Far Eastern Survey

AMERICAN INSTITUTE OF PACIFIC RELATIONS

Implementing Land Reform in India

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In April 1955 an amendment to Section 31 of the Indian Constitution was adopted, providing that no act passed by any legislature which involves acquisition by the state of property rights for a public purpose shall be called into question by any court on the ground that the compensation provided in that act is not adequate. This amendment removed the principal obstacle to implementing nation-wide land reform legislation. An earlier constitutional amendment had given such exemption only to certain specific acts aimed at abolishing zamindari estates.

Legislation abolishing zamindari rights was only a first step toward the Indian Planning Commission's ultimate goal of removing all non-cultivating interests from control of the soil. Even if the implementation of the various zamindari abolition acts were complete, which is far from being the case, about three-quarters of India's cultivators would still hold their land from landlords rather than directly from the state (which is the eventual aim of the Planning Commission). One of the principal objects of the new amendment is thus to enable acts abolishing landlordism throughout the country to be passed and enforced without delay. The Draft Recommendations for the Second Five Year Plan envisage that the task of removing all intermediaries and absentee landlords shall be finished by 1958.[1]

Assuming that the Planning Commission's objectives themselves are sound, the question of whether they can in fact be attained in the short space of two years deserves consideration. There are several reasons for believing that the Planning Commission's time-table is over-optimistic. In the first place, not only does India have a bewildering variety of land tenure systems, each requiring separate legislative enactments, but the tenancy structures found in many areas are highly complex. Comprehensive land reform in such areas requires careful and systematic planning before it can be undertaken successfully. A second reason for questioning the assumptions of the Planning Commission is that, although all the state governments are at present Congress-run, their attitudes toward land reform differ markedly from one another. Whereas Hyderabad and Kashmir have gone about the task of land reform with considerable vigor, others such as Madras and Travancore-Cochin (under Congress rule) have been hesitant about instituting comprehensive reforms. Thirdly, planning requires reliable records, but land records are particularly defective in areas where tenancy patterns are most complex.

Each of India's twenty-eight states has one or more regions governed by different sets of tenancy laws. Following independence and the reorganization of boundaries which took place subsequent to the absorption of the princely states into the Indian Union, some states (such as Bombay) were faced with the task of integrating more than a dozen land tenure systems, each with its own distinct set of customary laws. Even in Madras, Bihar, Bengal, and Uttar Pradesh,

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1 P. C. Mahalanobis, *Draft Recommendations for the Formulation of the Second Five Year Plan,* Delhi, 1955, para 7.1.

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where the princely states which merged with the provincial administration were few and small in proportion to the size of the state, the two broad forms of revenue settlement which had been adopted in different areas of each state by the British (the zamindari and ryotwari schemes) gave rise to two distinct sets of land tenure laws. These states, too, were created from what was once a heterogeneous assortment of autonomous and semi-autonomous principalities. They contained, in most cases, two or more religious groups and many castes and subdivisions within each group, having distinct property and inheritance laws. Many of these distinctions, both regional and community, affecting property rights have been upheld in the form of local and provincial court decisions and special legislation. The forthcoming readjustment of boundaries along linguistic lines will create further complications.

Even within a region subject to a more or less uniform set of land laws and customs, there is often a bewildering variety of individual tenure types, each involving a complex set of rights and liabilities outlined in court decisions. Malabar Land Law, for example, recognizes twenty-eight separate kinds of tenure, ranging from perpetual, irredeemable leases to tenancy-at-will. In almost every part of India distinct recognition is given by the courts to two classes of mortgagees —ordinary and usufructory; to permanent tenants, fixed term tenants, and tenants-at-will; to landed proprietors enjoying freehold rights and to special categories of landed proprietors enjoying the right to receive rents, but having limited rights, or no rights at all, of resumption of land from sub-tenants.

In many parts of India, such as the rich rice-growing areas of Bengal, U.P. and Bihar, parts of Bombay, and Malabar and the South Kanara districts in Madras, sub-infeudation is often found. In one field within a village there may be only one intermediary between the government and the cultivator; in the adjoining field there may be half-a-dozen. Instances have been found in Bengal where there are as many as thirty layers of claimants holding rights to a single plot of land. Fragmentation is likewise a common feature of landholding in India. Moreover it generally occurs on all tenure levels. To cite a common example, a single cultivator may hold three separate pieces of land in one village and two in another. Two of these pieces may be held under an intermediary, and the other three under three separate landlords. Each intermediary under whom he holds his scattered holdings may himself have other holdings scattered in this and in other villages as well as under other landlords. In addition, the same right-holder often has land on more than one tenure; he may be a tenant-at-will of one holding, hold another on a five-year term, part of which he may lease out to a sub-tenant on a year-to-year basis, have still another on perpetual lease which has been successively sub-let to two or three layers of sub-tenants and another on perpetual lease which he cultivates himself. Large landed estates are often held in hundreds, even thousands, of small patches and are leased to hundreds of tenants, great and small.

States' Control over Legislation

In none of the Indian states will expropriatory legislation be introduced in a legal vacuum. Virtually all the states have an impressive body of statutes, as well as case law, dealing with land tenures. In most states, tenancy legislation has so far been regulatory rather than expropriatory in character. It has dealt with such matters as regulating rents, conferring fixity of tenure on different categories of tenants, imposing limits on the amount of land a landholder may cultivate directly, and preventing fragmentation, subdivision, and subletting of holdings. Most of the tenancy laws which have been passed are long, complicated, and phrased in difficult technical language. Many are in the form of successive amendments to previous acts. Many clauses in these acts have been subject to different and often contradictory interpretations by law courts.

All states can legitimately plead delay in introducing expropriatory legislation on the ground that a thorough review of the existing statutes is necessary beforehand. Each state can further plead the necessity of drafting legislation only after making a comprehensive inquiry into the state of land records, the economic condition of different sections of the agricultural population, and the views of informed persons on prospective compensation rates for different categories of non-cultivating landholders. Although the Planning Commission may suggest a particular course of reform, the actual drafting and implementation of tenancy laws is the exclusive responsibility of each state. The Planning Commission's staff does not have the knowledge necessary to make detailed suggestions to each state, and the Commission itself does not have the authority to compel states to adhere to any schedule. The states, if they desire to delay legislation, can offer weighty reasons, unanswerable except by tenancy experts exhaustively informed concerning local conditions, for delay in carrying through reforms. In some legislatures, such as Madras and Travancore-Cochin, where the position of landlords and others who wish to proceed as slowly and cautiously with land reform as possible are strong, these excuses have been repeatedly offered as reasons for delaying tenancy legislation.

Tenancy bills can be sabotaged, too, in the committee stage, and in the course of legislative assembly de-

bates. In omnibus parties like the Congress, which have within their ranks land reformers of a radical stamp and ultra-conservative landlords, it is not always clear with whom the balance of power lies. Pressure from the Working Committee or from the Prime Minister himself may force a state parliament to prepare some kind of legislation to satisfy popular demand. A comprehensive bill may then be drafted, radical in character, elaborate in phraseology, but full of errors and inconsistencies. The bill will then receive unfavorable comments from tenancy experts within the administration and some of the more obvious defects will be removed in the drafting stage. After it is introduced in the state legislature, it will be sent to a select committee. Although the committee will contain representatives from all parties in the legislature, it will naturally be made up predominantly of Congress party members. As not all members of select committees are well informed on land tenure (much less, the assembly members in general), committee work will largely be left to the "land tenure experts" of each party. If the Congress Party "experts" are conservative, the radical features of the original bill will be toned down; it will be pointed out that certain provisions are *ultra vires* of the Constitution, that others are unworkable, and that still others are likely to produce discontent and constitute a threat to public order.

In this way a bill which may originally have been quite radical in tone will emerge in a much watered-down form from the committee. If the left opposition parties are not strong and conservative "land tenure experts" within the Congress hold the balance of power, it is usually easy to pilot the select committee version through the second and third readings. The state party can then say with assurance to the Working Committee, "We have produced an Act." They can further point out that they desired it to be more far-reaching in character than it finally turned out to be, and can produce the original bill as proof. They can add that informed opinion familiar with local conditions brought forth incontrovertible evidence that the provisions of the orginal bill, although laudable, would be impractical and unenforceable, and there is little valid criticism which either the Working Committee or the Planning Commission can offer in the face of the enormous quantity of evidence which a state organization can muster to defend its point of view.

Problems of Compensation

All states which decide to expropriate non-cultivating landholders in accordance with the general directives of the Planning Commission must decide the principles upon which compensation, if any, is to be fixed, the rates which are to be introduced, and the manner in which it is to be paid. Should all right-holders who are expropriated be paid compensation, or can certain classes (such as non-hereditary jagirdars) be removed without compensation? Should rates be fixed on a sliding scale based upon the rental value or income from agricultural property held, or should the landlord's non-agricultural income also be taken into account in fixing the scale? Should compensation costs be borne entirely by the tenants who are to be given the benefits, partly by them and partly by the state, or wholly by the state? Should payments be made in cash, partly in cash and partly in bonds, or wholly in bonds? Should the bonds be negotiable or non-negotiable, redeemable or irredeemable? If redeemable, should they be redeemable on demand or after a fixed period? If after a fixed period, what should the period be? Should non-cultivating landlords be given the opportunity to resume a certain portion of their lands in lieu of compensation?

Each state, in order to reach decisions on these questions, must be in a position to determine the approximate number of persons who stand to lose their property rights, their proportion to the total agricultural population, and their general economic condition. This information should be of a type which can be expressed in frequency tables showing the number of non-cultivating landlords falling into different income groups, and the proportion of their income derived from agriculture and from other sources. As many landholders are cultivators in respect of portions of their holdings and non-cultivators in respect of other portions, this distinction should also be taken into consideration. Similarly, the ability of cultivators to pay compensation costs can be properly determined only if similar tables showing the number of cultivating tenants in different income-groups are available.

The state must further decide whether, following expropriation, a general redistribution of land among existing right-holders is essential, and whether consolidation of holdings should be undertaken. If the state decides to fix upper and lower limits on landholdings, on the basis of the "economic holding" concept suggested by the Planning Commission, the size of an economic holding must be determined. If the measure is to have any utility, it should be determined for each field on the basis of the existing productivity of that field in terms of the particular crop or crops ordinarily grown on it. To determine whether a particular cultivator's existing holdings fall within or outside the proposed limits, detailed records showing the location, size, and yield of the individual holdings of each cultivator are essential. These records are also essential to any program which involves compulsory consolidation of fragmented holdings. Finally, the state must have rec-

ords of this sort to enable it to frame a workable agricultural labor policy. For example, decisions as to whether landless labor can feasibly be included in a scheme involving the creation of small holdings without reducing such holdings to an uneconomic size demand detailed and reliable records showing (1) the existing pattern of land distribution among cultivators, and (2) the area and location of cultivable but uncultivated waste.

Definition of Terms

Land tenure statistics require great care in collection and presentation if they are to convey a reliable and meaningful picture of existing tenancy problems in a particular region to legislators and planners. There must, in the first place, be a clear and unequivocable definition of the terms used.

The term "landholder," for example, is frequently used in tenancy studies without being defined; the abuse of this word is particularly common in literature dealing with concentration of holdings. A landholder, unless defined, may be a single individual, the head of a household, the manager of a joint family numbering hundreds, several co-proprietors, or a joint-stock company; he may be a cultivator, intermediary, absentee owner, or a combination of all of them. Figures showing concentration of landholdings among holders of different sizes have little meaning unless they specify the approximate number of dependents the holdings must provide for. Concentration of holdings, moreover, has a different meaning depending upon whether it refers to holdings possessed or land held, but leased to tenants. Concentration of land ownership in India usually occurs together with extreme subdivision of holdings on a cultivator's level. Also, although some large holders in areas like Malabar (where sub-infeudation is common) are predominantly either owners, or intermediaries or cultivators, there are many who have substantial holdings in all three categories.

Under such circumstances, figures like the occupation statistics in the Decennial Census which (operating on the principle of "one person, one occupation") purport to show the percentages of the agricultural population belonging to different tenure classes, are grossly misleading. The census classified agriculturalists and their dependents according to the source of the bulk of their income into (1) "cultivators of land wholly or mainly owned"; (2) "cultivators of land wholly or mainly unowned"; (3) "cultivating laborers"; and (4) "non-cultivating owners of land and agricultural rent receivers." Class I was so defined as to include every tenure which involved the hereditable right of permanent occupancy of land for purposes of cultivation.

As a result, many lawyers, government servants, and businessmen who were also substantial landholders were not included in the agricultural category at all; many agricultural laborers who were also small proprietors could be shown only as laborers; many persons who were substantial landholders in all three categories could be shown in only one of them; and many persons who were in fact tenants were shown as owners. In areas such as Malabar or Bengal, where landholding patterns are exceedingly complex, the census enumerator had no choice but to accept at face value the statements given him by the persons questioned. For these reasons, no state can expect to obtain from census figures reliable information on the number of persons who would be affected if non-cultivating landholders were to be dispossessed, or on the probable per capita distribution of land if land were to be assigned to cultivating tenants.

Another basic concept which is often used in tenancy literature without being adequately defined is the word "holding." Sometimes it is used to describe an individual plot held by a landholder, at other times to refer to the total lands in his possession. The individual landholder may have rights over one or two plots of land or over several hundred, and each is frequently referred to in the same study as his "holding." The term is again used indiscriminately to refer to lands held by owners, intermediaries, and cultivators, just as an intermediary's holding may include the holdings of many cultivators, yet form only a portion of the owner's holding.

Sometimes this ambiguity is carried over into tenancy acts, with unfortunate results. The Malabar Tenancy Act, for example, defines the term "holding" as "a parcel or parcels of land held under a single engagement by a tenant from a landlord."[2] As sub-infeudation is common in Malabar, there are often in a given field two or more layers of tenants, each holding (with respect to his immediate inferior or superior) a holding of a different size. In 1951 the Act was amended to provide for the drawing up of a record of rights of every landholder in the district, and rules specifying the items to be included in the record were published. The instructions issued to the authorities in charge of preparing the records did not clear up this ambiguity attaching to the term "holding," with the result that recording teams were left in a quandary as to how to arrange and tabulate the data which they were collecting. This, together with numerous other oversights of a similar nature, was one of the reasons why this "Record of Rights" Commission, which had employed 1,000 men for six months and spent 900,000 rupees of public money, was finally abandoned before its work had properly begun.[3]

2 Malabar Tenancy Act, 1930, as amended. S.3(9).

Statistics relating to size of holdings in India are usually expressed in acres. For the purpose of deciding land re-distribution policy, an unrefined area measure alone is unsatisfactory, for some account must be taken of the productivity of lands available for distribution. Productivity per acre varies widely not only in relation to the crop raised, but also because of variations in rainfall and topography. In November 1954, the Central Government called a conference of representatives from the Revenue Departments of the states for the purpose of discussing a proposed nation-wide census of cultivated holdings.[4] At this conference, the problem of devising a suitable measure of size of holding which would obviate these difficulties was considered. It was finally decided that each state would work out a "standard acre" formula based upon its own land revenue classification system. This principle appeared to be sound, for most states have a system of classification whereby the soil type, average rainfall, accessibility of sources of irrigation, and actual crop-outturns based upon crop-cutting experiments are all taken into account in determining the land revenue assessment rate of each field.

The system was devised and applied in each state at an enormous cost both in time and money, and in most states was very carefully planned and executed. But it has four defects which are sufficient to make it of very doubtful reliability. In the first place, the revenue classification schemes were originally worked out, in most states, in the last half of the 19th century, at a time when soil science and agronomy were still in their infancy. In the second place, this system had to be applied to each survey field individually. As each district ordinarily has upwards of a million fields, limitations of time and of staff meant that the inspection accorded each field was necessarily sketchy and too few crop-cutting experiments could be carried out. Thirdly, all fields were ordinarily rated according to their capacity to produce one crop only, whereas several different types of crops of vastly different market value might be grown in a group of contiguous fields or in one field on rotation. Fourthly, the last of the periodic resettlement operations (when the fields in each district are re-examined to ascertain if their productivity has risen or declined, and the new revenue rates are fixed) was in most states performed over twenty years ago, during which there have been changes in the productive character of many fields.

Not only was this defective system used as a basis for classification of holdings, but most states, owing to lack of funds, provided no special staff for carrying out the census, and in states where a proper demarcation of cultivators' holdings had never been made, no survey staff was appointed. The task of collecting the primary data was simply added to the work-load of the already overburdened village officers who were, moreover, provided with no additional salary. This led, in many states, to a strong protest by village officers' associations and to a deliberate slow-down campaign. As a result, the census operations are nearly everywhere far behind schedule and are being indifferently carried out. State governments pointed out that they were incapable of properly financing the census work and the Central Government has refused to grant them assistance.

Figures showing the size of holdings are also used to illustrate the degree of concentration of holdings. This measure is unsatisfactory unless it is accompanied by figures showing whether the concentration relates to land in actual possession or to land leased out to cultivators. Expropriation of landlords can be accompanied by land redistribution only if large areas of cultivated land are in the direct possession of a small number of holders. The state can decide, for example, upon a policy of giving additional grants to sub-marginal holders and settling landless laborers on cultivated holdings only if it is in a position to say how many holders actually possess lands above the maximum to be allowed for personal cultivation and the aggregate extent of their lands.

The Situation in Malabar

The task of collecting tenancy statistics is often difficult and protracted. Some states already have records of rights for all holdings, but in many cases these have not been kept up-to-date. Other states, although they have had cadastral surveys and have registered title-holders, have never prepared records of rights. An illustration of the difficulties which a state lacking a proper record of rights must face when undertaking comprehensive land reform is provided by the case of Malabar District in Madras State. This district is one of the most densely populated rural areas in India, with more than 800 persons per square mile. Its land tenure structure is exceedingly complex, as much so as that of Bengal or the U.P. Subdivision and fragmentation of holdings are common on all tenure levels; there are large estates scattered throughout the district in thousands of separate plots; there are cultivators tilling plots less than a tenth of an acre in size; there are landowners who have leased holdings to intermediaries and then sub-let portions of those same lands *from their own tenants* as cultivators; and there are tenants holding lands on half a dozen tenures from as many landlords who have in turn sub-let them to fifty or more sub-tenants.

3 *Madras Mail,* August 12, 1952.
4 *The Hindu,* November 8, 1954.

Productivity is low, although the soil in many parts of the district is rich and rainfall is abundant, because efficiency is at rock-bottom and capital investment in any form other than purchase of lands is almost nil. Most of the actual work of cultivation is carried on by agricultural laborers working for a wage which in many parts of the district is below subsistence. There are even villages in the district where land is going out of cultivation because the laborers and small cultivators are too weakened by malnutrition to put in a full day's work. Rents are high, and in the case of paddy lands, usually absorb the whole surplus produce. A large proportion of these rents go into the hands of the professional and commercial classes, who treat land simply as a means of investment. The district produces less than half of the rice it consumes, and is heavily dependent upon the erratic fortunes of a cash-crop economy. Only thirty percent of the population is literate, political agitation bred by poverty and discontent is rife, and the district today is one of the major strongholds of Communism in India. If ever there were a part of India where a positive land reform program was urgently needed, it is Malabar District.

Legislation of a regulatory character has removed some of the worst features of economic exploitation. Fixity of tenure had been granted to almost all sections of cultivators, and active steps toward fixing fair rents have been taken since special rent courts were set up throughout the district in November 1954. This legislation has not, however, fundamentally altered the situation. It has not solved the problem of fragmentation and subdivision of holdings; it has not brought about conditions in which the agricultural laborer is assured a decent wage. In fact, by giving the cultivator fixity of tenure and severely restricting the landlord's power of resuming the land for personal cultivation, it has ensured that at least half of the net produce (the present fair rent rate) will not be reinvested in agriculture.

Malabar is included in the ryotwari scheme of revenue settlement. The principle of this scheme is that the government collects revenue directly from the cultivator, who is also assumed to be the freehold proprietor. In Malabar, however, they are almost invariably two different people. In such a case, the revenue department rules provide that the *pattadar* (person liable to pay land revenue) must be the owner. When the district was first surveyed and settled (i.e., when field-by-field measurements were made and the fields were classified for purposes of revenue assessment—in 1905), the government prepared a register of all of the landowners, who in Malabar are called *janmis,* in the district who were liable to pay land revenue. This register, composed on a village basis, showed the configuration, location, and serial number of each holding of each *janmi* in the village. On the basis of the survey, settlement, and register of holdings, maps and accounts were prepared for each village. In 1930, these records were thoroughly overhauled and brought up-to-date in what was known as the "resettlement." Consulting these records today, one will find, for each village, perhaps 200 "fields." These fields are demarcated in the following way: all contiguous lands falling in the same broad crop-category (such as "garden" or "wet") and having the same revenue assessment rate per acre receive a separate number. If the fields are parcelled out among two or more *janmis,* these boundaries are indicated on the map, the subdivisions given an additional serial number, and their areas entered in the village account book under the serial number assigned to each *janmi,* called a *patta* number. Each *janmi* is given a *patta* certificate for all of his holdings in one village, stating their classification, area, survey number, and revenue assessment. If a *janmi's* holdings in one village are extensive or if they are widely scattered throughout the village, he may be issued two, three, or even a dozen *pattas. Janmis* having holdings in twenty or thirty villages—and many do—often hold two or three hundred *pattas.*

Although *taluk*[5] offices keep summary statements of the total revenue assessments of *janmis* with aggregate holdings paying Rs. 500 or more, there is no consolidated list for each *janmi* showing the location and size of his holdings. To prepare such a list from government records for each *janmi* in the district, one would be obliged to look through the account books of over 2,000 villages. Moreover, these accounts list holdings not by the *patta* numbers but by the serial number of fields. The task would take an estimated one hundred men at least two months to complete. Although the individual *janmis* possess their own lists, which they can produce on demand, it would be very difficult to verify them, for the last revenue resettlement, when government records were revised and brought up-to-date, was carried out more than twenty years ago. Today, the chances are that a given field in a given village shown in the records as belonging to a particular *janmi* has been sold, partitioned, and resold thrice over since that date. It is not unusual to find that the *janmi* who was once the largest landholder of the village has since died and that all of his properties have passed out of the hands of the original family without any entry having been made in the government records.

The Revenue and the Registration Departments have a procedure for recording periodic changes in land ownership and entering them in village ledgers, but

5 A taluk is a subdivision of a district. Malabar has nine of them.

the procedure is cumbrous, and transferees frequently ignore it. Moreover, because *janmam* properties frequently change hands either through partition or sale, disputes over possession frequently arise. As mutations are often not recorded anywhere, these disputes are frequent, protracted, and difficult to solve. Thus, if the government desired to draw an up-to-date list of the properties held by each *janmi* in the district as of, say, February 1, 1956, it would face a very difficult task, for there are more than 440,000 separate *pattas* and each *patta* would have to be traced to its present owner.

Problem of Tenants' Rights

Yet the problems which a record-of-rights commission must face in drawing up a current record of *janmis'* rights are trivial compared with those of preparing a similar record of tenants' rights. Most of the land in Malabar is sub-let by *janmis* to tenants; a large but indeterminate proportion of those lands are further sub-let to sub-tenants by intermediaries. When a *janmi* leases his land to a tenant, he does not always concern himself as to whether the leased portion coincides with any particular boundary shown on a map. If the leased item is substantial, it may accidentally coincide with the Revenue Department's maps and records, but there is seldom any conscious effort to see that it does. The reason is that many of the leases relate to holdings which tenants, their ancestors, or their assigners held long before settlement operations were ever thought of. As the survey and settlement officers were concerned, in carrying out their work, with the *janmi's* holding and not that of the tenant, the *janmi's* private arrangements with his tenants were seldom noted. If these tenants died, their holdings were partitioned or sold, and new lease deeds were executed, they were drawn up on the basis of the boundaries stated in the earlier leases. As the boundaries of these leases were invariably vague, they would, even if they were up-to-date (which they never are), be of little concrete assistance to a record-of-rights commission.

For a long time, leases contained no mention of the Revenue Department's field survey numbers. Finally, the Registration Department drew up a rule that all new leases had to state the survey numbers of the lands in which the leases were located. A deed, however, to qualify for registration, merely had to list the survey numbers in which the land or lands were located and the area of the *survey fields;* it was not necessary to state the area of the *leased plots.*[6] The results of that provision are sometimes confusing in the extreme. It is not uncommon, for example, for a single survey field devoted to the growing of rice to be twenty or thirty acres in extent. If it bore a uniform revenue classification and was owned by one *janmi,* there was no reason for the settlement officer to subdivide it. The *janmi* may lease portions of such a field to three or four tenants, each of whom may in turn sub-let to a dozen tenants. If all of their leases were registered, each one of the tenants and sub-tenants would be shown in the records of the Registration Department as holding the entire field. Not all leases, however, have to be registered and, despite the incredible amount of litigation which takes place every year over land disputes, only a small fraction are.[7] A large number—probably most—of the cultivating tenants in Malabar hold their lands on oral lease. The result is that very few tenants and practically no cultivators hold lands which can be identified on a map or traced in any written records public or private.

Few cultivators know the survey number in which their lands are located; few sub-tenants can say who the *janmi* of their lands is; as there is no statutory restriction on sub-letting, few *janmis* know who the cultivators of their lands are. To identify a cultivator's plots, it is generally necessary to go into the fields and inspect each one individually. If one asks a cultivator what the area of one of his paddy plots is, he will state its size in the form of the number of pounds of seed he uses to sow it. To determine its configuration and area, a survey team must actually go out into the field and measure it. Even the smallest cultivator usually has six or seven such plots scattered over one or two square miles.

As there are at least 500,000 families with some interest in land in Malabar, the total number of separate cultivators' holdings must be several million. To prepare a comprehensive record of rights, the Madras Government would have to resurvey the entire district and measure each individual holding. It would also have to provide a summary settlement of disputes over titles and boundaries affecting a substantial fraction of those holdings. It took the government fourteen years and cost (at pre-World War I prices) almost three million rupees to carry out the first survey and settlement of the district[8] and to prepare a register of only *one* set of right-holders. At that time the population was only half what it is today. Moreover, if such a record were not to become worthless even before it was prepared, it would be necessary for the government to

6 *The Madras Registration Manual,* Vol. I, Madras, Government Press, 1927, p. 65.

7 According to the Indian Registration Act of 1908 (S.17) only leases involving a consideration of Rs. 100 or more must be registered in order to be acceptable in court as evidence of title.

8 *Report on the Settlement of Malabar District,* Madras, Goverment Press, 1905, p. 24.

declare a moratorium on all land transfers during the period when the record was in preparation.

Before such a monumental task were undertaken, some concrete notion of the probable cost would have to be obtained. This could only be determined by a properly planned pilot project. It is possible that the preparation of a record-of-rights would, in places like Malabar, prove too time-consuming and expensive a process to be worth while. It is also possible that in such a region, where there are two persons for every acre of cultivated land and five persons per acre of foodgrains, the Planning Commission's goal of an economic holding for every cultivator could not be achieved without dispossessing a large percentage of the agricultural population, and that public policy would therefore dictate a different approach to the land question.

Densely populated areas with highly complex landholding patterns raise immense problems for both land reform planners and administrators. Yet it would be the height of folly to neglect these regions on the assumption that it is better to leave them as they are than to risk introducing possibly unworkable schemes which may in the end have to be abandoned. It is precisely in places like Malabar that a solution to the land tenure problem is most urgent, for in such areas no rural development scheme has any chance of success so long as land tenure patterns remain as they are. Malabar and other sections of India with similar land problems deserve priority of attention. The first step in the direction of a solution should be a carefully planned survey of land tenures in selected "problem regions" of India organized and carried out not by members of legislatures and state revenue department officials, but by a staff of economists and statisticians working under the auspices of the Planning Commission or under a Central Government Department. Only under Central auspices would adequate funds be obtainable for a proper study, and only by this means would the Planning Commission be able in the future to frame its land reform recommendations realistically and with some fore-knowledge of their chances of success.

Nationality Tensions in Sinkiang

BY ALLEN S. WHITING

THE ESTABLISHMENT of the Sinkiang Uighur Autonomous Region marked a major step in the nationality policy of Communist China.[1] Though it was given little attention in the Western press, it was no less important a step in its cultural, economic, political, and international ramifications than those preceding it in Inner Mongolia and Tibet. Sinkiang provides a testing-ground for three major goals of the Chinese Communists: (1) to remold alien societies where the racially Chinese (Han) residents are a decided minority, (2) to develop industrial bases far inland from China's more technologically advanced areas, and (3) to unify the borderlands under a centralized Chinese administration which can control, if not eliminate, all foreign influences penetrating these zones.

Within Sinkiang an interesting case-study of nationality tensions and their impact upon both China's domestic and foreign politics emerged with the so-called "East Turkestan Republic." Created as the result of a Soviet-aided revolution on November 7, 1944, this Kazakh regime ruled three districts bordering Russia—Ili, Tacheng, and Ashan (Altai)—as a genuinely autonomous area at least until the Communist takeover of the province on September 19, 1949. Although reliable first-hand reports have been virtually unobtainable, a careful reading of the Chinese Communist press reveals a group of problems which delayed the re-establishment of the highly nationalistic regime as the "Inning Kazakh *chou*" until November 28, 1954. The problems experienced in the Ili uprising differ only in degree from those arising throughout Sinkiang as Chinese control is reasserted over a province which has lived for decades beyond the effective reach of any central Chinese government.[2]

The three districts include almost one-sixth of Sinkiang's total population and are preponderantly Kazakh in composition.[3] Their natural wealth includes oil,

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1 For relevant documents on the nationality problem including the full text of the "General Program" promulgated on August 9, 1952, see *Policy Towards Nationalities of the People's Republic of China,* Peking: Foreign Languages Press, 1953.

2 The author is indebted to the Union Research Institute of Hong Kong which so generously shared with him its excellent files of contemporary Chinese periodicals.

3 *Sinkiang Jih Pao,* December 11, 1954. Official Chinese Nationalist provincial figures placed the 1947 population at