1. What do you understand by Tenancy Reforms? Describe important aspects of tenancy reforms.

Ans: Tenancy Reforms is the abolition of most intermediary tenures brought the whole of India under a uniform tenurial system (albeit with some local variation) within the first decade after Independence. The efforts to abolish intermediary interests did not, however, extinguish tenancy. Provisions in the abolition of intermediary laws intending to secure the right of tenants of ex-intermediaries were largely ineffective and, in some cases, counter-effective. Renting out of land was widespread in ryotwari and mahalwari areas even where no intermediaries existed. In zamindari areas, even the lowest level of legally recognized the land right holders relied on sub-leasing of land.

By the end of 1950s, tenancy was ubiquitous and circumstances had converged to create a perfect storm that favoured already powerful landlords at the expense of their tenants. Most tenancies were oral and terminable at will. Laws provided no (or virtually no) protection or even legal recognition of the most vulnerable tenants, including sharecroppers and tenants at will on ex-intermediaries’ home farms. The relationships were ripe for legislative intervention. Important aspects of tenancy reforms are -

The land reforms refer to the reforming of defective structure of the land holdings and are a planned and institutional organization of the relation between man and land. The agriculture system that existed at the time of independence consisted of several defects including that of tenancy i.e., the insecurity of tenure and high rents charged by the landlord. The reforms aimed to eliminate all forms of exploitation and social injustice within the agrarian system, to provide security for the tiller of the soil and to remove such impediments to increase in agricultural production as arise from the agrarian structure inherited from the past. One of the major aspects of the land reforms in India has been the tenancy reform.

Under the Zamindari and ryotwari systems, tenancy cultivation had been quite common in India. Tenancy cultivation may be done by small proprietors who find that they have an insufficient quantity of land or it may be carried on by landless labourers. Sometimes, the tenants holding land from an intermediary may sub-let it for cultivation. Broadly speaking tenants are divided into three categories:

1. Occupancy tenants-enjoyed permanent and heritable rights on land. They had security of tenure and could claim compensation from the landlords for any improvement affected on the land. Tenant at will did not have security of tenure and could be evicted from the land whenever landlord so desired. There is no security of tenure for them and they are also made to pay exorbitant rent to the landlords.

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3. The Sub tenants-were appointed by the occupancy tenants. The rights of tenancy are permanent and heritable. They can also receive some compensation from the landlords unless they make some improvements on the land. The tenants enjoy a fixity and security of tenure, which makes them the virtual owners of the land. It can be said that the only difference between the occupancy tenant and the peasant proprietor is that the former is required to pay rent to the landlord and the latter to pay the land revenue to the state. So, for all practical purposes, occupancy tenants are treated as land owners. The position of tenants at will and that of sub-tenants is extremely weak and most of them are subjected to ruthless exploitation. Frequent enhancement of rent, eviction of minor pretexts of several kinds, extractions and beggar are some of the popular ways of exploitation. In a country like India where the demand of land is more than its supply on account of its growing population, exploitation of weak and unprotected is a widespread evil. Fifty percent of the produce was the normal rent under Batai or sharecropping. On several occasions, the peasant had to forgo even two thirds of the produce as rent.

Measures of Tenancy Reforms

The legislation for abolition of intermediaries was aimed at providing land to the tiller and did not put an end to the problem of tenancy. Moreover, even with the limit of ceiling, it may not be possible for a family to cultivate the entire land and so some sub-letting is unavoidable. Besides, in order to induce agricultural population to take up non-agricultural occupations, some sub-letting to tenants may be allowed. A total ban on letting or sub-letting land would neither be socially desirable nor administratively practicable. That is why measures were taken up so as to minimize the evils of tenancy cultivation and to safeguard the interest of the tenants.

Regulation of rents: during the pre-independence period rents were fixed either by the custom or were the result of the market forces of demand and supply. Supply of land being fixed, the demand on land rowing with an increasing population, there has been a continuous tendency for rents to rise. The decay of handicraft increased the dependence of land further and thus pushed up the rents. Rent-renting was a common feature of the Indian agrarian structure.

It was, therefore, imperative that rents should be fixed by enacting legislation. The rates of rent prevalent were one half of the produce or more. Considering the return on investment in other sectors of economy, these rents were excessive by any standard of social justice.

Consequently, the First and the Second five-year plan recommended that rents should not exceed one fourth or one fifth of the gross produce. Various states have passed necessary legislation regulating rents, but there are large variations in the rents fixed in different states. In Gujarat, Maharashtra, and Rajasthan, one-sixth of gross produce is fixed as maximum rent. In Assam, Karnataka, Manipur