

**“Zamindari System and Its Abolishment”**

*Malika Garg  
Ramaiah College of Law  
Bengaluru*

**ABSTRACT**

The abolition of the Zamindari System stands as a paramount agrarian reform subsequent to the attainment of Independence. The commencement of diverse Zamindari Abolition Bills had commenced even prior to the enactment of the Constitution of India. The states of Uttar Pradesh, Madhya Pradesh, Bihar, Assam, and Bombay have each presented Zamindari Abolition Bills, wherein they have collectively drawn upon the report of the Uttar Pradesh abolition Committee. However, it is regrettable to note that the zamindars, in their opposition to these bills, have effectively impeded the timely implementation of crucial agrarian reforms. Henceforth, the Constitution was accompanied by its First Amendment Act, wherein the right to property underwent an amendment.

The zamindari system, an entrenched socio-economic structure in pre-Independent India, was effectively dismantled subsequent to the promulgation of the Constitution of India. This pivotal moment in history witnessed the amendment of Article 19 and 31, which pertained to the right to property. In the wake of these constitutional modifications, legislative measures were enacted to address the abolition of the zamindari system. However, it is noteworthy that the constitutionality of these laws was challenged by the zamindars themselves, thereby engendering a legal contestation of considerable significance. In specific locales, zamindars were granted the privilege of retaining land for the purpose of personal cultivation, thereby resulting in a substantial proportion of zamindars maintaining possession of their landholdings.

The objective of the Abolition of the zamindari system is to effectuate the eradication of the zamindars, who function as intermediaries betwixt the governing body and the agrarian populace.

Following the abolition of the zamindari system, a significant number of peasants and sharecroppers were able to attain the esteemed status of land ownership, thereby acquiring the corresponding title. The State, upon reclaiming the land ownership title from the zamindars, duly remunerated them with appropriate compensation. The primary aim of agrarian land reform was to effectuate a transformation in the fiscal framework, thereby engendering a more advantageous environment for the tillers of the land. The legal prohibition of bonded labor consequent to the abolition of zamindari rendered the status of zamindar null and void. During that period, it is worth noting that approximately 20 million individuals who were previously tenants transitioned into becoming property owners. It is important to highlight that as part of this transition, compensation was duly provided to the zamindars. This significant development can be attributed to the abolition of the Zamindari System, which was facilitated through a constitutional amendment. It is crucial to recognize that this transformative shift in land ownership was a result of agrarian reforms aimed at empowering the peasant class.

**Keywords:** *Zamindari System, Abolition, Peasants, Constitutional Amendment, Agrarian Reforms.*

## **INTRODUCTION**

The zamindari system was established by the British with the primary objectives of facilitating administrative convenience and achieving expediency. The British established the institution of zamindars as a strategic means to consolidate their foreign dominion over the indigenous peasantry, owing to the convenience it offered as a radical base. The zamindars possessed extensive land holdings and exercised authority over the rural population, compelling them to engage in beggary, a form of bonded labor. The zamindari system was characterized by a struggle with traditional ideals and ideology.

Therefore, it was observed that the amelioration of the peasantry's condition was unattainable without the elimination of the zamindari system. The initiation of eradication of the zamindari system commenced prior to the formal enactment of the Indian Constitution. In 1949, the states of Uttar Pradesh, Madhya Pradesh, Bihar, Assam, and Bombay enacted Zamindari Abolition Bills, drawing upon the recommendations of the Uttar Pradesh Abolition Committee led by G.B. Pant. However, the zamindars contested these measures in court, asserting that their "right to property" had been infringed upon. The zamindari system was abolished in post-colonial India shortly after the Constitution of India revised the provisions on the right to property, as outlined in Articles 19 and 31. Articles 31A and 31B, in conjunction with the 9th Schedule, were incorporated into the Constitution of India with the purpose of eliminating the zamindari system prevalent in the country.

The objective of the Abolition of the Zamindari system is to eliminate the presence of zamindars, who act as mediators between the government and the population. The government has now assumed ownership of all the rights, interests, and titles previously held by the zamindars. The primary goal of agricultural land reform was to implement a revised income system that would be advantageous to the growers. The abolition of zamindari resulted in the criminalization of bonded labor, leading to the subsequent elimination of the zamindari system.

## **ZAMINDARI SYSTEM**

### **A. Zamindari system in Pre-Independent India**

The introduction of the notion of zamindars can be attributed to Lord Cornwallis in 1793, based on the recommendation put out by Sir John Shore, who served as the President of the Board of Revenue. The zamindari system was launched in the year 1793. Lord Cornwallis implemented the 'Permanent Settlement' policy with the objective of augmenting land revenue through engaging with landlords. The zamindars were mandated to remit 89% of their yearly revenue to the State, while retaining 11% of the income as their personal allocation.

During the period of British colonial authority, the peasants were not granted ownership rights over the fields they cultivated. Instead, the ownership of property was vested in the zamindars, who acted as intermediaries and facilitated the consolidation of British dominance over the

independent peasant population. The zamindars were officially acknowledged as the proprietors of land, granting them the authority to mortgage, bequest, and sell this land. Additionally, they were granted the privilege of collecting rent from the peasant population. The total money obtained was partitioned into eleven equal portions, with one portion, equivalent to one-eleventh, allocated to the zamindars, and the remaining ten portions, equivalent to ten-elevenths, allocated to the British.<sup>1</sup>The determination of the sum to be collected from the peasants was at the discretion of the zamindars. The responsibility for tax collection rested entirely upon the zamindars. The zamindars possessed extensive land holdings and exercised authority over the agricultural laborers. The transformation of labourers into tenant farmers resulted in their exclusion from land ownership rights.

The zamindari system entails the allocation of land to a zamindar, who assumes the responsibility of collecting income from the land and remitting it to the legislative body.<sup>2</sup> The aforementioned system was discovered in the regions of West Bengal, Uttar Pradesh, Madhya Pradesh, Bihar, and Orissa. The institutions exhibited a thorough understanding of ensuring the financial stability of the British, whereby a zamindar was designated as the proprietor of land based on predetermined conditions of regular income payments. The zamindars collected rents through a variety of intermediaries. The livelihood of the peasants relied on the income generated by the agricultural output of their land.

### **B. Zamindari system in Post-Independent India**

The land reforms implemented in India following its independence were designed to reorganize agrarian relationships with the goal of eliminating exploitation, establishing a fair social structure, and promoting agricultural productivity. Land reforms were accorded utmost importance as a means of alleviating poverty and establishing an equitable social framework in rural areas, in line with the principles outlined in the Directive Principles of State Policy. The legislative provisions pertaining to land reform are encompassed under the Ninth Schedule of the Constitution.

The zamindari system was officially abolished and the implementation of land reform was incorporated into the framework of the Five Year Plan. Since gaining independence, both the State and Central Government have implemented various land reform measures, all of which have involved the elimination of the zamindari system, thereby redistributing land ownership from the zamindars to the cultivators.

The zamindari system was abolished in post-independence India shortly after the Constitution of India modified the right to property as outlined in Article 19 and 31. Subsequently, several legislations were enacted to address the abolition of zamindari. In response, the zamindars

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<sup>1</sup> Land Revenue System in British India: Zamindari, Ryotwari and Mahalwari, <https://www.clearias.com/land-revenue-systems-zamindari-ryotwari-mahalwari/> (last visited on 01-03-2021)

<sup>2</sup> Abolition of Zamindari System, [https://legaldesire.com/abolition-of-zamindari-system/#\\_ftn15](https://legaldesire.com/abolition-of-zamindari-system/#_ftn15) (last visited on 01-03-2021)

contested the validity of these laws. Zamindars were granted the privilege of retaining property in specific regions for their personal cultivation, resulting in a significant number of zamindars maintaining ownership of their land.

However, the process of abolishing zamindari had made significant progress by 1956. Approximately 20 million previous renters transitioned into property ownership during that period, with compensation being disbursed to the Zamindars.<sup>3</sup> Subsequently, affluent peasants commenced the practice of leasing their land to lower-ranking tenants, so engendering an intermediary system in many contexts.

## **ABOLITION OF ZAMINDARI**

### **A. Background**

The primary goal of the agricultural reform was to do away with the concept of a middle man standing between the cultivators and the state. This was accomplished by abolishing the zamindari system. Even before the Zamindari system was officially abolished by the Indian Constitution, the process of doing away with it had already begun. In 1949, the states of Uttar Pradesh, Madhya Pradesh, Bihar, Assam, and Bombay all introduced Zamindari Abolition Bills. All of the states used the report of the Uttar Pradesh abolition Committee, which was chaired by G.B. Pant. However, the zamindars took the matter to court, arguing that their "right to property" had been violated.

Therefore, in order to put an end to these petitions, the government had to make the necessary changes to put an end to any possibility of such laws being declared illegal by the judicial system. The Constitutional (First Amendment) Act, 1951<sup>4</sup> was introduced by the Central Government, and it was through this act that Articles 31A and 31B<sup>5</sup>, as well as the Ninth Schedule, which included matters relating to property laws, were included. In the newly independent India, the zamindari system was done away with not long after the Constitution of India was revised to include new provisions for the right to property under Articles 19 and 31<sup>6</sup>. These laws were challenged on the basis of Article 13 of the Indian Constitution, which states that the State shall not make any law that is inconsistent with the Fundamental Rights under Part 3 or remove any Fundamental Rights under Part 3, and any law made in disapprobation will be void to the degree that it is inconsistent with the Fundamental Rights. This was the argument that was used to challenge these laws.

In the case of **Sankari Prasad Singh Deo v. Union of India**<sup>7</sup>, the issue of the constitutionality of the First Amendment was debated. In the end, the Supreme Court decided that the amendment was constitutional, and it continues to be in effect to this day in order to preserve the vitality of the agrarian reforms. The primary purpose of the amendment was to ensure that

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<sup>3</sup> R.R. Maurya, Uttar Pradesh Land Laws 28 (Central Law Publications, Allahabad, 21st edn., 2020)

<sup>4</sup> The Constitution of India

<sup>5</sup> The Constitution of India, arts. 31A, 31B

<sup>6</sup> The Constitution of India, arts 19, 31

<sup>7</sup> Sankari Prasad Singh Deo v. Union of India, AIR 1951 SC 458

the legality of the zamindari abolition was respected and that a remedy could be offered to put an end to the many litigations over the elimination of the zamindari system.

### **B. Inter-State Divergence in Abolition of Zamindari**

Zamindari is a social and economic system that has been abandoned for some time in the past. Zamindari emphasizes how previously independent peasants were transformed into economically dependent farmhands. The elimination of zamindari meant a dramatic shift in the status of the peasantry in society.<sup>8</sup>

Since the organization of agricultural production and its effectiveness is greatly dependent upon the rights of the owner, its abolition was driven mostly by a desire to stop the British's "evil ownership" and boost agricultural output.<sup>9</sup> The Indian Constitution stipulated that the government must compensate the zamindars, and that the amount of compensation must be reasonable.

The states in India were affected by the Zamindari Abolition Act from 1949 to 1951. The first Indian state to pass zamindari abolition laws was Uttar Pradesh; other states quickly followed suit, including Madras, Bihar, Madhya Pradesh, and Assam.

### **C. Right to Property and Agrarian Reforms Conflicts**

It is widely acknowledged that matters pertaining to property, including land ownership, land tenure, land consolidation, and related issues, are subject to the legislative and administrative authority of the State. Nevertheless, the Central Government has implemented various reforms in the domain of land management since the inception of the First Five-Year Plan. Agrarian reforms have emerged as a significant concern in the context of re-development, serving as a means to ensure social justice. The laws pertaining to property have undergone a significant number of modifications.

Consequently, a series of confrontations emerged between the implementation of agrarian reforms and the preservation of the right to property. The implementation of land reform laws by the Central and State governments was influenced by the inclusion of the Fundamental Right to Property in Part 3 of the Constitution of India. The extent of the right to property was diminished when the State implemented agrarian reforms. When the State demonstrated a commitment to safeguarding the citizens' right to property, it became imperative to implement agrarian reforms in a consolidated manner. The government initiated the implementation of land reforms with the objective of eliminating the zamindari system. The zamindars expressed their dissatisfaction and sought legal recourse by approaching the court in order to contest the constitutional legitimacy of these policies.

The High Court of Patna was presented with a challenge to the constitutional validity of the Bihar Land Reform Act, 1950 in the case of **Kameshwar Singh v. State of Bihar**.<sup>10</sup> In this

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<sup>8</sup> H.C. Saxena, "Inter-State Divergences in Zamindari Abolition" *The Economic Weekly*, October 13, 1951.

<sup>9</sup> R.R. Maurya, *Uttar Pradesh Land Laws 28* (Central Law Publications, Allahabad, 21st edn., 2020)

<sup>10</sup> *Kameshwar Singh v. State of Bihar*, AIR 1951 Patna 91

particular case, the Court determined that the legislation enacted by the state of Bihar pertaining to land reforms was deemed to be in violation of the constitution. However, the High Court of Allahabad and Nagpur both affirmed the legality of the legislation in these respective states. The aforementioned matter was brought before the Supreme Court, where certain zamindars sought recourse under Article 32<sup>11</sup> of the Indian Constitution.

Consequently, in an effort to resolve the ongoing litigations and reconcile the tension between the right to property and agrarian reforms, the Constitution introduced its First Amendment through the inclusion of Article 31A and 31B. Subsequently, the constitutional legitimacy of the (First Amendment) Act was contested in the case of **Sankari Prasad Singh Deo v. Union of India**<sup>12</sup>, wherein the Supreme Court affirmed the legality of the Amendment. The primary objective of the Amendment was to ensure the constitutional legitimacy of the elimination of the zamindari system, as well as legislation in general and specific Acts. The amendment's constitutional legitimacy was affirmed in the case of **Sajjan Singh v. State of Rajasthan**<sup>13</sup>, and the decision articulated in the Sankari Prasad Case was confirmed.

The inclusion of Article 31A and 31B in the Constitution was a significant measure taken in response to the legal challenges faced by certain States' legislative approaches to implementing agrarian reforms. These approaches were being questioned for their potential inconsistency with Fundamental rights.

The Parliament has undertaken many initiatives aimed at promoting socio-economic development through agrarian reforms. The judiciary has consistently affirmed the constitutional legitimacy of these agrarian reform legislations in multiple judgments. The primary objective of these Acts was to eliminate the influence of intermediaries like zamindars and tenure holders, and instead establish direct relationships between the actual cultivators and the State Government.

#### **D. Benefits of the Abolition of Zamindari System**

- 1) The growth in agricultural productivity can be attributed to the farmers obtaining ownership rights over the land, which therefore led to their greater interest in improving and expanding agricultural output.
- 2) The cessation of bonded labor occurred concomitantly with the abolition of zamindari, so terminating the practice of coerced and voluntary labor. Article 23 is a provision that is contained in a specific document or treaty.<sup>14</sup>
- 3) Following the elimination of the middleman system, cultivators were relieved of the burden of paying exorbitant rents, thereby enabling them to produce profits.
- 4) Following the dissolution of the zamindar system, land was distributed equitably among all cultivators, thereby putting an end to the previously unequal distribution of land.

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<sup>11</sup> The Constitution of India

<sup>12</sup> Sankari Prasad Singh Deo v. Union of India, AIR 1951 SC 458

<sup>13</sup> Sajjan Singh v. State of Rajasthan, AIR 1954 Raj 301

<sup>14</sup> The Constitution of India, art 23

**E. Limitations of the Abolition of the Zamindari System**

- 1) The implementation of land reforms was hindered due to the legal actions taken by zamindars against the state's laws regarding the zamindari system. The zamindars sought to have the legislation repealed through judicial proceedings. Additionally, prior to the revision of the Indian Constitution, the zamindars were unable to comply with the reforms and the revenue system.
- 2) Due to the permissibility of certain land retention for private cultivation granted to zamindars by select States, along with the lack of a precise definition, the zamindars exploited the inherent ambiguity for their own advantage.
- 3) The newly acquired proprietors entered into informal arrangements with subpar tenants, who were subsequently subjected to exploitation at the discretion of the new landlords. Consequently, the system of middlemen and exploitation persisted.

**F. Whether the Zamindari System has been completely abolished or is it still prevalent in India**

The persistence of the Zamindari System in certain rural regions of India is evident from a range of historical sources and scholarly investigations.<sup>15</sup> Despite the abolition of the zamindari system, its detrimental repercussions persist in states such as Uttar Pradesh and Bihar. The dismantling of the Zamindari system represents a notable agrarian reform initiative, characterized by its semi-feudal land revenue structure.

The allocation of land to zamindars for personal cultivation was characterized by an indefinite definition, resulting in the exploitation of this ambiguity by the zamindars. Consequently, a significant portion of land remained under their control even after the abolition of the system. Additionally, superior peasants transferred their land to lower peasants and continued to collect rent from them, thereby perpetuating the existence of intermediaries.

**CONCLUSION**

One of the most notable agrarian reforms was the dismantling of the zamindari system. The process of abolishing the zamindari system commenced prior to the establishment of the Constitution of India. The states of Uttar Pradesh, Madhya Pradesh, Bihar, Assam, and Bombay implemented Zamindari Abolition legislation, drawing upon the recommendations of the Uttar Pradesh abolition Committee led by G.B. Pant. However, the legislation faced opposition from the zamindars, resulting in a delay in the implementation of agrarian reforms. Therefore, the Constitution was accompanied by the First Amendment Act, which served to amend the right to property.

The objective of the Abolition of the zamindari system is to eliminate the presence of zamindars, who act as mediators between the government and the population. The transfer of

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<sup>15</sup> Is the Zamindari System still prevalent in India?, <https://www.utkaltoday.com/zamindari-system/> (last visited on 01-03-2021)

rights, interests, and titles of the zamindars has now been transferred to the government. The zamindars were granted the privilege of utilizing the land for personal cultivation, so enabling them to retain ownership of the property. The abolition of the Zamindari system yielded several advantages, including a rise in agricultural output and the eradication of bonded labor. However, it also presented certain constraints. For instance, the allocation of land to zamindars for personal cultivation lacked a precise definition, leading to the exploitation of this ambiguity by the zamindars. The eradication of the zamindari system encountered numerous obstacles; nonetheless, the revision in the right to property provided solutions to address the societal imbalances stemming from the zamindari system. However, it is important to note that the process of abolishing zamindari had made significant progress by 1956.

Approximately 20 million individuals transitioned from being renters to property owners during that period, with compensation being disbursed to the Zamindars. The aim of providing compensation was to remunerate the zamindars who relinquished their land.