



LAND REFORMS IN INDIA – CONSTITUTIONAL AND LEGAL  
APPROACH (WITH SPECIAL REFERENCE TO UTTAR PRADESH).

By P.K. Agarwal. M.D. Publications Pvt. Ltd., New Delhi, 1993. Pp.272.  
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DR. PROMOD Kumar Agarwal, a member of the Indian Administrative Service of West Bengal cadre, did his LL.M. from Calcutta university while working as Collector and District Magistrate. He had a deputation posting in Allahabad for a few years. He utilised that opportunity for doing D.Phil. in law. The present book is a revised and edited version of his D.Phil. thesis submitted to the university of Allahabad. At the time of publication of this book, he was working as Director, Land Records and Surveys in the Government of West Bengal. Thus he is eminently qualified to write a book on Land Reforms. This is indeed a pleasure to review the book written by a former student of Calcutta University, where the reviewer held the position of head of the law department and the dean of the law faculty for a long time.

The author begins his book with placing land laws in historical perspective. This is indeed a very well written chapter. After a brief reference to the well-known works of scholars during the ancient and medieval period describing the nature of rights in land and the extent of state control of its use, he examines in detail the introduction of the British system. We wish he had referred to the book by Irfan Habib on Moghul Land system. He has referred to the book by Bikram Sarkar on introduction of permanent settlement in Bengal and has benefited from it. His treatment of evolution of *zamindari* in U.P. is good. He has referred to records, papers and reports, which are not easily available to others.

The next chapter is on evolution of the concept of land reforms. In this chapter, we find no reference to the work done by the Congress Agrarian Reforms Committee under the chairmanship of J.C. Kumarappa. We also do not find any reference to the book edited by H.D. Malviya on Economic Resolutions of the Indian National Congress. This chapter begins with *bhoodan* movement launched by Vinoba Bhave, which came after enactment of laws on abolition of intermediary tenures. The subsequent narration in this chapter begins with the policy statement in the first five-year plan, which came much later to the enactment of legislation on abolition of intermediary tenures. Indeed, the bills on the subject were introduced much before the Constitution came into force on 26.1.1950. In the chapter on the evolution of the concept, the



author should have referred to the report of the U.P. Abolition of Zamindari Committee. The five-year plans were inspired later by the directive principles of state policy in part IV of the Constitution of India. His review of the working of the six-year plans and reference to developments in the eighties could have been better placed in the last chapter.

The chapter on constitutional background of land reforms has been written in haste. He has referred to the relevant articles of the constitution and their amendments from time to time. In analyzing the decisions involving questions of constitutional validity of the amendments and the laws enacted thereunder more care and reflection was called for. Excerpts from cases have been taken without considered comment on them. The chapter does not follow any logical scheme and hence the whole chapter lacks a focus and proper perspective.

The title of the chapter on components of land reforms is misleading. We looked in vain for the components. The material placed below the heading – “The Indian Scenario” should have been more appropriately used in the last chapter. The author has given a number of useful suggestions for proper implementation of the programme of Indian Land Reforms.

The next chapter examines the working of the Uttar Pradesh Zamindari Abolition and Land Reforms Act, 1950. The author has identified a few important provisions of the Act for a critical study of six select cases. In the section on exclusive jurisdiction of revenue courts, the author should have discussed the extent of writ jurisdiction of the high court over the revenue courts and tribunals under article 227 of the Constitution.

The chapter on imposition of ceiling on land holdings beings with various court decisions without first analyzing the scheme and provisions of the U.P. Imposition of Ceiling on Land Holdings Act, 1960. The discussion under the heading “Bar against *res-judicata*” shows that the author is not clear about the distinction between a revenue court and a civil court. The revenue court may have all the powers of a civil court and may have trappings of a court but is not a court and on the question of *res-judicata* it has to follow the law as laid down in the Act that created it and not the provision of section 11 of the Civil Procedure Code. Hence, there is no question of any “contradiction of such a basic statute as the Civil Procedure Code”<sup>1</sup>. In an appendix appended to this chapter he has referred to a few select cases decided under the U.P. ceilings law.

The next chapter is on an assessment of the Uttar Pradesh Consolidation of Holdings Act, 1953 as amended in 1958 and 1963. The state of Uttar Pradesh has been pioneer in the matter of consolidation of agricultural land holdings. The state has achieved substantial progress in the matter of implementation of consolidation legislation. The law has conferred vast powers on the consolidation authorities. There have been cases of abuse of power. They have

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1. P.K. Agarwal, *Land Reforms in India: Constitutional and Legal Approach* 125 (1993).



given rise to a lot of litigation. The author has analyzed those decisions. The discussion of the case law with regard to abatement of suits and proceedings and bar to civil jurisdiction is very informative. His comments on consolidation and land reforms are very instructive.

The next chapter on the Uttar Pradesh Land Revenue Act, 1901 describes in details the structure of land revenue administration in the state. This century old legislation has stood the test of time. The survey and settlement are conducted and land records are prepared under the provisions of this Act. The revenue authorities hear and decide applications for review, reference and revision under the provisions of this Act. The appeals are also heard and decided under this Act. References to other enactments, where necessary, have been made.

Chapter 9 is devoted to a field study of the implementation of land reforms in Uttar Pradesh. The author has adopted a scientific methodology and has developed a research design keeping in view the problem and the objective of the study. He has divided the state in five parts and then collected primary data and secondary data. Data processing, analysis and interpretation has been done by employing mathematical tools. He has stated the results of his field study under 10 distinct heads and then compared them with the published progress made in other states.

The last chapter on critical appraisal of legal framework includes a number of related aspects. It gives an overview of whatever has been done so far. He has identified reasons for poor progress of implementation of ceiling legislation and has suggested measures to speed up the process of acquisition and distribution of ceiling surplus land. He has examined the relevant data to show how far land reforms have contributed to the increase in productivity, how far the green revolution can be attributed to land reforms and how far the land reforms have helped reduce rural poverty. He has made a plea for imposition of agricultural income tax.

He has examined in detail the problem of sharecroppers in the light of his experience in West Bengal where "Operation Barga" has proved to be successful. After noting the definition of tenant under the legislation of various states, he has suggested measures to protect an informal tenant. In this chapter, he has made a passing reference to matters such as rural organization, land army, panchayats, co-operative farming, laws' delay, legal aid, land tribunals and political will.

He concludes his study with the following observations:-

"No tangible progress can be expected in the field of land reform in the absence of the requisite political will"<sup>2</sup>.

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2. *Id.* at 250.



He then suggests few measures to strengthen the political will in the context of Uttar Pradesh. In support of his suggestions, he refers to the views of a diverse class of persons. Through out the book he has referred to authors and thinkers like Karl Marx, Gunnar Myrdal, M.N. Roy, Swami Vivekanand, Mahatma Gandhi, Pandit Jawaharlal Nehru, Acharya Narendra Deo, Jaya Prakash Narayan. At places, we have felt that he did not make the best use of such material. Like wise, he has not used the court decisions to make a point or to strengthen his point of view. The language used by the author could have been more clear and lucid. In many places repetition of an idea could have been avoided. The proof reading left much to be desired, as a number of spelling mistakes have gone unnoticed.

In the end, the reviewer must conclude that he has enjoyed reading the book. The reviewer is impressed by the research design developed by the author to measure the progress of land reform. The book is certainly a welcome addition to the growing literature on the subject.

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