

An inner view into the problems faced by Tenant farmers, the important suggestions to overcome the problems of Tenant farmers

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Abstract

Andhra Pradesh state is largest producer of rice in India, but more than 50% of farmers who cultivate paddy, other crops are tenant farmers. In this paper the tenancy system in the state of Andhra Pradesh (India), the major problems that are faced by tenant farmers are discussed with a few case studies in the districts of East Godavari, West Godavari, Krishna and Guntur. The legislative laws which protect the rights of tenant farmers are also discussed. Finally the suitable measures and suggestions to overcome the tenant farmers problems are suggested.

Key words- *Tenant farmers, Andhra Pradesh, legislative laws, suggestions*

1. Introduction

Andhra Pradesh, a state in India, is called farmer's state, the state is largest producer of rice in south India. But the irony is that most of these farmers are merely cultivators who do not own the land that they plough, generally called-TENANT FARMERS. Of the total 1.2 crore farmers at present in the state, 50-55 lakh are tenant farmers. Tenant farmers are those who cultivate crops by taking land on lease. Tenant farming is an agricultural production system in which landowners contribute their land and often a measure of operating capital and management; while tenant farmers contribute their labour along with at times varying amounts of capital and management. Agreements of such lease, even when made orally, are considered as lease contracts. Depending on the contract, tenants can make payments to the owner either of a fixed portion of

the product, cash or in a combination. The rights the tenant has over the land and measure of the payment varies across systems (geographically and chronologically). In some systems, the tenant could be evicted at whim i.e., tenancy in will; in others, the landowner and tenant sign a contract for a fixed number of years. As per the AP Tenancy Act of 1956, the tenant farmer must hand over one third of the yield to the land owner-farmer apart from paying the lease amount before taking possession of the land to cultivate. During the pre-independence period under British rule three main types of land tenure systems were in India. They are

1.1 Zamindari: This system was introduced by Lord Cornwallis in Bengal in 1773. Under this system, the land of a village or few villages was held by one person or few joint owners who were responsible for payment of land revenue to the Government. There used to be number of intermediaries between the Zamindars and the actual farmers. The system took various forms such as Zamindari, Jagirdari, Inamdari, etc. In many cases revenue collectors were raised to the status of land owners. This system was introduced in many parts of the country. In this system, tillers of the soil were exploited by way of exorbitant rents. There were no incentives for them to improve the land or to use better cultivation practices. There were many other social evils of the system. It is said that the British introduced Zamindari system to achieve two objectives. First, it helped in regular collection of land revenue from a few persons i.e. Zamindars. Secondly, it created a class of people who would remain loyal to the British ruler in the country.

1.2 Mahalwari: Under this system, the village lands were held jointly by the village communities, the members of which were jointly and severally

responsible for the payment of land revenue. Land revenue was fixed for the whole village and the village headman (Lumberdar) collected it for which he received 'Panchatra' i.e. 5 per cent as commission.

1.3 Rayatwari: It was introduced by Sir Thomas Munro first in Madras state and then in Bombay State. In this system, there was a direct relationship between Government and the tenant or Rayat i.e. individual land holder. Every registered holder was recognized as its proprietor and he could sell or transfer the land. He was assured of permanent tenure as long as he paid the land revenue. The land holder was also allowed to sublet his land. It was a better system as compared to Zamindari or Mahalwari and similar other forms of tenure.

However, post-Independence Tenancy Acts were passed in most States which provided for — Regulation of rent, Security of tenure and Conferment of ownership on tenants. Protection of tenants and regulation of rent is the first step in the tenancy reforms with the ultimate objective being the land to the tiller.

2. REASONS FOR TENANCY

The main reasons for tenancy are given below

1. Hope for increased earnings.
2. Sufficient fodder availability and live stock.
3. No need for migration.
4. Loans come by and stakes go up.
5. Food grains for consumption remaining after payment to landowner.

Reasons for giving lands on lease

1. After the rich landowners moved away from villages in search of other businesses, small and medium farmers and agricultural laborers belonging to the vulnerable sections tried to fill in the gaps.
2. Diversification to other livelihoods, labour issues, new generation turning to white collar jobs.
3. Income without effort (per acre average is Rs. 8,500), competition amongst lessees for taking land on lease.

3. SURVEY ON TENANT FARMERS

The survey on tenancy was conducted in 5 randomly selected villages in 5 coastal districts (East Godavari, West Godavari, Krishna and Guntur) across 1500 households. Of the 1500 households, 991 households are absolutely land less and of the remaining 509 households, 80% owned up to 1 acre of land.

“Table 1. Tenant farming in survey districts of Andhra Pradesh”

District	Total area in Survey Mandal (acres)	Tenancy land in Survey Mandal (acres)	% land on tenant farming
West Godavari	2700	2030	75
East Godavari	7700	5390	70
Krishna	2170	1200	55
Guntur	1000	600	60

Source: field survey

The following were the findings from the Survey.

1. 100% of tenancy is informal. Of the 1500 households taking lands on lease, not even one lease agreement has been recorded in the revenue records.
2. 55-60% of lands in villages are under lease.
3. Major lessees grow paddy.
4. Terms of tenancy are a mixture of sharecropping and cash. In West Godavari, yield per acre is 50 – 70 bags. Lease rent is 29-34 bags of rice. 2nd crop is pulses.
5. In 3 other districts (East Godavari, Krishna, and Guntur) maximum yield is 40 bags of rice. 2nd crop is pulses. Lease rent is 16-25 bags of rice.
6. Significantly, 56.67% of tenants have been leasing in land from the same landowner. In West Godavari & Krishna 70% of tenants have been leasing in lands from the same owners.
7. For instance, 70 per cent of the land in East Godavari is cultivated by tenant farming community where each farmer has to shell out Rs 13,000 towards lease and Rs 12,000 for investments to sow in an acre of land. A case study on one farmer 'Erakaiah' of Ullamparru village of East Godavari- took four acres on lease and spent Rs 60,000. While the yield is 34-38 bags per one acre, the landlord farmer gets 13-16 bags. As per the existing Act, 'Erakaiah' should hand over 52 bags to the land owner. But he's devastated with the crop going down the drain. Inevitably, death was his last resort. Tenant farmers do not exist in revenue records. As a result, they are exposed to several problems. Absence of transparency in tie-ups with landlords makes them pay exorbitant and unreasonable payouts in cash and kind. The next problem is financing. Doors of almost all institutional finance are shut on them as they do not carry any Government tag. As a result, they are forced to depend on money lenders, landlords, input sellers and micro-finance institutions. Obviously, this costs them heavily. Add to this, huge rentals, skyrocketing input prices and very high rate of interest (which goes up to 36 per cent) on loans push them to the edge.

4. Tenancy reforms & laws in Andhra Pradesh

The inadequate implementation of the land reforms and changes in the rural economy has led to a situation where there is increasing number of tenant farmers. The Bankers' committee estimations show that there are more than 52 lakh tenant farmers in Andhra Pradesh. All these tenancy are based on oral agreements. Government of AP has brought AP Tenancy (Andhra area) Act in 1956 which was amended in 1974 and came into force from 1980. As per the act,

1. The government has to register all the tenant farmers. Till now this is not implemented. As a result the tenant farmers are not eligible for any government support in the form of credit, subsidies, insurance or crop compensations in case of failure.
2. The government should appoint a special officer who settles the disputes with respect to tenancy.
3. The lease should be 33 % in case of irrigated and 24 % in case of rain feed of the total output.
4. The tenant farmer has to bear the costs of cultivation and land lord should bear the taxes. The agreement can be in the form of cash or kind.

But in practice the tenancy costs are very high. In West Godavari district where paddy is predominantly grown, the least amounts to 29-34 bags per acre per season. In Krishna district it ranges from 16-25 bags/acre.

Tenancy reforms came into existence under the provisions of Article 39(b) and (c) of the Constitution of India. The aim is that the cultivators should enjoy the benefits of their hard work.

Some important tenancy reform acts of Andhra Pradesh are:

- Andhra Pradesh (Andhra Area) Tenancy Act, 1958
- Andhra Pradesh (Telangana Area) Tenancy & Agricultural Lands Act, 1958
- Andhra Pradesh (Telangana Area) Abolition of Inam Act, 1958
- Hyderabad Tenancy & Agricultural Land Act, 1950
- Andhra Pradesh Mahals (Abolition & Conversion into Ryotwari) Regulation, 1960
- Andhra Pradesh Lands (Prohibition & Transfers) Act, 1977
- Andhra Pradesh Tenants and Riots Protection Act, 1979
- Andhra Pradesh (Telangana Area) Estates Land (Abolition of Jagirs) Regulation, 1358F
- Hyderabad (Abolition of Jagirs) Regulation, 1358F

- Hyderabad Tenancy and Agricultural Lands Act, 1950

As a mile stone to protect the rights of tenant farmers an ordinance was given by Government of Andhra Pradesh on 08-06-2011 called as "ANDHRA PRADESH LOAN AND ALLIED BENEFITS ELIGIBILITY CARD (PERMITTED CULTIVATORS) ACT, 2011.", this was passed as Act on 23-12-2011. By this it is easy to tenant farmers to source Crop Production loan from Banks apart from Crop Insurance benefit and other benefits from Government such as input subsidy in his name, compensation for damage to crop and for matters connected. The salient features of this Act are given below:-

- To provide Loan Eligibility Cards for farmers in permitted cultivation of land.
- To provide farmers access to public financial institutions for loan, crop claim insurance, input subsidy etc.
- To claim damages to crop.
- To infuse confidence in permitted enjoyment farming community and to prevent suicides.
- To safe guard the rights of the land owners/pattadar of the land which was given for permitted cultivation.

During 2012-13, till the end of August, an amount of Rs. 116 crore credit is extended to 34,227 non-loanee farmers and an amount of Rs. 205 crore of credit was extended to 96,845 tenant farmers.

5. SUGGESTIONS TO OVER COME THE PROBLEMS OF TENANT FARMERS

1. By providing security of tenure and ownership rights to tenants and sharecroppers and by regulating rent payable by them to the landowner.
2. By consolidation of landholdings and thereby bringing about rearrangements of land for better productivity.
3. By development of public lands for providing better access to the rural poor for fuel wood and fodder.
4. By regulating usurious money lending and providing alternative sources of credit.
5. By providing access to women to land and other productive assets.
6. By protecting homestead rights of the rural poor on lands owned by them and providing them with house sites for construction of residential houses.
7. Encouragement of co-operative societies to hold land other than individuals

8. Tenancy reforms like conversion of tenants into ownership; and preventing the fragmentation of holdings by prescribing a standard area below which no fragmentation will be allowed by transfer, partition or settlement.

9. Loopholes in existing laws should be plugged so as to secure complete tenurial and ownership rights on under-tenants and sharecroppers.

10. Priority should be given to comprehensive programmes for preparation and maintenance of land records even where there is no statute for preparation of such records.

11. Special attention need to be paid to tribal areas. Loopholes in laws applicable to tribals need to be plugged and administrative machinery need to be strengthened. Cadastral survey of tribal areas should be completed where it has not already been done.

12. All tenants including sharecroppers should be identified, their right should be recorded and permanent heritable rights should be conferred on them before consolidation operations are started.

13. In the programme for consolidation of holdings, land of small holders and surplus wastelands available for distribution should be consolidated in compact blocks to facilitate the future public or government investments for irrigation etc. to the underprivileged.

14. The administrative set-up requires to be strengthened at different levels and should be imbued with a sense of direction and purpose.

15. Associations or committees of beneficiaries require to be established at village and block levels to fight for the rights of underprivileged and to advise on implementation of all measures of land reforms and provision of supporting facilities to beneficiaries. Landless and sharecroppers and small landholders should be adequately represented on these committees.

16. The definition of personal cultivation should lay stress on the following ingredients:

(a) The person claiming to be in cultivation of the land must bear the entire cost of cultivation;

(b) He must cultivate his own land by his own labour or by the labour of any member of his family;

(c) He or member of his family should reside for the greater part of the year in the locality where the land is located; and

(d) Cultivation should be the main source of his income.

17. No transfer of agricultural lands should be permitted to be made to any non-agriculturist.

18. The tenants (whether occupancy or non-occupancy) dispossessed by force or by fraud or by any other illegal means from their land must be restored to their possession as expeditiously as possible.

19. The field data has shown that there are large number of sharecroppers/tenants at will, who have been working with the same landowner for a number of years and are entitled to be conferred the status of occupancy tenant/owner within their respective states. All such tenants should be conferred with the status of occupancy tenant/owner with retrospective effect. Even those who have been evicted or shifted from earlier plots should be restored to the status of occupancy tenant/ownership right. The recognized Kisan Sabha/Peasant Organization/Voluntary Organization/Activist Organization should be associated in such effort and their evidence on the tenancy status of an incumbent should be made admissible.

20. If the landowner does not give receipt to the non-occupying tenant, the sharecropper should be allowed to deposit share of the produce of landowner with the nearest authority. The landowner should be made liable to criminal prosecution for refusal to grant receipts. Onus of proof should be shifted to the landowner to establish that the latter is not cultivating the land.

21. The tenants in the cultivable lands of religious institutions, trusts, mutts, etc., should also be conferred with ownership right in respect of those lands. Those institutions may be provided with annuity.

22. Resumption of land by landowners from tenants for self-cultivation should not be allowed except in case of physically-handicapped or serving army personnel.

23. Ejection of tenants for non-payment of rent should be prohibited.

24. The small and marginal farmers who are compelled to lease out to big landowners should be linked with institutional agencies, anti-poverty programmes and rural development schemes (like Jawahar Rojgar Yojna/ P.M. Rojgar Yojna, etc.) to make their farms viable. If they lack implements, irrigation facility and inputs, such facilities should be extended to them.

25. In case of a dispute between the landowner and the persons claiming to be tenants/sharecroppers, the burden of proof should be on the landowner to prove the negative.

26. Sharecroppers should be legally included as tenants within the tenancy-reform laws.

27. Special drives should be launched to identify informal tenants/ sharecroppers in all the districts who should be immediately conferred occupancy tenant/ownership status. In this drive, the local Peasant Organizations/Agricultural Labour Organizations/Voluntary Organizations/Kisan Sabhas and other activist groups should be actively associated.

28. The recognized local Peasant Organization/Agricultural Labour Organization/Voluntary Organization/Activist Organization should

be permitted to file claims for the conferment of occupancy right/ownership right to sharecropper/no occupancy tenant before the appropriate authority.

29. Cooperative fanning should be encouraged in villages on the pattern of Egypt. Panchayats may be nodal agencies to organize these. Arrangement for marketing, implements and servicing should be available at Panchayat.

30. General awareness and conscientization camps should be organized in every district having pockets of high tenancy.

31. Implementation of legislation relating to money lending and abolition of money lending.

32. Updating and maintenance of land records in a computerized form and implementation of legislation if any, enacted therewith.

33. Political will should be created. For this landless, small and marginal farmers' representatives should be given place in local panchayat bodies and ministries so that they are associated at each decision-making level.

34. Panchayats should be organized and should be really independent in their affairs. They may be given power to dispose of petty land matters and development of farmlands also.

35. The poor peasants may be provided legal aid up to the level of the Supreme Court. The various stages of land litigation should be reduced.

36. Land tribunals may be set up to reduce the pendency at the High Court's as substitutes for speedy disposal of cases.

37. The Lok Adalats should be empowered to dispose of land litigations along with prompt disposal of cases.

6. CONCLUSION

By the field survey I found the problems of tenant farmers closely, how they are cheated by the landowners. By proper implementation of laws and reforms only the problems faced by tenant farmers will be over. Agricultural practices should be modernized, mechanization should be allowed and financing to tenant farmers should be done without delay. There should be coordinational atmosphere between the landowner and the tenant then only every one lives with peace.

APPENDIXES

“Table 2. Tenurial land structure in survey area of West Godavari district”

District(West Godavari)	Pure tenants%	Pure owners%
Small land	78	22
Medium land	12	88
Large land	10	90

Source: field survey

“Table 3 Tenurial land structure in survey area of East Godavari district”

District(East Godavari)	Pure tenants%	Pure owners%
Small land	76	24
Medium land	14	86
Large land	12	88

Source: field survey

“Table4 Tenurial land structure in survey area of Krishna district”

District(Krishna)	Pure tenants%	Pure owners%
Small	69	31
medium	19	81
large	09	91

Source: field survey

“Table 5 Tenurial structure in survey area of Guntur district”

District(Guntur)	Pure tenants%	Pure owners%
Small	82	18
medium	30	70
large	07	93

Source: field survey

“Table 6 Form of tenancy in survey area in %”

	West Godavari	East Godavari	Krishna	Guntur
Share crop	22	19	36	26
Fixed rent	63	70	55	59
Both	15	11	09	15

Source: field survey

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