

**ABOLITION OF THE ZAMINDARI SYSTEM IN INDIA: A LEGAL
INTERPRETATION**- Anuja Saklani¹**ABSTRACT**

After Independence, the most significant agrarian reform was the elimination of the Zamindari System. Even before the Indian Constitution was enacted, numerous Zamindari Abolition Laws were introduced. Zamindari abolition laws were proposed in Uttar Pradesh, Madhya Pradesh, Bihar, Assam, and Bombay, and all of the States used the report of the Uttar Pradesh abolition committee. However, the zamindars fought the measures and stalled the implementation of agrarian reforms. As a result, the First Amendment Act of the Constitution altered the right to property.

Soon after the Indian Constitution's amendments to Articles 19 and 31 granting the right to property, the Zamindari System was eliminated in Independent India. However, the feudal rulers who had been in charge of the Zamindari system disputed the legitimacy of the laws passed in response to the Zamindari system's abolition. Several zamindars kept their land because they were permitted to keep it in specific locations for their own personal cultivation. The goal of elimination of the Zamindari System is to eliminate the zamindars, or middlemen, who stand between the populace and the government.

A large number of farm workers and peasants were given the right to own land after the Zamindari system was abolished. Also, the State compensated the zamindars after regaining their land ownership title. The primary goal of agricultural land reform was to transform the revenue structure to benefit farmers. The idea of a zamindar was eliminated when Zamindari

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was abolished since it rendered bonded labor a crime. Approximately 20 million former tenants had acquired ownership through that point, and the zamindars had received their recompense.

Keywords: Zamindari System, Abolition, Peasants, Constitutional Amendment, Agricultural Land Reform, Zamindars.

INTRODUCTION

The British people devised the Zamindari system as a means of expediency and administrative efficiency. In order to impose foreign rule and control over the free-standing peasantry, the British people invented the zamindars, who served as a suitable revolutionary backbone. Huge swaths of territory were under the zamindars' power, and they compelled begari (bonded labor). The traditional values and beliefs had been at odds with the Zamindari system. As a result, it became apparent that the improvement of the peasantry's condition was not conceivable without the elimination of the Zamindari system.

Even before the Indian Constitution was adopted, the Zamindari system was eliminated. The Zamindari Abolition Bills were presented in 1949 in Uttar Pradesh, Madhya Pradesh, Bihar, Assam, & Bombay. All of these States followed the report of the G.B. Pant-led Uttar Pradesh Abolition Committee as a guide, but the zamindars moved forward and complained to the court that their "title to property" had been violated. Immediately with the Indian Constitution's amendment to the right to property under Articles 19 and 31, the Zamindari system was eliminated in Independent India. In order to end the Zamindari system in India, Articles 31A and 31B as well as the 9th Schedule was included in the Indian Constitution.

The zamindars, or middlemen, between the state and the peasantry, are to be eradicated as part of the abolition of the Zamindari system. All of the zamindars' interests, privileges, and titles were now transferred to the government. The primary goal of agrarian land reform was to alter the revenue structure in a way that would benefit farmers. The idea of Zamindari was eliminated since it rendered bonded labor a crime.

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ZAMINDARI SYSTEM

A. ZAMINDARI SYSTEM IN PRE- INDEPENDENT INDIA

On the advice of Sir John Shore, the President of the Board of Revenue, Lord Cornwallis proposed the idea of zamindars in 1793. In the year 1973, the Zamindari system came into effect. In order to increase land revenue, Lord Cornwallis resorted to a "Permanent Settlement" with the landowners. The zamindars were instructed to contribute to the State 89% of their yearly revenue and were permitted to retain 11% of the revenue as their part.

The sovereignty of the lands that the peasants farmed during British administration belonged to the zamindars; as a result, the British were able to exert control over the autonomous peasants. The zamindars were given the authority to levy rent from the peasants and were acknowledged as landowners with the authority to dispose of, lease, and transfer their property.² The acquired money was split into eleven equal parts, of which zamindars received 1/11th and the British received 10/11th. The zamindars had discretion over how much money should be taken from the peasants. The zamindars bore the whole responsibility for tax collection. The Zamindars controlled the cultivators and controlled vast swaths of land. Workers who were refused the land title were converted into tenant farmers.

A Zamindar is an individual who claims land under the Zamindari system and is in charge of paying the legislature a portion of the property's profits.³ States like West Bengal, Uttar Pradesh, Madhya Pradesh, Bihar, and Orissa followed this system. When a zamindar proclaimed that he was the landowner under the terms of a fixed income installment, the British income guarantee was well known to the system. Using a number of intermediaries, the Zamindars collected rent. The income from his offer was necessary for the villagers to cultivate the land.

² Land Revenue System in British India: Zamindari, Ryotwari, and Mahalwari, available at: <https://www.clearias.com/land-revenue-systems-zamindari-ryotwari-mahalwari> (last visited on March 01, 2023)

³ Abolition of Zamindari System, available at: <https://legaldesire.com/abolition-of-zamindari-system> (last visited on March 01, 2023)

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B. THE ZAMINDARI SYSTEM IN POST-INDEPENDENT INDIA

Following Independence, India's land reforms sought to restructure agrarian relations in order to eliminate exploitation in land reforms, create an unbiased social framework, and boost agricultural output. In compliance with the Directive Principles of State Policy, the establishment of an impartial social structure in villages was accorded the utmost importance as a strategy for reducing poverty. The Constitution's Ninth Schedule contains the laws pertaining to land reform.

The Five-Year Plan's policies included land reform and the abolition of the Zamindari system. The elimination of Zamindari between the State and the cultivators has been a component of every land reform initiative undertaken by the State and Central Government since independence.

The Zamindari system was eliminated in Independent India shortly after the Indian Constitution altered the right to property under Articles 19 and 31. The Zamindars disputed the validity of the laws when various Zamindari-related legislation was created. Several Zamindars kept their land because they were permitted to keep it in specific locations for their own personal cultivation.

But by 1956, the eradication of Zamindari had been accomplished to a large extent. By that point, roughly 20 million former tenants had acquired ownership, and the Zamindars had received their recompense.⁴ But later, the wealthy peasants began to rent out their land to less fortunate tenants, which somewhere along the line led to the creation of a new intermediary system.

ABOLITION OF THE ZAMINDARI SYSTEM

A. BACKGROUND

The fundamental component of agricultural reform was the elimination of the Zamindari system, which did away with the idea of an intermediary between the farmers and the government. Even before the promulgation of the Indian Constitution, the Zamindari system was abolished. Zamindari Abolition Acts were adopted in 1949

⁴ R.R. Maurya, Uttar Pradesh Land Laws 28 (Central Law Publications, Allahabad, 21st edn., 2020)
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in Uttar Pradesh, Madhya Pradesh, Bihar, Assam, and Bombay. All of these States followed the report of the G.B. Pant-led Uttar Pradesh Abolition Committee as a guide, but the Zamindars moved forward and complained to the court that their "title to property" had been violated. As there was a risk that these laws may be declared unlawful by the courts, the government had to take action to halt these petitions. The Constitutional (First Amendment) Act, 1951,⁵ was introduced by the Central Government and contained the Ninth Schedule with provisions pertaining to land legislation as well as Articles 31A and 31B.⁶

Immediately with the Indian Constitution's amendment to the right to property under Articles 19 and 31,⁷ the Zamindari system was abolished in Independent India. These laws were contested on the ground that Article 13 of the Indian Constitution forbids the State from passing laws that violate the Fundamental Rights under Part 3 of the Constitution or eliminate any of them and that any law passed in disapproval will be invalid to the extent of its inconsistency. The First Amendment's legality was questioned in *Sankari Prasad Singh Deo v. Union of India*,⁸ and the Supreme Court determined that it was legal and still in effect to support the agrarian reforms. The amendment's major goal was to ensure that the legality of the Zamindari abolition was maintained and that recourse could be offered to end the numerous legal disputes surrounding the Zamindari abolition.

B. INTER-STATE DIVERGENCE IN THE ABOLITION OF THE ZAMINDARI

The Zamindari is a social and economic structure from antiquity that eventually came to an end. The Zamindari idea emphasizes how it converted free peasants into reliant agricultural labor. The elimination of Zamindari implied a radical shift in the peasantry's place in society.⁹

The main goals of the Zamindari's abolition were to increase agricultural productivity and put a stop to the British's wicked ownership, as the way in which this production

⁵ The Constitution of India

⁶ The Constitution of India, arts. 31A, 31B.

⁷ The Constitution of India, arts. 19, 31.

⁸ AIR 1951 SC 458.

⁹ H.C. Saxena, "Inter-State Divergences in Zamindari Abolition" *The Economic and Political Weekly* (1951).

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is organized and how efficiently it operates heavily depends on the rights of the owner.¹⁰ According to the Indian Constitution, the government must compensate the Zamindars fairly and in a reasonable amount.

The Zamindari Abolition Act had an effect on the states of India between 1949 and 1951. The Zamindari Abolition Act was subsequently passed by states including Assam, Bihar, Madhya Pradesh, and Madras after Uttar Pradesh became the very first state in the nation to do so.

C. RIGHT TO PROPERTY AND AGRARIAN REFORMS CONFLICT

It is good knowing that the State has legislative and administrative authority over land, land holdings, land tenure, consolidation, etc. Since the implementation of the First Five-Year Plan, the Central Government has made modifications to land use. Redevelopment has seen agrarian reforms as a way to ensure social fairness. Most of the modifications have been made to property laws.

Agrarian reforms and the right to property subsequently came into conflict. The Basic Right to Property, which is outlined in Part 3 of the Indian Constitution, had an impact on the Central and State government's efforts to enact land reform legislation. The breadth of the right to property was reduced when the State initiated agrarian reforms as opposed to when the State demonstrated an interest in defending the people's right to property, it was essential to group agrarian reforms. Yet in order to eliminate the Zamindari system, the government began to implement land reforms. The zamindars were upset by this and went to court to question whether these reforms were legitimate.

In the subsequent case of *Kameshwar Singh v. State of Bihar*¹¹, the constitutionality of the Bihar Land Reform Act of 1950 was contested in the High Court of Patna. In this case, the court determined that the land reform Act in Bihar was unconstitutional. Nonetheless, the High Courts of Allahabad and Nagpur maintained the legality of the laws in these States on the same point. Several Zamindars petitioned the Supreme

¹⁰Supra note 3 at 28.

¹¹AIR 1952 SC 252

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Court under Article 32¹² of the Indian Constitution on the same issue, which was the subject of an appeal before the Supreme Court.

Thus, the Constitution introduced its First Amendment in the shape of Articles 31A and 31B to put an end to these legal disputes and the contradiction between the right to property and agricultural reforms.

After that, the (First Amendment) Act's constitutional legality was contested in *Sankari Prasad Singh Deo v. Union of India*¹³, where the Supreme Court upheld the Amendment's legitimacy. The primary goal of the Amendment was to ensure the constitutional legality of the legislation generally, as well as a few specific Acts, that abolished the Zamindari system. In *Sajjan Singh v. State of Rajasthan*¹⁴, the constitutional legitimacy of the amendment was affirmed, and the ruling from the Sankari Prasad Case was sustained.

Articles 31A and 31B were notably recognized as having been included in the Constitution because it was realized that certain States' methods for implementing agrarian reforms would face major legal challenges due to their conflict with fundamental rights.

The Parliament has made numerous efforts to promote regional integration through agricultural reforms. Since the main objective of these Acts was to eliminate the interests of middlemen like zamindars and tenure holders, etc., and bring true cultivators into direct relationships with the State Government, the judiciary has maintained the constitutional legitimacy of these agrarian reform legislation in a number of cases.

D. ADVANTAGES OF ABOLITION OF THE ZAMINDARI SYSTEM

1. **Agricultural Product Rose** - There was a rise in agricultural productivity since the cultivators now had ownership rights over the land. As a result, they were more concerned about the development and growth of the agricultural sector.

¹²The Constitution of India

¹³AIR 1951 SC 458

¹⁴ AIR 1965SC845.

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2. **Bonded Labor was Abolished-** The idea of enforced and unfettered work was eliminated with the advent of Zamindari (Article 23 of the Indian Constitution)¹⁵.
3. **Reduction in Poverty** - The end of the middleman system led to the reduction of poverty since growers could make money instead of having to pay high rent.
4. **Even-handed Society** - After the zamindars were abolished, the land was allocated equitably to all farmers, which put an end to the partial allocation of land.

E. LIMITATIONS OF THE ABOLITION OF THE ZAMINDARI SYSTEM

1. **Land Reforms Were Shelved** - Before the Indian Constitution was amended, the zamindars were unable to participate in the reforms and revenue system when the State began enforcing laws related to the Zamindari system. The Zamindars then petitioned the court to have the laws overturned.
2. **Personal Cultivation** - As the concept was imprecise and some States authorized the zamindars to maintain specific land for personal production, the Zamindars took advantage of the uncertainty.
3. **Middlemen Framework** - The system of middlemen and exploitation persisted since the new owners rented their land to subpar renters in accordance with undocumented agreements, allowing the new landlords to take advantage of these tenants.

F. WHETHER THE ZAMINDARI SYSTEM HAS BEEN ENTIRELY ABOLISHED OR IT IS STILL IN USE IN INDIA?

In some rural areas of India, the Zamindari System is still in use, as can be seen from a variety of archives and studies¹⁶. The Zamindari system was abolished, but its detrimental effects are still felt in states like Uttar Pradesh and Bihar. A key step in the

¹⁵ The Constitution of India, art 23.

¹⁶Is the Zamindari System still prevalent in India?available at:<https://www.utkaltoday.com/zamindari-system>(last visited on March 10, 2023).

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realm of agrarian reforms was the Zamindari abolition, which was a semi-feudal land revenue system.

The concept of intermediaries persisted because superior peasants continued to give their land to poorer peasants and collect rent from them after the system was abolished. The zamindars were granted land for personal cultivation, but the definition was ambiguous, allowing them to take advantage of the ambiguity and maintain a reasonable percentage of land long after the system was abolished.

CONCLUSION

The Zamindari system was abolished, which was a big agrarian reform. Before the Indian Constitution was established, the process to abolish the Zamindari system got underway. The zamindars opposed the legislation and the agrarian reforms were delayed. Zamindari abolition bills were filed in Uttar Pradesh, Madhya Pradesh, Bihar, Assam, and Bombay. All of these States used the report of the Zamindari abolition committee of Uttar Pradesh, which was led by G.B. Pant. As a result, the First Amendment Act of the Constitution altered the right to property.

The Zamindars, or middlemen, between the government and the peasantry, are to be eliminated as part of the Zamindari system's abolition. The government was now the sole possessor of all the zamindars' rights, interests, and titles. The zamindars kept ownership of the land since they were permitted to cultivate it for their own needs. The end of the Zamindari system brought about a number of advantages, including an increase in agricultural output and the abolition of bonded labor, but it also brought about some restrictions. For instance, the zamindars were given land for personal cultivation, but the definition was ambiguous, and they took advantage of the ambiguity.

The eradication of the Zamindari system was fraught with difficulties, but the amendment to the right to property provided redress for the social injustices brought on by the Zamindari system. And yet, by 1956, the eradication of Zamindari had been accomplished to a large extent. By that point, about 20 million former tenants had acquired ownership, and the zamindars had received their recompense. The purpose of the compensation was to repay the zamindars who relinquished their land.

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