

**RECOMMENDATIONS
OF
NATIONAL WORKSHOP
ON
"CONTRACT FARMING, TENANCY LAWS
AND LAND REFORMS IN THE ERA OF GLOBALIZATION"
(15-16 March, 07)**



Centre for Rural Studies
LBS National Academy of Administration,
Mussoorie - 248 179
(Uttarakhand)

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Introduction

The Centre for Rural Studies, Lal Bahadur Shastri National Academy of Administration, Mussoorie has organized a National Level Workshop on "Contract Farming, Tenancy Laws and Land Reforms in the Era of Globalization". It was organized between 15-16 March, 07. The basic objectives of the workshop were to examine the implications of contract farming on marginal, small farmers, agricultural labourers, tenants and other vulnerable groups and also to discuss the causes of growing land alienation and land reforms policies in the context of globalization. The workshop was attended by senior government officials, eminent academicians, researchers and members of civil society. A wide range of papers were presented during the workshop covering various dimensions of contract farming, tenancy laws and land reforms policies. List of participants and the details about papers presented during the workshop are enclosed at Annexure- I & II.

This booklet contains the policy recommendations drawn by the participants on the issue of contract farming, tenancy laws and land reforms in the era of globalization.

Yatendra Kumar
Deputy Director &
Co-ordinator cum Vice-Chairman
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Inaugural Addresses

The workshop started with the welcome address by Sh. T.K. Manoj Kumar, Co-ordinator & Vice Chairman, Centre for Rural Studies, LBS National Academy of Administration, Mussoorie. He briefed about the Centre for Rural Studies and its activities and highlighted the importance of the workshop. Addressing to the participants, Sh. Kumar said that the Ministry of Rural Development (MoRD) is keen to get inputs from practitioners, academicians and other experienced people working in the area of contract farming, land laws and land related matters as these issues are more relevant in the present changing scenario.

Sh. Kumar extended his hearty welcome to Sh. V.S. Sampath, Director General, National Institute of Rural Development (NIRD), Hyderabad and requested him to deliver the First Address. He also welcomed to Dr. P.K. Agarwal, Principal Secretary, West Bengal and Dr. S.M. Jaamdar, Principal Secretary, Karnataka for giving their consent to attend the workshop. At the end, he welcomed to the Director of the Academy, Sh. Rudhra Gangadharan and the Joint Director, Sh. Padamveer Singh for being instrumental in organizing the workshop.

Sh. Padamveer Singh, Joint Director, LBSNAA, Mussoorie in his address said that the contract farming is widely practiced in State like Punjab where it is locally termed as "tekha". This involves issues of productivity, safeguarding of farmers' interest and also of land reforms.

Sh. V.S. Sampath, Director General, National Institute of Rural Development, Hyderabad, in his First Address has said that he was happy to participate as the thrust of the workshop has been so relevant in the present context. He said that the Indian agriculture is in a dwindling state as 60% of Indian population is still dependent on agriculture whereas its contribution to GDP is in the range of 18-20%. It was further said that nothing significant has happened in the country after green revolution. On contract farming, he said that much will depend upon how the system of contract farming is managed. He said that now almost every big business in this country is keen to have a share in food economy of the country.

Shri V. S. Sampath expressed his expectation from the workshop emphasis was laid on meaningful recommendations particularly on the difficulties experiencing by food industry, apprehensions of the farmers and of financing institutions. To an extent, the issue is also linked with landownership, land reforms, and reforms in tenancy laws. He highlighted that contract is good as long as it is transparent and among equal partners. There are estimates which say that tenancy cultivation is of the order of about 40%. The contract farming can not be de-linked from tenant farmers who do not have legal status. Their legal protection in contract farming is also the issue in tenancy reforms. He also highlighted other issues such as importance of crop insurance, and added that inability on the part of farmers in paying the actual insurance premium can not be set aside. He said that this workshop should recommend for premium which can be shared between the farmers, the company and perhaps government also.

Sh. Rudhra Gangadharan, Director of Lal Bahadur Shastri National Academy of Administration, Mussoorie in his inaugural speech has said that issues like contract farming, tenancy laws and land reforms are quite relevant at the present juncture and the Ministry of Rural Development is also keen to know the emerging trends in these spheres. He pointed- out that agricultural growth in the country has become stagnant for the past few years. Despite the fact that the green revolution has taken place, this has been neutralized by population growth. It was said that there may be a possibility of stabilization of population in the next few years, but, demand for food is not going to decline. Therefore, the issue of food security which is one of the important agenda should also be addressed during the workshop. Quoting an example of countries like Africa, where indigenous farming system has been replaced by foreign corporate and with the result, the indigenous crops that used to sustain the population, disappeared. These countries have now become dependent on food imports. Sh. Gangadharan, cautioned against adoption of such practices. Therefore, there is a need for striking a balance between industrialization and agriculture. He said that the recommendations which would be drawn by the participants should be very practical in approach and the workshop should not remain merely as an academic exercise. There are many Ministries involved to tackle the issues such as Agriculture, Rural Development, Food Industry, etc. so the recommendations should not confine only to the Ministry of Rural Development.

The inaugural session ended with the vote of thanks by Dr. Saroj Arora, SRO of the Centre.

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Objectives and Sub-themes of the Workshop

The contract farming system has been favorably accepted by various states like Punjab, Haryana, Madhya Pradesh, Tamil Nadu, Karnataka, Andhra Pradesh, Gujarat and Maharashtra. To support the system of contract farming, various State governments are framing laws and wherever required amending the existing land laws including relaxing the land ceiling and liberalization of the tenancy laws, etc. There are attempts to encourage contract farming and in some states even corporate farming seems to be in full swing. The States of Maharashtra and Gujarat have enacted laws to allow corporate farming on government wastelands by providing large tracts of these lands to agri business companies on a long term lease.

Various empirical studies conducted in Punjab State reveals that the incidences of reverse tenancy is on rise in those areas where leasing in of land is done by the big farmers and leasing out is done by the small and marginal farmers. Most of these small landowners were from Scheduled Castes population. The reversal of tenancy process has benefited the big landholders as they control the leasing terms for the land. The prevalence of reverse tenancy is found more in those areas where agriculture is commercialized and mechanized.

Thus, contract farming has serious implications for small and marginal farmers as well as the tenants. There is a lack of institutional safeguards for checking the leasing out of land by small and marginal farmers. It is felt that adequate measures are required to protect this category of farmers as the contract takes

place between the two-unequal partners. The contract farming has serious implications on women and children too.

The Working Group Committee constituted by Planning Commission on 'land relations' has recommended for a comprehensive legal framework and guidelines to ensure the basic safeguards such as a fair price for the produce, procedures for dispute settlement and a farmer's representative or a panchayat to act as a catalyst to ensue fair contractual terms and risk sharing, provide backward and forward linkages, help the farmers to open bank account, provide crop insurance facility to contract farmers, focus on groups and associations to cooperatives and provide environmental safeguards, etc.

In the background as mentioned above, the Centre for Rural Studies, LBS National Academy of Administration, Mussoorie has conducted a national level workshop on "Contract Farming, Tenancy Laws and Land Reforms in the Era of Globalization". Another important objective was to get to know the experiences of various states on the said issues. Some of the main sub-themes included for discussion were as follow:

- (i) Contract Farming: conceptual framework, its impact on small and marginal farmers, tenants, landless poor, adhvivasis, tribals and women and the protective measures to safeguard their interests.
- (ii) Structural and functional pre-conditions for involving agencies in Contract Farming. Legislation

and liberalization of land tenancy laws-its impact on productivity and equity.

- (iii) Contract farming and land alienation.
- (iv) Contract farming vis a vis gram sabha and pasture land.
- (v) Land Reforms Policy: a shift in paradigm: causes and consequences.
- (vi) Acquisition of agricultural land particularly in the tribal areas for special economic zones (SEZs);

Recommendations for Policy Formulation

Recommendations, drawn by the participants, have been classified into three broad categories. Category one includes status of contract farming as well as corporate farming in India and its implications for land reforms. Category two includes contract farming and its impact on the vulnerable sections such as Scheduled Castes, Scheduled Tribes, gender and land reforms policies. Category three includes globalization, special economic zones and land reforms. Thus, sub-theme wise recommendations are given below:

(1) Recommendations on Sub-theme - I on Contract Farming, Corporate Farming and Land Reforms

- (i) It is felt that the Contract Farming tends to bypass the agricultural labourers, marginal and small farmers. Its benefits mostly confine to medium and large farmers. Thus, contract farming has in built

potential of "pauperization and proletarianization of the peasantry". Therefore, the state should take proactive role in protecting the interest of marginal and small farmers as well as tenants in contract farming.

(ii) The company should directly contract farmers and no intermediary should be allowed leasing-in of the land. Corporate farming should not be encouraged.

(iii) Contract should be signed in the presence of Govt. or Panchayati Raj Representatives to ensure that the contract is on equal footing.

(iv) In all the cases, contract should be in written form and the copy should be made available to all the concerned parties.

(v) Govt. should strengthen extension agencies and should also ensure quality and grading and necessary market network.

(vi) To bring in more service providers at competitive service conditions, along with production credit and imputed wages for the family labour should be included in the cost of production. While providing employment, preference should be given to the local labourers.

(vii) Crop insurance for farmers should be made mandatory and the premium should be paid by the principal party.

(viii) The common property resources should be transferred to Gram Panchayats.

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(ix) The tenancy needs to be legalized to allow tenancy (leasing-in and leasing-out) between and among the farmers.

(x) There should be no revision in ceiling laws.

(xi) There are potentialities of utilizing the contract farming for promoting the interest of the disadvantaged sections by encouraging self-help groups and cooperatives. The new Panchayati Raj Act gives people the power to organize and govern. The decentralized democracy based on local self-rule (Gram Swaraj) is the political process through which the land grabbing by the corporate sector can be checked.

(xii) Most of the tribal societies are still at subsistence level of agriculture. As such there is very less scope for contract farming in the concerned areas.

(2) Recommendations on Sub Theme -II on Vulnerable Sections such as Scheduled Castes, Scheduled Tribes, Women & Land Reforms Policies

(i) Provision regarding the rights of tribals on forest and land should be implemented forthwith as they have been recognized under the Scheduled Tribes and other Forest Dwellers' Recognition of Rights Act (2006).

(ii) The alienated land of tribals should be restored under various acts and procedural bottlenecks should be sorted out. The Divisional Commissioner should scrutinize and confirm all the transfer of lands taken from the Tribals to non-tribals. The cases of alienation of tribal lands or in the case where the one of the parties is tribal(s) such cases to be disposed by the court on priority.

(iii) Records of Rights (RoR) should be updated and common property resources be specially taken care, particularly in tribal areas.

(iv) Efforts should be made to restrict lease out the fertile lands used for the purpose of multiple crops.

(v) Setting up of industries in Scheduled Areas at random and without assessing their impact on the tribal economy must stop forthwith.

(vi) The Government should identify potential areas of industrialization in advance, after due process in which the people and the institutions should be able to participate meaningfully.

(vii) Deemed Scheduled Areas: All tribal majority pockets and even villages having more than 50% population should be added to the Scheduled Areas (SA) of the State as per the commitment of the Union Government.

(3) Recommendations on Sub- Theme- III on Globalization, Special Economic Zones and Land Reforms

(i) Regulatory mechanism for the conversion of agricultural land for non- agricultural purpose should be enforced.

(ii) Existing special economic zone (SEZ) (in 65 states), which is in violation of land reforms laws should be reviewed. Reopening of fresh special economic zone (SEZ) should be undertaken with full precautionary measures.

(iii) The special economic zone (SEZ) has strong potentiality of accentuating the process of pauperization and proleterarinisation. Hence, it has the built in potentiality of promoting agrarian unrest, agrarian violence including naxalism.

(iv) Whenever there is a land acquisition for special economic zone (SEZ), the land should be acquired at the prevailing market price and there should be proper rehabilitation and the interested farmers may be allowed to become share holders. In the rehabilitation process it should be stated in clear terms that one member from each affected family should be given employment commensurate with their scale. Therefore when the land is acquired, there should be rehabilitation of the displaced person.

(v) There should be proper Land Utilization Policy at the national and state level for

- (a) Distribution of lands to weaker section
- (b) For common property resources (CPR) purposes.
- (c) For allocation to industries.

(vi) The globalization has further accentuated the land acquisition for public purpose both in tribal and non-tribal areas. This should be prevented forthwith as it has direct impact for adverse land reforms.

(vii) Consent of Gram Sabha in Panchayat Extension to Scheduled Areas (PESA) should be enforced.

(viii) The community ownership of land is the dominant mode in tribal societies. The issue of tribal land is intimately related with the issue of the livelihoods. The principle modes of land alienation include a) the alienation taking place through oral transfers/ transfers by concealing material facts, b) transfer of land given by competent authorities mistakenly, or obtaining the permission by fraud c) weak implementation of law and procedural lapses are found to be more responsible for alienation of tribal lands.

(ix) The land acquisition for the public purpose has been one of the most inimical laws against the weaker sections, as it has displaced large number of tribals, Scheduled Castes, women and children. The state/ govt. should not be a party to the land acquisition for private companies and corporate sector.

(x) Special Economic Zone (SEZ) should not be permitted for speculative purposes.

(xi) Central Coal Bearing Act is inimical to the interest of the land owner. The ultimate right of the landowner should be retained and the company should have only the lease rights.

(xii) For effective implementation of PESA, 19 Central Acts need to be amended at the earliest.

(xiii) The expansion of an industry should be subject to review.

(xiv) The unused lands of the existing industries/ establishments should be identified, data bank should

be created and the lands should be distributed to the weaker sections.

(xv) The proper provisions for rehabilitation and re-settlements should be provided under the Land Acquisition Act.

(xvi) **Revisit Land Acquisition:** A logical corollary of the above propositions will review the entire process of land acquisition. A fresh beginning should be made in keeping with the spirit of the provisions of Section 4 (i) of PESA. In fact, suitable regulations may be made honouring the spirit of Section 4 (d), *which places Gram Sabha at the centre of the stage*. All legal provisions which violate the above-mentioned premise.

(xvii) **Unearned Benefit of Escalating Price of Land:** The Revenue laws in some States like Madhya Pradesh envisage that *diversion of agricultural land for nonagricultural purposes must be done before the transfer*. The intension is that the benefit of 'unearned increase' in the price of land due to its diversion to industrial activity *should accrue to the farmers*. Even Orissa is said to have such provisions but these are ignored. Necessary measures, in this regard, may be taken to operationalize this principle.

(xviii) **Dialogue with the People:** A dialogue with the people in the areas where new development projects, as also mining and industrial plants are going to start, the Government must declare that no takeover of land, including already acquired, shall be proceeded with unless the people get convinced about a place of honour for them on terms of equality in the new economy.

(xix) **Revisit Land Records:** *One of the major problems in the tribal areas is the shaky foundation of land records. This has effectively denied tribal people their legitimate claims that should accrue to them in terms of existing laws. A high powered committee may be constituted forthwith which may proceed to bring on record, in consultation with the concerned Gram Sahbas, the names of those in occupation of land acquired for or taken over by various industries otherwise.*

Other Recommendations for Vulnerable Sections: Distribution of Surplus Land under Land Ceiling Programme, Government Lands and Bhoodan Land

Major extent of land distributed under land ceiling programme are either not in the physical possession of the beneficiaries or the pattas have not been issued to them. It is, therefore, necessary that special administrative drive should be conducted in all the States in collaboration with the activists/ voluntary organizations/ NGOs to identify such cases and ensure physical possession to such beneficiaries/ issue pattas to them.

The lands distributed to the beneficiaries and held in possession of the landlords should be taken away from them and distributed to the genuine beneficiaries.

The un -irrigated lands distributed to the beneficiaries should be provided with irrigation facilities so that the land is productive and used by the beneficiaries for their livelihood effectively.

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The lands lying under litigation should be disposed off within the prioritized time and such lands should be distributed to the weaker sections.

The lands lying with the temples and trusts should be brought within the ceiling limit and distributed to the weaker sections.

All the above recommendation the women land rights should be recognized, recorded and protected.

PS: Recommendations under sub-theme I & II were unanimously approved by the house of participants. However, there were differences of opinion in the recommendations mentioned under sub-theme three.

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Annexure- I

**LIST OF PARTICIPANTS
ATTENDED THE WORKSHOP
ON
"CONTRACT FARMING, TENANCY LAWS AND LAND
REFORMS IN THE ERA OF GLOBALIZATION"
(March 15-16, 2007)**

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Annexure- II

CONTENTS

Sl.	Title of the Paper	Author(s)
1.	Land Reform Policies- What Next in Uttar Pradesh?	Gyanendra Mani
2.	Land Reform Policies- a Shift in Paradigm: Causes and Consequences	Roma & Ashok Chowdhury
3.	Globalization, Land Laws and Land Reforms in North Eastern India	Walter Fernandes
4.	Tenancy Relations in India Legislation, Grassroots Realities and Policy Options	H. R. Sharma
5.	Land Tenancy & Contract Farming: A Policy Dilemma	LC Singhi Saroj Arora
6.	From Land Reforms To Land Grabbing Agriculture Be Made Enjoyable and Rewarding	K. Saradamoni
7.	Contract Farming: The Concept and Scope in India	Gurdev Singh & S.K. Asokan
8.	From Contract Farming to Corporate Farming- An Agenda for India Farm Inc.	K.S. Ramachandran
9.	Contract Farming in Punjab	H.S. Dhaliwal & M.S. Sidhu

10.	Contract Farming Legislation and Liberalization of Land Tenancy Law- Its Impact on Productivity and Equity- A Case Study of Karnataka	S.M. Jaamdar
11.	Contract Farming in India: Options and Implications for Small and Large Farmers	Parmod Kumar
12.	Contract Farming in Karnataka- A Boon or a Bane	S. Erappa
13.	Informal and Formal Contract Farming Towards Institutional Arrangements and Safeguards	P. Venkata Rao
14.	Observations on Land Distribution Among Scheduled Castes and Scheduled Tribes, Agricultural Productions Scenario and Contract Farming Perspective in Orissa	Premananda Panda
15.	Growth of Naxalism: Causes and Remedies	P. K. Agrawal
16.	New Realities of Neo-Naxalism	Ramesh C. Sharma
17.	Thinking of the Scope of Increasing Production by Land Reforms & Village Empowerment in Bihar	Hetukar Jha