

The Nagpur Resolution

Agrarian Organisation Pattern

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The unanimous vote On the Nagpur Resolution should not delude anyone into the belief that the august assemblage that adopted it were all thirsting for its implementation. Indeed, the proceedings of the session indicate considerable open opposition. More than that, there was widespread, mental reservation.

The chances, therefore, are that, left to themselves, some State Governments may just refuse to enact the necessary legislation, and most of the rest may leave enough loopholes for the landlords to escape.

And, if as is most likely, in case the State Governments are left to themselves, no attempt is made to confer proprietary rights on the remaining occupancy tenants, the ceiling is fixed as high as 30 standard acres or so, all sorts of exemptions are allowed, and legislation is implemented through the bureaucracy without participation of the landless tillers themselves, the Resolution will remain virtually a dead letter.

There will hardly be any impact on the existing organisational pattern of agriculture.

THE Nagpur Resolution on agrarian organisational pattern is, in letter, quite forward looking. It recommends that;

- 1 The village organisation and development should be based on Panchayats and cooperatives;
- 2 The future agrarian pattern should be that of cooperative joint farming, the produce of land being shared partly in proportion to labour rendered and partly in proportion to land pooled;
- 3 As a first step, prior to the institution of joint farming, the whole country should be covered with service cooperatives during the next three years;
- 4 Even within the three years, wherever possible, joint cultivation may be started;
- 5 Ceilings should be fixed on existing and future holdings and legislation to this effect, as well as for the abolition of intermediaries, should be completed in all States by the end of 1959; and
- 6 The surplus land should vest in the Panchayats and should be managed through cooperatives of landless labourers.

The actual impact of the Resolution on the agrarian pattern will, however, depend on how it is interpreted and implemented.

Issues in Interpretation

The most important issue in the interpretation of the Resolution is that of appropriate definition of the different relevant categories. Much will depend upon how these cate-

gories are defined in the legislation to be enacted to give effect to this Resolution. Some of the major definitional issues are discussed below.

Landless Labourer

The Resolution recommends that the surplus land should be managed through cooperatives of landless labourers*. This calls for definition of the terms "labourer" and "landless".

"Labourer" is intended in the Resolution to mean hired farm workers, i.e., those working for wages. But how to distinguish hired farm workers from tillers working on own account, i.e., from cultivating tenants? The difficulty arises because quite a proportion of attached (as distinguished from casual) farm employees are paid not a fixed wage but a share of the crop. As long as a farm worker is paid a fixed wage whether in cash or kind, and with or without the supply, in addition, of perquisites, is immaterial for the present purpose he is certainly a hired farm worker. The problem arises when he is paid a share of the crop. The Congress Working Committee in their suggestions appended to the report of the A I C C Agricultural Production Sub-committee have recommended that a tiller whose wages depend upon the produce or the crop should be treated as a tenant. If the term "labourer" is interpreted to mean hired farm workers, if accordingly, the membership of the cooperatives that would manage the surplus land is limited to landless hired farm workers, and if tillers receiving wages as a share of crop are

classed as tenants, a sizeable proportion of landless tillers would be debarred from the membership of such cooperatives. There seems to be little justification for this. Indeed, there is little justification for keeping out any category of landless tenants. To get over this difficulty, it is suggested that the term "labourer" should be interpreted to mean a "tiller". And a "tiller" should be defined as a person who personally engaged (as distinguished from mere supervision) during the last two years in specified principal farming operations (ploughing, sowing, hoeing, weeding, harvesting etc) for a total of not less than 240 days. The capacity in which a person engaged in farming operations i.e., whether as hired farm worker, tenant cultivator, or owner cultivator should be considered irrelevant in determining whether or not a person was a "tiller".

The problem, next, is to define the term "landless". If it is defined literally to mean a person without any agricultural land whatsoever, a good proportion of even hired farm workers, not to mention other categories of tillers, would be debarred from the proposed cooperatives. As revealed by the 'Report on Agricultural Labour Enquiry' (1954), a considerable proportion of agricultural labourers (defined as persons who had been engaged in agricultural operations as hired labourers for wages for 50 per cent or more of the total number of days worked by them during the previous year) owned small plots of land. Over the country as a whole, agricultural labour

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families (defined as those in which either the head of the family or 50 per cent or more of the earners were agricultural labourers) formed 30.4 per cent of the total of rural families. Of the former, exactly half, i e, 15.2 per cent of the total of rural families, were with land. It would be wrong to exclude these small holders. The term "landless" should, therefore, be defined to include all those holding no land, or holding less than a specified minimum of land, say, 2 - 3 standard acres.

"Landless labourer", understood as "landless tiller" could then be defined as: "any person, not holding more than 2 - 3 standard acres of land, who, during the previous two years, had personally engaged in specified principal farming operations for a total of not less than 240 days." All such landless labourers or tillers should be eligible for membership of the proposed co-operatives.

Panchayat

The Resolution suggests that surplus land should vest in the Panchayats. Since this land is proposed to be managed through cooperatives of landless labourers, it would be very improper to vest it in the existing Panchayats which are dominated in most cases by the rural rich the substantial holders, the moneylenders and the traders who are the very people who today employ, exploit and oppress the landless labourers. If the latter are to be freed from exploitation and oppression, if their social status is to be improved, and if they are to be enabled to make full and efficient use of the surplus land, such land must vest in them, at least collectively. To this end the term "Panchayat" should be interpreted to mean Panchayats exclusively of landless labourers. Once the landless labourers of each village have been demarcated in accordance with the definition suggested above, the election of their separate Panchayats could be easily arranged. The surplus land should vest in such landless labour Panchayats rather than existing Panchayats.

Holding

A "holding" should be defined, for the present purpose, as the area over which a person has full proprietary rights, i e, exclusive permanent, heritable and trans-

ferable rights. In other words, no one below or above this person should have any permanent and heritable rights on the area. The definition adopted in the Census of Holdings insisted only on one of these conditions, namely that for an area to be considered as a person's holding no one below him should have any permanent and heritable rights on it. If below him (A) any other person (B) had such rights, the area was to be considered the latter's (B's) holding and excluded from the former's (A's) holding. For the present purpose it is necessary to insist on the second condition as well, namely that for an area to be considered a particular person's holding no one above him, either, should have any permanent and heritable rights or otherwise limit his proprietary rights on it. Or else two different categories, namely "area held in full proprietorship" and "area held under occupancy rights only" will be (wrongly) treated alike.

Occupancy Tenants into Full Owners

Where occupancy rights are yet held under intermediaries, as, for instance, in the case of 'protected tenants' in Bombay, legislation for the abolition of intermediaries should be enacted, as required by the Nagpur Resolution, by the end of 1959. If this legislation is modelled, as is most likely, after the U P Zamindari Abolition Act, its effect would be to transform the occupancy tenants of the intermediaries into that of the State. It may be recalled that in U P. as a result of the Zamindari Abolition Act, the occupancy tenants of the Zamindars became the occupancy tenants of the State, called Sirdars, paying to the latter the same rental as previously paid to the farmer. Naturally, the problem next is to turn the occupancy tenants of the State into full proprietors. Under the U P Zamindari Abolition Act the Sirdars, in order to acquire proprietary rights (called Bhumidari rights) had to pay 10 times their rental liability in lump sum (or a somewhat higher multiple in instalments). The majority of the Sirdars, some three-fourths of them measured by the area held, have failed to acquire Bhumidari rights. The process has practically come to a halt, with little chances of revival.

A practical way now to enable the Sirdars to acquire proprietary rights appears to be as follows. Such of them as hold (including the area held under Bhumidari rights) less than a minimum amount of land, say, half a plough-unit, may be conferred proprietary rights gratis. All others must be required to acquire such rights by a specified date either by paying up the amount due or by surrendering land in lieu of it. The same general procedure may be adopted elsewhere to turn the occupancy tenants of the State into full owners. The suggested procedure then is: from occupancy tenants of intermediaries, through those of the State, to full owners. That is the way to ensure that all holdings shall represent uniformity of rights, namely full proprietary rights. These could then be treated alike for the present purpose. In case of a mortgage with possession the area could be treated as forming part of the holding of the mortgagee.

Ceiling: Tillers and Non-tillers

In fixing the ceiling, account must be taken of the fact that landlords all over the country have, by now, very largely either sold off or dispersed the surplus land. One way to counteract this would be to invalidate all transfers since a suitable date and proceed to determine the surplus with reference to the size of the holding on that date. Recent experience, e g, in the Punjab, shows that it is very difficult to fix a date early enough to yield adequate results. Besides, even if an early enough date were actually fixed, its implementation would raise several thorny problems. A considerable proportion of this land, it may be recalled, has been sold to bonafide buyers, many of whom are actual tillers. Would it be desirable to deprive them of this land? Even if so, how should they be enabled to recover the price paid by them? And so on.

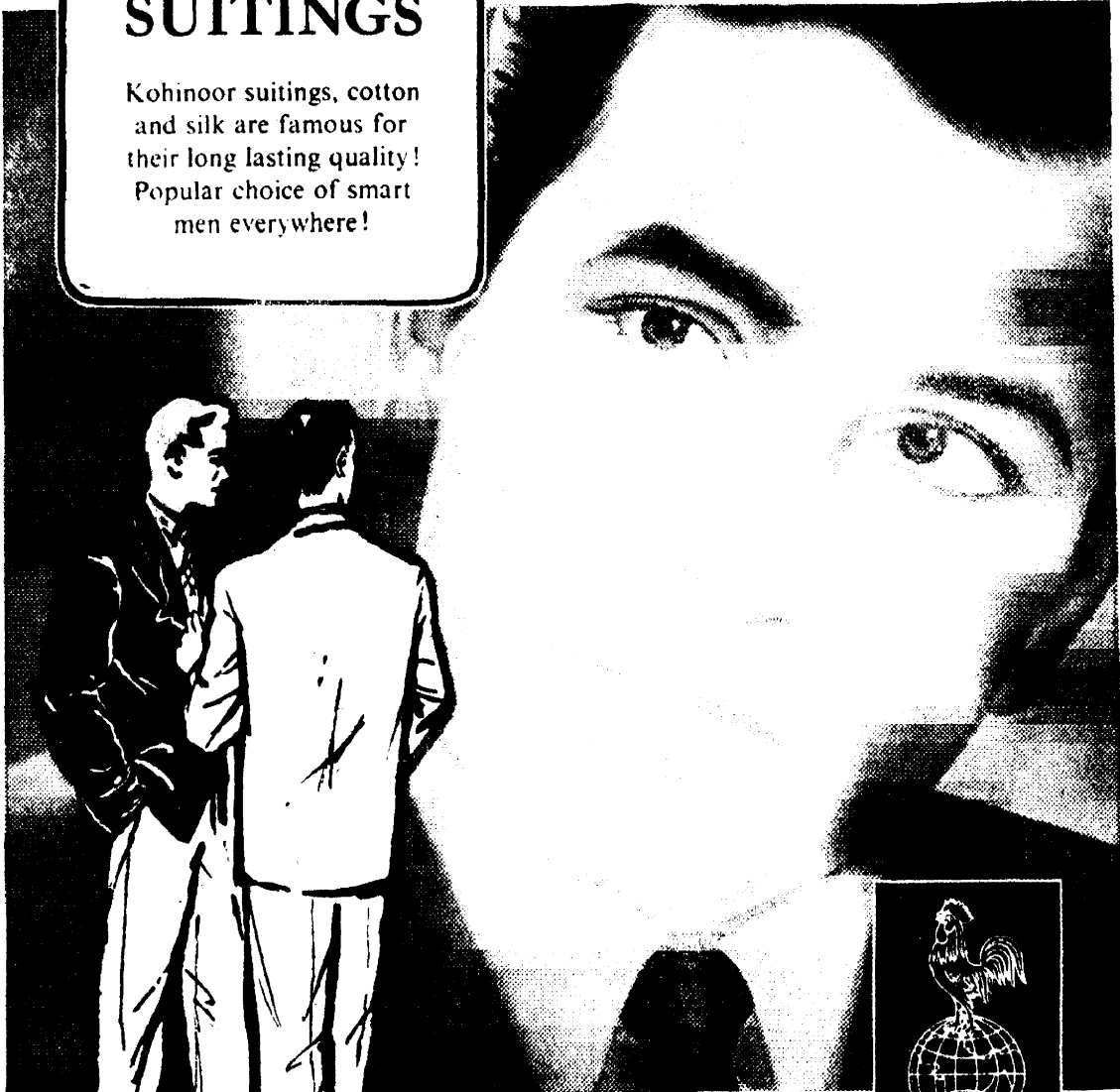
A better way, consistent with the objectives of the Resolution, appears to be to have two ceilings — one for the tillers and the other for the non-tillers. The two ceilings must be fixed in terms of the most important indivisible unit of agricultural real capital. Pending co-operativisation, i e, as long as family farming remains the general rule among the substantial holders, the



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most important such unit must be the plough unit. Cultivation by tractors is socially unnecessary at the present stage of the country's development. It is doubtful if to-day it is generally paying even in the sense of private net return on capital. It should, therefore, be discouraged. Indeed, the main incentive to cultivation by tractors to-day is the desire to escape redistributive agrarian legislation through instituting "personal" cultivation. Once such legislation is finally enacted and implemented, this incentive will no longer be there. Accordingly bullock cultivation may be considered as the normal rule for a considerable time to come. When such cultivation is carried on on a family basis, the most important indivisible unit of real capital naturally is the plough unit. The ceiling may, therefore, be fixed best in terms of this unit: two plough-units for tillers and one plough-unit for non-tillers. (Persons who are non-tillers because of exceptional circumstances, e.g. defense personnel other than senior Commissioned Officers, minors, widows, invalids, workers and employees drawing less than Rs 250 per month etc, could be treated for this purpose at par with tillers.) In terms of standard acres, as the term is understood in the Punjab, the ceiling would thus be fixed at about 20 and 10 standard acres, respectively. This way the dispersal of lands by the substantial holders could be considerably counteracted while the interests of bonafide tiller-buyers of such land could be protected.

Surplus Land

If the ceiling is imposed at the indicated level, the surplus land released would be large enough to afford considerable relief to the landless tillers and to impart significant impetus to cooperativisation of farming. On the other hand if a single ceiling of about 30 standard acres is fixed for all holders, whether tillers or non-tillers, the proposed agrarian legislation will be a flop. The country just cannot afford this. For this would frustrate hopes alike of overcoming agricultural stagnation and of achieving peaceful and orderly social change.

For determining the "surplus land" available with the large holders, the holdings and the ceiling must be reduced to a common mea-

sure, i.e., into "standard acres". The "standard acre" may be defined as one-tenth of a "plough-unit". The "plough-unit", in turn, may be defined as the area of land that can be adequately serviced, under the existing agricultural techniques, with a pair of bullocks. The "plough-unit", and hence the "standard acre", will naturally vary in terms of ordinary acres depending upon the nature and quality of land. Ceiling at the suggested level would fix it at 20 standard acres for the tillers and 10 standard acres for the non-tillers.

The Second Five Year Plan had suggested several exemptions from the operation of the ceiling on existing holdings. The Nagpur Resolution is silent on the point. But it is obvious by now that such exemptions, particularly those in respect of orchards, specialised farms, and efficiently managed farms would provide wide loopholes for the substantial holders to escape. When distribution of the surplus land among the landless and the landpoor was contemplated, there could be some justification, even if just theoretical, for leaving highly mechanized or well-managed farms intact. For fragmentation could possibly impair their efficiency. But now that it is proposed to keep the surplus land intact and to manage it cooperatively, there is really no case for such exemptions.

To be Augmented

The Resolution suggests that the surplus land should vest in the Panchayats and should be managed through cooperatives of landless labourers. If at least a minimum of success is to be achieved in providing land to the landless tillers, the term "surplus land" should be interpreted to include not only the part of holdings in excess of the ceiling but also:

- (a) land surrendered by occupancy tenants in lieu of the amount payable by them for the acquisition of proprietary rights;
- (b) surplus government lands;
- (c) the Bhoodan lands;
- (d) the village common lands, and
- (e) the lands acquired under the land management legislation (i.e., for failure of the owners to cultivate these).

All these lands should vest in the landless labour Panchayats and be managed through the landless la-

bour cooperatives. Besides, all other land available for renting out should be disposed of only through the landless labour Panchayat. This will ensure that all such land is made available to those who need it the most and that legislation in respect of fair rents, fixity of tenure etc, is adequately enforced.

The Resolution, while accepting cooperative joint farming as the future agrarian pattern, envisages, as a first step, a three-year period in which the emphasis is to be on creating a network of service cooperatives to cover the whole country. This is a correct approach. As experience elsewhere indicates, the transition from individual to cooperative joint farming cannot be effected in one step; it has to proceed through several transitional steps. However, in the case of "surplus land", the Resolution requires that the Panchayat should forthwith manage it through cooperatives of landless labourers. If "cooperative management" is interpreted as "cooperative joint farming", it would require change over to cooperative joint farming at a single step. This would be anomalous. Why should landless labourers be required to do straightaway what is considered proper only through several transitional steps in the case of the rest of the peasantry? It would, therefore, be proper to interpret "cooperative management" in such a way as to permit the cooperatives of landless labourers, in the first instance, to distribute the land equally among the members for cultivation, while performing some minimum common services. At the same time, it could be made incumbent on such cooperatives to organise their members into labour exchange teams within three years and to pass on to cooperative joint farming within five years. This interpretation would remove the apparent anomaly in the Resolution as between what is expected of the landless labourers and the rest of the peasantry in regard to the change over to cooperative joint farming.

Implementation: Administering Agency

Defective implementation can bring to nought even the most soundly conceived land reform legislation. It is, therefore, imperative to ensure correct and effective implementation. Some of

the issues that this raises are discussed below.

The land reform legislation and other measures seeking to give effect to the Resolution should be implemented through two distinct agencies working in collaboration: The Land Reorganisation Department and the Landless Labour Panchayats. Each State should create an independent Land Reorganisation Department. Its personnel should be drawn temporarily from among such of the staff of the revenue, agriculture, cooperative, consolidation etc, departments and the N E S as are known for their honesty. Integrity, sympathy for the tillers and a reasonable understanding of the land problem. If necessary, the desired type of personnel may also be recruited from the 'open market'. The entire staff of the new department should be put through a short but intensive course of training, preferably in conjunction with pilot surveys for the implementation of the legislation. While the proposed department will remedy the weakness felt hitherto of "inadequate administrative action", the way out of the "weakness in organisation at the village level" must be sought in the organisation and activation of Landless Labour Panchayats mentioned above. This is the first job to which the proposed Department should address itself. The Village Landless Labour Panchayats should form the base, and indirectly elected Circle, District and State Landless Labour Panchayats, the superstructure.

Land Evaluation

And Determination of Status

The evaluation of holdings in terms of standard acres and determination of the status of the holders and the labourers should be the responsibility of the village Land Reorganisation Tribunal comprised of the Land Reorganisation Officer deputed to the village (Chairman), the Chairman of the village Panchayat and the Chairman of the Landless Labour Panchayat. An appeal against a decision of the village tribunal may lie with the Circle Tribunal comprised of the Circle Land Reorganisation Officer (Chairman), and the Chairman and the Secretary of the Circle Landless Labour Panchayat. The decision of the Circle Tribunal should be final. Disputes as to whether or not a tiller was a "land-

less tiller" should likewise be disposed of by the village Tribunal with right of appeal to the Circle Tribunal.

As soon as the status of substantial holder had been determined and their holdings evaluated in standard acres, the ceiling could be applied. The surplus land could then be demarcated and vested in the Landless Labour Panchayats.

The Land Reorganisation Department assisted by the Landless Labour Panchayats and Landless Labour mass organisations could now proceed to organise landless labour cooperatives to manage the surplus land. In due course, the Department, assisted by the village Panchayat and mass kisan organisations, could proceed to organise joint farming cooperatives embracing other tillers.

Cooperative joint farming raises all sorts of problems which need to be solved satisfactorily. It is, therefore, imperative that steps should be taken right now to gain necessary experience. One way to do this would be to seek to organise such cooperatives on other categories of surplus land, e g, surplus government land, Bhoodan land etc. Another way would be to organise small holders' cooperatives which, naturally, would be very similar to the proposed landless labour cooperatives. On the basis of the experience thus gained, a set of model regulations could be drawn up to serve as a guide for the proposed cooperatives of landless labour and the rest of the peasantry.

Peasant Movement Needed

The unanimous vote on the Nagpur Resolution should not delude anyone into the belief that the august assemblage that adopted it were all thirsting for its implementation. Indeed, the proceedings of the session indicate considerable open opposition to the entire approach to the agrarian organisational pattern embodied in the Resolution. More than that, there was widespread mental reservation. The chances, therefore, are that, left to themselves, some State Governments may just refuse to enact the necessary legislation, and most of the rest may leave enough loopholes for the landlords to escape. Hardly any Congress government is expected to interpret and implement the Resolution in the manner indicated above. And, if as is most

likely, in case the state Governments are left to themselves, no attempt is made to confer proprietary rights on the remaining occupancy tenants, the ceiling is fixed as high as 30 standard acres or *BO* for both tillers and non-tillers, all sorts of exemptions are allowed, the surplus land is vested in the existing Panchayats rather than the suggested Landless Labour Panchayats, surplus government lands, Bhoodan lands etc, are not pooled into the surplus lands released through imposition of ceilings, and legislation is implemented through the bureaucracy without participation of the landless tillers themselves, the Resolution will remain virtually a dead letter. There will hardly be any impact on the existing organisational pattern of agriculture.

Only a vigorous peasant movement spearheaded by the landless tillers can ensure anything like the interpretation and implementation of the Resolution suggested here. Here is an opportunity and a challenge for all those who genuinely believe in a socialist pattern of society to work towards putting the country on the road to that goal. Is it too much to hope that they will rise to the occasion?

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