¹⁸⁷ These resolutions were fully endorsed by Sahajanand and the BPKS. Addressing peasants at Sherghati, he still spoke about abolishing zamindari but in much more reformist tones. "Zamindari dies hard... we have to defeat it and end it with all our might. But let us wait for some time. Today the government also must be anxious that its energy is not wasted in local strifes and it has to find a way out of them. Let us tell all concerned that for the present we do not want to wage any kisan struggle unnecessarily...".¹⁸⁸

It was difficult to believe that the same Sahajanand of the Forward Bloc days with its anti-British stand, was 'today' (not more than a year later) ironically supporting the allies in their war against fascism.

Quit India

Meanwhile the internal debates of the Congress on the next step for mass action seemed to be crystallizing as the

186. Das, op. cit., p. 170.

187. Gupta, op. cit., p. 114.

188. Sahajanand, quoted by Das, op. cit., p. 172.

British war time 'offers' did not meet their demands even half way. The developments of the war itself signalled towards the 'final liberation struggle'. Japan's entry into the war, and the rapid collapse of Britain's military position in South East Asia,¹⁸⁹ including the fall of Burma brought the war to India's doorstep. The Second World War was no longer a distant reality on which 'factional' feuds or intellectual discussions could be held. The war experiences were visibly confirmed by the arrival of Indian refugees from Burma. The requirement of the time was unity and action. It is in such a situation that Gandhi in August 1942 sanctioned the resolution launching the, third mass struggle of the Congress, 'Quit India'.

The British came down heavily on the Congress, banning it and arresting all important leaders within a few days. The fury however, seemed to have enveloped the people, as the movement spread from urban areas via students, into towns and then to the rural countryside till it encompassed the entire country. In the absence of national leaders, Provincial leaders took over and when the latter were detained, grassroot leaders emerged to take control and keep the movement going. In Bihar, Jayaprakash Narain, Suraj Narayan Singh, Karpoori Thekur took charge of the outburst but with their imprisonment in 1943, Siaram Singh

189. Harcourt, op. cit., p. 337.

and Nakshtra Malahar emerged under whom the revolt continued for many months inspite of brutal repression.¹⁹⁰

As the movement moved outwards in the direction of the villages it found 'very willing allies' in the 'population of the Bihari village'. The peasant, especially the category of the 'rich peasant', joined quickly the 'urban professional middle class' to give vent to the 'government-landlord alliance' which they resented. Their aim was to replace the existing political system with a 'broader based nationalist regime'.¹⁹¹ Another reason which drew the Kisan into the ferment of 1942, was according to Harcourt, a 'scarcity crisis'. By mid 1942, he states, the onset of another economic calamity for the kisans, began to arouse their 'insecurity feelings'. "Between April and August 1942 the foodgrains price index rose by 60 points" indicating that the kisans faced an extremely uncertain economic future.¹⁹² "Rebellion as a response to economic hardship is usually predicated on a breakdown or the threat of breakdown of the incumbent regime's authority".¹⁹³ The coincidence of the August uprising and the 'scarcity crisis' galvanized the peasantry into action, thus the 'Quit India movement' has been called a "major peasant rebellion".

190. Das, op. cit., p. 174.

191. Harcourt, op. cit., p. 327.

192. Ibid., p. 338.

193. Ibid., p. 339.

With the peasants so involved there was not only sabotage of communications, roads dug up, culverts broken up, railways blocked or dismantled, telegraph wires cut but also attacks on police and military. In many places no-rent campaigns were started.¹⁹⁴ The use of guerilla warfare, in areas was supported by insurgents, endeavouring to capture government outposts and setting up 'parallel' structure in its place. This indicated that there was an awareness, among the Indian people, of the link between the movement and its ultimate objective, i.e., the need to replace the 'infra-structure of the Raj with a modern national government. Harcourt explains, the widespread looting, arson and attack on government property to the "rare breakdown in the intelligence gathering system of the raj".¹⁹⁵ This was possible firstly, because of the absence of close administrative contact between the local officials and the affairs of the district, and secondly to a 'conflict of loyalties' amongst the Indian officials and policeman because of which in certain cases they were unwilling to tell on their nationalist patriots.

Meanwhile, the alliance between Sahajanand and the CPI, was also dwindling, while the latter continued to support the war, Sahajanand started moving away and by

194. Ibid., p. 320.

195. Ibid., p. 342.

1944, the two had parted company.¹⁹⁶ At the Bezwada session differences arose between him and the other communist leaders of the AIKS on "organisational matters and the question of Pakistan". He adopted a rationale distinct from that of communists and tried to start agrarian movements once again.¹⁹⁷ After the war, the communists formalised their break with Sahajanand, at the Netrokona session of the AIKS in Mymensingh district.

Sahajanand continued his efforts to bring together left unity, and in this direction formed the 'All Indian United Kisan Sabha',¹⁹⁸ as well as made futile attempts to come back to the Congress. His persistence did not show results and towards the close of British imperial days in India, he became an isolated depressed man.

In a phase of peasant upheaval, the kisan leaders once again launched bakasht struggles in 1945-46. At the provincial level these agitations came increasingly under the influence of communist leaders. In Bihar, Karyanand Sharma led the movement.¹⁹⁹

Zamindari Abolition Accepted

In 1946, the various opinions, on the important issue of zamindari abolition converged. The demand was not

196. Gupta, op. cit., p. 122.

197. Das, op. cit., p. 179.

198. Ibid., p. 181.

199. Gupta, op. cit., p. 119.

a novel one, the BKPS had adopted it in 1935 itself, and since then it had been touched by numerous kisan leaders especially at the AIKS conferences.²⁰⁰ However owing to the environment of agrarian disturbances, created by peasant insurrection' in different parts of the country (bakasht struggle in Bihar, Telengana in AP, Punnapravayalar struggle in Kerala, Tebhaga struggle in Bengal) the problem of landlordism drew 'active attention' of all kisan organisations. The AIKS, in its resolution adopted at Calcutta in 1946, the Congress in its Election Manifesto of 1946 and the Flood Commission's enquiries reported in 1946, all accepted in principle 'zamindari abolition'.²⁰¹

200. Ibid., p. 47.

201. Ibid., p. 50.

Chapter - 3

LAND REFORMS IN BIHAR

I. Developmental Dimension

The proposals of land reform in India must be seen as essentially Congress land reforms. As inheritors of political power, both at the centre and at the state under study, it was the Congress 'welshenstung' that found itself being translated into public policies for independent India. The genesis of Congress thinking on land reform, had begun during the anti-imperialist struggle itself¹ and had been worked out as a result of its experiential contact with the same.

Analogous to its own heterogeneous membership, the Congress outlook can be characterized as a spectrum not easily codified by definitions. Its framework contained elements of, Gandhian, Socialist and Modernist¹ ideology spelt out by Nehru, the main architect and visionary of its particular phraseology. The 'Nehruvian-Model' of the mixed economy type, as it widely came to be known committed India to a 'gradual process of peaceful reform'. The aim of this slow and gradual means was to simultaneously raise 'productivity' and 'equity', while modernizing all sectors lead-

1. See section III of Chapter 1.

ing to rapid economic growth. The chosen path of development, was not merely one of unilinear development but a path of transformation. Such a path which would transform social, economic and political structures, releasing forces that would set India on the road to socialism.

The path Nehru paved for India was a "way of peace".² Ruling out an undiluted capitalist pattern on the one hand, Nehru battled with the question, whether there could be any other method of transforming the entire social structure without a direct confrontation between classes. In working out an answer, he drew heavily on the Gandhian method of a 'two-pronged strategy of class conciliation and an indirect attack on the social foundations of exploitation'.³ Nehru believed that 'political democracy' would generate pressures from within the system which would make possible the achievement of multiple goals for India's development.

The general development strategy envisaged, an active government intervention in all sectors of the socio-economic transformation. By legislation the private business sector was to be brought under a more effective public regulation

2. Frankel, India's Political Economy, op. cit., p. 93.

3. Ibid., p. 108.

and control system, a public sector dealing with infra-structural requirements for industrialization was to be launched and the most exploitative aspect of the countryside, the zamindari system abolished. All these were to be done without a direct frontal attack on the institution of private property. For Nehru "was not prepared to weaken India's fragile political unity by an outright attack on the propertied elements",⁴ either by constitutional amendments or by encouragement to civil disobedience movements. He preferred the 'incremental approach of whittling away' at the social supports of these groups by mobilizing the weaker-impooverished groups to demand and secure their rights.

In the agrarian sector the proposal of land reform including a provision of redistribution of land as well as the recommendation for individual, joint or cooperative farming indicated a measure of socialist commitment. But herein also the strategy for implementation was conceived as an organizational device for weakening the social pillars of economic and political dominance by the landed castes. Through the introduction of institutions like 'Community Development' and 'Panchayati Raj' it was hoped that the rural population would develop a new awareness and use these organizations for securing 'social justice' through

4. Ibid., p. 100.

peaceful means'. Frankel writes that, "the new institutions by mobilizing popular pressure from below, would compel the dominant land owning castes to concede demands for limited reform or face the prospect of total ruin".⁵ Nehru speaking at the inauguration of the first Community Project, visualized, "the work we are starting today" as the beginning of a far reaching social revolution. He went on to say, "we are now talking in terms of a big revolution, a peaceful revolution, not of turmoil and the breaking of heads. It is in this manner that we shall transform our country. Peacefully, we shall remove the evils of our country and promote a better order".⁶

Like Gandhi, Nehru came to have great faith in the 'millions' of passive villagers', which made him assume that the peasantry, could be made to understand their common interest and strength in transcending parochial divisions, to cooperate for economic reform. A proper education aimed at changing the "thinking of the masses" and the efficacy of the new institutions, he believed, would gradually generate a popular leadership drawn predominately from among the poorer sections of the peasantry, capable of organizing the majority in tasks of social reform. It was with such a vision that Nehru could claim, that the advent of political

5. Ibid., p. 109.

6. Nehru on Community Development, quoted by Frankel, ibid., p. 109.

democracy offered a realistic hope of achieving a 'non-violent social revolution'.

His faith in these institutions as well, as, on the people at the village level was so immense, that he reduced the importance of party work and political processes in this regard. In fact, he asserted, "I am not for a moment thinking about a party like the Congress or any other party sending people to push them on or to organize them. But the real cadres are being built at the village level all the time. They are not party cadres in that sense; they are village level workers, agriculturists, peasants".⁷ Such confidence of Nehru, prompted Frankel to write, "the Congress party did not have to lead the movement for social change. Under the system of local democracy, the broad mass of the people would carry the party forward."⁸

This seemed well knit and cohesive in theory, but in practice the village downtrodden could not, without "push" develop the skills that Nehru demanded of them. Moreover the working of the Congress itself, made this a difficult possibility.

The Congress of the pre-independence was a multi-class umbrella organization. It retained its this character

7. Karanjia, *The Mid of Mr. Nehru*, as quoted by Frankel, *ibid.*, p. 110.

8. *Ibid.*, p. 111.

even after achieving independence. The earlier Gandhian strategy of building a multifaceted united movement opposed to class-struggle, was based on the need to avoid splintering the national movement. This was succeeded by the Nehruvian method of class-accomodation to retain the political unity of the new nation state. The conciliatory politics was thus reinforced by a model of accomodative politics 'mastered' by the Congress party. It further retained its tactic of appealing to all sections, promising partial benefits to each.

Since the nation-state had been created without a prior confrontation between the modern leadership and the authoritative traditional groups, the old leadership patterns were preserved and continued to exist with new lease of life. Instead of replacing these local notables, the party adapted and aggregated the local power structures into its own hierarchy. Thus the hope that popular local pressure would overthrow the local bosses or demand from them social reform was defeated by the Congress practice of establishing links with them and relying on their cooperation for political ends. This reiterated their dominant caste and economic position, placing them at nodal points of political patronage.

Finding itself at a loss for administrative and governmental presence at all levels, and with a aim of carrying out elaborate developmental tasks, the Congress came to use "the natural building blocks closet at hand". Thus, within each region, they recruited from among those who were typically members of the large landowning castes.⁹ Such local notables put together the basic units of the Congress party organization. They became leaders, who galvanized their own kin, caste fellows and economic dependents as adjuncts to the party structure. The wider district, state and national party organizations represented a complex pyramiding of these vertical multicaste and multiclass alliances. The majority of these party men retained primary loyalty to their faction; while these factions in most cases had an independent standing from the party. Thus, in a number of cases, the party depended on the support of the rural elites.¹⁰

In this context, the introduction of electoral politics, only reinforced the strategic position of these leaders, as it demanded a new function of them, that of getting party leaders elected to governmental positions. They became the "link men" in the constituencies between

9. Ibid., p. 23.

10. Ibid.

the "vote banks" built on their loyalties and outside authorities in administration and government. During general elections, the faction leader acted as a broker between his village and the political party, delivering peasant votes in return for preferential treatment for his group if the candidate was successful. Similarly the very fact that he had access to influential people outside the village enhanced his status and power in attracting a larger local following.

In the absence of a political party or agency pursuing the task of transforming the power structures of the countryside, universal suffrage and an open electoral process by itself, could not create the conditions of popular pressure from below, to accomplish peaceful implementation of social reforms. Rather the existing dominant strata prevented the poorer sections from using their 'potential power' of superior numbers from pursuing common economic interests.¹¹

In this environment, the specific commitment to land reforms by the Congress becomes important.

Whatever the conflict between the ideals and achievement of the land reform policy, both Warriner and Hung-

11. Ibid.

Chao-Tai accept that the ideals had been advocated in good faith.' Warriner states that "there can be no doubt of the sincerity of the original convictions behind the general reform policy of the Congress party".¹² While Tai accepts that ideology of various persuasions 'has provided an impetus for the initiation of reform'. In the Indian case, he says, "the agrarianism championed by Mahatma Gandhi and the socialism advocated by Jawaharlal Nehru influenced to a certain extent, the Congress party's attitude towards the rural issue".¹³

While the conviction for reform may have been there, there is no doubt that most of these 'ideals' remained "ideals in abstraction". This has been highlighted by the virtual non-implementation of these 'ideals'. Hence the paradox of high principles and ineffective action. "So Congress provided both the motivation for land reform and the opposition to it, as a socialist head with a conservative body".¹⁴

Thus the motive of the Congress land reform fits more closely with the first hypothesis, delineated by

12. Warriner, Land Reform in Principle and Practice, op. cit., p. 137.

13. Hung-Chao-Tai, Land Reform and Politics: A Comparative Analysis (University of California Press, 1974), p. 52.

14. Warriner, op. cit., p. 139.

Tai.¹⁵ According to Tai, a political elite initiating reform, 'is decisively influenced by the perceived need to gain political legitimacy', i.e., to strengthen popular support for the new political order being established. From the point of view of the elite, land reform has both political utilities and political liabilities. As for the utilities the elite is well aware that the peasants can play a variable political role. They can be participants in a revolution, seeking to destroy the existant political order or a conservative force upholding the existing regime. The elite can use land reform varyingly, promising them when "seeking power" and withholding it when "controlling power". By such use of reform, the elite will be able not only to establish a broad rural base but also to make the peasant an important ally when confronted by non-peasant forces.

Secondly, if the elite is able to work out a programme for the benefit of the largest group of society, it strikes a stance in favour of the masses. It will thus, win sympathy of the peasants as well as of all other less endowed groups. Land reform then, is both a programme for socio-economic change and an instrument for building up the popular image of the elite.

15. Hung-Chao-Tai, op. cit., p. 56.

One of the factors for Congress reforms according to P.C. Joshi closely approximates the one stated above! He writes, "Commitment to land reforms by the elites... was earlier a part of the political strategy of winning power (and) now a part of the strategy for legitimatizing power. It was necessary that for, gaining political legitimacy the ruling elites should appear to be earnest about remedying the hardships and sufferings of the peasants who constituted the largest section of the population...."¹⁶

Another feature of the Indian case as argued by some, is that the peasants "neither fought nor agitated for their economic liberation". "The reforms in India are not a result of popular demand but rather the brainchild of the intellectuals of the Congress party".¹⁷ In a similar argument Khusro says that, "Land Reform in India has been by and large, a gift of the administration to the tenantry...".¹⁸ In opposition to this, Koshy argues that "it would be wrong to suggest that land reform was a gift from a 'benign government in the absence of pressure from

16. P.C. Joshi, "Land Reform and Agrarian Change in India and Pakistan since 1947", in *Studies in Asian Social Development*, No. 1 (eds.), Ratna Dutta and P.C. Joshi, (Tata Macgraw Hill, 1971), p. 7.

17. Ladejinsky, *op. cit.*, p. 383.

18. Khusro, *op. cit.*, p. 15.

below".¹⁹ He highlights, how the peasantry was mobilized and used during the freedom struggle under an attractive slogan of 'land to the tiller' alongwith definite assurances to realise it, soon after the attainment of independence. Peasant movements launched by the Kisan Sabha had spread into various states, reaching its height in 1946, with the 'massive peasant uprisings' of Telengana in Andhra Pradesh. The outcome of these movements was that the "Congress leaders were forced to give some thought to this outstanding fundamental problem".²⁰ Thus the Congress land reform policy emanated both as a commitment to a certain ideology as well as a response to popular pressure.

Further the ruling elite were well aware that the idea of equality was fast becoming part of the consciousness of the exploited classes and consequently an economic and social order which tended to perpetuate rather than remove social injustice would not answer the needs of the times. It would not be tolerated by the masses, and thus emphasis was placed by the ruling elites on combining economic development with social justice.²¹

19. V.C. Koshy, "Land Reforms in India under the Plans", Social Scientist, July 1974, p. 52.

20. Ibid., p. 45-46.

21. Joshi, op. cit., p. 9.

The only 'political liability' of land reform seemed "the certainty of opposition from the influential landed class. In countries in which the elite includes a sizeable number of landlords, reform will generate dissension within the elite which may weaken its overall power position".²² The Congress party was precisely in this situation, as data on the social origins of active members of the Congress party showed that almost half of the Congressmen who joined in the nineteen thirties were recruited from the prosperous proprietor castes owning holdings between twenty one and a hundred acres.²³ Thus a majority of Congressmen were themselves owners of land, or were linked to substantial owners either through family, caste or faction affiliations. In Bihar "the richer zamindars had been an urban elite with roots in the city", and were "nominated as members of Congress for the rural districts which they controlled".²⁴ The Congress programme thus came to be worked out keeping in mind both the lofty ideals of a few leaders and the "conservative body" whose support was essential to maintain political rule of the party.

The median arrived at by the Congress party was characteristic of its own heterogenous multi-class and multi-caste support base. Broadly speaking the Congress land

22. Tai, op. cit., p. 57.

23. Stanley A. Kochanek, The Congress Party of India (Princeton University Press, 1968), pp. 337-38.

24. Warriner, op. cit., p. 165.

reform policy aimed at structural change of the agrarian sector, not by injecting an agency capable of transforming the given structures but by 'educating' the masses and ushering in local participation in the new rural institutions. The specific programme included, abolition of zamindaris, tenancy regulations, ceiling, consolidation of holdings, etc. However in further verbalizing these, into actual laws, came the real intention of the Congress. In keeping with its general strategy the laws contained benefits for each strata of the rural populace. On the one hand zamindari was abolished but the law sought to end only the intermediary rights of the landlords not their control over land. In so doing it did not touch private property but legally allowed them to retain vast tracts of sir and Khudkasi lands for themselves. Tenancy regulations, on the other hand, aimed at providing security of tenure, reduction of rents and ownership to certain sections, in time with relevant documentary evidence. Since the Indian tenantry was not homogenous, a myriad of provisions dividing them into various categories²⁵ with varying benefits were set out. Such a scheme was useful from the point, that separate types were to be treated separately, but in reality it complicated the

25. P.S. Appu, "Tenancy Reform in India", Economic and Political Weekly, Annual Number, 1975, p. 1341.

provisions to such an extent that tenancy laws became a complex web of differing rights. Then came ceiling which reiterated property but within certain limits. The ceiling laws allowed landholders land of certain sizes, those holding below this size could resume tenanted land for 'personal cultivation'. On the non-resumable land of the owners, tenants could be settled with ownership rights after a fixed time-period. However all land was not to be resumed thus leaving the tenant with no land to cultivate. The law protected a minimum size, of five acres where the tenant held ten acres or more, and at least one acre where he held less than five acres of land. While surplus land, i.e., above the ceiling limit was to be appropriated and distributed according to different set of provisions. The Homestead and Consolidation of Holdings Acts added further to the 'verbal jugglery' of the land reform laws, putting down on paper, meticulous details of the desired change.²⁶

Moreover each aspect of the reform was not to be implemented simultaneously but one by one in stages. This was because 'land reform' was part of the 'state list' and thus a responsibility of the state governments. The Centre was the initiator of reform and through its agencies provided broad recommendations (Five Year Plans) on this vital national issue. From time to time it also put pressure on

26. Ibid.

the states for speedy framing of laws and its implementation.

The commitment to land reforms and the above laws were to be fulfilled by a 'liberal democratic state' which posited a gradual transformation of the social structure through an evolutionary method. Between the existant state and the distant goal of 'socialism' a "period of transition" was visualized. This phrase finds mention in a number of official documents²⁷ and thus becomes important as it stands for a particular methodology to be followed. Objectives like 'land to the tiller' or even 'socialism' were not to be attempted immediately but peacefully through democratic methods over a period of time. For it was necessary to obtain wide acceptance and common consent for each step that was taken, which in its turn acted as a process of social education for the next.

Thus the Congress government was to carry out its programme through a general consensus and balancing of all interests. In retrospect therefore the entire process of land reform and the attempt to bring about structural changes can be seen as a movement, which one is labelling as the spiral syndrome. That is, the land reform measures were

27. The Congress Agrarian Reforms Committee Report, p. 27; Panel on Land Reforms, Planning Commission, 1959, p. 40.

framed into laws one after the other, a certain lapse of time allowed between the first introduction of the bill, its passage, acceptance, emendments and then its final implementation. Moreover one law dealt with only one particular facet of the agrarian problem and attempted to change it.

This fitted in well with the 'period of transition' as this method allowed for a law to settle down, manifest its outcome and take form on the material plane. It also made possible a general discussion on the bill, mediation and evolve a consensus on the next round of proposals, while initiating 'social education' for the beneficiaries of the reform. It was only then that the next facet was dealt with.

This points to a basic fact of the Congress method, that the aim of 'land to the tiller' could not be "carried out without hurting private property rights. But "the policy makers were unwilling to wound and afraid to strike".²⁸ The official document proposing a 'period of transition' itself cautioned against it being "exposed to some dangers". It stated that, "progressive change may cause a feeling of insecurity and may give an opportunity to the more powerful sections to anticipate further change and make its implemen-

28. Appu, op. cit., p. 1345.

tation difficult".²⁹ This has been exactly the fate of the Congress land reform policies in a situation where the landed continued to wield power and have access to decision making centres, while the general developmental plan followed by the Congress, allowed these 'vested interests' the time in its 'transition' to circumvent the proposed changes.

In the next section, one will highlight how the spiral syndrome of land reform worked out in a particular state of India, namely Bihar, as also the loopholes, lacuna and reasons of its virtual failure.

II. Legal Dimension

That the zamindari system would have to be dismantled, had become clear by 1946. Its adoption as one of the election promises in the Congress Manifesto of 1946 made explicit the intention of changing its structural edifice. It also happened to be the "weakest enemy to attack"³⁰ as it was imposed by a foreign power, and thus its overthrow made a symbolic mark of gaining freedom from the British.

Once the parameters of abolishing the zamindari system were laid, the first state to enact legislation for

29. Panel of Land Reforms, Planning Commission, 1959, p.40.

30. Ladejinsky, op. cit., p. 377.

its implementation, was Bihar. And rightly so, as "tenures of permanent character formed 99 per cent of the total number of estates",³¹ in the state. Thus in 1946 itself the Bihar Legislative Assembly passed a resolution towards ending landlordism.³² With the aim to actualize the above resolution, the state Acquisition of Zamindaris Bill, 1947 was introduced in the house. It was passed as the Bihar Abolition of Zamindar Act in 1948, but was soon challenged in the courts, and the courts issued injunctions restraining the state government from implementing the scheme.³³ Meanwhile the state government itself proposed to repeal the Act for, more comprehensive legislation on the matter. Pleading the government's case, the then Revenue Minister, K.B. Sahay said in the house, "there is a strong opinion that the Zamindari Act of 1948, envisaging only the management of Khas Mahal, does not go far enough in the matter of land reform...".³⁴ The Bill fell short in other respects like, administrative arrangements for the collection of rents, an advisory body for the government, the question of compensation, etc., thus necessitating another Bill. The new bill was introduced in December 1949, but despite the

31. Ojha, op. cit., p. 36.

32. Malaviya, op. cit., p. 205.

33. Ibid., p. 206.

34. Speech by K.B. Sahay, Revenue Minister, quoted by Ojha, op. cit., p. 50.

absolute majority of the Congress party in the assembly, the bill was not immediately passed. In fact certain sections within the house openly threatened, that if the bill was allowed to pass they would 'uproot the government'.³⁵ Their opposition was responsible for sending the bill to a select committee. Even before the bill was ultimately passed in May 1950, and received the President's assent by September the same year, it was challenged in the Patna High Court which upheld the suit in favour of the zamindars, on the ground that it transgressed Art. 14 of the Constitution and that it was discriminatory in character.³⁶ To invalidate the verdict of the court, the central government passed the Constitution (First Amendment) Act which the zamindars challenged in the Supreme Court of India. As the court upheld the validity of the first amendment, the landlord interests once again moved to the Supreme Court, this time raising the question of constitutionality of the Bihar Land Reforms Act, 1950. The court gave its judgement in 1952 declaring valid the Bihar Land Reforms Act.³⁷

Having lost the legal battle, the zamindars next resorted to direct, personal appeals to the national leader-

35. Proceeding of the Bihar Legislative Assembly dated 30th December, 1949, quoted by Ojha, *ibid.*, p.51.

36. *Ibid.*

37. F. Tomasson Jannuzi, *Agrarian Crisis in India* (Sangam Books, New Delhi, 1974), p. 13.

ship with the hope that zamindari takeovers may be further delayed. Groups of zamindars cabled, Rajendra Prasad as follows;³⁸

"Provincial government bent upon passing legislation reducing landlords substantial and statutory share without compensation, acting firstly against Congress high commands direction of submitting all India plan of changing land tenures before legislation and secondly, acting against all assurances of compensation given to deputations of landholders and tenants and ruining entire landholders class by single stroke of legislation, Great consternation".

AND

Hon'ble Rajendra Prasad... Appealing peace kindly drop Abolition Zamindari, save country civil war.³⁹

In response to such pressure, Prasad wrote to Sahay, cautioning him, for moving so rapidly in the direction of zamindari abolition. Sahay was unmoved, in his reply he said, "...I feel that in order to rehabilitate the position of the Congress it is necessary that the Bills... should be proceeded with...".⁴⁰ In fact K.B. Sahay who remained Revenue Minister till 1957, was chiefly responsible for the

38. Rajendra Prasad, then President of the Republic was known for his conservative orientation and sympathetic ear for the zamindars, see Jannuzi, *ibid.*, p. 14.

39. Both cables taken from Jannuzi, *ibid.*, p. 14.

40. *Ibid.*, p. 16.

passage of zamindari abolition acts, and at one point he was reported to have said, that "he would stake his career on this issue".⁴¹ Therefore he became the target for much virulent criticism during this first decade of land reforms. The editorial of 6th April 1948, of the Indian Nation reported,

"the Revenue Minister is either one eyed or wilfully blind. Bihar is screeching under the stewardship of an aggressive politician who has no vision and faith but who is obstinate and petty. He is impatient to see zamindars out, ... We plead for rational, cool, and calm thinking on this great issue".

Main Provisions of the Act

The Bihar Land Reforms Act 1950, provides, firstly, for vesting estates and tenures to the state. The Act empowered the State Government to issue notification from time to time and declare that the estates or tenures of a proprietor or tenureholder, specified in the notification, have passed to and become vested in the State. The notification would include, any building or part of a building comprised in such estate or tenure and used primarily as office or cutchery for the collection of rent, the tenureholder's interests in trees forests, fisheries,

41. Thorner, op. cit., p. 34.

talukars, hats, bazaars and ferries, all sairati interests, as also his interests in mines and minerals as comprised in such estate or tenure and shall, with effect from the date of vesting, vest absolutely in the State free from all encumbrances except those saved by or under the provisions of the Act.

Secondly, it gave the right to an intermediary to retain certain lands. The Act permitted the old zamindars to retain their sir and khudkast land, under various categories,⁴² (a) all homesteads comprised in an estate or tenure and in the possession of the intermediary, (b) all lands used for agricultural or horticultural purposes, including, (i) proprietor's private lands, (ii) landlord's privileged lands, (iii) land used for agricultural purposes and held in the direct possession of a temporary lease of an estate, (iv) lands used for agricultural or horticultural purposes and in the possession of a mortgagee which immediately before the execution of the mortgage were in khas possession of such proprietor or tenureholder, and (v) such buildings or structures together with the lands on which they stood other than any building used primarily as offices or cutcheries referred to earlier.

The Act further restricted the intermediaries to retain possession of any land recorded as chukidari, chakran

42. Jannuzi, op. cit., p. 17.

or goraiti, jaqir or mafikoraiti in the record of rights or any other land in respect of which occupancy right had already accrued to a ryot before the date of vesting. According to Sec. 7A, the state acquired all rights on such land on which hat or bazar was held within one year prior to the date of vesting of the estate or tenure. But according to the subsequent amendment of the Act, the outgoing intermediaries or their heirs are given preference in the matter of the settlement of such lands.⁴³

Implementation

Once the validity of the Bihar Land Reforms Act 1950, was established, the government set out to take over intermediaries in 1952. Since the government lacked up to date, survey settlement reports,⁴⁴ it directed the zamindars to submit to the state government their rent rolls and the related village records.⁴⁵ As another measure to handicap the implementation of the Act, the zamindars, refused to supply their papers. This was inspite of the fact that sections 56 and 57 of the Bihar Tenancy Act of 1885 had entitled a tenant to a rent receipt on payment of rent and

43. Ojha, op. cit., pp. 53-54.

44. In most cases, the last survey settlement operations had been conducted thirty years ago and hence were not valid. See Jannuzi, op. cit., p. 21.

45. Ojha, op. cit., p. 52.

stipulated that a zamindar should prepare and retain a counterfoil of the receipt.⁴⁶ In the absence of securing such records, the government had to make do with the existing records or as in most cases, construct new rent records thereby impeding the implementation further.

In the first phase (from May through September 1952) of the programme to abolish intermediary interests, only 155 zamindars were affected, i.e., those whose gross annual incomes were in excess of Rs. 50,000.⁴⁷

During this period, a number of zamindars filed cases, individually in the courts, to prevent the state government from taking over their estates. Court injunctions were issued via which, till the hearing of the cases and passing of judgements, the landlords were to be left in possession of their estates.⁴⁸

To counter these moves, the state government passed an amendment to the earlier Act in 1954. The new Act (Bihar Act XX of 1954) removed some of the procedural impediments toward a more 'expeditious implementation' of the

46. Jannuzi, op. cit., p. 25.

47. Revenue Department, Government of Bihar, June 12, 1957, as quoted by Jannuzi, *ibid.*, p. 26.

48. Ojha, op. cit., p. 52.

1950 Act. The earlier individual notification to 'proprietor' or 'tenure-holders', that their estates were taken over was changed to a 'general notification of all intermediaries'. By the new amendment the state was empowered to publish a proclamation of take over, within a specified time, of all intermediary interests located in any region of the state, or indeed all such interests in the state as a whole. The provision of general notification was put into operation, by which the remaining intermediary interests were taken over legally by January, 1956.⁴⁹

The Fallout

The most important effect of the above legislation, has been aptly, described by Warriner as, "For all practical purposes land reform in independent India has meant the end of the zamindari system."⁵⁰ Primarily, it amounted to a change in the 'tax system', by which the state government took over from the zamindars their rights of collecting revenue and rents from the tenants.⁵¹ The same laws also relieved the intermediaries of the responsibility for paying land revenue to the government.⁵²

49. Jannuzi, op. cit., pp. 26-28.

50. Warriner, op. cit., p. 156.

51. Ibid., p. 160.

52. Thorner, op. cit., p. 18.

For the tenants, it brought them into direct contact with the state, i.e., they began paying taxes directly to the government instead of through intermediaries. Some are of the opinion that this was not a drastic change as earlier they paid to the zamindars, and now they pay to the state, that "they have gained no increase in income... since the state has increased its revenue demand".⁵³ However tenants were expected to benefit in terms of consolidation of holdings, as earlier the tenant held land under more than one zamindar, each with different kinds of right. Since the removal of the barriers i.e., by bringing the tenants into direct contact with the state, it was hoped that progress would be made in this direction. It also, to some extent, created a sense of ownership in the minds of the tenants.⁵⁴

By the abolition of the intermediaries, the state government accrued the revenue returns from land. This led to the slow increase of revenue demand for the state, as is illustrated from the following figures. Ojha, claims that the revenue increased from Rs. 269 lakhs in 1952-53 to Rs. 1,499 lakhs in 1962-63.⁵⁵ A part of this increase was used for staffing an administrative machinery to collect

53. Warriner, op. cit., p. 160.

54. Ojha, op. cit., p. 58.

55. Ibid.

the revenue. But there appeared to be a gap of nearly 30 per cent between the total demand of land revenue and the actual collection.⁵⁶ This was mainly because the district survey and settlement operations were not taken, up, as a result, the government was practically unable to account for the area for which the rent was not assessed.

The following table would give a clear picture of this difference.

Table 4: Bihar Land Revenue: Demand and collections

Year	Current Demand (Rupees)	Current collections of land rent (Rupees)
1956-57	51,578,019	34,990,024
1957-58	56,322,465	30,088,201
1958-59	60,090,772	41,372,763
1959-60	63,181,979	44,561,189
1960-61	67,659,203	42,355,254
1961-62	70,851,143	53,184,784
1962-63	72,755,032	56,306,562
1963-64	76,823,620	60,048,956
1964-65	76,635,609	59,773,450
1965-66	77,199,679	13,296,370

Source: Government of Bihar, Revenue Department, as quoted by Jannuzi, op. cit., p. 24.

56. Ibid., p. 62.

A more long term and structural effect resulted from the saving clauses of the Act, namely sections 5, 6 and 7. Under the two subheadings of "Khas possession" and "homestead", the ex-intermediaries were allowed to retain vast extents of land. A substantially broad definition of "Khas possession" included lands cultivated personally by the intermediary, his family, servants, hired labour or stock. This made it possible for the ex-zamindar to claim land that they did not themselves cultivate, and which was in the personal cultivating possession of a ryot. So long as the ryot did not possess the means of establishing his right of occupancy, his position remained vulnerable. These provisions of the Act were extensively used by the zamindars to evict tenants from "lands traditionally cultivated" by them, so much so that in some cases the earlier tenants were called upon to till the same lands but under new leases.⁵⁸

The second provision, of "homestead" also gave them the right to retain, rent-free homesteads and lands integral to it, provided they were used as private residences. While those "homesteads" not occupied personally by the zamindar could be rented out, within the terms of the law by paying "fair and equitable ground-rent".⁵⁹ In this manner the

58. Jannuzi, op. cit., pp. 30-32.

59. Ibid., p. 33.

ex-intermediaries were able to retain and occupy vast tracts of land, excepting those lands to which an occupancy ryot had incontrovertible documentary evidence.

Thus the Act of 1950, succeeded in taking over the rights of the zamindars but failed in tackling the question of ownership and control of the intermediaries over land. If it was expected that the Act would change the socio-economic set-up of the village, then it miserably fell short of it. At this point however, the Act had not put forth any such desired goal. Whereby the non-cultivating owners, except in certain cases continued to hold their undisputed position in the hierarchial structure of the village.

The third provision of the Act, compensation, was incorporated into the Act in accordance with Article 31 of the Indian Constitution, which states that the state can take over property via the payment of compensation. Lengthy debates took place within the Congress on the issue of compensation.⁶⁰ Both advocates of confiscation and full monetary compensation were voiced within the party. On the latter, Nehru exclaimed, that it was impossible, he said "We cannot find the enormous amounts of money for it.... Besides there is no attempt at equalisation of wealth if full compensation is given...". Yet, on the former he said, "confiscation on the other hand though equitably, perfectly justifiable may lead to many cases of hardship. But compensation should certainly not be given so as to make the

60. Malaviya, op. cit., p. 21.

receiver of it a wealthy man again".⁶¹ Nehru therefore did not support either of the two extremes, he infact adopted a midway approach which would take care of both purposes, that of equality as well as, of deprivation. Thus the Congress recommendation, adopted no economic criterion for computing compensation.⁶²

The Bihar Act entitles, proprietors and tenureholders to compensation, on a sliding scale varying inversely with the amount of income from three to twenty times of the net income.⁶³ The Act further set out a complex procedure to compute the amount of compensation due to an intermediary. Compensation officers were appointed to determine the "net income" of the estate by deducting from the gross assets, (i) land revenue or rent paid to the state, (ii) taxes when applicable, (iii) "cost of management allowance", all based on the previous agricultural year.⁶⁴ After arriving at the net income, the amount of compensation was to be computed in accordance with the following table.

To the amount thus determined, was to be added 50 per cent of the arrears of rents including royalties, cesses and interest. A further lump sum was to paid to the

61. Jawaharlal Nehru, quoted by Malaviya, op. cit., p. 21.

62. Ojha, op. cit., p. 59.

63. Ibid., p. 55.

64. Jannuzi, op. cit., p. 34.

Table-5 : Schedule for Compensation for Tenureholders

Net Income (in Rupees)	Rate of Compensation payable
(a) 500 and under	Twenty times the net income.
(b) 501 to 1,250	Nineteen times the net income but not less than the maximum amount under item (a)
(c) 1,251 to 2,000	Eighteen times the net income but not less than the maximum amount under item (b)
(d) 2,000 to 2,750	Seventeen times the net income but not less than the maximum amount under item (c)
(e) 2,751 to 3,500	Sixteen times the net income but not less than the maximum amount under item (d)
(f) 3,501 to 4,250	Fifteen times the net income but not less than the maximum amount under item (e)
(g) 4,251 to 5,000	Fourteen times the net income but not less than the maximum amount under item (f)
(h) 5,001 to 10,000	Ten times the net income but not less than the maximum amount under item (g)
(i) 10,001 to 20,000	Eight times the net income but not less than the maximum amount under item (h)
(j) 20,001 to 50,000	Six times the net income but not less than the maximum under item (i)
(k) 50,001 to 100,000	Four times the net income but not less than the maximum under item (j)
(l) 100,001 and above	Three times the net income but not less than the maximum under item (k)

Source: Bihar Land Reforms Act, 1950, as quoted by Jannuzi, op. cit., p. 35.

ex-owners of mines and minerals.⁶⁵ The stipulated amount of compensation was to be paid in cash or bonds or partly in cash and partly in bonds. These bonds were either negotiable or non-negotiable and non-transferable and payable in forty equal annual instalments, carrying a 2½ per cent interest per year.⁶⁶

The Act further provided that after the date of vesting and before compensation payments could begin, and interim payments could be made, at 2½ per cent per annum where the compensation amount exceeded Rs. 50,000 and at 3 per cent per annum where the said amount was below Rs. 50,000 in either case to a maximum limit of Rs. 62,500 per annum.⁶⁷

Section 32-A of the Act gave power to a compensation officer to pay a person a sum not exceeding 50 per cent of his approximate compensation if he considered a likelihood of delay in payments of compensation.⁶⁸

It is clear that the basis of computing compensation was "arbitrary", done with the "anxiety of the government to appease the so-called ex-landlords who had a firm grip

65. Malaviya, op. cit., p. 213.

66. Jannuzi, op. cit., p. 35.

67. Ojha, op. cit., p. 56.

68. Ibid.

on the social leadership in the countryside".⁶⁹ Nevertheless, the Bihar Landholders Association, submitted a memorandum to the Prime Minister, in which, they put forth systematically their grievances with the Act. In the context of compensation they wrote, that "the Act would clearly be the acquisition of zamindari without compensation."⁷⁰ That the deductions were unfair, reducing "the net income of a proprietor or a tenure-holder particularly of one having a big estate to a negligible figure".⁷¹

The implementation of this provision has been peculiarly slow, where some ex-zamindars had not begun to receive compensation till "1968 - sixteen years following initial attempts to implement the act of 1950".⁷² The main reason for this was the slow increases in revenue. The government had committed to pay compensation from the excess of revenue but in actuality despite increasing revenue, its collection remained scanty.⁷³ (For reasons already mentioned above).

The fourth provision of the Act, was to create a 'Bihar Land Commission' consisting of MLA's, MLC's,

69. Ibid., p. 59.

70. "Memorandum of the Bihar Landholders Association submitted to the Hon'ble Prime Minister of India", Unpublished Document (A.N. Sinha, Institute of Social Studies, Patna, n.d.), p. 2.

71. Ibid., p. 4.

72. Jannuzi, op. cit., p. 36.

73. Ojha, op. cit., p. 61.

bureaucrats, to advise the state government with regard to agrarian policy and its administration, enquiries and such other functions assigned to it.⁷⁴ Though the commission was constituted in 1953 it has largely been dormant with no report published to its credit.⁷⁵

Tenancy Reform

Another span of legislation covered the field of tenancy. In the case of tenancy, periodic reform attempts, had been made right through the nineteenth century as well as later in the twentieth, especially under the Congress governments between 1937-1939.⁷⁶ Tinkering within the given laws had begun much before the recent reforms and that is why these changes "have been so much less revolutionary than was expected".⁷⁷

The post independence tenancy reforms were directed by the general inspiration and objective of the land reform programme for the whole country. These were reiterated by the Planning Commission in Plan documents. The IIIrd Five Year Plan clearly spelt out two specific objects.

74. Ibid., p. 55.

75. Ibid., p. 63.

76. See Chapter-2.

77. Warriner, op. cit., p. 159.

"The first is to remove such impediments to increase in agricultural production as arise from the agrarian structure inherited from the past....

The second object... is to eliminate all elements of exploitation and social injustice within the agrarian system, to provide security to the tiller of the soil and assure equality of status and opportunity to all sections of the rural population".⁷⁸

Invariably the question of tenancy gets linked up with the issue of ceiling.⁷⁹ News of ceiling was in the air, especially as the First Plan had in principle accepted "that there should be an absolute limit to the amount of land which any individual may hold".⁸⁰ It included the right of resumption of land for 'personal cultivation' upto the ceiling limit. The ramifications of how this was to work out, will be discussed later, but it would suffice to point out here, that this, right became the most heinous of all, from the object of conferring security to tenants. It led to eviction of tenants, "voluntary surrenders" and evasions of the law, making the problem of tenancy more complex.

78. Quoted by Prasada Rao, Land Reforms under Congress Raj, (Communist Party Publication, 1966), p. 9.

79. Ceiling Laws are discussed later.

80. Report of the Committees of the Panel on Land Reforms, Planning Commission, 1959, p. 7.

Tenancy, emerged under a land tenure system which propagated absentee landlords, who lived off by collecting rents and revenue while numerous categories of tenants tilled and cultivated the land. It persisted in a largely agrarian country with few occupational alternatives, with rising population, wherein the demand for land surpassed to a great extent, the supply of land. In such a situation, economists like Khusro and K.N. Raj, argue that tenancy in itself is not undesirable. It is a "good method of equating the demand for land with its supply"⁸¹ as well as allowing for labour mobility. Khusro further argues that, "with adequate safeguards such as tenant unions, open recorded tenancy, cost-sharing between landlord and tenant and better consciousness among tenants, tenancy loses its exploitative edge... it then becomes a help rather than a hindrance".⁸² For if tenancy were not permitted it would cause great hardship and, as in the Indian case, subsist in various underground arrangements.

For purposes of tenancy reforms, Bihar can be divided into three areas,

- (1) 11 districts which are governed by the Bihar Tenancy Act, 1885 (subsequently amended).

81. Khusro, op. cit., Introduction; K.N. Raj, op. cit., pp. 215-230.

82. Ibid.

- (2) 5 districts governed by the Chotanagpur Tenancy Act, 1908, and
- (3) Santal Pargana district governed by special laws applicable to this district.

To deal with category (1) first. The most important post-independent amendment to this law came in 1955, covering a wide number of issues. By the Bihar Tenancy (Second Amendment) Act, 1955 sections, 48, A, B, C, D and E were inserted to safeguard the interests of the under-ryots.

Section 48-A introduced a limit on the maximum produce rent recoverable from the under-ryots. Thus the landlord was entitled to seven-twentieths of the produce from such land and could not claim any share in the straw or bhoosa as rent. The payment of certain other kinds of rent, like danabandi, manhunda, mankhap, etc has also been restricted. The rent was further lowered to one-fourth through a provision in the Ceiling Act, 1961.

Section 48-C provides for the acquisition of the right of occupancy by an under-ryot. Every under-ryot who, for a period of twelve years, before or after the commencement of the Bihar Tenancy (Amendment) Act, 1955, has continuously held land as an under-ryot in any village, whether under a lease or otherwise, is supposed to have acquired on

the expiration of that period, a right of occupancy in the land, provided that the interest of an under-ryot in any land in which he has acquired a right of occupancy under this section does not fall within the protected interest. Owing to some weakness in this provision, as, it did not make the occupancy status of an under-ryot dependent upon the occupancy status of the landlord himself, this provision was further amended and substituted by section 2 of Bihar Act VIII of 1970' Under the new provision, the under-ryot could not acquire occupancy, irrespective of the duration of his holding, if the landlord selected and declared that area to be together with the area of land already held by him.

Section 48-D provided that an under-ryot who had acquired a right of occupancy, is subject to the same provisions with respect to rights in trees and bamboos and the use of land, succession to and eviction from such land, as an occupancy ryot.

By another amendment of 1955, (Bihar Act XXIV) restoration of land, to under-ryots unlawfully ejected was provided. If any under-ryot was ejected by his landlord from his tenancy or any portion of it, after the 1st February 1955, in contravention of section 89, the collector on his own motion or application made on his behalf by the under-

ryot, could initiate necessary proceedings for the restoration of such tenancy or portion to the possession of the under-ryot. The collector could, once the proceeding is initiated, refer the matter to a board of conciliation for the settlement of the dispute. A landlord however, has been allowed a bona-fide transfer, by sale or mortgage, possession of any land comprised in the tenancy.

An under-ryot who has not obtained an occupancy right may be ejected under section 49, on the grounds that, (a) he has failed to pay an arrear of rent, (b) that he has used the land in a manner which has rendered it unfit for the purpose of tenancy, and (c) that the term of lease has expired. However there is no provision in the Act for evicting an under-ryot inducted on land by the landlord on oral lease. This was done deliberately to discourage oral leases. But this law did not have the desired effect, as till date most leases, continue to be oral. "Once a serious effort is undertaken to record the under-ryots holding on oral leases, I am afraid the landlords may covert oral leases into written lease so that there might be no legal difficulty in evicting such under-ryots..."⁸³

The Act also provided for setting up of a Conciliation Board to resolve a dispute between a landlord and an

83. A.N. Seth, "On Implementation of Land Reform in Bihar", Implementation of Land Reforms, Planning Commission, New Delhi, 1966, p. 49.

under-ryot. The Board consisted of a Chairman, who was the sarpanch of the gram kutcherry (Village Court), and two members, one nominated by the under-ryot and the other by the landlord. Further scope for appeal against the decision of the Board, to the Collector or still upto the higher prescribed authority was also given in the Act. To prevent lengthy litigation the civil courts were debarred from questioning such orders or appeals.

Scheduled Castes, Tribes and the Backward Classes were specially protected, and the Act imposed restrictions on their alienation from land. These tenants are called 'Protected Tenants' and they cannot transfer their right of tenure, holding or tenancy either through private sale, gift, will, mortgage, lease or through any contract or agreement.

There are some general provisions in the Act which aim at saving the tenant from the unlawful harassment at the hands of the landlord. Every tenant or the mortgagee of his holding or tenure or of a portion of his holding or tenure, who makes a payment on account of rent to his landlord, is entitled to obtain a written receipt for the amount paid from the landlord duly signed by him. Tenants, who have paid all rents till the end of the agricultural year are entitled to a full receipt, within three months after the end of the year.

Permanent tenure-holders are protected against ejection for arrears of rent, where it does occur, a part of the holdings may be sold in execution of a rent decree. Even when a decree is obtained for ejection it cannot be executed if the amount ^{of} arrears of rent and costs of the suit are paid into the court within fifteen days from the date of the decree.

A ryot may surrender his holding, but he must give at least three month's notice before actually doing so. If he abandons it, the landlord has the right, after the agricultural year, to let it to another tenant. These provisions were used later to evict tenants from lands which the landlords wanted to resume under 'personal cultivation'.

The Chotanagpur Tenancy Act, 1908 (As amended upto 1959)

This Act was passed to protect the interests of aboriginals residing within the Chotanagpur Division. From time to time the Act has been amended, adding new rules and notifications.

The Chotanagpur Tenancy Act classified tenants into four main groups, inter alia, (a) tenure holders, (b) occupancy ryots of three kinds, (i) occupancy ryots, (ii) non-occupancy ryots and (iii) khunt-kattidari⁸⁴ tenants.

84. A Khuntkattidar ryot, held a subsisting title to or occupied land reclaimed from a jungle by the original founders of the villages or their descendants in the male line. They possessed all the privileges enjoyed by an occupancy ryot.

(c) Under ryots and (d) mundari khunt-kattidari.⁸⁵

In relation to Rent the Act laid down that, no tenure holder who holds his tenure at a fixed rent is liable to enhancement of rent without the order of the Deputy Commissioner. An enhancement may happen subject to any valid contract between the parties upto the limit of the customary rent payable by persons in the vicinity; where such customary rate is not available, upto such limit as is fair and equitable. While fixing the fair and equitable rent, due consideration has to be given to the origin and history of such tenancy, and any further upward revision of rent cannot be made within a period of 15 years.

Certain restrictions have been imposed in the Act to prevent the land of the tribals from going out of their possession. These are mainly,

- (a) No tenancy of any mundari khuntakattidar or portion of his tenancy is transferable by sale unless an order is passed by the court.
- (b) If any decree is made by the court for the sale of the tenancy or a portion thereof to repay the debt

85. A mundari khuntkattidari ryot belonged to the Munda tribe of Chotanagpur which acquired the right to hold the jungle land for the purpose of bringing it under the plough. See Ojha, op. cit., p. 66.

under a mortgage which was registered before the commencement of the Chotanagpur Tenancy Act, 1908 the sale or transfer may be made with the previous sanction of the Deputy Commissioner.

- (c) If the Deputy Commissioner does not allow the sale of any such tenancy or a portion of it, he can attach the land and make such arrangement as he may consider fit to liquidate the debt.
- (d) There cannot be any mortgage of a mundari khuntkattidar tenancy. Only a mortgage, which cannot exceed seven years is allowed.

Similarly restrictions have been imposed on the lease of these tenancies unless the tenants consent to it.

The Act also provides a number of safeguards for the non-occupancy ryots and regulates the conditions under which they can be ejected. The same conditions govern the transfer of a bhumihari⁸⁶ tenure which is applicable to aboriginal ryots, except under specific rules made by the state government for this purpose. The law generally restricts the transfer of the bhumihari tenure except for reasonable purposes of building, charity, religion, education and some public matters, but in every case the prior permission of the Deputy Commissioner has to be obtained.

86. The bhumihari is but the old remnant of the khuntkatti tenure, see Ojha, op. cit., p. 66.

Santhal Pargana Tenancy Act

Owing to the peculiar social, political and economic backwardness of the Santhals, the state issued separate statutes bringing it under special legislative provisions for administration of justice and safeguarding their land-tenure. The first Regulation to be passed was in the year 1798 and since then amended a number of times.

As amended till 1959, it provides for the appointment of a village headman of a khas village who is granted a patta and who in turn executed a kabooliyat and furnishes security. The village headman has to pledge land equivalent to the value of the village rent for one year. There are still vast areas of uncultivated land in the district, but the law recognizes only such holdings which have been recorded in the record of rights. Land which is not so recorded is treated as mulraiyatkajote (private holding) or as mulraiyati jote (official holding).

The Act classifies the ryots as, Resident jamabandi ryots, i.e. those who reside or have their family residence in the village, Non-resident jamabandi ryots who are recorded in the village but do not reside nor have their family residence in the village, New ryots, those persons recorded as new or Naya ryots.

A ryot is free to use his holding in any manner authorised by law, usage and custom or irrespective of any of these as long as it does not impair the value of the land or render it unfit for cultivation. A ryot cannot be ejected without an order passed by the Deputy Commissioner.

The most striking aspect of the Santhal Pargana Tenancy Act, 1949, is that a ryot cannot transfer his right in his holding by sale, gift, mortgage, will, lease or any other contract or agreement express or implied unless it is specifically recorded in the record of rights, and only to the extent to which such right is so recorded.

So as to ensure that the, tribal land does not go out of their possession, sub-clause 2 of section 20, prohibits the transfer of land to a non-aboriginal; the transfer is allowed only in the case of bona-fide cultivating aboriginal ryot of the pargana or taluka in which the holding is situated, or to his son-in-law residing with him.

The Act has been partially relaxed through section 21, to permit usufructuary mortgage of land for purposes of getting institutional support or credit. However, one-fourth of their holding is the extent that is allowed to be attached to a, land development bank, or a recognized grain-gola or a registered cooperative society. Another transfer allowed, is by a ryot to any ryot of Santhal Pargana for

cultivation, temporarily on grounds of health, absence, loss of plough, cattle or is a widow or a minor.

To facilitate consolidation of holdings, exchange of land among the jamabandi ryots with the prior permission of the Deputy Commissioner is allowed, provided the lands are of equal value and the exchange is sought for mutual convenience, (section 23).

Section 43 prohibits the realization of rent in kind of any sought.

The village headman and a landlord in a khag village have to maintain a statement of account, in the prescribed form for each village showing the rent due, payment made by each ryot during each agricultural year, and the balance including the interest claimed thereon.

Owing to certain weaknesses in the above two Acts, an amendment was passed in 1969, which came to be called the Bihar Scheduled Areas Regulation. The Act gave powers to the Deputy Commissioner to restore possession to members of the Scheduled Tribes, lands unlawfully transferred, as also to settle issue of buildings or structure if any, on such transferred lands, either through its removal or a mutual acceptance of compromise and compensation. He could in so doing impose penalties of imprisonment or fine, provided

there was evidence to prove that such transfer was done by fraudulent method.

In keeping with these amendments some provisions of the Bihar Money-Lenders Act 1938 was also changed. With a view to settle disputes amicably between the money lender and the debtor provisions have been made empowering the state government to refer the dispute to a Conciliation Board.

However, a review by the government during the middle of 1972, revealed that in spite of these necessary changes, the progress in respect of restoration of land to the Scheduled Tribes was not satisfactory. Thus the Bihar government decided to establish special Legal Aid Cells, to assist the landholders belonging to Scheduled Tribes in getting back their land illegally taken by the money-lenders and landlords, in September the same year.

Implementation

No wider scission exists, elsewhere as in the attempt to put the tenancy laws into practice. They have been rendered inoperative because of inbuilt loopholes or because of specific tenancy enactment being put into practice in conjunction with other laws, especially, ceiling legislation.⁸⁷

87. For example, conferring ownership on under ryot is defeated by the right to resume land in various complex ways provided in the law, and instead leads, to under ryots becoming landless labourers (Discussed later).

With regard to Rents the law provides that produce rents are not to exceed $\frac{1}{4}$ th of the produce, while cash rents are not to exceed the rent or revenue payable by the landlord by more than 50 per cent, where the land is held under a registered deed or agreement and 25 per cent in other cases. But in Bihar as reported by the then Chief Minister, "quite a sizeable area was cultivated by share-croppers called under-ryots who did not enjoy security of tenure".⁸⁸ In such a situation cash rents lose importance and in most cases customary produce rents, of "about 50 per cent the gross produce or in some cases even more"⁸⁹ is the normal operative tradition. What is worse, at a number of places illegal abwabs in various forms are still exacted from the under-ryot.

Furthermore, the arrangement of sharing the crop, leads not only to the exploitation of the tenants but also to serious disputes between the landlord and the bataidar. The provisions for the division of crop is largely ignored, while landlords continue to confiscate more than their share without granting any receipt to the tenant.⁹⁰ After

88. K.Bi Sahay, Record of the third meeting of the Implementation Committee, Implementation of Land Reforms, Planning Commission, 1966, op. cit., p. 250.

89. Ibid., p. 50.

90. Ojha, op. cit., p. 91.

so doing the landlords in some cases, sue the sharecroppers for arrears of rent and once successful in the court, put pressure on the bataidars to surrender the lands. A large number of surrenders of batai land had taken place at different places in Bihar, particularly in the districts of Purnea.⁹¹ Thus the rent problem continues to aggravate the landlord-tenant relations.

The main problem of providing security of tenure to under-ryots is that of eviction. Tenants can be evicted only on certain grounds,⁹² and under a decree from the court of law. But owing to the provision of resumption of land, by an owner upto the ceiling limit for personal cultivation, large scale evictions took place in the form of 'voluntary surrender' or 'abandonment'. To tackle this problem, an amendment to section 48-E of the Bihar Tenancy Act was introduced in 1956. But since the amendment did not so much provide for prevention of eviction and instead contemplated restoration of the land after the eviction, the menace for the tenants remained.⁹³ To circumvent under-ryots acquiring occupancy status, if they held a piece of land continuously for twelve years,⁹⁴ the landlords frequently

91. Ibid., p. 92.

92. Mentioned earlier, see p. 183.

93. Ojha, op. cit., pp. 84-85.

94. Note that while most other states have changed the time span from 12 to 6 years, Bihar retains the 12 year provision as laid out in the Act of 1885 itself.

changed the plots of land with the tenant, giving it in majority of cases on oral leases.

In such a situation, those tenants unlawfully ejected⁹⁵ can appeal for restoration of possession, or the Collector may do so on his own accord. Once the proceeding for restoration is initiated, the matter may be referred by the Collector to a Board of Conciliation. The board must report back to the Collector, within two months from the date of reference either with an amicable settlement, or if it fails to do so, the Collector may after necessary enquiry order restoration where required.⁹⁶

In this connection, figures are available upto the end of 1963, on the number of cases of restoration and its settlement.

Table - 6: Statement showing the Proceedings for Restoration of Possession under Section 48-E of Bihar Tenancy Act and Cases Finalised Till December, 1963.

1.	Number of proceedings instituted on the application by under-ryot	15,289
2.	Number of proceeding instituted on Collector's own motion	137
	Total	<u>15,426</u>

contd...../-

95. Those who are ejected or dispossessed without the decree of a court.

96. Implementation of Land Reforms, Planning Commission 1966, p. 50.

cont...

3.	(i)	Number of proceedings referred to the Conciliation Board	5,170
	(ii)	Percentage of total number of proceedings instituted	33.51%
4.	(i)	Number of cases in which amicable settlement was effected by the conciliation Board	1,438
	(ii)	Percentage of cases referred to Conciliation Board	37.48%
5.		Number of cases rejected by the Collector	11,483
6.		No. of cases in which restoration was ordered	7,550
7.		No. of cases pending	455

Source: Taken from Ojha, op. cit., p. 85.

It needs to be mentioned that the bulk of these applications were made in the Purnea District, (12,002 out of 15,426 cases).⁹⁷

The above figures reveal some interesting features in relation to how the administrative machinery works vis-a-vis the under-ryots.

Firstly the provision for quo-moto action by the Collector for the restoration of disposed tenants has been

97. Implementation of Land Reforms, Planning Commission, 1966, p. 50.

used very sparingly as the number 137 out of 15,426 indicates.

Secondly, a large number of cases, 11,483, have been rejected by the Collector. Since majority of these cases were in Purnea district, where revisionary survey settlement had been completed in 1955-58, there appears only two reasons for this. Either these claims were false or the under-ryots were not able to justify their claim of possession. The sheer number of cases indicates that the latter rather than the former, reason applies. This is further substantiated by the various revenue cases in the district, where "the proof of survey and 'khatian' records have not been entertained by the authorities in recognizing the rights of bataidars".⁹⁸

Thirdly, of the total 15,426, only 5,170 cases were referred to the Conciliation Board, of which only 1,438 cases have been amicably settled. It is not known in how many of these cases, restoration of the under-ryot was recommended. But considering the present structure of the rural society, "the sarpanches may, in most cases, belong to the landlord class and the Conciliation Board may therefore be having... a pro-landlord bias",⁹⁹ thereby favouring the landed gentry.

98. Ojha, op. cit., p. 87.

99. Implementation of Land Reforms, op. cit., p. 51.

If disputed cases have to be settled quickly, under-ryots made secure on their holding with the provision of gaining ownership rights over it, it is imperative for the State Government to complete survey-settlement operations and thus base its proceedings on an "honest record of rights". Towards this end, the Bihar Government, issued instructions on 10th July 1964, organizing a special drive for completing assessment of rent and compensation rolls. The drive was to be operated in two stages, in the first, attempts be made, to complete field bujharat, (a simplified version of the survey settlement operation), completion of field enquiries for the preparation of compensation assessment rolls, especially for petty intermediaries and initiation of proceeding for fixation of fair rent (land revenue) on unassessed land.

The second field drive, to start on 1st December 1964, was to record the under-ryots.¹⁰⁰ In the past, government had attempted to do this, but had never been successful. The experience of the survey carried out in the districts of Saharsa and Purnea were 'painful' where 'large-scale eviction' and 'bloodshed' and resulted.¹⁰¹ The drive undertaken in 1964 by the government was stopped suddenly by issuing a confidential 'Sevigram' in August 1964 to all

100. Ibid., p. 48.

101. Ojha, op. cit., p. 83.

Collectors and officers related with land reforms. The letter ordered immediate closure of all recording work, it said, "...No work relating to recording of under-ryots should be taken up during the Drive period. Even preliminary work relating to collection of data about possessions of under-ryots... should be kept in abeyance..."¹⁰²

Reports had been received of eviction of under-ryots subjected them to various types of harassment and in certain cases even jailed. In response to this the government once again wrote asking for 'abeyance' of field work and instead maintaining peaceful relations between the ryot and under-ryot.

At the Planning Commission, meeting in 1964, the Chief Minister of Bihar, K.B. Sahay, admitted that if a drive for recording under-ryots was launched there would be disturbances in the countryside,¹⁰³ but that such a risk had to be taken if the under-ryots were to be assured effective security of tenure and fair rents.

The progress of survey-settlement operations in the state has thus been slow and not very dependable. Field bhuiharat, has been carried out and completed in 67,620

102. Ibid., p. 84.

103. Implementation of Land Reforms, op. cit., p. 250.

villages, out of 69,000 in the state. The verification of such records has been done by Circle Inspectors in 62,118 villages and by Anchal Adhikaris (Community Development Officers) in 46,378 villages,¹⁰⁴ as of December 1963. The conversion of these into upto date survey settlement records have been completed only for a few districts, leaving a lot to be done.¹⁰⁵

In conferring permanent and heritable occupancy right for the under-ryot, the objective of 'land to the tiller' was implemented. But this same proviso, it is, argued¹⁰⁶ would become detrimental to the interests of small owners, who may often be forced to sublet because of temporary causes like absence, death, disease etc. Therefore, there was a need to distinguish between big and small owners, the latter holding about five acres of land. It was sought that these small owners be allowed to resume their holdings whenever they like, and a bataidar or sub-tenant should not obtain any occupancy status. Vide certain amendments¹⁰⁷ it was expected to remove the fears of the small holders,

104. Ojha, op. cit., p. 92.

105. Ibid., for a detailed district wise breakdown of the position in March, 1975, see Ojha, p. 93.

106. Ojha, ibid., p. 90.

107. Amending section 48-C vide section 2 of Bihar Act VIII of 1970.

while ceiling legislation also provides for different levels of resumption for different categories of owners : (Discussed in the ceiling section).

So as to dispose of disputed cases, efficiently and without delay, the government wanted tenancy cases, including those in which, questions of titles were involved, to be removed from the jurisdiction of civil courts and to be constituted to revenue courts. But such efforts of the government have repeatedly been foiled by judgements of Patna High Court which has struck down the amendments made, in 1965 and again in 1970.¹⁰⁸

Thus the problem of tenancy to a large extent remains unresolved, largely because of contradictory legislation, which the powerful landlord element used to retain their unquestionable position.

Homestead Tenancy

Earlier existing laws, namely the Bihar Tenancy Act of 1885, did not safeguard the interest of the poor tenants in respect of their homestead land. Those tenants who did not own their houses, generally built their dwellings on the

108. M.P. Pandey, Land Records and Agrarian Situation in Bihar (A.N. Sinha Institute of Social Studies, Patna, 1979), pp. 49-50.

landlord's land. In most cases these tenants belonged to the Scheduled Castes and backward class of the rural society, whom the Bihar Tenancy Act classified as privileged ryots.¹⁰⁹ In the wake of the tenancy legislation which aimed at providing some protection to the ryots, a gradual and continuous process of eviction of ryots from their holdings followed. This process affected not only the cultivated holdings of the ryots but also their homestead land on which they had lived for generations.

The Bihar Tenancy Act, did not cater to homestead lands, neither was there any record of rights in respect to homestead land of the ryots. To deal with this issue, the Bihar Privileged Persons Homestead Tenancy Act was passed in 1947. The Act was applicable for the whole state, and aimed to provide protection and occupancy right on homestead land to the privileged persons belonging to the Scheduled Castes and backward classes of the villages. Owing to a number of reasons, especially ambiguities in the Act, it remained in "cold storage" till 1963.

In order to make the Act workable a number of amendments were passed in September, 1965.¹¹⁰ The main provisions of the Act as amended, are as follows :

109. Ojha, op. cit., p. 95.

110. Ibid., p. 96.

1. (a) Under the Act, the power to hold local enquiry was with the Collector or an officer not below the rank of Deputy Collector. This power by an amendment has been given to the Circle Inspector and Welfare Inspector so as to expediate the process of enquiry.

(b) to protect the privileged tenant from any harassment or litigation by the landlord, the Collector is required to prepare a record of homesteads held by privileged tenants. This is to be done for each case in three copies. The original would be kept in the record with the seal of the Collector, the duplicate with the signature and seal of the Collector is made over to the landlord, and a third copy to the privileged tenant.
2. So that the tenants are not made to run to the camps of the revenue officials for getting their tenancies recorded, the field staff have been directed to move from village to village and fill the details of the privileged tenants.
3. The Collector has the power to institute 'suo-moto' cases for restoration of an illegally dispossessed privileged tenant.

4. The act specifically mentions that the rent of the land held by the privileged tenant should be determined simultaneously with the recording of the tenancy. The determination of the rent, even where there is no objection, is to be made by the Anchal Adhikari or the Revenue Officer but in no case below the rank of the Circle Inspector.
5. In case there is no contract or a valid contract between the landlord and the privileged tenant as to rent payable for the holding or the rent is alleged to be unfair or inequitable, the Collector has the responsibility to fix a fair and equitable rent for such holdings.
6. A list of privileged tenants together with requisite details should also be given to the local village panchayats for their information and record.

Implementation

As already mentioned, the Act remained on the shelf till 1963, eighteen years after it had been enacted. It was only in 1964-65 that the Revenue Department started two special drives, to enforce the provisions of this Act. During these Special Drives, about, 1,41,542 cases were taken up, out of which about 91,865 were finalized¹¹¹ the

111. Ojha, op. cit., p. 96.

rest remained pending. A large number of these cases were from Purnea and Saharsa. Only a fraction of the total number of cases has been dealt with. This is largely because of the 'corrupt administrative machinery of the government' and the fact that the process of applying to the Collector for recording of homestead or its restoration proved to be a bottleneck for the tenant who could hardly reach these officials.

One important lacuna in the Act, is that it does not provide for any minimum limit for homestead land for the privileged tenant. The landlords have taken full advantage of this loophole and allowed tenants only a small fraction of homestead, with just, sufficient space for basic needs like 'cooking and sleeping'. In most cases no space is provided for keeping cattle. It has been found, that in the case of eviction of privileged tenants and his subsequent restoration, the land allowed for possession has been very insufficient.

To deal with this problem, government issued a circular in 1971, in which it was made clear, that every privileged person must get at least 2 decimals of homestead land, where the present land shown is less than 2 decimals.¹¹²

112. Ojha, op. cit., p. 98.

Further to settle additional area where it is available immediately adjacent to the homestead from Gaizmazrua Khas of Gaizmazrua Aam land. The Anchal Adhikaris have been directed to open and scrutinize all records and sort out those cases in which the area with the tenant is less than two decimals.

In spite of the above circular the progress made towards the allotment of homestead land is far short of the desirable levels of implementation.

Ceiling

Ceiling (i.e., the setting of upper limits to the size of units of land ownership and the redistribution of the excess of such limits) on agricultural lands is 'pre-eminently a redistributive measure'. In ideatic terms, the principle of controlled distribution, is based on a simple economic maxim, that "wherever a commodity or an asset of importance is in permanent shortage, the best thing to do is to ration it out".¹¹³

Thus Khusro argues that the compelling case for land ceiling, which he calls a "mode of land rationing", in India is linked with the permanent shortage of land supply. Even with, nearly an extra 20 per cent land being added to the

113. Khusro, op. cit., see Introduction.

gross sown area in India in the 1950's, but with population growing by 22 per cent, per capita real income by about 15 per cent... the demand for land has expanded faster than its supply.¹¹⁴ With opportunities outside agriculture expanding at a very slow pace, and the government's policy of reducing and controlling rents, the price of 'land use' becomes lower than the equilibrium price thus further facilitating demand for land in relation to its supply.¹¹⁵ If the supply of land in such a situation is not quickly augmented, this gap would only widen. Framers of land policy, realized that the "only course open was to ration out the use of agricultural land. Since price control (through rent laws) and control of use (through tenancy regulations) had already been introduced, "ration on ownership of land" was proposed through ceiling.¹¹⁶

The ceiling issue however, generated a strident debate amongst economists, politicians and policy framers.¹¹⁷ The arguments against ceiling and pro-ceiling are discussed below.

The first objection of those who are anti-ceiling, is that its imposition on agricultural property and the con-

114. Ibid., p. 8.

115. Ibid., p. 11.

116. Ibid., p. 12.

117. See Khusro, op. cit., P.S. Appu, Ceiling on Agricultural Holdings (Ministry of Agriculture, New Delhi,

sequent redistribution of land will inevitably result in a large increase in the number of uneconomic holdings.¹¹⁸ This would further lead to fragmentation of holdings ultimately reducing productivity on land as well as marketable surpluses. The implication is that large economics of scale can be better utilized on big farms rather than on small ones.¹¹⁹

To this point, Myrdal counter argues that, in South Asia, there is a difference between "units of ownership and units of cultivation". He argues that tenancy relations of leasing-in, leasing-out and informal share-cropping arrangements leads invariably to increasing the size of the operational holding actually cultivated.¹²⁰ While farm management studies conducted by the Directorate of Economics and Statistics (Ministry of Agriculture) concludes that an occasional individual large farmer may have a high productivity, but as a class they largely have a smaller yield per acre, than the small farmers have as a class. In fact, as the size of holding increases yield per acre decreases.¹²¹

Another practical objection, pointed out by Myrdal is that,

cont...

- 1982), P.C. Joshi, op. cit., M.L. Dantwala, "Small Farmers not Small Farms" in Khusro, (ed.), Readings in Agricultural Development, op. cit., ; V.M. Dandekar and N. Rath, Poverty in India, EPW, Jan 9th, 1971.
118. Appu, *Ibid.*, p. 27.
119. *Ibid.*, p. 28.
120. Gunnar Myrdal, *Asian Drama*, Vol. II as quoted by Appu, *ibid.*, pp. 27-28.
121. Khusro, op. cit., See Introduction.

"the titles transferred to the actual tillers might easily be eroded by the same forces that have undercut peasant proprietorship in the past. Many of the new and old farmers would start out in debt to money lenders. And once a title was conferred on share-croppers and landless labourers their credit standing would improve and they would be tempted to borrow more. A process would be started that in the end would separate them from their holdings".¹²²

Legal safeguards and credit facilities may not always be adequate to meet with these difficulties.

Another argument states that, even if well knit ceiling laws were to be enacted and most rigorously enforced, it would not make available sufficient 'surplus land' to satisfy the land hunger of the people in India, unless very low ceilings were to be fixed on landholdings. Dandekar having considered the proposal for drastic low ceilings at some length, rejected it as impractical.¹²³ He divided the states into two categories, high density and low density in relation to land and population and arrived at a ceiling limit for each state, if a minimum of $\frac{1}{2}$ to 1 acre for the first category and $2\frac{1}{2}$ to 5 acres for the second was to be distributed. He pointed out that such redistribution would lead to vast increases in the number of "uneconomic non-

122. Myrdal, quoted by Appu, op. cit., p. 31.

123. Dandekar, op. cit., p. 120.

viable holdings", of "inferior quality", "worth nobody's while to cultivate". No amount of credit, from cooperative or nationalized banks will make these holdings, economically viable as a "patently uneconomic proposition cannot be sustained by law".¹²⁴

Further it is argued that technological breakthroughs of the Green Revolution type would be nullified on meagre holdings. However, it may be pointed out here that technology is not related to scale of farms.

Dantwala is critical of any structural change in the agricultural sector. According to him, since a large proportion of farms are either medium or large sized there is no need to break these up. The fact that there is also a large percentage of tiny land holders is not given much importance by him, on the ground that the small proportion of land possessed by them would hardly make any significant impact on the economy. Instead his emphasis is on input-intensification per acre, leading to capitalist farming, while the excess population from land to be absorbed by a rapid rate of industrialization.¹²⁵

Finally it is argued that with the dawn of ceiling legislation, landlords would attempt to evade such legis-

124. Ibid.

125. Dantwala "Small Farmers Not Small Farms", op. cit., p. 420.

lation, leading to the alienation of the peasantry creating conditions for agrarian disturbances and tension between patron client relationships. This would ultimately lead to the disruption of the rural economy and the seeming "equilibrium" of the traditional pattern of life. Thus these critics would oppose ceiling so as to opt for rural stability and order.¹²⁶

The endeavour of those who support ceilings, is to argue out their case from both the points, of equity and increasing production.

The most important consideration of this side is social justice. They point out that ceiling is only one of the many policies, via which the country can implement and achieve the Directive Principles of State Policy, enshrined in the Indian Constitution.¹²⁷ In a country which is so populous, where more than 70 per cent of its population depends on agriculture, where about 50 per cent of its rural households operate less than five acres of land leading to a widespread land hunger, it is only human to break the concentration of land and redistribute it so as to reduce inequalities in the control and use of land resources.¹²⁸

126. Jannuzi, op. cit., p. 71.

127. See part IV of the Indian Constitution, especially Articles 39(B) (c), 40 and 41.

128. Jannuzi, op. cit., p. 69.

Ceiling would have an equalizing effect amongst the people of the village at the local level, which is an important pre-requisite for the successful functioning of democratic institutions like Panchayat Raj (Local self Government), Cooperative Societies and the Community Development Programme. For, "effective public participation in democratic institutions at the grass roots is possible only among equals or near equals."¹²⁹

Contrary to the view that ceiling will lead to decrease in production, it is herein argued, that it is likely to lead to an "increase in overall agricultural production and fuller utilization of the available man-power".¹³⁰ The explanation for both these results, is that the owners of big holdings generally depend on wage labour and therefore, they will employ labour only upto the point, where the increase in output resulting from the employment of the last unit of labour is at least slightly above the wage level. No such consideration exists in the case of smaller holdings which are generally operated by family labour. There being no alternative sources of employment, family labour will continue to be applied far beyond the point where output per unit of labour is equal to the wage level.

129. Appu, op. cit., p. 21.

130. Ibid.

In fact, as long as there is any hope of increased production additional family labour will continue to be employed. Thus the smaller holdings will be cultivated more intensively leading to enhanced overall production, as well as fuller utilization of the available manpower. In spite of such favourable trends, if an imputed value is given to family labour in terms of the ruling wage rate, most of the operations on the small holdings would become unremunerative. However as the growth of alternative employment is not likely to be very significant it is better that family labour is employed as long as there is a resulting increase in production.¹³¹ Thus there is considerable force in the argument that a radical redistribution of land leading to a substantial increase in the area under owner-cultivation will have beneficial results on the utilisation of labour in agriculture as well.

Another argument in favour of drastic redistribution of land is that it is bound to enhance the purchasing power of the rural under-privileged. The resulting increase in the effective demand for manufactured goods needed by the common man will hasten the tempo of the

131. Ibid., p. 22.

country's industrial development and enlarge the scope for non-farm employment.

With ceiling and redistribution, the "dreams" of ownership to small bits of land would be fulfilled. This would have a tremendous psychological effect on tillers giving them an added sense of responsibility to enhance productivity.

Thus in the long run ceiling alongwith other measures would achieve, both equity of distribution and increased production.

The Congress slogan of "land to the tiller" was to be implemented through ceiling laws. This was becoming manifest in the documents of the party, around the turn of independence. The Congress Agrarian Reforms Committee Report while working out the economic, basic and optimum holdings, recommended, that three times the economic holding should constitute the ceiling limit. The Congress Economic Programme Committee headed by Nehru met over the winter of 1947-48 and urged for fixing limits to a maximum of every holding. The surplus land was to be acquired and placed at the disposal of village cooperatives.¹³² The

132. Indian National Congress Resolutions on Economic Policy and Programme 1924-54, as quoted by Thorner op. cit., p. 56.

AICC meeting of the Congress in 1948 at Jaipur, accepted the resolutions of this committee and went a step ahead by stating that whereas ceiling would be accepted on existing holdings, "...All non-cultivating landholders would either have to become cultivators or they would lose their land".¹³³

The Planning Commission set up as an advisory body to the government, took on from these recommendations, drafting out plans for the systematic and planned development of the country. In the First Five Year Plan itself, an outline of a national policy on Land Reform was formulated. The broad objectives were described as follows:

- " (1) Increase in agricultural production represents the highest priority in planning over the next few years; and
- (2) the agricultural economy has to be diversified and brought to a much higher level of efficiency".¹³⁴

133. Ibid. These recommendations were not accepted by the U.P. Zamindari Abolition Committee headed by Pandit G.B. Pant, who felt that no limit should be placed on the maximum area held in cultivations, as it would cause great hardships to the cultivators. Note that the Report submitted by this Committee became the most important document and blueprint for ceiling legislation in the country.

134. Appu, op. cit., p. 1.

The First Plan considered "small and uneconomic holdings as the root cause of the many difficulties in the way of agricultural development". Therefore it found little economic justification for imposing ceiling. The accent was clearly on increasing production. This seems to coincide with the fact that during this period (1947-52) India had inadequate food stocks and was strained to use its financial resources to import food from abroad. In such circumstances it was argued that ceilings might endanger the food supply.¹³⁵

However, in view of the 'social objective' of reducing disparities and the political commitment to land reforms, it was suggested that,

- (i) There should be an absolute limit to the amount of land which any individual may hold. This limit should be fixed by each state, having regard to its own agrarian history and its present problems.
- (ii) The cultivation and management of land held by an individual owner should conform to standards of efficiency to be determined by law.

The plan further worked out the basis, on which ceiling should be fixed, largely on the recommendations of

135. Thorner, op. cit., p. 54.

the Congress Agrarian Reforms Committee.¹³⁶ It began with the 'family holding',¹³⁷ defining it briefly as "being equivalent according to local conditions and under the existing conditions of technique, either to a plough unit or to a work unit for a family of average size working with such assistance as is customary in agricultural operations, . . . and about three times the family holding would appear to be a fair limit for an individual holding".¹³⁸

In May, 1955 the Planning Commission set up a Panel on Land Reforms, to review the progress made in implementing the land policy of the government, and to suggest further steps to be undertaken in the Second Five Year Plan. The Committee unanimously accepted the principle of ceilings and stated that its imposition would be able to make a contribution towards fulfilling the following objectives:

- (i) meeting the widespread desire to possess land;
- (ii) reducing glaring inequalities in ownership and use of land;
- (iii) reducing inequalities in agricultural incomes; and
- (iv) enlarging the sphere of self employment".¹³⁹

136. See Section III of Chapter-1.

137. The 'family holding' of the Planning Commission is near equivalent of the 'economic holding' of the C.A.R.C.

138. Appu, op. cit., p. 3.

139. Report of the Committee of the Panel on Land Reforms, Government of India, Planning Commission, 1959, p.99.

In accepting that the ceiling limit be fixed at three times the family holdings, the committee described the family as, husband, wife and three dependent children. One additional family holding was recommended for each additional member subject to a maximum of six family holdings. As to whether in applying ceiling the aggregate area held by all the members was to be taken together as a family or as separate holding held by individual member was discussed. It was recommended that, "we are of the view that family is the real operative unit in land ownership, ...and therefore recommend that in fixing the ceiling, the aggregate area held by all the members of the family should be taken into account".¹⁴⁰

The committee further pleaded for compensation to be paid to those cultivators whose lands would be taken over by the state. But it clarified that in no case, should this amount be "more than 25 per cent of the market value". It also favoured exemptions from ceiling for certain type of cultivation, like plantations, dairy, cattle breeding, compact well-managed mechanised farms, etc.¹⁴¹

In the Second Plan, once again, the emphasis was on increasing production,¹⁴² and the justification for the

140. Ibid., p. 103.

141. Ibid., p. 104.

142. Appu, op. cit., p. 5.

imposition of ceiling was social justice. The plan pointed out that, "In view of the existing pattern of distribution and size of agricultural holdings redistribution of land in excess of a ceiling may yield limited results".¹⁴³ But even so, for reasons of 'social justice' it proposed that, "some effective steps should be taken in this direction (ceiling), during the second Five Year Plan so as to afford opportunities to landless sections of the rural population to gain in social status and to feel a sense of opportunity equally with other sections of the community."¹⁴⁴ It further reiterated that "steps should be taken in each state to impose ceilings on existing agricultural holdings". Whether such ceilings should apply to holdings of individuals or to holdings of families, the Plan left the matter to be decided by the State Governments.

In view of the wide discrepancy between categories of owners, the first two plans made a distinction between large, middle and small owners. It was recommended that for the sake of fairness in relation to ceiling these categories be dealt with separately in each state law.¹⁴⁵

The Plans, thus put forth general guidelines to the states, for implementation. Owing to the peculiar land tenural systems and differences in local customs and prevalent

143. Ibid.

144. Ibid.

145. P.S. Appu, "Tenancy Reform in India", Economic and Political Weekly, Annual No. 1975, pp. 1339-61. The issue of different owners will be dealt with, specifically for Bihar later.

norms, these guidelines were in the form of providing an overall uniformity in the context of large scale diversities.

To summarize, the Plans recommended a ceiling limit on existing holding, upto, three family holding, the specific extent of such holding would be decided by the states. Whether the applicability of ceiling would be on individual or family basis was also left to the states. The range of ceiling was also to be worked out by the states in light of their own local conditions. The broad case for exemptions were made, the specific applicable in each state was for them to choose. Resumption of land was provided for, but here again it was to be tackled by each state.

By 1959, a number of states had enacted ceiling legislation,¹⁴⁶ but a lot remained to be done in relation to the implementation of these laws as well as in blocking the many loopholes in these laws. In January 1959, Congress held its Plenary Session in Nagpur where a resolution declaring that India's "future agrarian pattern" should be "Cooperative joint farming", was adopted. To this end, state governments were called upon to complete by the end of 1959, legislation imposing ceiling on landholding and to proceed to acquire surplus land as soon as possible. Thorner suggests that the importance to ceilings and pressure

146. Bihar was not one of them.

on state government at this point may have well been because of Congress defeats in the national and state elections, at the hands of rival parties with more far-reaching land reform proposals.¹⁴⁷

In Bihar, a ceiling bill was framed in 1955. It was called the Bihar Agricultural Lands (Ceiling and Management) bill. The bill was put forward, largely because of the "pressure generated and sustained by the then revenue minister, K.B. Sahay."¹⁴⁸ The bill proposed that the ceiling area of a landholder having a family consisting of five members or less including himself should be thirty to fifty acres, depending on the locality of his holding. For each additional member of the family, an area of eight and a half or five acres was fixed again depending on the locality, but in no case was the ceiling area so fixed to exceed three hundred acres.¹⁴⁹

The Bill was referred to a Selected Committee which suggested that the ceiling area should be adjustable according to the quality of the land involved. Lands were thus classified, according to whether they were irrigated or not, type of irrigation, type of yield, (food crops, or cash crops), sandy or hilly terrain. For each additional member

147. Thorner, *op. cit.*, p. 61.

148. Jannuzi, *op. cit.*, p. 72.

149. *Ibid.*, p. 73.

the extra land to be given would be from the same class of land as the landholder held. The Committee further excluded homestead land of not more than ten acres from determining the ceiling area, but "lands held separately by different members of the family of a landholder shall be deemed, for the purpose of fixing the ceiling area under this section to be lands held by the landholder".¹⁵⁰

According to Clause II of this bill, a landholder could hold land in excess of his personal ceilings, as long as the land he held was below three hundred acres and he farmed these lands in accordance with the principle of good husbandry. If however, he failed to "maintain efficient standards", he could voluntarily give up possession, join a cooperative society or in a remote case he could be temporarily dispossessed of the land.¹⁵¹ The state was to acquire land in excess of three hundred acres on payment of compensation, the excess land was to be settled with landless persons.¹⁵²

The above bill in its proposed or modified version was not acceptable to the Congress dominated Assembly. The opponents of reform were not willing to accept another law

150. Jamuzi, op. cit., p. 74.

151. Ibid.

152. Ibid., p. 75.



dwarfing their rights in land or status in the rural hierarchy, at least not till they had devised" means of circumventing legally future legislation having the same intent".¹⁵³ The issue of ceiling was for a while shelved as to retain power, the Congress members soon got involved in the State elections of 1957. These elections were ridden with caste, factional and personal alliances, reminiscent of the deep divisions within the Congress party. This led to a number of electoral losses, the "most prominent casualty" within the party was of "the man who had spearheaded agrarian reform,"¹⁵⁴ K.B. Sahay. With his defeat it seemed definite that ceiling legislation had been postponed for an indefinite period. And so it was till 1961, when a much more diluted version of the earlier bill was framed and introduced in the legislature. The intervening period had given the opponents of such legislation additional time to work out proposals on ceiling, such that would be acceptable to them. As Jannuzi rightly says, "Given the structure of power in Bihar... the landholders would be deeply involved in determining the content of future legislation designed to establish ceilings on agricultural holdings".¹⁵⁵

The new bill, "with sufficient loopholes to satisfy the most militant opponent of the earlier draft "without

153. Ibid., p. 76.

154. Ibid., p. 77.

155. Ibid., p. 76.

much debate was enacted into law. The Bihar Land Reforms (Fixation of Ceiling Area and Acquisition of Surplus Land) Act, 1961 came into effect in 1962 as Bihar Act XII.

The main provisions of the Act

The Act established a variable ceiling on landholding to be based in each instance on an assessment of the quality of land in the possession of a landholder. The range from twenty to sixty acres is given as follows :

(a) twenty acres of land irrigated by flow irrigation work, constructed or maintained, improved or controlled by the central or the State Government or by a body corporate constituted under any law (Class I type). Explanation - Flow irrigation work does not include any irrigation work under the Bihar Private Irrigation Works Act, 1922, or an irrigation work which provides water only for one season.

(b) thirty acres of land irrigated by lift irrigation work or tube-well constructed or maintained by the Central or the State Government or by a body corporate constituted, under any law (Class II type). Explanation - Flow irrigation which provides water only for one season shall be deemed to be lift irrigation work.

(c) forty acres of land which is orchard or used for any other horticultural purpose or any other land other land referred to in clauses (a), (b), (d) and (c) (Class III type).

(d) fifty acres of Diara land (class IV type).

(e) sixty acres of hilly, sandy, surplus homestead land or other land none of which yield paddy, rabi or cash crop. (Class V type).¹⁵⁶

Besides these provisions, the act was designed in a manner which made possible for landholders to retain lands in excess of the ceiling provisions. Landholder could further hold any land upto 10 acres which formed part of his homestead any land in a compact block not exceeding 15 acres used for the purpose of orchard, bangbargi or lands used for growing fodder; landlords with more than four dependent in addition to the ceiling area, could hold additional land not exceeding one-fifth of the ceiling area for each such member, provided the aggregate of land held by him did not exceed two times the ceiling area.

The most defeating proviso of the ceiling Act was, the allowance made to the landholders, to transfer within six months from the commencement of the Act any land held by him to his son, daughter, grandson or granddaughter or to any person who might enjoy the right of inheritance. The only limitation was that the total lands held by the recipient was not to exceed the ceiling area specified by the act.¹⁵⁷

156. The Bihar Land Reform (Fixation of ceiling Area and Acquisition of Surplus Land) Act 1961, Chapter II, Clause 4.

157. Ibid., Sec. 5, Chapter II.

The notion of exemptions, was also recommended in the Plans. In the first Plan itself on the plea for a practical approach, farms were to be divided into two groups, those which are so efficiently managed that their break up would lead to a fall in production, and those which do not meet this test".¹⁵⁸ On this basic argument, the issue of exemptions were written into the Act.

In Bihar the exemptions made out in the law are as follows :

- (i) land belonging to the state.
- (ii) Land under the direct possession of the village panchayat;
- (iii) land under the possession of the Bhoodan Yagna Committee;
- (iv) area under lac production under the Indian Lac Cess Act, 1930;
- (v) land under dispute in civil and criminal courts till the finalization of suits;
- (vi) land in the possession of educational institutions;
- (vii) land belonging to charitable institutions other than religious ones (the government is to decide the ceiling area in such cases);
- (viii) land under tea plantation and the area required for its development (to be fixed by the government);
- (ix) land required for the establishment of industry or under the possession of the industry (limit to be decided by the government); and

- (x) land given as gift to the ex-servicemen for their role during the I and II World Wars. Such exemption was to be given only during the lifetime of such persons.

The government was empowered to exempt by notification, sugarcane farms owned and operated on the date of the commencement of the Act by sugar factories, and land under religious trusts and temples, upto 240 acres for cultivation and maintenance of such organisations.¹⁵⁹

Landholders were given the benefit of selecting the land they wished to retain within the ceiling, in the next two years, from the date of publication of the notification.

The right to resume land for 'personal cultivation' by various gradations of the rural population, was written into the law in great detail. Landlords were permitted to resume for 'personal cultivation' lands within their ceiling areas being cultivated by tenants or under-ryots who had not been entitled occupancy ryots' status within the terms and conditions of the Bihar Tenancy Act of 1885.¹⁶⁰ The term "personal cultivation" within the act included, cultivation by a ryot, or by members of his family or by servants or hired labourers on fixed wages payable in cash or kind but not in crop-share; under his personal supervision or the supervision of any member of his family during main agricultural operations.¹⁶¹

159. The Bihar Ceiling Act, 1951, Chapt. xi, Sec. 29.

160. Jannuzi, op. cit., p. 79.

161. The Bihar Ceiling Act, Sec. 2 (1).

A ryot who was himself an occupancy ryot could resume land from his under-ryots upto the ceiling limit. Thus the Act legally sanctioned ejection of tenants who were non-occupancy ryots not entitled to permanent security of tenure under the 1885 Act. However, there were certain restrictions on such resumption. If the land for resumption being cultivated by the under-ryot on lease is 10 acres or more, the ryot could take back only so much land, as to leave at least five acres with the under-ryot. Where the under-ryot held less than 10 acres, only half of the area cultivated by the under-ryot could be resumed. Where the under-ryot held one acre or less than one acre and opted to hold such land, he was entitled to retain one acre excluding his homestead.¹⁶²

In case of a ryot who resumed land legally in the manner described above, but failed to bring it under personal cultivation within one year the sub-tenant had the right to apply to the Collector for the restoration of the said land to him.¹⁶³ The ryot also had to pay compensation to the under-ryot for resuming land and for any improvements that the under-ryot might have made on the land. The actual possession of these lands was not to be given to the ryot till the full compensation was not cleared off.¹⁶⁴

162. Ibid., Section 12.

163. Ibid., Section 13(6).

164. Ibid., Section 14.

Every under-ryot was given the right to acquire occupancy status on those land of a ryot, which fell above the ceiling limit and were not resumed for personal cultivation and was under the cultivating possession of the under-ryot. This could be achieved by making an application to the Collector, and also paying the compensation in accordance with this section of the Act.¹⁶⁵

The compensation to be paid by different categories of ryots were as follows, an occupancy ryot, Rs. 37.50 per acre, per annum for 30 years, a non-occupancy under-ryot Rs. 43.75 per acre for 30 years; and a non-settled under-ryot Rs. 50 per acre for 30 years. So long as the full amount of compensation was not paid, the transfer of land would not take place.¹⁶⁶

In this way, the interests of landholders and the objective to promote owner-cultivators was secured. The right of resumption thus became an effective ploy for shifting titles and ownership from one category to another, yet retaining some minor interests, for those whose interests would be injured in so doing. The detailed recommendation given in the Second Plan, to oversee the interests of the different types of owners, especially the middle and the small owners was thus looked after. The II Plan, had prescribed, that,

165. Ibid., Section 22.

166. Ojha, op. cit., p. 120.

"The economic circumstances of small owners are not so different from those of tenants.... It is desirable that a small owner wishing to resume land for personal cultivation should be permitted to do so. At the same time, it is difficult to disregard the position of the tenant. There is a consensus of opinion that owners with very small holdings should be permitted to resume their entire area. The limit... being a 'basic holding...'. As regards owners whose holdings lie between a basic holding and a family holding, the recommendation is that they should be permitted to resume for personal cultivation one half of the area held by the tenant, but in no event less than a basic holding. Where tenants are left without any land or with areas smaller than a basic holding, ...the government should endeavour to find land for them..."¹⁶⁷

This extract highlights that the intention of the Planning Commission and the government was not to hurt the interests of any section in the countryside.

After getting the returns in respect of ownership of land holding under the Act, the government was to acquire all surplus land after issuing a notification in this regard with entertaining any liability of any type on the land so acquired by the State after the publication of the notification. However, provision was made to submit any objection within 60 days in respect of any right on the land resulting from mortgage of the holding. All such lands acquired by

167. Appu, op. cit., pp. 1343-45.

the state was to be distributed or entrusted for management to the village panchayat. In case the village panchayat failed to do so, the Collector could settle the land with, landless agricultural labourers of the village or nearby village, or such persons of the village who possess five acres or less, or such persons of the nearby village who have been displaced from their holding as a result of the application of the Act or any other cultivator.¹⁶⁸

The persons from whom land was so acquired were to be paid compensation by the government as follows :

- (i) Class I land at Rs. 900 per acre.
- (ii) Class II land at Rs. 600 per acre.
- (iii) Class III land at Rs. 450 per acre.
- (iv) Class IV land at Rs. 300 per acre.
- (v) Class V land -
 - (a) paddy or rabi land or Tanr land land II in Chotanagpur and Santhal Parganas, at Rs. 150 per acre;
 - (b) Tanr land III of Chotanagpur and Santhal Parganas at Rs. 75 per acre; and
 - (c) hilly land at Rs. 50 per acre.

The Act restricted, future acquisition of land in order to keep the ceiling limit unaffected. No person in

168. Ojha, op. cit., p. 119.

future was to own or possess land above the ceiling area by way of transfer, exchange, lease mortgage, settlement or inheritance. The Act further, prohibited the sub-letting of land by any ryot except with the permission of the Collector or the village panchayat committee. Such sub-letting was not to exceed a period of seven years on one occasion. Certain categories were exempted from this prohibition, namely minors, widows, divorced women, mentally ill persons, army personnel or such government employees whose basic pay is Rs. 250 a month.¹⁶⁹

A unique feature of the Bihar Act is the provision of 'land Levy', where in the state could compulsorily acquire a part of the land for all owners. This provision was challenged in the court and ultimately declared void by the Supreme Court.¹⁷⁰

Implementation

Albeit the Act was enforced with effect from 19th April 1962 and notices were issued to big landlords, the actual administrative work could not be started before 1965. The figures show that till December 1966 only 1,790 returns were filed with a surplus of 7,797 acres of land. Since most of these returns were defective and incorrect

169. Ibid., p. 120.

170. Ibid., p. 122.

it necessitated re-submission. The government again issued fresh notices, and steps were taken to enforce the Act in 1968.¹⁷¹

The provisions of the Ceiling Act have been (evaded more than any other piece of legislation, leading to a near sabotage by the landed interests. The landlords had begun their operations to "forestall the move of the government to acquire land",¹⁷² even before the enactment of the ceiling law. On the basis of repeated pronouncements made by political leaders from time to time on this issue, the landlords began to conceal the actual area of land held by them. The modus operandi followed by them included, selling excess land, transferring it to family members through partition suits in courts or transferring it to friends, relations or even fictitious persons. Some land was converted for the use of religious or charitable purpose, but the real intention was to retain it for 'self utilisation'.¹⁷³ In some cases, transactions were made ante-dated even after the enforcement of the Act through the help of lower level revenue staff.

In submitting their account of land owned, the landlord in most cases, declared only those lands which they

171. Ibid.

172. M.P. Pandey, op. cit., pp. 91-92.

173. Ibid.

could not conceal. It was very difficult to verify these reports as the existing land records were vague, unauthentic, missing and incomplete. Concealment of land was done by transferring to fictitious persons which is known as benami transfers. Some lands owned by the landlords, was sold out to others but were not genuine sales as the land continued to be in possession of the previous land owner.¹⁷⁴

The landholders under section 15(3), which enabled them to file objections against purported wrong acquisition of the land, were quick to take advantage and filed suits in the courts. These cases were filed not always by genuine landholders but also by several other persons instigated by the landholders to confuse the issue and delay the process of decision.¹⁷⁵

The fact that the ceiling on land was not a fixed extent but a range, has also helped the landholders to retain more land. In collusion with karamcharis and 'Circle Inspectors' the category of land was changed in the records to the advantage of landlords. Irrigated land was being shown as non-irrigated, plain land, declared as diara and such other tampering with categories.

174. Ibid., p. 42.

175. Ibid., p. 93.

By being able to change the basic unit of ceiling the landlords were able to hold multiples of the ceiling limit with ease. As has been pointed out earlier, the 1955 proposal of ceiling recommended that ceiling be based on 'family' holdings but this was changed in the 1981 Act to 'individual'. By a novel concept of ceiling, "per share holder in the Hindu Joint family governed by the Mitakshara Law".¹⁷⁶ the landlords were able to retain lands upto the ceiling limit per person in the family.

With additional areas, allowed by the law, for homestead, orchards, bamboo grove, etc. the landlords secured even larger extents of land for themselves.

The provision in the Bihar Act, to transfer, gift, sell land within six months of the passing of the Act, as well as a space of two years to choose which lands landlords wanted to retain, had two effects. The first, legally gave the owners of land time to find ways and means of saving their land, leading to reducing the amount of land to be declared surplus. The second in combination with the first can be described as the 'defeating clause', because the Act could not be implemented for two years the period given for choosing the land. Thus giving more time to the landlords to circumvent the provisions of law.

176. Indradeep Sinha, "Struggle for Agrarian Reforms", Mainstream, 17th February 1968, p. 11.

It is thus not surprising that large scale mala fide transfers took place. The exact magnitude of such transfers is not known. But Dr. Ojha has used the registration records in respect of part transfers of ryotwari holdings to present a statement showing transfers taken place during 1947-1962, of ryotwari holdings having occupancy rights by registered deed of sale in Bihar.

Table-7 quite clearly demonstrates that there is a relation between the year in which land reform legislation is introduced and the number of transfers undertaken. The increase in the number of land transfers was only 3.48 per cent in relation to the figure for the base year 1947. But with the introduction of the land reforms Bill in 1950 the percentage of transfers increased by 21.52 per cent. Again in 1956,¹⁷⁷ the number of transfers rapidly increased and recorded 52.81 per cent increase in the total number of transfers over the base year 1947. This trend of increase in number of ryotwari holdings went up till it reached the all time high of 213.29 per cent increase in 1962. The number of cases transferred during 1962 alone was nearly three lacs more than the total number of such cases in 1961. This is indicative of the fact that landlords in apprehension and fear following land reform acts, transferred their property.

177. Note that the Bihar Agricultural Land (Ceiling and Management) Bill had been proposed in 1955.

Table-7 : Details of Ryotwari Holdings Having Occupancy Rights Transferred in Part By Registered Deed of Sale in Bihar During 1947-1962

(Figures have been rounded up of areas and Ruppees)

Year	Number of transfers registered	Area Transferred in (acres ¹⁰⁰⁰)	Consideration Money in lakhs	Average area transferred (acres)	Average price of land per acre (Rs. in, 000)	Percentage increase (+) or decrease (-) in the no. of transfers over the base year 1947
1947	232,374	170	1162	0.73	5.0	-
1948	240,462	75	1084	0.73	4.1	+ 3.48
1949.	237,703	159	1135	0.67	4.8	+ 2.29
1950	382,380	177	1222	0.63	4.3	+21.52
1951	296,421	171	1364	0.58	4.6	+27.56
1952	318,174	183	1510	0.57	4.8	+36.92
1953	388,195	192	1444	0.57	4.2	+45.54
1954	281,779	184	1310	0.65	4.7	+21.26
1955	267,688	213	2339	0.79	8.7	+15.20
1956	355,085	232	1320	0.65	3.7	+52.81
1957	399,621	68	1940	1.70	4.9	+71.97
1958	389,687	210	2511	0.50	6.4	+67.70
1959	465,143	289	3700	0.62	7.9	+100.17
1960	464,990	266	2525	0.57	5.4	+100.10
1961	473,734	259	2642	0.55	5.6	+103.86
1962	728,015	274	2728	0.32	3.7	+213.29

Source: Taken from Ojha, op. cit., p. 123.

With the Act restricting subletting of lands to tenants and allowing resumption of land from tenanted lands in possession of non-occupancy ryots, the landlords on the pretext of 'personal cultivation' ejected former tenants and legally hired the same as wage labourers on their holdings. ¹⁷⁸

Though the Act allows for sub-letting in some cases for a period of seven years, in reality individual under-ryots are not able to keep the lease continuously for more than three-four years. In many places the tenants are changed every year. ¹⁷⁹ With the result that under-ryots cannot put forth claim of occupancy rights on the land under section, 48c, as the Act needs continuous holding of a piece of land for twelve years.

The ceiling act enables under-ryots to acquire occupancy status and in time ownership over the land. But the thin lines of divisions between various categories and various interests makes this occurrence almost unreal. Moreover the complex and confusing jungle of language is not to be easily comprehended by the illiterate tenants. Secondly with no proper records, it becomes all the more

178. Jannuzi, op. cit., p. 80.

179. M.P. Pandey, op. cit., p. 56.

difficult for an under-ryot to prove his right by documentary evidence. Even where he is able to prove his possession and establishes his tenancy right, to gain ownership he must pay compensation to the government and then only after a period of twenty to thirty years will the government "declare the auspicious day of transferring ownership rights",¹⁸⁰ to him.

The provisions of 'resumption', 'surrender' and 'abandon' have all worked in conjunction leading to thousands of ejections. By far the most obnoxious category has been, that of "Voluntary surrenders" in which tenants under fear of landlords have been compelled to give up their rights and become landless labourers.

The slow progress in the survey-settlement operations, has further obliterated the objectives laid down in the tenancy and ceiling laws. In an attempt to discover, why such vague and overlappings provisions were written in the Act, Dr. Ojha says that "all loopholes and contradictions are deliberately and clearly placed in the legislation to suit the vested interests".¹⁸¹ From the above it is quite clear that the intention of these laws was to bring about a certain type of change within the existing

180. Prasada Rao, op. cit., p. 16.

181. Ojha, op. cit., p. 128.

agrarian structure. A kind that would only shift certain rights from one to the other, but effectively give opportunity to large landlords and ex-intermediaries, to maintain and continue their dominance over the contours of rural landscapes. To quote from Ojha, once again, "provisions under the Ceiling Acts have been made in such a manner as to cause least injury to those who commanded the leadership in various regions of the rural area".¹⁸²

In the 1970's the ceiling laws have been amended a number of times, to close in the earlier gaps left in the laws. Since it does not fit within the time-frame of this work, the salient amendments are briefly summed up.¹⁸³ The most far reaching amendment came in 1973, by which the unit of ceiling, on holdings was changed from 'individuals' to 'family'. The second change made was that the range of ceiling level of various categories of land was reduced, to a scale of fifteen acres to fortyfive acres instead of the earlier twenty to sixty. Restrictions were placed on transferring land held by owners. The additional areas

182. Ibid., p. 111.

183. A number of post-1967 developments, pressurized the state government to introduce these amendments of this, some were, the need to project a pro-people's image by the Congress (R) after the 1969 split in the Congress the increasing rural disturbances, culminating in the 'land grab' movement of 1970-71 and fulfilling promises made during the elections of 1972.

allowed over and above the ceiling limit has been grossly reduced to one acre for homestead purposes and three acres for orchard, bamboo grove etc. Certain exemptions allowed in the earlier Act have been removed from law by these amendments.¹⁸⁴

More importantly by another amendment a new clause '45B' has been added to the ceiling law. By this the State government or the Collector may be authorised, at any time to call for an examine any record of any proceeding disposed of by a Collector under the Act, and may if he thinks fit direct that case to be reopened and disposed of afresh in accordance with the provisions of the Act.¹⁸⁵ This has introduced a new uncertainty in the rural areas whereby the land holding of all becomes questionable and insecure.

Consolidation of Holdings

Consolidation of holding means a planned and systematic exchange of land, where in new and compact blocks of land of near equal value are given in place of scattered plots, in view of improving agricultural techniques and production. The menace of small fragmented and scattered holdings is largely because of the over dependence on agri-

184. From Section 29(b), part ii, iii, iv, v have been omitted by Act 7 of 1978, Act 12 of 1976 and Act I of 1973.

185. Section 22 of Bihar Act 1976, Clause 45B in the Bihar Land Ceiling Manual, (Malhotra Bros, Patna, 1982).

culture, high rate of increase in population, lack of alternative employment and the Hindu law of inheritance which divides property amongst children in successive generations.

Consolidation of holding is an integral part of a land reform programme, as through it, it is possible to change ownership pattern without disinheriting any ones rights in land. It is a method of change, linked with the production aspect of agriculture. It proposes to reorganize the village by a complete re-planning of the entire area, whereby inter-communication is possible, structures of common utility and civic amenities are provided. This means that the work of consolidation is integrated with the village development as a whole.¹⁸⁶

The Planning Commission had made its recommendation in support of Consolidation in the above manner. The First Five Year Plan emphasized consolidation and requested all the states to expand the programme of consolidation of holdings and pursue it with vigour.

Legislation for consolidation of holding was drafted in 1955 in Bihar and passed in 1956.¹⁸⁷ The Bihar Consoli-

186. Ojha, op. cit., p. 146.

187. Jannuzi, op. cit., p. 87.

dation of Holdings and Prevention of Fragmentation Act, contained the following provisions.

The Act disallowed any person to transfer or partition any land, except with the special permission of the consolidation officer, who may refuse such permission on the ground that (a) the particulars have not been submitted, (b) the transfer or partition will interfere with the consolidation proceedings or (c) that such transfer is against the provision of the tenancy law or of this Act.

Village Advisory Committees were to be constituted, consisting of the members of the executive committee of the village panchayat. If more than one village was included in a village panchayat, then only those members of the executive committee were to be included who were residents of the village concerned. Ryots and under-ryots were to be nominated by the Consolidation Officer. Bihar is novel with the association of a landless labourer as a member of this committee.¹⁸⁸

The Act provides for a complex but methodical system of work, in which the first task is to prepare an up-to-date record of rights, with respect to all lands comprised in the notified area. The next task is to pre-

188. Ojha, op. cit., p. 149.

pare a register of land belonging to ryots, which must be published and a copy sent to all concerned. Objections to this recording is invited within 30 days. Once these are disposed of the Consolidation Officer visits the village and in consultation with the advisory committee works out a draft scheme for the Consolidation of holdings. In case of dispute between the two parties the matter is referred to the Director of Consolidation whose decision is final in the matter.

When all the ryots affected by the scheme, have been put into possession, the scheme is deemed to have come into operation and the Consolidation Officer is then required to issue a certificate containing the prescribed particulars. This certificate is the conclusive proof of the title of such ryot to the holding and to pay rent as specified. Certificates are also to be granted to under-ryots having a right of occupancy in any land allotted to him, and the same is his conclusive proof to the title.

Such a confirmed scheme would be treated as the up-to-date record of rights prepared and published.

The Act provides for compensation, where a ryot's consolidated holdings are less in value than his earlier holdings, and the ryot has to give compensation where his

consolidated holdings value is more than his original holding. Such compensation is to be deposited in instalments as decided by the Consolidation Officer.

For the purpose of carrying out the scheme, provision has been made in the Act for granting a loan under the Land Improvement Loans Act, 1883 or the Agriculturists Loans Act, 1884, to a ryot or an under-ryot having a right of occupancy in land.

The cost of consolidation is recoverable in whole or in part from the ryots, but this amount is not to exceed Rs. 4 per acre. Compensation or any other sum payable under this Act is also recoverable as an arrear of land revenue.

Transfer of holdings allotted under the scheme is prohibited at any time, if it creates a fragment. Civil courts are barred to give any decree or order in respect of any land included in any consolidated holding if it creates a fragment. Neither can the State Government acquire land if it creates a fragment. No person is allowed to transfer any fragment except to a person having land adjoining such fragment.

Though the government has taken the initiative for consolidation, the Act has a provision for voluntary consolidation by persons with the permission of the Collector.

The transfer of any land or fragment contrary to the provisions of the Act is prohibited and the person who so transfers is liable to fine.¹⁸⁹

Implementation

The Act seeks to amalgamate plots of land so as to make the holdings more compact, techniques more efficient and production much higher. While the Bihar Act makes mention of keeping apart a portion of area reserved for the construction of houses for the landless agricultural workers, it does not mention, the various items of village reconstruction or the re-grouping of housing sites from the point of view of civic amenities and country planning.¹⁹⁰

Besides the Act contained features within it which itself were cause for delays. The complex and elaborate procedure laid down, needed government officers "to spend thousands of hours in the fields". The provision of preparing a record of rights was an activity that would take months or years to complete especially as no reliable survey and settlement records existed. The work involved would demand officers capable not only of collecting and checking records and mediating and setting disputes, but also of resisting unjustified pressures while acceding to

189. Ibid., pp. 150-51.

190. Ibid., p. 152.

legitimate demands. "Given a poorly equipped, inefficient bureaucracy comprised of hastily trained and under paid consolidation officers, the difficulties of the exercise were compounded."¹⁹¹

Further this work was not associated directly with the new survey and settlement operations initiated in Bihar in the 1950's.

Every government's policy, even though to be implemented through compulsion needs public supports. The scheme met with resistance from the landholders who were not going to give up, "choice plots of non-contiguous lands for a compact holding considered by someone else to-be-equivalent roughly in area and value to their original holdings".¹⁹² Neither did the programme get "vigorous support" from "members of Bihar's bureaucracy nor the ruling elite".¹⁹³

The Act merely sought to prevent fragmentation of holdings, it did not provide any remedy in case partitions took place, neither did the act provide for 'hidden transfers' which are taking place all the time. Ojha suggests that it might have been better if the Act had provided for

191. Jannuzi, op.cit., p. 90.

192. Ibid.

193. Ibid.

"joint cultivation on such fragments or compulsory sale of the fragments to a owner of large compact blocks".

The failure of implementing this law, is also because the task of consolidation is a slow, tedious and expensive. The financial burden of the scheme is huge and the state governments have found it difficult to met these expenses.

The Act was put into operation immediately by launching four pilot projects one in each of the four divisions between 1956-1959. These were, Sakra in Tirhut, Ekagsarai in Patna, Sabour in Bhagalpur and Topchanchi in Chotanagpur divisions. Later five other blocks were brought under the scheme. Though the process was slow, in all 99,637 acres in 532 villages were consolidated till December 1963. Since then a total area of 1.43 lakh acres has been consolidated (till 1965-66). Final draft schemes were also published for 636 villages covering an area of 1,27,531 acres of land. These achievements, in view of the mammoth task seemed to be negligible. Bihar, from the point of view of its size and its agrarian problems, has to go a long way in completing this task. In fact the report of the Task Force on Agrarian Relations of the Planning Commission reveals that next to Andhra Pradesh, "Bihar's Consolidated area was the lowest in the country".¹⁹⁴

194. Jagdish Sinha, "Consolidation of Holdings in Bihar; The Snags", Mainstream, 16th June 1979, p. 30.

The various aspects of the land reform programme of the Bihar government as enforced between 1947 to 1967 has been discussed in this section. This period can thus be described as a phase of initiation and enactment rather than a phase of implementation. Not that no implementation was attempted but that it fell far short of the desirable objectives, i.e. if the slogans and promises of the land reform programme are taken as not merely the declared objectives but the actual ones to be achieved. Judging from this yardstick the land reform proposals in Bihar have been largely a failure.¹⁹⁵

The reasons for this schism between policy, programme and performance will be discussed below. For purposes of clarity, the reasons are divided into three categories, each linked with either policy, programme or performance. One will work backwards and first discuss, why the existing laws, were not fully implemented? That is, why was their performance so poor?

Performance: The Problems of Implementation

The catalyst that was to implement the land reform laws and bring out the desirable change, was the existing

195. Though the immediate concern here is with the period 1947-1967, little has been achieved even after 1967. In the field of laws however, a number of amendments have been made, closing in the gaps left in the earlier laws but as far as implementation is concerned a wide area of achievement still remains.

administrative machinery. In fact one of the main problem was that, no separate agency to carry out the reform was appointed. Instead the task was given to the revenue department which had till then been responsible for the 'collection of revenue and maintenance of law and order.'¹⁹⁶ So far as the abolition of zamindari was concerned, Warriner argues that such a division was rational, "because these laws involved a change in the tax system transferring the right of tax collection held by landowners to the state governments". But as regards the other broad measures of social and economic policy "there is no reason why the revenue department should be responsible for them".¹⁹⁷

Even though, an attempt has been made to diversify the officials of this department, by appointing, "circle officers" and "circle Inspectors" and by grouping a number of villages under them in a Halka with a revenue subordinate official called the karamchaki,¹⁹⁸ the same staff are used for all measures and programmes, giving them, little time or experience to complete the work.

There is also a dearth of relevant trained personnel to execute the reforms particularly at the lower levels

195. V.C. Koshy, "Land Reforms in India Under the Plans" Social Scientist, July 1974, p. 51.

196. Warriner, op. cit., p. 138.

197. Malaviya, op. cit., pp. 223-24.

of the administrative hierarchy. Moreover the complicated procedures to be followed in each case, "are archaic" and easily defeated by those opposing these changes.¹⁹⁹

More often than not, the attitude of the bureaucrats is "lukewarm" and "often apathetic". Belonging to the same section of society as those who wield power, the "higher echelons of the administration are also big landowners themselves or have close links with them",²⁰⁰ while the lower rung of the staff are easily bribed and thus are "hand in glove" with the landowners. Thus the reluctance of the administration to implement effectively the laws, has been an important reason for retaining the status-quoist structure of land relations in the countryside. Any further change in this regard would require a suitable administrative apparatus to cope with the task of implementing land reform measures.

Secondly, the absence of "up-to-date" and "honest" land records has also been an obstacle in securing rights to tillers of land. Bihar being a permanently settled state, the responsibility of maintaining these records was with the gamindars. In most cases the gamindars did not maintain records and where they did, the accuracy of it was questionable. When asked by the government to submit these records

199. Jannuzi, op. cit., pp. 155-56.

200. Koshy, op. cit., p. 51.

the samindars thwarted implementation by refusing to submit or by effectively changing these so as to evict large number of traditional tillers. Even where the government has completed the recording of rights, for example, in Purnea, as pointed earlier the court refused to accept these and demanded documentary evidence. No amount of legislation will help the tenants in the courts, unless they can produce written documents as evidence of their rights. Again as mentioned above, whenever the state government has undertaken the task of survey settlement reports, large scale violent agrarian disturbances has followed. The 'vested interests' by such action are able to foil the actual data pertaining to land held and tilled from coming forth.

The Judiciary in its own way has obstructed the path of speedy implementation of land reform by the judgements passed in various cases. In its attempt to uphold the individual's fundamental rights, the orders of the court worked effectively to give time to the landlords to work out strategies to counter such legislation. Koshiy argues that while the existing social order in India is based on the inviolability of private property, "an isolated law aiming at the restructuring of property relations in the rural areas has hardly any chance of success"²⁰¹ and the

201. Ibid.

little chance of success that it did have were reduced because of the loopholes in the laws and protracted litigation.

Programme

The second set of reasons for the minimal implementation of the land reform laws, are the lacuna, gaps and loopholes in the laws itself. That is the programme that was worked out was faulty, from the point of achieving the slogans of land reforms, as well as when worked in conjunction with the other laws, defeated the purpose behind one of these laws. This has been discussed in detail under each law but to summarize here, a few examples will be taken. With the abolition of intermediaries, their rights of collecting revenue were only affected, as the law did not attack their rights on land. Instead they were given the right to retain lands for their self cultivation. The ceiling laws, deemed to attack property rights, allowed resumption of land for 'personal' cultivation. Besides, while the Planning Commission had suggested 'family as the unit for ceiling the Bihar government used 'individual' as the unit of ceiling, allowing for a range of land, as well as numerous exemptions, and transfers within a stipulated time. These provisions made it possible for the landed, including the ex-intermediaries to retain large acres of land, by malafide and benami transfers, concealing land in other ways, eject-

ing tenants and settling down for either self cultivation by hiring wage labourers or continuing the earlier pattern of absentee landlords by share-cropping tenancy arrangements.

By the tenancy laws attempts were made to make ryots secure, change their status slowly to occupancy and then to ownership. But with the close link between tenancy and ceiling, the purpose of conferring security of ownership only on the non-resummable land' of the ryot, provided he had worked or held it in possession for 12 years, had documentary evidence to prove his rights, and could pay compensation charges for it. These requirements in combination were hardly available with the under-ryot, leaving the objectives of tenancy largely unfulfilled.

However, the most problematic effect of these laws was, that it ushered in an agrarian structure which while taking all the benefits of these gaps made it more difficult to make any changes in the future. This is the main reason why the later amendments which have closed the earlier gaps, have not effectively been able to translate these changes empirically.

Policy

The third problem arena, is the enunciation of 'policy' itself. The Congress policy of land reform suffers from serious inconsistencies. At the level of the general

principle and ideals in abstract, the incompatibility of the traditional landed class with the demand of economic development and social justice has been emphasized by national leaders at various platforms. But at the level of concretizing these principles, the needs of political stability and power have been allowed to creep in whereby the interests of all sections have been retained. Thus the Congress policy was essentially one of "balancing the interests of the peasantry with those of the landed class".²⁰² As Myrdal says legislation of this type, "leaves the landlord in possession of his land while attempting to ameliorate the tenants plights, is a compromise solution, both politically and economically".²⁰³ While Frykenburg states that, the Indian case of land reform, is a "troublesome limiting case" from both the extreme types of land reform, namely consification and latifundist estates.²⁰⁴

The Congress in its "anxiety to balance" the conflicting interests of landowners and tenants, seemed to ignore the fact that the slogan of "land to the tiller" could not have been carried out "without hurting private property rights" and this the policy makers were unwilling to do.

202. P.C. Joshi, "Land Reform and Agrarian Change in India and Pakistan", op. cit., p. 18.

203. Myrdal, quoted by Rudder Dutt, "Land Reforms and Planning Process in India", Mainstream, 8th June, 1974, p. 18.

204. Frykenburg, op. cit., p. 235.

Thus, though the Congress supported a substantial land reform policy, in reality it lacked the political will to enforce it to its logical conclusions. In this the Congress was limited by both its overall framework of developmental path, and by the internal factions, lobbies, pressures and pulls which were largely responsible for the nature of these reforms as well as its non-implementation.

III. Politico-Social Dimension

In the previous two sections, the broad objectives of the Congress and the peaceful, gradual method it adopted to achieve these goals was analyzed. Taking land reform as the single focus of our study for the state of Bihar, during the first two decades after independence, the legal modalities passed to achieve, 'land-to-the-tiller', security to tenants and a more equitable distribution of land, aiming at a more just social order was also delineated. By examining the content of these laws, their complex language, internal inconsistencies, gaps and loopholes the reasons for the failure of Bihar land reforms stemming from the laws itself, were highlighted. One can say that this is the first half of the explanation for the non-implementation of the Congress Reforms.

In the second half an attempt is made to offer an explanation as to why the laws passed were so framed. In elucidating this, the reality of the Congress, i.e., the nature of the Congress party, the caste and class composition of its members who were the actual protagonists, behind these land reform laws is examined. In the following section therefore, the political and social dimension of the Bihar Congress is represented, which is symptomatic of the kind of laws that were passed.

The hypothesis then is, that a legislative assembly, dominated by landed interests was not easily going to let land reform legislation be passed. However, owing to the long-term identification of the Congress with land reform promises, the state Congress leadership could not overtly defeat the 'legislative effort' in this direction. Instead it adopted a deceptive strategy of accepting, land reform in principle while postponing it, in actuality. In due course, under pressure from either the 'Working Committee' of the Congress or the Prime Minister himself the state legislature was compelled to respond. It did so by drafting deliberately defective laws, with weak implementation provisions, thus replying with assurance to the said pressure, to say that, "We have produced an Act".²⁰⁵

205. Hung-Chao Tai, op. cit., p. 134.

By such tactics the Congress government in Bihar was able to give an appearance of supporting the welfare of the rural masses wherein in reality it only slowed down the momentum of genuine agrarian changes.²⁰⁶ Though the Congress was committed to land reform, the class composition of the Bihar Congress resulted in the framing of such laws that could be easily circumvented by them and their fellow members in the field.

The Congress party hegemonized the politics of the country as also of the state of Bihar, whereby it has been typified as a one-party-dominant state.²⁰⁷

As open-electoral system adopted by independent India, allowed for the free formation of an competition amongst political parties. Such democratic functioning of the political process in the state reaped maximum benefits for the Congress, which was able to secure a majority to form its government continuously in Bihar from independence till 1967.

The following table indicates clearly the majority of the Congress party to form government. In successive elections the Congress seats diminished while the per centage

206. Ibid., p. 126.

207. M.P. Singh, *Cohesion in a Predominant Party: The Pradesh Congress Party Politics in Bihar* (S. Chand & Co., 1975), p. 57.

Table-8 : Party Wise Strength in the Bihar Legislative Assembly

Party	1 9 5 2				1 9 5 7				1 9 6 2			
	Seats cont-ested	Seats won	% of seat	% of vote	Seats cont-ested	Seats won	% of seats	% of vote	Seats cont-ested	Seats won	% of seats	% of vote
Congress	318	235	73.9	41.9	312	210	66.0	42.2	318	185	58.2	42.3
Socialist (United)	264	23	7.2	18.8	-	-	-	-	-	-	-	-
PSP	-	-	-	-	220	31	9.8	16.0	199	29	14.2	14.2
Jharkhand	51	32	10.0	8.3	69	30	9.4	6.9	75	20	6.3	4.4
Janta	35	11	3.5	3.1	120	23	7.2	7.9	-	-	-	-
CPI	22	0	0.0	1.1	60	7	2.2	4.9	84	12	3.8	6.2
Socialist (India)	-	-	-	-	-	-	-	-	132	7	2.2	5.2
Jana Sangh	46	-	0.0	1.2	30	0	0.0	1.2	75	3	0.9	2.8
Swatantra	-	-	-	-	-	-	-	-	259	50	15.7	17.3
K.M.P.P.	97	1	0.0	2.9	-	-	-	-	-	-	-	-
Other parties	94	3	1.2	3.3	-	-	-	-	20	0	0.0	0.5
Independents	255	13	4.0	19.5	250	17	5.4	20.9	186	12	3.8	8.4
	(618)				(527)				(367)			
Total (1537)	318	318	100	100	318	318	100	100	318	318	100	100
				(1338)			(1529)					

Source: Tabulated from M.P. Singh, op. cit., p. 37.

- The above table presents data to support the statement that the Congress did function as a one-party-dominant type in Bihar during the period under study.
- Post-elections of 1962 a Congress government was formed in Bihar which continued to work till the next elections of 1967. Since the elections of 1967 ended the one-party dominant system in Bihar, and a non-Congress government was formed, the party wise results of the 1967 elections is not presented here.

of votes polled by the party remained between 41 to 42. The advantage of polling less than fifty percent of the total votes remained with the Congress, as there was no one important opposition party in the fray. As such the majority of votes were divided amongst the numerous opposition parties of which some had, only regional and local standing.²⁰⁸ The fact that opposition unity through seat adjustments was able to reduce the Congress to the status of the single largest party in the house, was demonstrated in the elections of 1967,²⁰⁹ when for the first time a non-congress government was formed in the state.

Though the strategy of mobilization of the Congress remained throughout aggregative of all classes, castes and interests, within its own ranks it was the upper castes who were more numerously represented. The figures given in the following table will bring out this fact better.

The dominance of the upper castes in the Congress politics is a reflection of their general stronghold over the socio-economic life of the state. Most of the ex-princes, zamindars and big landholders belonged to the upper

208. For example the Jharkhand party of the Tribals in the Chotanagpur Plateau, and the Janata Party of Raja of Ramgarh having influence largely in and around Hazaribagh. See M.P. Singh, op. cit., pp. 40-43.

209. The Congress won only 128 seats in the 4th general elections, *ibid.*, p. 38.

Table-9 : Ethnic Composition of Congress Member's of the Bihar Legislative Assembly, 1952-67.

Ethnic group	1 9 5 2 *		1 9 5 7		1 9 6 2		1 9 6 7	
	No.	%	No.	%	No.	%	No.	%
Brahman	24	10.2	20	9.5	26	14.1	17	13.3
Bhumihar	45	19.15	34	16.2	23	12.4	15	11.7
Rajput	26	11.06	30	14.3	27	14.6	14	10.9
Kayastha	26	11.06	9	4.3	11	5.9	7	5.5

TOTAL UPPER CASTES	121	51.48	93	44.3	87	47.0	53	41.4

Backward Castes or Upper Shudras	34	14.46	48	22.9	46	24.9	30	23.4
Muslim	24	10.2	24	11.4	15	8.1	8	6.3
Bengali	5	2.12	3	1.4	2	1.1	0	0.0
Scheduled Tribes or Adivasis and Christians	4	1.7	6	2.9	3	1.6	13	10.2
Scheduled Castes or Harijans	34	14.46	31	14.8	32	17.3	24	18.8
N.A.	6	2.55	5	2.3	-	-	-	-
Bania**	7	2.97	-	-	-	-	-	-

Grand Total	235	100.0	210	100.0	185	100.0	128.0	100.0

Source: Harry W. Blair, Caste, Politics and Democracy in Bihar State, India: The Elections of 1967 (Duke University, Unpublished Ph.D. Thesis, 1969), p. 323.

* The data for 1952 has been tabulated by this scholar.

** This category is introduced for the 1952 members and is not used by Blair.

castes. Shashishekar Jha, writes that "most of the zamindars in Bihar were either a Bhumihar, or a Maithil, or a Rajput or a Kayastha".²¹⁰ Their favourable economic position made it possible for them to be the first to take advantage of modern education introduced by the British. Again it was they who formed part of the Bihari intelligentsia and partook in the various movements beginning with the movement for a separate state of Bihar. Kayasthas were the traditional scribes without much landed property and thus they were the first to benefit from English education and the new jobs under the colonial bureaucracy.²¹¹ Soon the other upper castes especially the Bhumihars and Rajputs also joined, in this new method, of retaining their traditional status. With dissatisfaction setting in vis-a-vis the British and the launching of the anti-imperialist movement, numerous people from these castes joined the Congress thereby coming to dominate politics as well. The upper castes thus came to control the socio-economic and political life of the state.

The Congress movement in Bihar can be characterized as one which did not "start agitations on a provincial scale against landlords to get the demands of the peasants and

210. Shashishekar Jha, Political Elite in Bihar (Vora and Co., 1972), p. 232.

211. Grish Misra and Braj Kumar Pandey, op. cit., pp. 159-61.

landless labourers ful-filled",²¹² neither did it make an attempt to break the economic position of landlords or weaken the caste system. Moreover, in the absence of anti-caste movements like the Arya Samaj, the Kabir Panth etc., the people of the lower castes were forced to cling to their caste-sabhas to seek solution of their socio-economic problems.²¹³ Far from obliterating caste identifies, the real politik of gaining power, reiterated traditional loyalties.

At both the macro and micro context of politics in India, caste became an important basis from which leaders began to draw support in their fight for power and leadership. The institution of caste had its advantages. First, it provided an, readymade infrastructural support base for the political parties. In case of the Congress, the party's method of aggregating all structures rather than transforming the traditional with more modern ones, found caste coalitions, convenient building blocks in achieving and retaining its majorities in state legislatures. Secondly, in the wake of democratic politics,²¹⁴ caste groups became important instruments of interest articulation as well as primary

212. Ibid., p. 178.

213. Ibid., p. 173.

214. M.P. Singh, op. cit., p. 32.

contenders for power and "divisible benefits". Thirdly, politicians attempting to mobilize support for themselves, naturally, sought to exploit the feelings within the various caste groups for, despite the existence of class differences amongst them, they constituted one community. Finally, mobilization of caste for political purposes became a 'novel opportunity' for status mobility for those castes who found upward social mobility limited in the traditional social structure.²¹⁵

In the specific case of Bihar, Congress came to occupy the central position in the political arena, while caste prevailed the internal politics of the party. Despite being the dominant party, the Congress has been characterized as an 'open party of consensus' having considerable interpenetration with outside interests. Despite its central position, the fact that the Congress had to operate in a open and free political environment, intensified the need to constantly build its support base. Transformed from an agitational party to one in power with the task of forming government, the Congress leaders, realized the necessity of not only consolidating their position but making inroads in new and fresh areas of strength.²¹⁶ This it attempted to do by

215. Ibid.

216. Ramshray Roy, Politics of Fragmentation: The case of Congress Party in Bihar", in Iqbal Narain et. al. (eds.), State Politics in India (Meenakshi Prakashan, 1967), p. 421.

broadening its mass base by a multi-pronged appeal to members of various socio-economic groups. Therefore the Congress edifice came to be forged on coalition lines which traversed diverse and sometimes even contrary interests. The conundrum then for the Congress, in Morris Jones words was, "to dominate, the Congress must accommodate; yet accommodation encourages incoherence which destroys the capacity to dominate".²¹⁷ The Congress case, thus is one of a contradiction in terms, i.e., the support base that it enlisted was contrary to, or at least incongruous with the objectives set out by the party manifestoes. The pursuing of such politics led the Congress in Bihar to become faction-ridden either of pure caste categories or of sub-coalition of castes leading to the "fragmentation of the Congress".²¹⁸

Before 1920, the Bihar Congress was drawn mainly from the 'upper class, English educated, urban elite'. Consequently its leadership was socially homogeneous, coming primarily from the Kayasthas. During the 1930's because of the efforts of the caste-leaders, the spread of education, the impact of elections and the movement for social upgrading a large number of other castes, namely Bhumihars, Brahmans and Rajputs joined the Congress. In time, the Bhumihars

217. Morris Jones, quoted by M.P. Singh, op. cit., p. 59.

218. Ramashray Roy, "Intra-Party Conflict in the Bihar Congress", Asian Survey, 6th December, 1966, p. 706.

challenged the Kayasthas, who sought alliance with the Rajputs, thus the first two factions within the Congress, was formed.

For the various elections that took place in the 1930's caste considerations played a major role in the process of selection of Congress candidates, whether it was for elections to the legislature, local self governing institutions, or party bodies at different levels.²¹⁹ Dr. Anugrah Narayan Sinha the leader of the Rajput-Kayasth combine, and Dr. S.K. Sinha leader of the Bhumihaar faction supported candidates of their own castes,²²⁰ and at the time of ministry formation, a contest between these two leaders became imminent. It was only with A.N. Sinha opting out of the contest, that facilitated the unanimous election of S.K. Sinha as Premier. A.N. Sinha became the Deputy leader of the Congress legislature party (CLP) and held the key portfolio of finance.²²¹

After the 1946 elections, a similiar contest of leadership emerged, but with the intervention of Maulna Abul Kalam Azad a successful mediation was reached by which the earlier incumbents continued in their positions.²²²

219. Girish Misra and Braj Mumar Pandey, op. cit., p. 180.

220. M.P. Singh, op. cit., p. 61.

221. Ibid.

222. Ibid.

The most significant change that took place at this time was the defection of K.B. Sahay, a Kayasth, from the A.N. Sinha faction to the S.K. Sinha group. Sahay found that he would not be able to fulfil his own ambitions in the former faction and thus joined, the latter, where he became next in command to S.K. Sinha.²²³

At this juncture K.B. Sahay and S.K. Sinha made convenient partners. Sinha's group at this point was dominated by rich peasants rather than the big landlords. Secondly, Bhumihars were educationally more advanced, more urbanised and less conservative than the Rajputs.²²⁴ Sinha being more 'shrewd and tactful realized that by basing himself entirely on the support of his own castemen and landlords, it would be difficult for him to survive too long. He gathered the support of rich peasants from all castes by advocating zamindari abolition and was thus able to broaden his own base.²²⁵ Hence his faction came to include besides Bhumihars, members from both the Rajputs and Kayasth castes.

The name of K.B. Sahay has become indelibly linked with Zamindari Abolition in Bihar. The motivation for this action came not from any radical belief, but from the 'personal animosity' between Sahay and the Raja of Rangam,

223. Girish Misra and Braj Kumar Pandey, op. cit., p. 183.

224. Ibid.

225. Ibid.

K.N. Singh. The growing influence of the Congress and K.B. Sahay in Hazaribagh, posed a challenge to K.N. Singh's influence over his tenants. On his own initiative, Singh introduced a number of ameliorative measures to retain the traditional loyalty of the people in that area.²²⁶ This stemmed the aspirations of Sahay. The second reason, was that coming from an urban community, Sahay, "saw that he could not succeed in Bihar politics until and unless the powers of the land owning classes were curtailed and their hold over society and politics broken".²²⁷

Thus both S.K. Sinha and K.B. Sahay were interested in breaking the hold of landlords for their own reasons and so went ahead with zamindari abolition. Sahay's defection bore fruit as he was appointed Revenue Minister in the 1946 Ministry wherein he piloted the end of intermediary rights in Bihar.

The elections of 1952, were for the first time held on the basis of universal adult suffrage. It abolished limited and qualified franchise thus giving to all the right to vote. The more numerous backward castes having no voting rights earlier, henceforth became politically significant and likewise the need for their political mobilization.

226. Shashishekhara Jha, op. cit., p. 46.

227. Girish Misra and Braj Kumar Pandey, op. cit., p. 184.

After the 1952 elections, to settle the contest within the Bihar CLP, Nehru himself had to intervene, leading to the election once again, of S.K. Sinha as Chief Minister.²²⁸ Sinha's support for zamindari abolition was clear while his attitude towards landlords and tenants was that of compromise'. In his address to the house he said, "it is not the intention of the government to trench upon their landlords legitimate rights. I want that they should get their rent, but I also want that the tenants should feel that there is no power on the earth which will deprive them of their just earnings".²²⁹ Sinha's stand fitted well with the balancing strategy of the Congress as well as that of Nehru. There is no doubt then that he was the choice for the post of chief Minister.

The entrance of Sri. Mahesh Prasad Sinha, a junior bhumihar leader and relation of Dr. S.K. Sinha in the Cabinet, upset the balance within the Congress party. The question of leadership of Dr. Sinha's faction after him began to be raised.²³⁰ Though Dr. Sinha had declared K.B. Sahay as his heir, Sahay, was suspicious of the new entrant. In the fight between M.P. Sinha and Sahay, Dr. S.K. Sinha was compelled by his Bhumihar supporters to lean on the side of M.P. Sinha.²³¹

228. M.P. Singh, op. cit., p. 61.

229. S.K. Sinha, quoted by Rakesh Gupta, op. cit., p. 72.

230. Girish Misra and Braj Kumar Pandey, op. cit., p. 184.

231. Ibid.

By 1953, the bi-factional character of the Congress witnessed a change, as most of the important non-Bhumihaar supporters of the Chief Minister had left his camp. There emerged a 'centrist group' which directed its wrath against M.P. Sinha. Rivalry between Sinha (junior) and Sahay pervaded all fields of Congress activities, reaching its apex at the time of selecting candidates for the general elections of 1957. As expected many of the 'centrists' were not given Congress tickets, and thus soon left the Congress to form the Jan Congress.²³² The Sahay-Sinha feud deteriorated relations to such an extent that both worked against each other in the elections and both were defeated at the polls.²³³ Consequently Sahay shifted alliance and joined Dr. A.N. Sinha again.

Following these developments, Dr. S.K. Sinha's faction was weakened and he compromised on his earlier stand of implementing land reform measures, by which he was able to induct a number of landlords as his supporters into the Congress. These included Kumar Ganganand Singh an erstwhile leader of the Bihar Landholder's Association, Shyamnandan Sahay, M.P.N. Singh, Rajandhari Singh, Jafar Inam, etc.²³⁴

232. Roy "Politics of Fragmentation", in Iqbal Narain et. al. (eds.), op. cit., p. 424.

233. M.P. Singh, op. cit., p. 62.

234. Girish Misra and Braj K. Pandey, op. cit., p. 185.

The death of A.N. Sinha and S.K. Sinha in 1957 and 1961 respectively, changed the power equations of the factions within the Congress. The leadership moved down to the juniors, the Rajput group being led by Satyendra Narain Sinha, son of A.N. Sinha, the Bhumiars under M.P. Sinha, K.B. Sahay with his supporters, formed a new sub-coalition under B.N. Jha, a Brahmin. Thus the bipolarization of the "factional process turned into a multipolar situation".²³⁵ Of this new configuration, B.N. Jha was the most fortunate as he won against M.P. Sinha by leading a sub-coalition consisting of Brahmins, Rajputs, Kayasthas, majority of lower castes, Scheduled Castes, Muslims and others.²³⁶ But tensions within the ruling sub-coalition emerged from the very beginning as K.B. Sahay one of the supporters of Jha was not given a place in the cabinet. As a result he grew restive and defected from the Jha group to join M.P. Sinha, prior to the selection of Congress candidates for the 1962 elections. Jha's tenure was short lived and ended due to the Kamraj plan in 1963. In the reshuffle, K.B. Sahay, became the new Chief Minister.²³⁷

While in power, Sahay was dependent on S.N. Sinha (Rajput faction) and M.P. Sinha (Bhumihar faction) for survival. With a majority of landowning groups as his supporters, Sahay was not in a position to go ahead with any land

235. Roy, op. cit., p. 424.

236. Ibid., p. 425.

237. Ibid.

reform measures which would weaken the power of the land-owning castes in Bihar. Instead he was "forced to adopt anti-tenant policies". For example the recording of under-ryots was stopped through a confidential wireless circular in August 1964, and even the limited rights already conferred on bataidars (share-croppers) were not secured for and guaranteed to them.²³⁸ Sahay unable to break the economic power of the landowning castes, changed tactics and decided to fight them by rallying behind himself the backward castes to counter balance the Bhumihars and Rajputs. He was successful to some certain, but only by alienating his upper-caste colleagues.²³⁹

The internal bickerings within the party came out into the open prior to, the elections in 1967. Intense rivalry followed wherein each group wanted the largest share of party nominations for their own followers. The final list satisfied no group fully, which led to numerous defections,²⁴⁰ formations of alliances with outside elements, and eventually, to the end of the Congress one party dominant system in Bihar.

From independence till 1967, Congress remained dominant in the political arena of Bihar and exercised almost

238. Girish Misra and Braj K. Pandey, op. cit., p. 187.

239. Ibid.

240. M.P. Singh, op. cit., p. 66.

full control over patronage and governmental benefits. With the result that any individual or group aspiring to power remained within the party rather than leaving, which amounted to political wilderness. Moreover the fact remained that no one caste by itself had the majority, capable of forming government.²⁴¹ Therefore, though caste played an important role, the Congress leaders always sought support that cut across caste lines. Till 1967, the dominant role in the factional politics of the Congress was played by the four upper castes - Brahmin Bhumihar, Rajput and Kayasthas. It has been shown, that when on two occasions, S.K. Sinha and K.B. Sahay sought to implement land reform measures their own personal support in the Congress was threatened and their office came to be at stake which resulted in the abandoning or postponing of the scheme. The main reason for this was the over representation of landed interests in the Congress.

Evidence taken from empirical studies undertaken by other scholars,²⁴² is presented below which establishes the nexus between landlord interests and the Congress in Bihar. It would be apt to quote, Walter C. Neale, here, who says that, "Although in principle Congress politicians favour land reform, in fact they are often landlords, related to

241. Ibid., p. 68.

242. Dayadha Jha, *State Legislative in India* (Abhinav Publications, 1977), and Shashishekhar Jha, *Political Elite in Bihar* (Vora & Co., 1972).

landlords, or members of the same castes or social groups as the landed".²⁴³

The first table gives the occupational class of the fathers of the members of the Legislative Assembly (MLA's) thus indicating the class background from which the legislators came.

The need to use the following table, stems from the fact that the father's occupation is an index of the son's social background. The available data for 1967-68 is being used to highlight, that even after two decades of independence (1947-67) the family background of political personal continued to be dominated by cultivating interests. An analysis of the table indicates that this is characteristic of all political parties operating in Bihar. In the Congress alone the dependence on land is more than seventy per cent, which includes, cultivation 51.45% and zamindari 19.42% (See table-10). These figures are reminiscent of a state that is preponderantly rural in nature.

Three tables are set out below (Tables 11, 12 and 13) which indicate the occupation of the Legislators in the Vidhan Sabha (Legislative Assembly) constituted after the elections of 1957, 1962 and 1967.

243. Walter C. Neale, India: The Search for Unity, Democracy and Progress (Princeton, New Jersey, 1965), pl 73.

Table-10 : Occupational Class of Fathers of MLA's (1967-68)

Occupation of the Father	Cong.	SSP	CPI	JS	PSP	Shos	JANATA
Cultivation	51.45	67.30	83.35	52.95	66.67	66.67	50.00
Zamindari	19.42	7.25	5.55	5.89	25.00	9.52	37.50
Services	5.83	9.10	5.55	17.64	8.34	9.52	6.25
Politics	7.77	-	-	-	-	-	-
Law	1.94	1.80	-	-	-	-	-
Labour	4.86	7.25	-	5.88	-	-	-
Business	5.83	5.48	-	11.76	-	9.52	6.25
Teaching	-	1.82	-	5.88	-	4.77	-
Social Service	0.95	-	5.55	-	-	-	-
Others	1.93	-	-	-	-	-	-
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Total	100.00	100.00	100.00	100.00	100.00	100.00	100.00

contd...../-

Table-10 cont...

Occupation of the Father	LCD	Jhar	BKD	SW	RSPI	IND	ALL
Cultivation	50.00	40.00	33.33	-	100.00	37.50	57.80
Zamindari	-	-	50.00	100.00	-	12.50	15.35
Services	10.00	20.00	-	-	-	-	7.66
Politics	-	-	-	-	-	12.50	3.25
Law	10.00	-	-	-	-	12.50	1.80
Labour	10.00	-	-	-	-	-	3.96
Business	-	-	16.67	-	-	25.00	6.20
Teaching	20.00	40.00	-	-	-	-	2.52
Social Service	-	-	-	-	-	-	0.73
Others	-	-	-	-	-	-	0.73
Total	100.00	100.00	100.00	100.00	100.00	100.00	100.00

Source: Jha, op. cit., p. 67.

Table-11 : Legislators Occupation by Party (1957-62) in per cent

Party Occupation	Culti- vation	Tea- ching	Law	Medi- cine	Ser- vices	Poli- tics	Labour	Busi- ness	Total
Concress	69.50	2.50	7.50	0.50	2.50	6.50	3.50	7.50	200
PSP	66.66	-	13.35	-	13.35	3.33	3.33	6.66	30
Janata	56.00	-	16.55	5.55	-	11.15	-	11.15	18
CPI	66.66	-	-	-	-	33.33	-	-	6
Jhar	70.00	3.70	7.40	-	-	3.70	7.40	7.40	27
Ind.	42.00	33.33	-	8.33	8.33	8.33	-	-	12
LSS	100.00	-	-	-	-	-	-	-	1
Social	100.00	-	-	-	-	-	-	-	1
Nominated	20.00	20.00	-	-	20.00	40.00	-	-	5
Total	66.66 (200)	3.66 (11)	7.34 (22)	1.00 (3)	3.66 (11)	7.34 (22)	3.34 (10)	7.00 (21)	300

* Data for the remaining 18 members was not available.

Source: D. Jha, op. cit., p. 86.

Table-12 : Occupation of MLAs (1962-67) by Party (in per cent)

Party Occupation	Cong.	SSP	CPI	JS	PSP	Janta	Ind.	CP	Total	Base
Cultivation	43.88	56.25	28.58	25.00	75.00	62.20	53.82	-	47.18	150
Business	3.30	-	-	25.00	-	5.40	-	-	3.10	10
Law	7.55	-	-	-	12.50	10.80	7.72	-	7.23	23
Politics	17.92	31.25	35.70	-	12.50	-	-	-	18.45	49
Teaching	1.42	-	7.14	-	-	-	3.88	-	1.55	5
Others	10.85	6.25	28.58	50.00	-	16.20	23.06	100	13.55	43
Not known	15.08	6.25	-	-	-	5.40	11.52	-	11.94	38

Total	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	100.00	318
	(212)	(16)	(14)	(14)	(8)	(37)	(26)	(1)	(318)	

Source: D. Jha, op. cit., p. 88.

Table-13 : Occupation of MLA's of 4th Bihar Vidhansabha by party
(in per cent)

Occupation of Party	Culti- vation	Busi- ness	Law	Poli- tics	Tea- ching	Others	Not known	Total	Base
Congress	68.26	12.50	6.72	55.40	3.84	2.90	11.52	161.14	104
SSP	64.13	-	5.34	65.92	10.68	5.34	16.02	167.43	56
CPI	50.00	-	4.16	42.00	-	12.50	21.00	129.66	24
Js	50.00	8.33	8.33	21.00	12.50	12.50	16.70	129.36	24
PSP	50.00	-	11.75	31.25	-	-	18.75	118.75	16
Shos	45.25	9.70	3.22	16.60	6.44	9.70	22.60	113.51	31
Janata	44.40	22.20	16.65	16.65	-	11.10	22.20	133.20	18
LCD	26.08	-	13.04	26.08	-	13.04	21.76	100.00	23
Jhar	66.66	-	-	33.33	-	-	16.66	116.65	6
BKD	66.66	33.33	-	66.66	-	-	-	116.65	3
Swat.	100.00	-	-	-	-	-	-	100.00	1
RSP	100.00	-	-	-	-	-	-	100.00	1
Ind.	54.54	27.27	-	36.63	-	18.18	18.18	154.53	11
Total	56.29	8.10	7.23	51.90	4.65	6.83	16.20	141.12	318

Source: D. Jha, op. cit., p. 90.

The above tables explicitly show that a majority of the legislators are depended on agriculture. Having shown cultivation as their occupation, the MLA's clearly demonstrated that they have landed interests and derive their income from agriculture whether they actually cultivate their land or not.²⁴⁴ Among the Congress MLA's, 69.50 per cent in 1957, 43.88 per cent in 1962, and 68.26 per cent in 1967, are shown as cultivators. The occupation of the MLA's does not, itself reflect in the deliberations of the house, but what is more salient is the 'interest' the members hold, because of which they are instruments of resisting or shaping laws in particular ways.

An empirical survey undertaken by Shashishekhar Jha,²⁴⁵ in 1964, on the same issue of occupation of MLA's, corroborates the tendency of the tables given above. Jha interviewed 200 MLA's from all parties and found that, 36 belonged to ex-zamindar family, 47 to the big peasant family, 65 to the middle peasant family and 32 to the small peasant family, five each to the cultivator cum share-cropper and share-cropper's family. Taking only the first three categories, the total number of families amounts to one hundred and forty eight or nearly ¼th of all MLA's interviewed.²⁴⁶

244. D. Jha, op. cit., pp. 87-92.

245. Shashishekhar Jha, Political Elite in Bihar, op. cit., p. 155.

246. Ibid. See also Appendix B for the detailed data and analysis given by Jha.

The outcome of the data from the above sources, substantiates clearly that the Bihar legislature for the period under study had a definite bias towards the landed class in the state.

Thus the upper castes - landed dominated Congress, under pressure did pass land-reform legislation but simultaneously saw to it that, the nature of the reforms were such that it did not hurt their property rights or their position in the social hierarchy. The landed section by either becoming the political representative of its class or forging links with the political representatives, were able to postpone the promised land reforms, while for the time being, accepted such changes that still guarded their predominant status.

Chapter - 4

CONCLUSION

Of the three distinct theoretical models of land reform, mentioned in Chapter I, India adopted the first one i.e., wherein both the redistributive aspect and changing of relations in land were stressed. The conceptual framework of this kind of reform, allowed for great flexibility as it followed a 'middle' course between the two extremes.¹ It was "sufficiently elastic to permit both a relatively more radical or a more conservative, a more tenant oriented or a more landlord oriented, direction of agrarian reform programme as and when dictated by exigencies".² This mixed approach did not seek to attack land concentration but only to modify it to accomodate other interests. Thus the Indian case favoured 'owner-cultivation' by "curtailing landlordism", converting non-cultivating landlords into cultivating land-owners, upgrading the upper layer of tenants and giving relief and protection to the rest of the tenantry, relative to their economic and social position. Thus in India the Congress undertook a policy of land reform which sought to serve the interests of all sections of the agrarian structure without alienating any one class.

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1. It developed mixed variants without completely following either the pure-capitalist or pure-communist variety.
 2. P.C. Joshi, "Land Reform and Agrarian Change in India and Pakistan", op. cit., p. 11.

The general thrust of the national policy of the Indian state was to build capitalism, but with certain qualifications, i.e., the state sanctioned a controlled and supervised development of capitalism. In the agrarian sector land relations were to be changed gradually, with emphasis on unleashing forces of production for modernization and capitalization of agriculture. The agent to carry out this programme was to be the 'owner-cultivator', a class that came into prominence with the end of zamindari. The wrath of the Congress towards the zamindars stemmed largely from the fact that they were a feudal relic, beneficiaries of British rule and took an ambivalent position vis-a-vis the Congress during the national movement. Their abolition suited the Congress that stood for liberating the countryside of its exploitative structures.

The Congress programme of land reform however, went beyond abolition to tenancy reform, reduction of rents, ceiling and providing 'land to the tiller'. In formulating these 'post-abolition reforms' the Congress approach changed from a 'unilateral' one to a 'bargaining one'.³ The "rising political influence of the non-zamindari-landed-interests, and their increasing gradual representation and influence in the Congress party pressurized the political elite to

3. Hung-Chao-Tai, op. cit., p. 134.

formulate bills acceptable to them".⁴ This brings one to the fundamental issue of the agrarian class structure and its determining influence on the structure of the ruling elite in India and more specifically in Bihar.

Hung-Chao-Tai in his argument states that the manner of formulating and the content of the land reform programme is determined "primarily by the relations between the elite and the landed class",⁵ as in most of the developing countries the landed class is generally much more 'politically articulate and influential' than the peasantry, it is the landed that wields control.

Tai classifies elites sponsoring land reforms in the following manner; (1) Separated elites: those who exclude the landed from their membership and thus this class plays no role in programme formulation. The separated elites can be either non-indigenous (for example the American presence in Japan after the second World War) or a revolutionary type that comes to power through revolution, (for example- KMT leadership in Taiwan).

The second type of elites are the Cooperative elites, whose membership includes "a substantial number of represen-

4. Ibid., p. 133.

5. Ibid., p. 90.

tatives of the landed interests,⁶ whose collaboration is sought in pursuing reform. This type is further divided into two on the basis of the amount of power that the landed interests possess, (a) the dominant elite is one in which the "non-land based group or individual possess a much greater share of power than the landed interests", and thus dominates in the formulation of the reform programme; (b) the conciliatory elites, are those in which the power is more or less evenly distributed among the landed and all other non-landed groups. Thus the adoption of a specific reform programme depends on a full reconciliation of views of all groups landed and non-landed within the elite.⁷

Of these categories, Tai observes that it is the cooperative-dominant type⁸ that came to acquire the position of political elites in India. The Congress was largely dominated by the non-landed professionals, and with independence the importance of the peasantry declined and a trend towards increasing representation of the landed interests at all levels of the party began.⁹ As a result, cooperation, consensus and bargain began between the landed and non-landed elements of the political elites on the programme of land reform.

6. Ibid., p. 92.

7. Ibid.

8. Ibid., p. 93.

9. See Stanley A. Kochanek, *The Congress Party of India*, op. cit., p. 358.

As we have seen in chapter two, more than ninety per cent of the area in Bihar was under permanent settlement which made Bihar predominantly feudal in character. Though land reform, especially tenancy regulations were enacted first by the British and then by the Congress government of 1937, the actual changes that these introduced were only minimal. Before independence the Congress was dominated by the small landlords, and peasant interests as the big landlords or zamindars were the political allies of the British.¹⁰ With independence and zamindari abolition on the agenda, the large landlords made a last bid to secure their economic positions by appealing directly to the Congress high-command.¹¹ Failing in their venture to stop the abolition, many ex-intermediaries joined the Congress to secure political influence in retaining their earlier socio-economic positions.¹² In time then the Congress in Bihar came to be dominated by the 'political-right', comprised largely of ex-zamindars and the rich peasantry. This fact is clearly brought out in section III of chapter-3.

The nature of the political elite in the first two decades after independence in Bihar can be characterized as,

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10. See G. McDonald, in D.A. Low (ed.), Congress and the Raj, op. cit., pp. 294-95.
 11. Jannauzi, op. cit., p. 14.
 12. Girish Misra and Braj Kumar Pandey, op. cit., p. 185.

'cooperative conciliatory' type in Tai's scheme. This elite was the political representative of a particular class (Landed) whose interests in sought to look after from its distinctive position in the state. The landed as a 'class in itself' and as class representatives, develop different long and short term interests. As a class, the long term interest of the landed is to retain property relations in land without the threat of takeover and distribution of their land. While in the short-term as long as their socio-political privileges are retained, a curtailment on their land monopoly is acceptable. The class representatives as political representatives are aligned with other groups, whose long term interests is to remain in power by building cross caste and class coalitions even if radical promises are made at the time of elections. Their own short-term interests allow them to make compromises and concessions to the landed in the form of enacting safety clauses in the land reform bills.

The consequence of such differing interests, led to conflicts between the two groups, especially as one faction sought to look ahead of its own class. In such a situation, the particular individual or group faced intense opposition, factionalism, threat of withdrawing support from the particular ministry, amounting to its dismissal. In most cases one or two of these methods sufficed to bring the deviant

individual or group to a compromise situation,¹³ whereby the status-quoist position continued.

Yet it is the 'cooperative-conciliatory' elite that passed land reform legislation largely as a response to the pressures from the national elite or in pursuance of its long term interests. The legislation so passed led to a particular type of land reform which allowed the retention of vast tracts of land, by ex-zamindars or by the upgrading of the tenants gave rise to an 'intermediate class'. Thus while the land came to be held under new clauses, the form of cultivation continued for the majority in the same old way. Thus came to be a landed class completely convinced of its ownership status and 'opposed to any interpretation of land reform in terms of redistribution of land in favour of the rural poor'.¹⁴

There came to be a vast gap between the promises of land reform or its ideology and the programme and consequence of such land reforms. The reasons why the promises were not suitably implemented have been discussed in the previous chapter. They are summed up once again.

13. The most striking examples of this situation was the threat to Sri Krishna Sinha in 1957 and K.B. Sahay in 1964.

14. P.C. Joshi, op. cit., p. 13.

The most important reason for this gap or failure of land reform, has been the Congress developmental strategy. The strategy itself was a compromise as it proposed to bring about economic growth through social justice in a slow, gradual and peaceful manner. While the proposed and goals were socialist, in the immediate capitalist structures and relations continued to grow. Land Reform is a "major surgery not a palliative" and therefore tinkering with minor problems, may produce symbolic changes but cannot produce any lasting or revolutionary results, especially not the slogan of 'land-to-the-tiller'.

Secondly, the specific laws to implement land reform measures were structured with gaps, loopholes and internal inconsistencies which allowed for escape valves via which the rich landed interest continued to retain its position.

Taking the Congress strategy as it was and the particular laws as passed by the legislature, if all aspects of the land reform policy had been introduced together, it would have had a greater impact on changing the agrarian structure. Tai asserts that land reform requires changes to be effected, 'within a short span of time' with a 'frontal attack on the system rather than 'gradual adjustments'.¹⁵ But in India, in

15. Hung Chao Tai, op. cit., p. 17.

keeping with the 'gradual approach' of the Congress, different aspects (for ex-zamindari abolition, tenancy reform, ceiling etc.) of land reform were introduced one after another in a 'spiral syndrome'.

The time-lapse between one enactment and the next, gave enough time-space to cater for the necessary adjustments to be made to defeat the provisions of the law. Despite the time-space before the enactment of the law, in Bihar the law itself provided for a time duration in which such adjustments could be made. (for example the Ceiling Act gave six months to transfer, gift, divide land, and two years to choose which particular piece of land the individual wanted to retain within the ceiling limit).

Further, it is one thing that the content of one or two overlapping laws did not create the conditions for enforcing the provisions of the laws. But a different problem was the emergence of an 'agrarian bureaucracy' i.e., the lower ranks of the officials coming from the same class or caste as the landed, or at least sharing the same interests which tampered with the clauses in such a manner that the landed interests were saved.

The effect of such land reforms and its implementation, has changed the agrarian structure in a certain way, which

has helped in the growth of capitalism and emergence of the 'owner-cultivator'. Yet the new agrarian structure has regained many of the earlier feudal forms of exploitation. (For example leasing of land on share-cropping system, absentee landowners, bonded labourers etc.). The new class in agriculture is dynamic and has high stakes in land, these factors make any further land reform change in the agrarian structure a near impossible task. Thus the Bihar peasantry is simultaneously exposed to both feudal and capitalist forms of extraction, making life in the countryside possible only in very harsh conditions.

When a class divided society functions as a democratic polity, the crucial issue gaining significance is that of the equality principle. All public policies of a government operating in such a society, has a political component, the more basic the policy the more stronger the political component. In the Indian context, the land reform policy threw up the basic question of changing property relations, thus becoming a politically potent issue. It implied the expropriation of one section, while conferring property rights on another and liberating onerous burdens on others, so as to achieve a semblance of equality for all. The political leadership, undertaking this mammoth task needed a sound support base, as this policy carried in itself its opponents. No propertied class would endorse this policy, requiring a political party that could enlist support elsewhere.

The Congress party because of its historical legacy, its role in the national movement, as well as its broad-based support was able, in the immediate aftermath of independence, to carve a position of relative autonomy from any one class interest. It was thus possible for it to articulate and support a land reform policy.

However, at the state-legislatures the case was somewhat different. The Bihar Congress was a junior partner to the Congress government at the centre, thus for the first few years it also retained certain autonomy from the agrarian classes as it passed the zamindari abolition. But with the passage of time the representation, influence and domination of the landed interests in the Congress party in Bihar became more pronounced. The political elite was a 'cooperative-conciliatory' type which conciliated demands and succumbed to pressures of the landed class. Thus during the period under study (1947-67) the autonomy of the Congress party decreased. This is indicated by, (a) the laws pertaining to land reforms passed during this time, which are indicative of the compromise made with the 'intermediate class', (b) by the tables used in chapter-3 which show a sixty per cent or more representation of cultivators in the Congress legislature party. Such a compromising attitude led to Congress defeats at the polls and a steady decrease in the number of seats won by the party.

Universal adult franchise is a part of the equality principle operating in a democratic polity and has a logic of its own. Continuous appeal for support from the peasant masses and the downtrodden, places certain demands on the party leadership. The failure to fulfil these demands over a period generates dissatisfaction and veering away of support bases. The working out of this logic was one of the reasons for the Congress debacle in the elections of 1967 ending the hegemony of the Congress in Bihar for a short while.¹⁶

Post 1967, Bihar experienced a period of unstable governments and large scale defections. At the same time, national politics was also undergoing changes, especially with the split in the Congress party in 1969. This instability came to a close with the return of Mrs. Gandhi in the 1971 elections, with a thumping majority. The interim period had been for the political elites, a period of assessment wherein they steered away from their own class interests to work out a new autonomy from where their domination could begin again. As to the land question, the increasing land hunger amongst the landless spearheaded the 'land-grab' movement in the early 1970's, led by the Communist and socialist forces. This movement had a

16. V.P. Varma, A Study of the Fourth General Elections in Bihar, 1967 (Institute of Public Administration, Patna University, 1968), p. 57.

profound impact on the land reforms programme, as in those areas where the movement was widespread,¹⁷ pressure mounted and some implementation of the laws were undertaken. However in the long run, the working out of these laws, has led to the rise of the rich peasants, and more recently, peasant movements in India have thrown up the question of remunerative prices, while the problem of land redistribution albeit being one of urgent importance is being rendered obsolete.

17. In Bihar, the movement was quite intense, and was an important input for passing amendments to the land reform laws in this period. See, Indradeep Sinha, "Land Liberation Movement in Bihar", Mainstream, October 10, 1970.

APPENDIX-A

Table-14 : Size Distribution of Operational Holdings: 1960-61, 1970-71 and 1967-77

Number of Holdings - I

Size group (Hectares)	Category of farmers	Million Numbers			As % of Total		
		1960-61	1970-71	1976-77	1960-61	1970-71	1976-77
Upto 1.0	Marginal	19.90	35.68	44.53	40.7	50.6	54.6
1.0 to 2.0	Small	10.88	13.43	14.70	22.3	19.1	18.0
2.0 to 4.0	Semi-medium	9.22	10.68	11.64	18.9	15.2	14.3
4.00 to 10.0	Medium	6.57	7.93	8.21	13.4	11.2	10.1
10.0 to above	Large	2.31	2.77	2.44	4.7	3.9	3.0

All groups		48.88	70.49	81.52	100.0	100.0	100.0

Table-15 : Area Operated - II

Category of farmer	Million hectares			As % of total			Area per operated holding (hectares)		
	1960-61	1970-71	1976-77	1960-61	1970-71	1976-77	1960-61	1970-71	1976-77
Marginal	8.78	14.55	17.50	6.7	9.0	10.7	0.44	0.41	0.39
Small	16.00	19.28	20.86	12.2	11.9	12.8	1.47	1.44	1.42
Semi-medium	26.23	30.00	32.36	20.0	18.5	19.8	2.84	2.81	2.78
Medium	40.07	48.23	49.60	30.4	29.7	30.4	6.10	6.08	6.04
Large	40.38	50.06	42.82	30.7	30.9	26.3	17.48	18.07	17.53

All Groups	131.46	162.12	163.14	100.00	100.0	100.0	2.69	2.30	2.00

Source: Basic Statistics Relating to the Indian Economy, Vol. 1:
All India, Economic Intelligence Service, Centre for
Monitoring Indian Economy, August, 1984.

The tables 14 and 15 highlight that the average size of an operational land holding in India has decreased from 2.7 hectares in 1960-61 to 2 hectares in 1976-77. Moreover most of these holdings are comprised in 4 to 8 plots scattered away from each other. This type of fragmentation poses one of the most serious obstacles to any effort at increasing agricultural productivity in India. While the top 13% of farmers (10.1 + 3.0 of table 14) own about 57% (30.4 + 26.3 of table 15) of the cultivated land, indicating the inequality in the distribution of land despite land reforms and its implementation in the country.

APPENDIX - B

Shashishekar Jha in his book Political Elite in Bihar, has presented data on the socio-economic educational background of the MLA's in the State Legislature in 1964. Jha interviewed 200 such members. Since more than one occupation is pursued by the families of the MLA's. Jha used a novel method of providing a code for each occupation and then listing the number of families alongside one or more codes. The list of occupations used alongwith their respective code is given below :

<u>Occupation</u>	<u>Code</u>
Ex-Zamindar family	a
Big peasant family	b
Middle sized peasant family	c
Small peasant family	d
Cultivator's cum crop sharer's family	e
Crop-sharer's family	f
Landless labourer's family	g
Artisan	h
Money-lender	j
Service holder's family	l
Business man's family	m
Industrialists family	o

contd...../-

Occupation

Code

Family engaged in other professions
(Medical, Law, Contract, etc.)

p

Since the zamindari system has been abolished there were no zamindar family as such, code 'a' indicates the past background of the family.

Table-16 : Showing the Occupational Background of the Families of 200 MLA's

<u>Code</u>	<u>No. of Families</u>	<u>Code</u>	<u>No. of Families</u>
a), b	15	d	13
a) b, j	4	d, h	2
a) b, j, l	1	d, l	14
a), b, j, p	1	d, m	2
a) b, j, o	1	d, p	1
a) b, m	3	Total	<u>32</u>
a) b, o	4	e	1
a) c	4	e, l	2
a) c, j	1	e, l, m	1
a) c, m	1	e, p	1
Total	<u>36</u>	Total	<u>5</u>
b	26	f	2
b, j	6	f, h	2

contd...../-

Code	No. of Families	Code	No. of Families
b, j, m	3	g, p	<u>1</u>
			<u>5</u>
b, l	7	g	1
b, m	4	g, h	<u>1</u>
b, o	1		<u>2</u>
Total	<u>47</u>	h	0
c	27	j	0
c, l	26	l	0
c, l, m	1	l, h	1
c, m	8	l, f	2
c, o	1	l, p	<u>1</u>
c, p	2	Total	<u>4</u>
Total	<u>65</u>	m	3
		o	0
		p	0
		Total	<u>200</u>

Source: Shashishekhara Jha, op. cit., p. 155

The above table clearly demonstrates the dependence of the members on land. As 148 members have given their family occupation as ex-zamindar (36), big peasant (47) and middle peasant (65), thus indicating the substantial landed interest represented in the legislature.

Glossary

Abwab	...	...	...	...	Cess
Amla	...	...	...	...	Agent, Officer
Agul	...	...	...	...	Principal, original
Bakasht	...	...	...	...	Land which a proprietor or tenure-holder claims to be cultivating with his own stock or by his own servants or by hired labour
Bansbari	...	...	...	...	Bamboo grove
Bhoosa	...	...	...	...	Straw
Batai	...	...	...	...	Sharing Produce by division
Bataidar	...	...	...	...	A person who cultivates another's land on the basis of sharing the produce
Cutchery (Kutcheries)	...	...	...	...	A public office where the rents are paid and other business respecting the revenue transacted
Diara	...	...	...	...	Reverbed land, especially fertile after the floods recede
Hat	...	...	...	...	Weekly Market
Kabooliyat	...	...	...	...	Acceptance of the agreement
Kanungo	...	...	...	...	Revenue Officer
Karamcharis	...	...	...	...	Subordinate staff of the Revenue Department
Khudkasht	...	...	...	...	He who cultivates land in the village in which he resides
Kisan	...	...	...	...	Peasant

contd...../-

Paikash	...	...	...	Those who hold lands on an indefinite tenure, generally they cultivate lands in a village to which they do not belong
Pargana	....	....	....	A small district consisting of several villages
Patta	...	...	...	A lease granted to the cultivator
Patwari	...	...	...	A village accountant
Qanun Haftam	...	...	...	Regulation Seventh
Qanun Panjam	...	...	...	Regulation Fifth
Ryot	...	...	...	Peasant, cultivator, tenant
Sairs (Sayer)	...	...	...	It includes custom, tolls licences, duties on merchandise, variable imposts.
Sarpanches	...	...	...	Head of the village council
Tinkathia	...	...	...	A system introduced by British planters whereby the peasants were forced to cultivate indigo on 1/3rd of their holdings
Taluka	...	...	...	An estate comprising a number of villages
Under-ryot	A peasant who holds land on lease under another, usually insecure
Zamindar	Landholder, Proprietor

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