

LAND REFORMS IN PRE-LIBERALIZATION INDIA: A REVIEW

Dr. Sarat Parida

Asst. Professor

Department of History

Government (Autonomous) College, Angul

Odisha, India

ABSTRACT:

Land especially arable land is the most important productive asset in agrarian economies. In fact, it is the livelihood sustaining asset for families relying on agriculture and the most valuable asset for security against poverty. The unequal distribution of this prime productive asset among the rural population, not only act as a deterrent in the growth of agrarian economy but also create conflict in the social front. Hence, a fair and just distribution of land resources among the agrarian population is considered essential for peace, progress and prosperity of a society. Unfortunately at the turn of independence the country inherited a highly archaic and iniquitous land structure that favoured a class of landlords. In addition to the lop-sided land ownership pattern, feudal arrangements, exploitation of tenants, their tying with the landlord in exploitative relationship that characterized the agrarian landscape of the country at the time of lifting of colonial rule presented many unsavoury features in the agrarian front. Thus land reform was adopted as a means for remedying an obtrusive and outmoded land system as well as for accelerating growth in the agrarian economy and securing social justice to the agrarian population. The article intends to review the broad land reforms measures adopted in different states in India in the pre-liberalization period.

Key Words: Land reform, Land system, Agrarian economy, Landholding, Tenancy.

Introduction

Land especially arable land is the most important productive asset in agrarian economy and it has remained so since man started settled life and took to agriculture as the primary occupation. Even in 21st century, it still remains the livelihood sustaining asset for families relying on agriculture and the most valuable asset for security against poverty. The unequal distribution of this productive asset among the rural population, not only act as a deterrent in the growth of agrarian economy but also create conflict in the social front. Hence, a fair and just distribution of land resources among the agrarian population is considered as an essential element for peace, progress and prosperity of a society. Unfortunately, at the turn of independence the country inherited a highly archaic and iniquitous land structure that favoured a class of

landlords. Evidently a quarter of the country's rural household owned no land at all and another one-fifth possessed less than one acre each¹. In addition to the lop-sided land ownership pattern, feudal arrangements, exploitation of tenants, their tying with the landlord in exploitative relationship that characterized the agrarian landscape of the country at the time of lifting of colonial rule presented many unsavoury features in the agrarian front. In fact, many elements anti-thesis to the development of agrarian economy and wellbeing of tenants were there in the land tenure and land revenue system. Eviction of tenants, insecurity of tenancy, rack renting, apart from a few other features not only provided disincentive to the cultivators but also adversely affected the vitals of agrarian economy. Studies indicate that the size of landholding, landholding pattern among various agrarian classes, landlord-tenant relationship considerably influence and shape the socio-economic and political dimensions of agrarian economies. Land reform is thus promoted as a means for remedying an obtrusive and outmoded land system as well as a tool for modernization and social development.

The peasants who during the colonial rule had suffered the brunt of an oppressive land system, with the approach of independence clamoured for reform in their favour. Consequently, in the months preceding and following independence agrarian riots and agitations were seen in many areas of the country. The most notable peasant movements in this context were the Tebhaga movement in West Bengal (1946-47) and the Telengana Movement in Andhra Pradesh (1946-52). In Odisha too following independence agrarian agitations were witnessed at places such as Kakatpur, Nimapara in Puri district and Seragada in Ganjam district. The agrarian condition in the country on the eve of independence was quite depressing and reflecting the reality, the UP Zamindari Abolition Committee reported that it had "become a drag on the development of productive forces in the country"². Thus the agitation and struggle of the peasantry provided the thrust and impetus for bringing reforms in the land system. Besides, the state of agricultural stagnation in the country over the four decades preceding independence, the concern and growing realization to feed an increasing population also provided impulse for reform. In fact, the broad objectives of the land policy have been to ensure social justice to the agrarian population and to increase productivity. Moreover, a rational land policy assumes importance in the context that it is linked with agricultural growth and affects the life & livelihood of millions of toiling cultivators in the countryside.

The land reform policy of the government at the national level was greatly influenced by the recommendation of two committees set up in the country just after independence. The Congress Economic Programme Committee was set up under the chairmanship of *Pandit Jawaharlal Nehru* in November 1947. The committee was of the view that "land should be held for use & as a source of employment"³. Naturally, it favoured the abolition of intermediary interests in land. Following this, another committee known as the Agrarian Reforms Committee was set up under the chairmanship of J. C. Kumarappa in December 1947. It called for comprehensive reforms in the land system for bringing changes in Indian agriculture both in terms

of production and efficiency. In post-independence period rural development was sought to be achieved through the method of planned economy. Consequently, the policy relating to land reforms was outlined in various five year plan documents. The First Five Year Plan contained a separate chapter on 'land policy' and it viewed 'land ownership and cultivation' as fundamental issue in national development. It outlined a land policy that would aid to "reduce disparities in wealth and income, to eliminate exploitation, provide security for tenants and workers and finally promise equality of status and opportunity to different sections of rural population"⁴. In a nutshell, 'growth with social justice' which in essence implies efficiency & productivity in agrarian economy and an egalitarian order based on land were the core objectives of land reforms.

Under the federal system land reform is a state subject; laws relating to land reforms are usually enacted and executed by the state government on the basis of the guideline suggested by the planning commission and the government of India. Reforms in the land system in India have been carried out through legislative method. The main areas of reform for which legislation have been enacted by different states in India pertain to, (i) abolition of intermediary interests in land, (ii) tenancy reform intends to fix rent, provide security of tenure and conferring ownership right on tenants, (iii) ceiling on land ownership and distribution of surplus land (iv) consolidation of landholding.

Abolition of Intermediaries

The first important measure taken in the field of land reform was the abolition of intermediary interests in land. Out of the three major land revenue systems viz., zamindari, ryotwari & mahalwari the first one with many sordid features was prevalent in 57 per cent of cultivable area of British India at the time of independence. In fact, it was the dominant system in UP, Bihar, Bengal and Odisha⁵. The system which conferred on a zamindar or an intermediary the right to collect fixed revenue on behalf of the government in course of time had acquired features contrary to the interest of the peasantry. Moreover, under the system there existed a long chain of intermediary interests and they all derived a share of rent from the same piece of land and the same cultivator. Before the advent of independence, a conscious notion had developed that the system only enriched the coffers of the intermediaries without making substantive contribution to the development of land & agriculture. Several committees instituted in the country in and around the time of independence in their report urged for the abolition of intermediaries in land. The Land Revenue Commission, 1938 known as the Floud Commission, the Congress Economic Programme Committee and the Congress Agrarian Reforms Committee were notable examples in this context. Further, the UP Zamindari Abolition Committee in its report made a strong case against landlordism. It stated that "no solution within the existing framework of the land system being possible the landlord must go. Any system which has lost vitality must be changed and the classes or groups that cling to it must disappear"⁶. After independence, legislative measures were taken up in the states for its abolition. The UP Zamindari Abolition &

Land Reforms Act, 1951 a model measure in many aspects provided that all rights, titles and interests of all intermediaries in land barring the groves and self-cultivated lands would pass on to the government. However, the implementation of the measures got delayed as the law enacted in the states were challenged in the law courts by the class of intermediaries. It is pertinent to note that in the Constitution, right to property was treated as a fundamental right enforceable through the court of law. The legal hurdles to the implementation of the acts were overcome by amendments to the constitution. However, the most important loophole in the laws which allowed the intermediaries in most of the states to retain lands under their 'personal cultivation' nullified to a great extent the intent of the legislation. In fact, resumption of land for personal cultivation by the zamindars led to eviction of tenants on an unprecedented scale and also enabled them in retaining a good part of their former holdings. An estimate suggested that the zamindars in UP managed to retain 7 million acres out of the 33 million acres of land they possessed prior to enforcement of act⁷. In this way they managed to retain their social & economic status and the actual cultivators at the lower level benefitted the least. Nevertheless, the abolition of intermediary tenures made 20 million tenants the owner of their lands and brought them into direct contact with the state. In most of the states, the intermediary class was given compensation in lieu of abolition of their estates. This was contrary to the desire of *Mahatma* Gandhi who disclosing his plan on zamindari abolition had told Louis Fischer, an American Journalist that.....

“the peasants would take the land and it would be fiscally impossible to compensate the landlords”⁸. Jammu & Kashmir was the only state where the estates were abolished without any payment of compensation. Thus, the measures adopted for abolition of intermediary interests in different states appear as not radical measures but half-hearted attempts for readjusting interests of the two conflicting classes in the agrarian system.

Tenancy Reform

The irrational land distribution pattern, existence of layers of intermediary classes between the tiller & the state, male migration to urban centres were a few factors that accentuated tenancy cultivation during the later part of colonial rule. The NSS report estimated that around 20 per cent of the total cultivable area of the country was under tenancy cultivation in 1953-54. Out of the two main types of tenants under the system viz., occupancy tenants and tenants-at-will; the later held land at the pleasure of the landlord. Rack renting and exploitation of the cultivator, the two common features in the system naturally provided disincentive to the cultivator to take interest in land or the productivity of land. Therefore, regulating the relationship between the two classes is essential in the interest of agrarian economy, in fact one of the objectives of tenancy reform. In this context, intent of tenancy reform is to end the exploitation of the tenants by providing safeguards in their favour. Besides sporadic attempt in the 19th century, the Congress ministries in late 1930s adopted measures in certain provinces of British India for providing security to the tenants but they hardly affected the lower level of *kisans*⁹. The

Congress Agrarian Reform Committee made significant recommendations in the tenancy front and this influenced the national policy on tenancy reform. It recommended for putting restriction on sub-letting of land with exception to persons in the category of disability and conferring full occupancy right on persons cultivating land continuously for 6 years. Tenancy reforms involve reforms in three aspects viz., regulation of rent, security of tenure and conferment of right of ownership on tenant. The National policy as outlined in the First & Second Five Year Plan provided that the rent payable by the cultivating tenants was not to exceed one-fourth to one-fifth of the gross produce of the soil. However, no uniformity with regard to rent was noticed in the provision of laws enacted in different states. Only in few states viz., Assam, Manipur and Tripura, the law prescribed rent ranging from one-fourth to one-fifth of the gross produce. In states such as Haryana & Punjab the rent payable was higher than the limit prescribed in the national policy. The Orissa Land Reforms Act, 1960 prescribed a rent not exceeding one-fourth of the gross produce or value thereof. Kerala was the only state in India which abolished landlordism and tenancy at a stroke by an enactment of legislation in 1969 and conferred ownership right on cultivating tenants. The government of West Bengal launched the 'Operation Bagra' in 1978 under which all *bargadars* or sharecroppers were brought to record & provided security of tenure, heritable rights of cultivation and fair rent. However this sort of attempt was not seen in other states and tenancies in such states largely remained unrecorded. The creation of tenancies or leases by specified disabled categories have been permitted in the tenancy laws of certain states. In Odisha, the tenancy law treats a raiyat possessing less than 3 standard acres of land as a disabled person. In UP, unmarried daughters whose father is not alive and widows are treated as disabled persons. The tenancy legislation also provides for the termination of tenancy under various circumstances. The common feature of the laws in most states in this respect provides termination of tenancy on grounds of using the land that renders it unfit for agriculture, failure to cultivate the land personally, and failure to pay the rent within the stipulated period. Concerning security of tenure the guidelines of five year plans stated that tenants should be accorded permanent right on land they cultivated subject to a limited right to the landowner to resume land under tenancy for personal cultivation. In non-resumable land the landlord-tenant relationship should be ended by conferring ownership right on the tenants.

Ceiling on Landholding

The imposition of ceiling on agricultural holdings was a vital component of land reform programme in the country. The idea primarily was to ration land, in the way that above certain maximum, the surplus land would be taken away from the land owners and distributed among the landless or land poor on the basis of certain priorities. Viewed from this perspective ceiling on land holding seeks to rationalise the distribution of land. Moreover, the measure seeks to narrow the income inequalities based on land and dousing rural discontent fomented owing to unequal distribution of land. However, not much progress was made with regard to ceiling during

the first decade of independence. In January 1959, the INC passed a resolution urging the state governments to fix ceiling on existing and future holdings and to enact laws for the purpose by the end of 1959. The Second Plan made a strong case for ceiling in order to give the rural people “a sense of opportunity equal with other sections of community”¹⁰. In the first phase most states enacted ceiling law by early 60’s. However the level of ceiling fixed on existing holding varied from state to state and generally much higher than that was proposed in the five year plans. The UP Imposition of Land Ceiling Act, 1960 fixed the ceiling at 40 acres in respect of irrigated land. In West Bengal the ceiling was fixed at 25 acres irrespective of the size of family and quality of soil. The ceiling laws were revised after the adoption of national guidelines in 1972. The Naxalite movement in late 1960’s especially in West Bengal, A.P., Bihar & Odisha, the land garb agitation by the landless in many parts of the country in 1970’s brought to government focus the untenable land question. Prime Minister Indira Gandhi sought to solve the land issue by reviewing the ceiling limit. In the AICC meeting at Patna on 13 October, 1970 she said “the experience of other countries had shown there was no escape from fixing a ceiling if the country wanted to progress, quite regardless of whether it believed in socialism or not”¹¹. The Central Land Reform Committee constituted under the chairmanship of Fakirrudin Ali Ahmad, the Union Minister for Agriculture made a number of recommendations with regard to ceiling in August 1971. On the basis of its recommendation the national guidelines with regard to ceiling were formulated. The main points in the guidelines included a ceiling limit ranging from 10 to 18 acres for best category of land i.e., assured of irrigation, family based ceiling on land, priority to landless agricultural workers especially the SCs and STs in the distribution of ceiling surplus land, and withdrawal of exemption in favour of ‘efficient’ and mechanized farms. The ceiling limit fixed at 25 standard acres by the Orissa Land Reforms Act, 1960 was reduced to 20 acres in 1965 and finally to 10 standard acres by the amended Act of 1973¹². In West Bengal the Ceiling limit was reduced to 17.30 acres for irrigated land and to 18 acres in UP. However, the ceiling laws have not served the desired purpose as loopholes in the laws, sluggish implementation led to evasion. Consequently the ceiling law failed to yield much ceiling surplus land for distribution. More over in the ceiling laws of different states certain categories of land were excluded from computation of ceiling. Thus tea, coffee, rubber plantations, land held by Bhoodan Yagna Samiti, co-operative banks, nationalized banks, state & central government were granted exemptions. Lands under industrial and commercial undertaking for commercial purposes, lands held by agricultural universities, agricultural colleges and research institutes were exempted from ceiling. Further in the ceiling laws families having more than 5 members, additional land for each additional member was allowed subject to a maximum limit. However, only in two states viz., West Bengal and Kerala the ceiling measures have achieved a fair degree of success in implementation. By the end of October 1986 only 74.5 lakh acres of land were declared surplus in the country out of which 43. 9 lakh acres had been distributed ¹³. In other states, the total area involved in the land redistribution programme was too small to have a significant impact on the land holding structure of the states.

Consolidation of Holdings

The issue of small and fragmented holdings which arguably have bearing in the growth of agricultural economy, was not given serious attention in the states in the period immediately following independence as abolition of intermediary interests, tenancy reforms and ceiling on landholdings received priority in the agenda of land reforms. Consolidation of holdings usually stands for the amalgamation and redistribution of fragmented land so as to make the plots in a holding a compact one. In fact, the programme of land consolidation aims at giving every right holder a compact area equivalent in value to what he held before in scattered plots. Consolidation of lands in recent times is adopted as an effective means of rationalizing the use of land, modern method of cultivation and to save the time and resources involved in agricultural pursuit. Moreover, Consolidation of holdings provides a favourable setting for agricultural growth. Besides India, laws relating to consolidation have been passed in many countries of the world and the scheme has been adopted in several countries including the neighbouring countries like Pakistan & Sri Lanka. After independence, several states have enacted legislations in the field of consolidation. In the states of West Bengal, Bihar, Punjab, and Assam the law provided for consolidation of holdings as well as preventing the fragmentation of consolidated holdings. However, experiences show that the land consolidation programme is patchy and sporadic and often retarded owing to lack of updated records and other factors. In Odisha, the Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972 was enacted in the Silver Jubilee Year of independence and the act put into effect the land consolidation programme in the state. However, in actual working it was seen that owing to small size of holdings, poverty of the cultivators and lack of publicity of the measure the cultivators were unable to take advantage of the measure. In north-eastern states such as Arunachal Pradesh, Mizoram, Meghalaya and Nagaland consolidation work has made no headway as in the areas little scope exist for land consolidation. By March 1986, the total area consolidated was 544.7 lakh hectares i.e., about 30 per cent of the estimated consolidated land¹⁴. Out of this, the major portion of land was consolidated only in two states viz., Maharashtra and UP. However, the land consolidation programme which intends to facilitate scientific cultivation, to boost agricultural productivity has achieved a degree of success only in few agriculturally advanced states like Punjab, Haryana and UP.

A scholar keenly studying the land reform programme in different states in the immediate post-independence period generally asks what changes the land reform measures have induced in the agrarian system of the country. The programme of land reforms, no doubt, created euphoria in the country just after independence but the enthusiasm died down after a few years. Radical land reform was advocated as the most crucial means of putting the agrarian economy in the path of development. The objectives of land reforms were spelled out explicitly in the five year plans, legislation pertaining to different aspects of land reform was enacted at the state level and amendments in the laws were effected from time to time to cope with the situation. The Fourth Five Year Plan stressed on to make land reform a reality in the villages and the field. However, it

was noticed that the measures faced strong resistance from the vested interests during their passage in the legislature and challenged in the law courts during the phase of implementation. As a result, the vested interests succeeded to a certain extent in modifying the provisions of law in their favour. The laws passed relating to the abolition of intermediaries and land ceilings were notable examples in this context. Moreover, the time elapsed between legislative proposal, its enactment and implementation gave scope to the landlords to evade the provisions of the law. Thus methods such as fictitious & benami transfer, sales, and partitioning of family property were employed to circumvent the hard provisions of the laws. Daniel Thorner observes attempt to change agrarian relationship by law “have almost always fallen far short of their goals or had effected other than those intended”¹⁵.

Further land reforms have not induced any significant changes in the proportion of landless household in the country which continues to hover around 11 per cent during the 3 decades ranging from 1961-62 to 1992. Moreover no radical change has occurred in the distribution pattern of landholdings among different categories of cultivators except that the percentage of marginal cultivators has increased in the country. It pertinent to note that in 1953-54, 61.24 per cent of the marginal cultivators (owning less than 1 ha) occupied 6.23 per cent of the total cultivable area of the country. The medium (owning 4.05 to 10.12 ha) and large cultivators (owning 10.13 or more ha) constituting 9.77 per cent & 3.60 per cent of the households respectively controlled over 65 per cent of the land. After four decades, in 1992 the marginal cultivators increased to around 72 per cent but they occupied less than 17 per cent of the cultivable land. On the other hand medium & large cultivators constituting 5.42 per cent of rural household had controlled around 40 per cent of the cultivable land (see Table-1). The proportion of marginal holdings has increased from 63 per cent in 1971-72 to 72 per cent in 1992. The proportion of medium and large holdings has decreased over the years with a gradual decline in the per cent of cultivable area under their occupation. An avid observer of Indian land reform programme V. M. Rao wrote that the implementation of the programme ranged from area to area but in certain areas “the land reforms programmes have been frustrated at the initial stages there was no enduring impact on the poor and on the system of land relation”¹⁶.

Table-1

Percentage Distribution of Household & Area owned by various landholding classes at All-India Level

Percentage of the Household

Percentage of Area Owned

Year	Marginal (less than 1 ha.)	Small (1.01 to 2.02ha.)	semi-medium (2.03 to 4.04)	Medium (4.05 to 10.12 ha.)	Large (10.13 or more ha.)	marginal	small	semi-medium	medium	large
1992	71.88	13.42	9.28	4.54	0.88	16.93	18.59	24.58	26.07	13.83
1982	66.64	14.70	10.78	6.45	1.42	12.22	16.49	23.58	29.83	18.07
1971-72	62.62	15.49	11.94	7.83	2.12	9.76	14.68	21.92	30.73	22.91
1961-62	60.06	15.16	12.86	9.07	2.85	7.59	12.40	20.54	31.23	28.24
1953-54	61.24	13.14	12.50	9.77	3.60	6.23	10.09	18.40	29.11	36.17

Source: NSSO (2006); *Household Ownership Holdings in India -2003*, Report No. 491, Ministry of Statistics and Programme Implementation, Govt. of India, New Delhi, p. 19 & Singha Roy, Debal K. (2004); *Peasant Movements in Post Colonial India: Dynamics of Mobilization & Identity*, Sage Publication, New Delhi, P.79

Table-2

Changes in the Proportion of Landless Household

Percentage of landless household

All-India

Year	1961-62	1971-72	1982	1992
	11.7	9.6	11.3	11.3

Source: NSSO (2006) *Household Ownership Holdings in India, 2003*, Report No. 491, op. cit., p. 11.

The reforms have induced certain positive changes in the agrarian set up. Semi-feudal landlordism has largely gone except in some parts of the country. The reforms appear to have curbed and checked the exploitative tendencies in the agrarian field; tenancy measures have afforded certain degree of security to the tenants. The landed gentry have lost their grip over the rural land and land being concentrated in the hands of few, the contrary has taken place, and the degree of land concentration has been considerably reduced. Agrarian transformations have led to the loosening of ties of dependence on the rich, but tenancy continues to exist in varying degrees in the agrarian system. This in a way has given the poor peasantry especially tenants leasing in land a substantive subordinate place in the agrarian field. The measures have brought about genuine & positive changes in the agrarian landscape but “landed power remains a major factor in Indian politics and society”¹⁷.

Conclusion

Thus an analysis of the land policies, laws and their implementation apparently convey the impression that the state governments barring a few states played a dilly-dallying role in framing and implementing genuine land legislations that could have altered the land relations, agrarian and social structure in the countryside. The ideology for the reforms and the objective of laws in content was pro-peasant orientation but during the phase of passage and implementation, the measures tended to become moderate and in the process were deprived of some sacrosanct features. Since land reform was sought to be achieved through legislative measures, the composition of legislature on ideological lines was crucial for the success of land reforms. Ironically as Wolf Ladejinsky observed “the fact is that the national & state legislatures in Asia do not represent the interest of the peasantry”.¹⁸ However, out of the four aforementioned aspects of land reform, the abolition of intermediaries were fairly successful, but the progress in the implementation of tenancy reform & ceiling were initially slow but accelerated in the 70s but slowed down again in the 80s. Nevertheless, “land to the tiller”, restructuring of the agrarian relation, “growth with social justice” in the agrarian field, the intended & underlying objective of land reforms programme, however, have achieved varying degree of success in different states. The measures have not brought about great changes in the agrarian system from the point of view of their intent, the perspective of the poor & landless, but from historical perspective they have turned the trend in many aspects in the Indian agrarian system.

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