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LAND PROVISION FOR THE LANDLESS

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Abstract

In the light of development of the country and the wellbeing of citizens, India being a welfare state, has introduced a number of schemes that provide livelihood to the homeless in various states and nationally as well. The Constitution of India initially consisted the right to property as a fundamental right which was amended by virtue of the 44th amendment, the main reason for this abolishment was to remove the zamindari system prevailing during the time of independence and to promote equal distribution of land. Several schemes have been introduced by the Parliament and State Legislatures to overcome the same problem. That is to provide land to the landless and to secure a means of livelihood, a home, to the homeless present in the country. The statistics and data reveal that the reach of these schemes is limited. PMAY-G is a scheme initiated in 2015 with the same object and will be dealt with in detail. It is prominent to note that homestead less arises due to poverty and poverty due to illiteracy.

Keywords – Land, Landless, Homeless, Schemes, Right, Livelihood, Homestead less, Reform

I. Introduction

In this era of modern development where buildings rise to sky, it is devastating to think about the problems the economically weaker sections face due to lack of access to opportunities and unawareness of the provisions of the law which help protect their livelihood. Many welfare legislations have been passed for the betterment of the poor, to prevent unequal distribution of land and to secure a home to the homestead less.

In pre colonial India land was owned through Kingship. Rich farmers held large quantities of land which they did not cultivate themselves, they got them cultivated by sharecroppers, other kinds of tenants, and so on. The advent of the Britishers took advantage of this to create a Zamindari system which prevailed upto the independence of India. With the same motive the land acquisition act was enacted in 1894, coupled with scrupulous interest, the act contains provisions which enable the appropriate government or any person

authorised in this behalf to acquire any land which has been so declared as needed for any public purpose.¹ but this was not for distributing the land to the landless. Post Independence the scene changed and the Government of India and several states introduced schemes and welfare provisions.

II. PMAY - G

The most prominent scheme is the Pradhan Mantri Awaas Yojana - Gramin. This scheme aims to provide housing for all homeless and those living in dilapidated homes.² The PMAY-G is not restricted to the rural sector, it includes initiatives for the urban sector as well.

A) PMAY (URBAN)

This mission seeks to provide housing for all people in the urban cities through various steps. These are:

¹ The Land Acquisition Act, 1894 (1 of 1894)

² HDFC BANK, <https://www.hdfc.com/blog/home-finance/government-pushes-housing-all-programmes#:~:text=This%20mission%20aims%20to%20provide,those%20living%20in%20dilapidated%20houses.> (Last visited on 16th June 2023)



- 1) In-situ rehabilitation of slum dwellers,
- 2) Affordable housing by involving the private sector in the development,
- 3) Credit Linked Subsidy Scheme (CLSS)
- 4) Beneficiary led individual house construction.

All towns mentioned in the statute statutory as per the 2011 census and other towns as well, if notified, would be eligible for the benefits provided under the scheme. The scheme gives a Credit Linked Subsidy Scheme (CLSS) for purchase and construction through a loan from lender. Beneficiaries belonging to the following three groups i.e., economically weaker sections, low income group sections and middle income groups, can avail interest subsidy on home loans from banks and financial institutions for loan amounts up to Rs. 6 lakhs. This interest subsidy is available for home loan of up to Rs. 9 lakhs for middle income groups and Rs.12 lakhs under the CLSS. So, if an eligible person takes a home loan of Rs. 14 lakhs, he is entitled to receive a subsidy on the interest payable for the loan of up to Rs. 12 lakhs, while he will have to pay interest for the balance loan that is only limited to Rs.2 lakhs, at the prevailing interest rate. This scheme provides a way to secure a home loan for a very nominal and concessional rate. The assistance would be provided by implementing agencies appointed by the State Governments and the Governments of the Union Territories.

B) PMAY (URBAN)

This mission aims to provide proper houses to all homeless and also to the people who are living in dilapidated houses. The scheme is being implemented in rural areas, as the name suggest, all over India Excluding Delhi and Chandigarh, Government assistance is provided to the tune of Rs.1.20 lakh to the identified beneficiaries selected through a transparent mechanism involving the gram sabha based on the Socio-Economic and Caste Census. The beneficiary can avail 90 days of unskilled labour under MGNREGA scheme i.e

The Mahatma Gandhi National Rural Employment Guarantee Act. In addition to this a optional loan of up to Rs. 70,000 for construction of a home.³

³ PMAY Government progress, <https://pmaymis.gov.in>, (16th June 2023)

Sl. No.	Key Parameter Indicators	Status as on Date	Daily Delta Change	Monthly Delta Change
1	Target	2,93,50,312	0	1,257
2	Beneficiaries Registered	3,18,91,631	23,264	1,69,941
3	Site Geo-Tagged	3,12,09,352	23,620	1,37,672
4	House Sanctioned	2,87,10,941	18,063	1,96,747
5	House Completed	2,29,46,243	9,209	1,50,978

As of 16th June 2023, the progress that the PMAY-G scheme has achieved can be analysed through the data mentioned above.⁴ The above data is with respect to all the states. It is evident that there has been tremendous progress throughout the country.

III. Developments by Several States of India

A) Kerala: Land reforms in Kerala date back to 1969 when the Kerala Land Reforms (amendment) Act of 1969. This act envisaged three schemes out of which two schemes have been implemented efficiently.⁵ The first scheme was to provide land rights to cultivating tenants. The main objective of this act is to stay the eviction of certain cultivating tenants and smallholders, a smallholder is a person who holds less than 18 acres of irrigated land, from lands purchased by them and which are subsequently found as excess land to be surrendered as per the provisions of the act. The act successfully brought an end to the feudal system. Although the scheme failed to contribute excessively to the national objective, it made considerable change in Kerala.

B) Karnataka: As of 2016 the Karnataka government introduced a new policy to provide land for the landless for which a survey was conducted by the Department of Revenue. The Land Purchase Scheme was initiated under which land will be purchased

by the government and registered in the name of landless agricultural labourers.⁶ As of 2013-14, the data provided by the department revealed that 965 tribal women received lands which had a cumulative cost of Rs. 26.42 crores, and consisted of 466.51 acres of wet land and 43.36 acres of garden land.⁷

C) Telangana and Andhra Pradesh : Telangana prohibits new tenancies except unless the landowner is a smallholder, or the landowner is deemed "disabled". Where tenancies are permitted under these exceptions, they must meet precise requirements for the duration of the tenancy and the rate imposed. In Andhra Pradesh tenancy is permitted by the law but provided that certain strict requirements are met such as the duration, rates, and renewal that grant substantial rights to tenants. the state grants more land to beneficiaries in pieces to the extent of 2.5 acres of wetland and 5.0 acres of dry land. The state of Andhra Pradesh has redistributed 582,319 acres of land to 50,344 eligible persons.

D) West Bengal : West Bengal does not allow fixed-rent cash tenancies, but does permit sharecropping because the law gives permanent rights to such sharecroppers, the law discourages landowners from future sharecropping relationships. West Bengal set a relatively lower landownership ceiling than the other states, it redistributed the

⁴ Physical Progress of PMAY-G, <https://dashboard.rural.nic.in/dashboardnew/pmays.aspx>, (16th June 2023)

⁵ Radhakrishnan, P. "Land Reforms in Theory and Practice: The Kerala Experience." *Economic and Political Weekly*, vol. 16, no. 52, 1981, pp. A129-37. JSTOR, <http://www.jstor.org/stable/4370526>. Accessed 16 June 2023.

⁶ Karnataka government, <https://adijambava.karnataka.gov.in/6/land-ownership-scheme/en>, (last visited 17 June 2023)

⁷ Kmea Karnataka Government, <https://kmea.karnataka.gov.in/storage/pdf-files/Reports%20and%20other%20docs/LP%20&%20LA%20Report.pdf> (Last visited 17th June 2023)



surplus land in smaller plots. The ceiling area ranges from 6 to 17 acres depending on the size of the family.⁸

In India, Land ceilings and land reforms have had positive effects. Particularly in certain states the reforms stand well implemented. Certain new approaches have been taken by the states of India, in Karnataka, efforts are being made to provide housing for women and this is furled by many powerful approaches which seek to change existing laws, design land based programmes, getting support from non-governmental organisations and planning for legal aid and support fir rights enforcement. West Bengal provides an opportunity where protected tenants are turned into landowners. The state of Andhra Pradesh, Karnataka and West Bengal have implemented projects which transfer plots to landless labourers through the same land purchase programmes.

IV. Initiative for the Landless in Other Countries

A) Brazil : Brazil is a country in the continent South America. It is considered an under developed country because its economy failed to grow or grew too slowly for most of its history. The GDP has been steadily growing since the citizens of Brazil acquired independence in 1822.⁹ An interview with Ana Manuela De Jesus Cha, who is a part of Movimento dos Trabalhadores See Terra or MST (National Coordination of Landless Workers' Movement of Brazil) by Marcy Rein and Clifton Ross reveals that MST is a struggle for land by the agrarian community. MST organises and mobilises landless people and trough land occupation they build power to negotiate with the

government and make settlements for healthy food and a place for the people to lice with their families. They consist of 550,000 families from 24 states out of the 27 states in Brazil.¹⁰ Movimento dos Trabalhadores See Terra was found in 1984 at Cascavel in the southern Brazilian state of Paraná. This movement stems back to the peasant uprisings and the organisational activities of progressive wings of the Roman Catholic Church before and during the military dictatorship of the 1960s.¹¹ A New York Times article article was even titled "If You Don't Use Your Land, These Marxists May Take It" and it even called this movement the largest and most polarising social movement in Latin America.¹²

B) South Africa : The apartheid system in Africa led to the rise of inequalities in the society in a number of ways and split the country into poor and rich, black and white and landless and landed. Between 1975-90 the agricultural population increases and was of 355 million, the production area expanded to 46.5 million hectares the problem however remained that in Africa the percentage increase in cultivable land was much less than the growth in agricultural population. This imbalance led to an increased pressure on the land. The Mandela Government tries to tackle the issue of landlessness in its Reconstruction and Development Programme (RDP). Shortly after the Union of South Africa was formed, this policy was given legislative power through the Natives Land Act of 1913 known as Riddell et al. 1986:177. Land was held in trust and administered by traditional authorities on behalf of the community but for this programme to succeed, land reform

⁸ World Bank, <https://documents1.worldbank.org/curated/ru/943811468153560954/pdf/488960PUBOREPLACEMENTOFIL.E09780821376270.pdf#page=265> (last visited 17th July 2023)

⁹ Columbia University, why is Brazil 'Underdeveloped' and what can be done about it? , https://www.google.com/url?sa=t&rc=1&q=&esrc=s&source=web&cd=&ved=2ahUKEwi4n92Q58f_AhVuxTgGHbsXA6IQFnoECBAQAw&url=https://3A%2F%2Facademiccommons.columbia.edu%2Fdoi%2F10.7916%2FD85B0D57%2Fdownload%23%3A~%3Atext%3Dbrazil%2520is%2520under%252D%2520developed%2520because%2Cnot%2520create%2520a%2520dynamic%2520economy.&usq=A0vVaw33eKNTedeEVnjz0MJ1Onnf , (last visited 16th June 2023)

¹⁰ de Jesus Cha, Ana Manuela, et al. "Land for the People Brazil's Landless Workers' Movement." *Race, Poverty & the Environment*, vol. 20, no. 1, 2015, pp. 52-57. *JSTOR*, <http://www.jstor.org/stable/43875788>. Accessed 16 June 2023.

¹¹ [britannica.com](https://www.britannica.com) Landless Workers Movement (MST) , <https://www.britannica.com/event/Landless-Workers-Movement> , (Last visited 16th June 2023)

¹² The New York Times, <https://www.nytimes.com/2023/04/30/world/americas/brazil-land-occupation.html> , (lat visited 16th June 2023)



was necessary for which the government made a land reform policy in the Union of South Africa. This policy is comprised of land restitution, land redistribution and land tenure reform. In this manner land was relocated of about 35 million people dispossessed by racially discriminatory legislations, redistributed among the poor for residential and productive purposes. Tenure land reform seeks to extend security of tenure i.e time or period, to all South Africans under diverse forms of tenure.¹³

V. Conclusion

After the independence of India, a committee was constituted to look into the problem of land leading to abolishment of the zamindari system which came with its own advantages and disadvantages. The main advantage was that the government had a large access to lands which were now in its possession and could be distributed among the landless but the system failed to wipe out or completely prohibit landlordism, it still continues to exist after this came the issue of tenancy reforms and then land holding and land ceiling. It can finally be said that the pace for implementation of the schemes and acts by the government has been extremely slow. Land reforms are essential for the rural agrarian community who lack knowledge and awareness about their rights. Even with progress and development the reach seems to be less due to the same reason. Even internationally the schemes do not seem to have an ultimate effect upon securing land for the landless. As mentioned Brazil's movement is perhaps the largest movement seen in the whole of Latin America but the South African struggle seems to be no less than any other country. The strategies all around the world seem to be similar and the effect too, but implementation wise India can be much greater.

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