3.3 LAND REFORMS AND COMPUTERISATION OF LAND RECORDS

Land Reforms

Land Reforms were envisaged as an important instrument of change directed at removing institutional and motivational obstacles standing in the way of modernization of agriculture and creation of more egalitarian social structure. After independence, land reforms were made an important and integral part of the rural development programmes in India.

The major objectives of land reforms in India are as follows:

1. Restructuring of agrarian relations to achieve egalitarian social structure;
2. Elimination of exploitation in land relations;
3. Actualisation of the goal of “land to the tiller”;
4. Improvement of socio-economic conditions of the rural poor by widening their land base;
5. Increasing, agricultural production and productivity;
6. Facilitating land base development of rural poor; and
7. Infusion of a greater measure of equality in local institutions.

For the fulfillment of these objectives, the major steps adopted under the land reforms programme in the country as follows:

1. Abolition of intermediaries
2. Regulation of landlord-tenant relationship by fixing fair rents, conferring security of tenure on tenants subject to the landlord’s right to resume limited area for personal cultivation, bringing tenants into direct relationship with the State in respect of areas which the landlord is not entitled to resume and gradual conferment of ownership rights on the tenants.
3. Redistribution of land by placing ceiling on future acquisition and exiting holdings and acquiring surplus areas above the ceilings, resettlement of landless agricultural workers and increasing the size of uneconomic holdings.
4. Consolidation of scattered holdings into compact blocks and prevention of fragmentation and sub-division of holdings below an economic size.
5. Updating and computerization of land records – The history of post-independence India broadly shows three phases. Legislation to abolish intermediaries marked 1948-54. Then starting in 1953, tenancy reform measures were implemented in many States. Finally Legislation for imposing ceilings on holdings began in 1956.
Agricultural Land Ceiling

The Land Ceiling Act, in its structure and process, follows the common pattern. The first enactment in Tamil Nadu on land ceiling was the Tamil Nadu Land Reforms (Fixation of Ceiling on Land) Act, 1961 (called the Principal Act) which received the assent of the President on the 15th April 1962 and was published in the Official Gazette on the 2nd May 1962. The object was equitable distribution of land to the landless by fixing the ceiling on the holdings of agricultural land so as to render the surplus available for distribution to the landless poor.

The ceiling limit for a family consisting of five members was fixed as 30 standard acres. For every additional member of the family consisting of more than five members, an additional extent of five standard acres was allowed in addition to the ceiling area of 30 standard acres, subject to the overall ceiling of 60 standard acres. Any female member of a family having lands in her own name on the date of commencement of the Act is entitled to hold stridhana property upto a ceiling of 10 standard acres. Planters were allowed excess land subject to the maximum of 20% of contiguous area of existing plantation after getting permission from the Land Board under section 31 of the Act.

Ceiling laws were enacted and enforced actually in two phases, the earlier phase covering the period from 1960 to 1972 before the National Guidelines were laid down and the latter since 1972 after the adoption of the National Guide Lines. There were two units of application, namely the individual land holder and the family. The classes of land, which were exempted from the operation of ceiling laws varied widely in the States. The legislative measures had loop-holes which were taken advantage of by the bigger landed interests to circumvent the laws. In anticipation of the ceilings, the big land holders partitioned their holdings and fictitiously transferred them in pieces to other individuals through benami transfers on a very large scale.

The entire ceiling legislation was examined by the Central Land Reforms Committee, which made certain recommendations on the basis of which the Chief Ministers in their Conference held in July, 1972, laid down the ‘National Guide lines’ that were to govern the ceiling legislation in future. The post 1972 ceiling legislation has been rationalized and put more or less on a uniform basis through out the country based on the National Guide lines.

Meanwhile, by the Tamil Nadu Land Reforms (Reduction of Ceiling on Land) Act, 1970, the ceiling for a family of not more than 5 members was reduced to 15 standard acres. The exemption granted under the Principal Act for lands grown with sugarcane and grazing lands was withdrawn by Act 41/71 with effect from 15.1.1972 and the overall ceiling limit of 60 standard acres was reduced to 40 standard acres by Act 20/72 and then to 30 standard acres by Act 30/72. Originally the trusts were exempt but later by Act 37/72, a ceiling limit was fixed according to the character of the trust, and the trusts were prohibited from acquiring agricultural lands after 1.3.1972. However, if any trust acquired land after 1.3.1972 for educational or hospital purposes, such trust may apply to Government for grant of permission under section 37-B of the Act. Act 20/72 provided for grant of permission by Government under Section 37-A for industrial and commercial undertakings to hold lands in excess.
For the surplus lands taken over by Government, amount is payable which earlier was fixed on the basis of multiples of the net annual income which was the amount of fair rent less the land revenue. The multiples which ranged from 12 to 9 times for slabs of Rs.5000 of the net annual income were brought down by Act 39/72 so as to range from 12 to 2 times. The amount is payable in 10 annual instalments.

The Constitution 24th Amendment Act which came into force on November 5, 1971 amended Article 368. The Constitution 24th Amendment Act enacted that Parliament may in exercise of its constituent power amend by way of addition, variation or repeal any provision of the Constitution in accordance with the procedure laid down in Article 368, and that nothing in Article 13 shall apply to any amendment under Article 368.

Following the majority decision in Bank Nationalization case (R.C.Cooper V.Union of India (1970) 3 SCR 530: (1970) 1 SCC 248), that ‘compensation’ meant “the equivalent in terms of money of the property compulsorily acquired” according to ‘relevant principles’ which principles must be appropriate to the determination of compensation for the particular class of property acquired, the Constitution 25th Amendment Act which came into force on April 20, 1972 amended Article 31(2) and Article 31(2-A) of the Constitution. The effect of these two amendments was two-fold. First, no property shall be compulsorily acquired or requisitioned save for a public purpose and save by authority of law which provides for an amount which may be fixed by law or which may be determined in accordance with such principles and given in such manner as may be specified in such law. The word ‘amount’ was substituted for ‘compensation’ in the sub-article by the 25th Amendment. Secondly, nothing in Article 19(1)(f) shall affect any law or is referred to in Article 31(2). The second part of the Constitution 25th Amendment Act was introduction of Article 31-C which enacts that notwithstanding anything contained in Article 13 no law giving effect to the policy of State towards securing principles prescribed in clauses (b) and (c) of Article 39 shall be deemed to be void on the ground that it takes away or abridges any of the right conferred by Articles 14, 19 and 31; and no law containing a declaration that it is giving effect to such a policy can be called in question in any court on the ground that it does not give effect to such policy.

The lands notified as surplus on or after 27th October 1978 are governed for the purpose of payment of amount for the surplus lands by the revised schedule III to the Land Ceiling Act as amended by Act II of 1979, according to which all surplus lands acquired from a person by the Government are treated as one unit and the annual value taken as 5 times the land revenue for waste and forest lands and 20 times the land revenue or 20 times of (land revenue + Rs.5 or Rs.9 per acre) depending on the type of land (wet, dry, manavari, irrigated etc.) such that the annual value so determined should not exceed Rs.3500 per acre.

The disposal of surplus lands acquired by the Government is governed by the Disposal of Surplus Land Rules, 1965. An order of priority is laid down for assignment under the Rules.

The area declared as surplus till 31st March 2005 is 2,05,357 acres. The area covered by Court proceedings is 8,469 acres; thus the net area available for distribution was 1,96,888 acres. The area for which distribution has been completed till 31st March 2005 is 1,96,654 acres.
Tenancy Reform

The Tamil Nadu Cultivating Tenants Protection Act, 1955, affords protection to tenants from unjust eviction. According to the Act, no cultivating tenant shall be evicted from his holding by or at the instance of the landlord, except as otherwise provided.

The Tamil Nadu Cultivating Tenants (Payment of Fair Rent) Act, 1956 provides that every cultivating tenant shall be bound to pay the landowner and every land owner shall be entitled to collect from the cultivating tenant fair rent payable under the Act. The fair rent shall be:

a) In the case of wet land, 40% of the normal gross produce or its value in money;

b) In the case of wet land, where the irrigation is supplemented by lifting water, 35% of the normal gross produce or its value in money;

c) In case of any other class of land, 33 1/3% of the normal gross produce or its value in money;

The fair rent has been reduced to 25% of the normal gross produce or its value in money by the Amending Act of 1980.

The interest of tenants if Trust lands are regulated by the Tamil Nadu Public Trusts (Regulation of Administration of Agricultural Lands) Act, 1961, according to which no public trust shall personally cultivate land in excess of 20 standard acres and no cultivating tenant under any public trust shall be evicted from his holding or any part thereof by or at the instance of the public trust except for arrears of rent, negligence which is destructive or injurious to the land etc. The fair rent payable is the same as under the Tamil Nadu Cultivating Tenant (Payment of Fair Rent) Act, 1956.

There is no provision to confer ownership on the tenants as yet. The Tamil Nadu Agricultural Lands (Record of Tenancy Rights) Act, 1969, provides for the preparation and maintenance of complete and reliable records of tenancy rights which would serve as a documentation on tenancy and would go a long way in ending the evils associated with oral leases.

Registered under Tamil Nadu Agricultural Lands (Record of Tenancy Rights) Act, 10/1969 as on 31st March, 2005 from the inception of the Act is as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>No. of persons</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scheduled Castes</td>
<td>1,91,017</td>
</tr>
<tr>
<td>Scheduled Tribes</td>
<td>912</td>
</tr>
<tr>
<td>Others</td>
<td>3,75,117</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>5,67,046</strong></td>
</tr>
</tbody>
</table>
Consolidation of Holdings

While land redistribution reform is applied to agrarian structure which are badly organised with respect to ownership and size of land property, consolidation is concerned with farmers which are poorly organised in location and shape with i.e., to say, poor spatial organisation of farming. Where the ferments and farms are badly located with respect to their fields, where the fields are inconveniently located with respect to one another (i.e. when the farm is fragmented), or where the fields are in an awkward shape for current farming techniques (e.g. in narrow strip or wedge-shaped plots), both the problems and the solutions are basically spatial.

The division of farm property into undersized units too small for rational exploitation, and the excessive dispersion of the parcels forming parts of a single farm are two distinct conditions. Rather confusingly, consolidation is the term applied to the remedy for both. Undersized farms constitute an issue of wider ranging implications, being linked often to the problems and objectives of conventional land redistribution, and generally reflecting the condition of over population. Fragmentation of individual farms is a rather separate problem (though the two often co-exist) which can be solved, at least on the theoretical plane, by simple spatial reorganisation of farm holdings by relocating the boundaries.

The phenomenon of fragmentation of farm holdings which tends to result from continual splitting up of holdings upon inheritance or when land is freely traded as gifts on dowries, is seen as a great obstacle to farm efficiency. Apart from the obstacles to mechanization, much time is wasted by the farmer in traveling to and from scattered plots.

The greatest obstacle to consolidation is tradition and the unwillingness of farmers to participate, even where there would appear to be manifest advantages for all concerned. It is often very difficult to persuade a peasant farmer to exchange a plot of land which he has farmed for years or which has been in the family for generations, for a parcel of someone else’s land which lies adjacent to his own.

Even once consolidated, there may be nothing to stop consolidated holdings from undergoing fragmentation a new. Consolidation of holdings was not taken up in Tamil Nadu.

B. Survey

Computerisation of Land Records Programme

- Tamil Nadu Info system on Land Administration and Management (TAMIL NILAM), Computerization of Land Records (CLR) programme is being implemented in the state with 100% financial assistance from Government of India under Centrally Sponsored Scheme.
- The objective of the TAMIL NILAM project is to ensure that land record data is fully computerized so that it could be used both for issue of copies of record of rights as well as for various other purposes, which are summarized as follows:
  - Faster processing and modification of existing data
  - Tamper proofing land data to reduce land disputes
  - Portability and easy accessibility of data
3.3 Land Reforms And Computerization Of Land Records

- Quicker delivery of copies to land owners
- Development of Cadastral based land Information System
- To provide database for agricultural census
- Integration of data with GIS and other administration purposes
- Build a good decision support system and to facilitate queries on land data
- Reduce corruption
- Transparency & better public interface

The data entry and updating of entries of A register and chitta of all rural villages in the State have been completed with Land Records Application software developed by State NIC. The software version is periodically updated.

201 taluks out of 206 in the State have come on line (except 5 urban taluks in Chennai).

The Government of Tamilnadu have notified ban on issue of manual extracts of land records and only computerized land record extracts are being issued to public.

To increase the Government Public interface, Touch Screen Computer Kiosks (TSCK) have been installed in 29 model taluks @ one in each district. To replicate this model, TSCK have been installed in another 97 taluks. Remaining taluks will be covered in the future.

Apart from issue of land records extract, computerized services include:

(i) Grievances Monitoring System,
(ii) CM cell petitions Monitoring System,
(iii) Issue of different Certificates,
(iv) Old Age Pension,
(v) Disbursement System
(vi) Payroll and
(vii) Email services etc.,

There is an increasing acceptance of IT enabled services by the public.

The main objectives of the scheme are:

- Bringing administration closer to public by making data easily accessible to public
- Quicker delivery of extracts of documents to land owners and others.

An amount of Rs. 7.20 crores have been collected on issue of computerized land records extracts.

Around 8521 persons have been given training on computer basics.

Adangal data (crop cultivation data) is to be computerized shortly.

At present, Public have to come to the Taluk office concerned to get the Land Record extract. To avoid this hardship to the Public and to facilitate access to Land Records information anywhere anytime, hosting of a central data warehouse at Chennai is proposed so that Land Record data extracts can be issued online. For establishing this the following are essential:
1. Digital Signature based Public Key Infrastructure and an always on broadband connectivity.

- Once the above-mentioned facilities are made available, Land records pertaining to any piece of land anywhere in the state can be viewed and authenticated extract can be obtained by the public virtually from anywhere. Digital Signature based Public Key Infrastructure is essential for ensuring the security of online transaction of data besides transparency and accountability.

- **Digitisation of FMBs:** The computerization of spatial data is necessary in order to go for a Geographical information system (GIS). The programme of digitization of cadastral maps (FMB) was taken up under two pilot projects covering four taluks namely, Chingleput, Kodavasal, Erode and Gopichettipalayam in 3 districts of Tamil Nadu. Around 1.22 lakhs FMBs in these taluks have been digitized. NIC developed software called COLLABLAND for digitization of FMBs and it is under testing. Proposals for digitizing the FMBs in the remaining taluks using the COLLABLAND software have been sent to Government of India.

- **Perambalur Pilot Project:** With a purpose of taking the benefiting of Computerization to the cutting edge level, a pilot project for computerizing the entire land administration system from village level to district level was proposed in the Perambalur Pilot Project. The entire project has been conceptualized as an integrals network project, which will act as a model for other districts. The main concept of this project is establish network connectivity from village to district level ensuring vertical connectivity, horizontal connectivity to other department like Registration Department and other departments having maximum public interface has also been launched.

**Strengthening of Revenue Administration and Updating of Land Records**

- **Global Positioning System:** Digital land survey using Global Positioning System and total station has been taken as a pilot project in Kanchipuram district with assistance equally shared by the state and center. In this method, Survey control points are established with Geo-coordinates, the data are directly transferred to a personal computer, and digital maps are generated. Town Survey in Chennai Corporation has been taken up using Global Positioning System/Total Station equipments. Re-survey in Nilgris district is to be taken up using Global Positioning System / Total Station equipments.

- **C STAR:** To impart training, research and developmental activities in the areas of cadastral survey and related fields, a Center for Survey Training and Research has been established in collaboration with Anna University. The 1st batch of training programme is to commence from 01.06.2005 onwards.

- **Scanning of Village maps:** For improving and enhancing the storage of Land Records in the State, scanning equipments have been procured for scanning and storage of raster images of all village maps, Taluk maps, District maps and State map. Village maps of 29 districts has been scanned and stored in CDs.

**Plan Outlay for 2005-06**

No Budgetary support is given for this sector during the year 2005-06.