

Land Distribution and Status of Dalits

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I. Introduction:

India, being a country with predominantly rural economy, agricultural land plays a vital role in providing livelihood to the majority of rural population in this country. Out of the total work force in the Country 41% depend on agriculture and land related livelihoods in this country. In A.P. 70% of population depends on agriculture and land related activities for their livelihoods. Government of A.P., made efforts towards equitable distribution of lands. The largest body of Land Reforms legislation ever to have been passed in so short a period in any country was in post independent India.

In A.P. specifically, several legislations have been enacted for equitable distribution of land viz., the A.P. Land Reforms (Ceiling on Agricultural Holdings) Act, 1973, the A.P. (T.A.) Tenancy and Agricultural Lands Act, 1950, the A.P. (A.A.) Tenancy Act, 1956, the A.P. (T.A.) Abolition of Inams Act, 1955, the A.P. (A.A.) Inams (Abolition and Conversion into Ryotwari) Act, 1956 and the A.P. Occupants of Homesteads (Conferment of Ownership) Act, 1976, the A.P. Scheduled Areas Ryotwari Settlement Regulation (Reg. II of 1970) 1970, the A.P. Estates (Abolition and Conversion into Ryotwari) Act, 1948 etc.,

In addition to the implementation of the provisions of the above Acts, conferring rights to the tillers, the Government have taken up distribution of Government waste lands, ceiling surplus lands, Bhoodan lands and restoration of illegally alienated tribal lands to the original owners i.e., the Tribals in the Scheduled Areas. As a matter of fact, the policy of assignment of Government land to depressed classes started from 1892 and continued vigorously with certain periods of gaps, after independence also.

Assignment is grant of Government land for agriculture or house site purpose. Generally Government land and ceiling surplus land is assigned to eligible land less poor persons, whose annual income from all sources does not exceed Rs. 11,000 per annum and who owns an extent of land not more than 2½ acres of wet land or 5 acres of dry land and who has no other means of livelihood. Assigned land means a land assigned by the Government to the landless poor persons subject to the main condition of non-alienation. The assignment policy in Andhra Area is governed by B.S.O. 15 and orders issued in G.O. Ms. No. 1407 Revenue Department dated: 25-7-1958, G.O. Ms. No. 1725 Rev. Department dated 26-8-1959 and orders issued thereon, subsequently from time to time. The assignment policy in Telangana Area is governed by A.P. (T.A.) Land Revenue Act 1317 F. (Sections 53-A, 54, 54-A & 58-B in Chapter V) and orders issued in G.O. Ms. No. 1406 Revenue Department dated 25-7-1958 and G.O. Ms. No. 1724 Revenue Department dated 26-8-1959. Nevertheless, the rules governing such assignment of Government lands and conditions of the grant of Government lands in both the regions are the same.

Distribution of Lands:

The Government of A.P. has launched a crash programme from 1-11-1969 for assignment of Government waste lands to the landless poor persons. The details of distribution of Government waste lands, ceiling surplus lands and Bhoodan lands from 1-11-1969 to till date are given below:

1. Assignment of Government land for agricultural purpose:

An extent of 48, 30,712 acres was assigned to 33, 79,699 beneficiaries from the date of crash programme i.e., 1-11-1969 to till date. The district wise and & category wise breakup of the lands assigned is given in Annexure – I.

2. Assignment of Ceiling Surplus Lands :

Under this head, the total extent of land distributed till now is Ac. 5,85,670 to 4,58,271 beneficiaries. The district wise and category wise details of ceiling surplus lands distributed is given in Annexure – II.

3. Distribution of Bhoodanlands :

So far 1,13,972 acres of land was distributed to 43,900 beneficiaries. The district wise breakup is given in Annexure – III.

The Government have taken up a massive programme from November, 2004 to develop the lands assigned under Comprehensive Land Development Project (Indira Prabha). The Government scheme of

comprehensive Land Development Project (CLDP) is a boon to the poor. Government has rightly directed the implementing authorities to take care of such lands, develop and provide minor irrigation facilities

Status of Dalits:

In the distant past, the dalits were forbidden to possess land on account of religiously sanctioned and socially enforced caste prescriptions. In the feudal times, dalits did not and could not have a place in the scheme of things set up by the rulers for a smoother and more profitable collection of taxes.

The policy of assignment of land to Dalits started from 1918 in every ryotwari villages in the Madras Presidency during the British Period. In 1919, a Special Officer was appointed to protect depressed classes and the officers started cooperative societies for the benefit of SCs. The Government waste lands and lands acquired were distributed particularly in North Arcot and Tiruchirapalli districts from 1924. From 1930 lands were distributed to the dalits by the Government in all the districts of Madras presidency.

The vast majority of SC families eke out their livelihoods from agriculture, mostly as agricultural labourers and some from farming operations. Allied occupations i.e., dairy, piggery, sheep and goat rearing, poultry etc., also provide livelihood to a substantial member of SCs.

The State of A.P. has nearly 1,23,39,496 SC population, which constitutes 16.2% of the total population of 7,62,10,007 as per 2001 census.

An analysis of distribution of Government waste lands proves that an extent of Ac. 10,15,424 was distributed to 7,84,217 SC beneficiaries out of a total extent of Ac. 48,30,712 distributed to 33,79,699 beneficiaries under the programme of distribution of Government lands. The land distributed to the SCs under the above programme represents only 21%. Under the programme of distribution of ceiling surplus land, an extent of Ac. 2,32,221 was distributed so far to 1,88,086 SC beneficiaries out of total extent of Ac. 5,85,670 distributed to 4,58,271 beneficiaries. The percentage of ceiling surplus lands distributed to SCs works out to 40% (Source: CCLA's Progress Report).

The comparison of average size of holdings by SCs in the years 1976-77 to 2000-2001 has significantly decreased from 1.19 hectare to 0.83 hec. (Source: Report on SC/ST land holdings, Directorate of Economics & Statistics Government of A.P.)

In spite of distribution of lands and organisation of crash programmes, 89% of dalits still remain land less or own small holdings of less than an acre. It is thus clear that despite 68 years of efforts of Government and numerous legislations on land reforms, access of land to the socially excluded has not been improved.

Land Rights Of Dalits:

Pre-British Period

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

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

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

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

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

During British Period:

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

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

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

In consonance with the above policy, the wastelands were measured and a good portion was reserved for Depressed Classes (dalits). Where wastelands were not sufficient, large blocks of land in the form of unreserved forests, un-assessed wastelands, Poramboke lands were transferred for assignment to Depressed Classes (dalits) for cultivation. The policy of assignment of land to Depressed Classes started from 1918 in every Ryotwari village. In 1919, a Special Officer was appointed to protect Depressed Classes and the officers started co-operative societies for the benefit of SCs. In addition to assignment of Government lands, the private lands were acquired and assigned to Depressed Classes which began in the Tanjavur during the First World War and it slowly spread over to other districts from 1924.

From 1930, lands were distributed to the dalits by the Government in all the districts of Madras presidency. In one instance, 1400 acres of land was granted for forming agricultural settlements for the dalits. And in another instance 1000 acres of land was granted for the formation of agricultural settlements for Veppur pariahs in Sourth Arcot district. By 1931 the total number of house sites provided by acquisition of land was 36,530. Land assigned for cultivation rose from 19,251 acres in 1920-21 to 3,42,611 acres in 1931 (Boag, 1993; 131-132). Thus it could be seen that the treatment of dalits was comparatively better during the British period than earlier periods.

Post Independence Period:

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

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

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

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

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

Dalit Women's Rights

Dalit women constitute 80.5 million people – 8 out of every 100 citizens in the country – and approximately 48% of the total Dalit population, 16% of the total female population and 8% of the total Indian population. Vulnerably positioned at the bottom of the caste, class and gender hierarchy, Dalit women are India's worst victims of discrimination, deprivation, exploitation and violence. Dalits are commonly clustered together in segregated hamlets at the edge of a village. They are a small and vulnerable minority in any given region, making resistance to exploitation and violence very difficult.

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

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

Position before 1956 (Before codification of Hindu Law):

Before 1956, the property of a Hindu woman was divided into two heads viz. (a) Stridhan (b) Woman's Estate. The Hindu women had full rights of alienating the "stridhan" being its absolute owner. She could sell, gift, mortgage, lease or exchange the same in any manner she liked. In the case of devolving women's 'estate' she has no right to alienate the property.

Interventions of Government after 1956 :

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

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

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

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

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

II. Conclusion

The major factors impeding the effective use of land in the case of the assignees include the small size of holdings, lack of access to land development Programmes of the government and inadequate access to cheap credit and marketing. There is a need for strengthening the backward and forward linkages for cultivation so as to help the assignees to optimally utilize the land and derive higher yields and income. Focus should be laid on the provision of irrigation facilities on collective basis, provision of extension guidance with regard to suitability of crops and appropriate mix of crops, supply of good seeds and fertilizers at subsidies prices, adequate arrangements for storage, processing, marketing of agricultural produce, and remunerative prices.

Alongside the land development activities, there is also a need to encourage the assignees to take up allied activities such as dairying and sheep/goat rearing as there is considerable scope for growing fodder in the lands allotted to them so as to supplement result in sustained incomes for the poor, especially in drought prone areas and hence there is a need to identify complementary sources of income so as to make their livelihoods sustainable.

It could be said that the land reform measures adopted by the States soon after independence, provided a sound basis for agricultural developments that took place in the country in the later period. The most important beneficial result of the reform is that it put an end to the system of parasitic intermediaries. On the other hand it has not put an end to absentee ownership of land nor has it led to the disappearance of tenancies. All in all, although the contribution of tenancy reforms could not be totally neglected but the programmes including these reforms since independence did not lead into any significant redistribution of land, or the removal of all the obstacles to increasing agricultural production. The policies adopted in case were ambivalent and there were large gaps between policy and legislation and implementation. Despite all the legislative efforts which generated several hundreds of land legislations by various State Governments necessitating 13 amendments to the Constitution particularly to abolish the right to own property as a fundamental right and to protect 277 so-called progressive land legislations incorporating them in the Ninth Schedule of the Constitution, and also payment of over Rs. 6,000 million as compensation to ex-landlords, the ultimate shift of agricultural land to tillers was not as estimated or expected.

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

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

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