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IMPACT OF LICENSED CULTIVATORS ACT IN ANDHRA PRADESH (INDIA)

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By

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Keywords: agricultural efficiency, land access for poor, leasing, legal amendment, and loan eligibility card.

Abstract:

Agricultural tenancy is either legally prohibited or highly restricted in most places in India. However, an informal, albeit passive lease market for agricultural land exists. Informal tenants generally fail to access institutional credit and other benefits such as insurance, input subsidies etc. In 2011, the State of Andhra Pradesh in Southern India passed the Andhra Pradesh Licensed Cultivatorsø Act which provided for Issuance of loan eligibility cards (LEC) to all the tenant cultivators, thereby entitling them to access bank loans, input subsidies and crop insurance. However, the initial impact is not very encouraging. The majority of the tenants could not get an LEC and benefit from the well- intended Act. Lack of awareness and the landownersø apprehension about the adverse impact of the Act were the main constraints. The Act has the potential to improve the socio-economic condition of the tenants as well as farm productivity, but there is need for a legal amendment, to insert a special clause removing the various apprehensions of the landowners and deleting the 'adverse possessionø clause in the existing law. In addition, there should be an awareness campaign about the likely positive impact of the licensed Cultivatorsø Act on agricultural growth and equity.

Introduction

Leasing out agricultural land is either legally banned or highly restricted in most places in India including the state of Andhra Pradesh. The justification for such a policy, as given by various state governments was that the agrarian structure in India was feudal and tenancy was considered an inefficient and exploitative institution. However, due to abolition of large intermediaries under the Zamindari system in the 1950øs as well as other land reforms measures, the situation has improved significantly over time. However, state governments hardly cared for amending their tenancy laws to suit the changing agrarian --

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situations. The state of Andhra Pradesh is no exception. The state consists of two main regions, Telengana and Andhra. In the Telengana region of Andhra Pradesh, leasing out agricultural land is generally prohibited but the law allows small farmers and the disabled persons to lease out such land. The law defines disabled persons to include minors, women, persons with physical or mental infirmities, defence personnel and those prevented by any sufficient reason from cultivating the land. Such landowners can lease out land with the permission of the chief administrative officer of the district known as collector for a period as the collector may fix. In the Andhra area of Andhra Pradesh the law does not explicitly ban leasing out of agricultural land, but some highly restrictive clauses, prevent the growth of active land lease market. For example, the landlord has a right to take the land back from the tenant only if he does not hold more than two thirds of the maximum ownership limit, established by law for personal cultivation and then only if the tenant is left with no less than one half of the area leased by him before such resumption. The lease also has to be in writing, registered and for a minimum period of six years. The lease is renewable and heritable, but not otherwise transferable, except to financial institutions by way of mortgage. Despite legal restrictions, an informal, albeit passive land lease market exists in Andhra Pradesh. Economic forces drive land leasing, while the legal ban or restrictions have only reduced the extent of land available in the lease market which has in turn reduced the welfare of poor tenants by forcing them to enter into informal arrangements in contravention of the rules and also by restricting the poor peoplesø access to land through leasing (Haque: 2001, Deininger et al: 2012). Some land owners prefer to keep their land fallow rather than lease it out for fear of losing the land in case they lease out. From the point of view of tenants, informal leasing does not allow them to access institutional credit, crop insurance, farm subsidies and other benefits. In response to this reality, the Government of Andhra Pradesh passed Andhra Pradesh Licensed Cultivators Act, 2011 which primarily aims at removing some of the constraints of informal tenant cultivators, by issuing them loan eligibility cards (LECs), based on which the tenants can access bank credit, insurance, subsidies etc. A tenant who holds an LEC is a -Licensed Cultivatorøin the sense that the card establishes the tenantsøright to access these benefits. The Government of Andhra Pradesh issued one year LECs to about 0.51 million informal tenants in 2011-2012 and issued about 0.41 million cards in 2012 (upto September 10). Of the cards issued in 2012, 60 percent were renewal of old cards and 40 percent were new cards. Nearly 0.77 million acres of land were cultivated by such licensed cultivators in 2012. The present paper aims at finding out the implementation status and impact of the AP Licensed Cultivators Act, 2011.

Objectives

The main objectives of this paper are as follows:

- i) to find out the extent of tenancy and licensed cultivation by way of receiving loan eligibility cards under the AP Licensed Cultivators Act;
- ii) to analyse the socio-economic profile of the tenants who have either obtained or not obtained licensed cultivator status and the reasons thereof;
- iii) to find out the proportion of licensed cultivators who obtained bank loans and other benefits, contemplated in the AP Licensed Cultivators Act and the reasons for some licensed cultivators not receiving benefits;
- iv) to examine the initial impact of the implementation of AP Licensed Cultivators Act and
- v) to analyse the key constraints in the implementation of the Act and suggest appropriate measures for overcoming them.

Methodology

The paper is based on a recent study by Landesa on the subject (Revathi 2012). Both secondary and primary data were collected and analysed. The secondary data on the number of tenants and licensed cultivators who received loan eligibility cards were collected from the Revenue Department of the Government of Andhra Pradesh. The list of licensed and other tenants for selected districts and the list of those who obtained loans and other benefits were collected from the local land administration officials.

To collect the primary data, duly structured questionnaire schedules were canvassed among tenant and owner households both individually and as a focused group. Researchers interviewed a total of 3702 tenant households in five districts, covering ten sub-districts (mandals) and 22 villages. The districts selected for primary level survey were from five different agro-ecological zones, viz. (1) Vishakhapatnam from North Coastal Andhra Pradesh, (2) East Godavari from South Coastal Andhra Pradesh, (3) Kurnool from Rayalaseema, (4) Nalgonda from South Telengana and (5) Warrangal from North Telengana. A quick study was also conducted in the districts of Kurnool, Guntur, Mehboobnagar and Nalgonda to find out the economics of lease farming.

Extent of Tenancy and Licensed Cultivation

According to 59th round of the National Sample Survey (NSS) for 2003, about 15.9 percent of the total rural households in Andhra Pradesh were tenant households, and leased in land accounted for about 8.9 percent of the total area. (Government of India: 2006). Nearly 41.7 percent of the total leased in area was under fixed cash rent, followed by 22.7 percent under fixed produce term, 21.7 percent under share

cropping and 13.9 percent under other terms. The same NSS data also indicate that 53.1 percent of the all tenants were absolute landless workers and 30.9 percent were marginal farmers, farming less than 2.5 acre each. As Table-1 illustrates, out of the 1.74 million tenant farmers listed in Andhra Pradesh, 0.68 million applied for loan eligibility card in 2011-12 and 0.51 million tenant farmers were issued cards. About 29 percent of the tenant farmers were thus licensed cultivators. The proportion of licensed cultivators ranged from 3 in Srikakulam district to 100 in Anantpur district. The districts with 50 percent or more licensed cultivators include Rangaready (85 percent), Warrangal (84 percent), Nalgonda (68 percent), Khamman (58 percent), Viskhapatnam (57 percent) and Kurnool (50 percent). In all other districts, it was less than 50 percent in Medak, 12 percent in Nizamabad, 15 percent in Chittoor, 16 percent in Prakasham, 19 percent in Nellore and Guntur and 20 percent in East Godavari. In several districts including East Godavari, West Godavari, Guntur, Mehbobnagar, Medak, Nellore, Prakasham, Khammam, Karimnagar, Kadappa, Nizamabad and Adilabad, the percentage of LECs issued against application was less than the state average of 76 percent (Table-1).

Characteristics of Land Lease Market

Of the total licensed cultivators, 93 percent were male and 7 percent were female. About 59 percent of the licensed cultivators were absolutely landless tenants and 41 percent were owners who also leased in land from others. (Table-2) Nearly 71 percent licensed cultivators in wet land and 53 percent in dry land leased in less than 2.5 acre of land on average. Approximately 90 percent of the licensed cultivators leased in land from one land owner, while about 10 percent leased in land from more than one land owner. Also in 90 percent of cases in wet land and 88 percent of cases in dry land, the leases were oral. For both wet and dry land, the term of lease was predominantly fixed cash rent, constituting about 70.2 percent for wet land and 99.1 percent in dry land. Share cropping arrangements accounted for only 7.3 percent for wet land and 0.0 percent in dry land. This is unlike the practice in most other regions of India, where the predominant arrangements are fixed cash tenancy on leased wet land and share cropping tenancy on leased and dry land. The logic behind high incidence of share cropping in dry land condition is that both land owners and share croppers try to share the risks of rainfed agriculture. But the practice seems to be changing now.

The average cash rent paid by licensed cultivators was Rs. 10936 per acre in wet land and Rs. 9218 per acre in dry land. The average fixed produce paid as rent was 10.5 bags of 75 kg each in wet land and 6 bags of 75 kg each in dry land. About 94 percent of the LEC holders in wet land and 83 percent in dry land were marginal and small farmers farming less than 5 acres each. Nearly 88 percent of licensed cultivators in wet land and 19 percent in dry land grew only food crops. Most of the leases were for short

duration. About 57 percent licensed cultivators in wet land and 74 percent in dry land leased in land for one year or less. This speaks of tenure insecurity of the tenants under the existing leasing arrangement which is mostly oral or informal.

Economics of Lease Farming

Lease farming not only results in improved utilization of land and labour, but also improved income of both tenants and land owners. As shown in Table-3 tenant farmers in Andhra Pradesh earned an average of Rs. 11418 per acre from lease farming. Leasing also helps utilize the available land of landowners and surplus labour of the tenant households more efficiently, as many landowners would prefer to lease out land under various socio-economic compulsions and tenants do prefer to lease in land, to improve their socio-economic status.

Table-4 summaries the main reasons for leasing out land by the landowners including (i) disability due to various reasons, (ii) high cost of cultivation, (iii) non-profitability of agriculture, (iv) access to non-agricultural employment, (v) shortage of family labour, (vi) migration to cities and (vii) having land beyond the landownersøcapacity to cultivate.

The reasons cited for leasing in land by the tenants include (i) inadequacy of own land, (ii) landlessness and (iii), the desire to increase land size for improved income as well as social status and to utilize available surplus family labour (Table-5).

Barriers to Applying for and Receiving Loan Eligibility Cards

The most important reason why only 38.9 percent tenants in the state applied for loan eligibility card was lack of awareness. As Table-6 shows, this accounted for about 94 percent of cases. The other important reason was the objection of the land owner.

About 24 percent of the tenants who applied for an LEC and were not issued the same, did not know the reasons for rejection. In nearly 62 percent cases, no reason was given. Only in 6 percent cases, the reason cited was delay in submission of application. In the remaining 32 percent cases, other reasons were cited, namely objection by land owners, no information about the plot etc. (Table-7).

Benefits of Holding an LEC

One of the main objectives of AP Licensed Cultivatorsø Act was to enable the tenant cultivators to access bank credit by issuing them the LEC. However, as shown in Table-8, only 15 percent of the LEC holders were issued bank loans. In 55 percent of the studied villages, no LEC holders received any bank loans and in 23 percent villages, less than 15 percent LEC holders received a bank loan. On average, the loan issued per LEC holder (who received a loan) was Rs. 6000 to Rs. 14000 per acre. The most disturbing situation is that in 50 percent of the sub-districts, about 75 to 100 percent loans were from private money lenders. At the aggregate level, about 53 percent of the total amount of loans issued to LEC holders were from private moneylenders. Also about 9 percent of the total credit supply was provided by local input traders. The share of bank loans in the total loan received by LEC holders was only 13 percent.

Table-9 lists the main reasons why the majority of the LEC holders did not receive bank loans. The reasons include (i) an existing loan against the same plot of land by the land owner (ii) lack of awareness on the part of both bank officials and tenants regarding loan entitlement. The other reasons were incorrect evaluation of credit risk by bankøs field officer, misinformation by village revenue officer, lack of recommendation by any responsible person and objection of the landowner. In some cases, a delay in submission of the loan application and an outstanding loan with the tenant were cited as the reasons for not issuing loans to some LEC holders. In about 4 percent cases, the LEC holders were asked to form SHGs for getting a bank loan.

The Licensed Cultivatorsø Act is also intended to enable the tenant farmers to access input subsidies and insurance. It became clear from the field survey that about 96 percent of LEC holders did not receive any input subsidy, although the law provided for it. The main reason as shown in Table-10 was the lack of awareness about it. In some cases, landowners themselves received an input subsidy and therefore, tenants were denied the same subsidy. Also in several cases, no reasons were cited for not giving input subsidy to LEC holders. Besides, the existing agricultural insurance scheme did not cover the majority of tenants, as insurance was credit linked and most tenants did not have access to bank credit. Also in the event of any natural disaster, landowners only received the compensation or relief for crop damage as the lease agreement was unwritten and the tenants could not show any proof that they cultivated the land where crop loss or damage occurred.

Tenant Farmer''s Perception of the AP Licensed Cultivators Act

The tenant farmersø perception about the implementation of the AP Licensed Cultivators Act were mixed. Only 33 percent of the tenants felt that issuance of the loan eligibility card was useful. Twenty-four percent of the tenants felt that all the tenant farmers should be properly identified and LEC should be issued systematically. About 21 percent of the tenants openly expressed that farm input subsidies should be provided to all LEC holders. Nearly 12 percent tenants also felt that the Act should be amended to remove the apprehensions of land owners regarding the issuance of LEC to tenants. (Table-11). The main apprehensions of the land owners include (i) the fear of losing land rights because leasing out of land is either legally banned or restricted and (ii) fear of non-payment of loan by the tenant.

Suggestions for Improvement

The important suggestions that emerged from the focus group discussions (FGDs) for improving the implementation of AP licensed cultivators Act include (i) wide publicity and awareness campaign of the scheme, (ii) provision of loan without survey number of leased in plot, so that land owners do not get adversely affected in terms of either protecting their land rights or accessing credit. (iii) provision of loans to all farmers, both landowners and tenants, (iv) provision of input subsidies to all tenants and (v) pro-active role of banks and district agriculture officers in providing bank loans to all LEC holders.

Conclusions

To conclude, the Andhra Pradesh Licensed Cultivators Act, 2011 had a limited impact so far in enabling the tenant farmers to access institutional credit, insurance and input subsidy programmes of the government. First of all, only about 39 percent of the tenant farmers applied for loan eligibility card and 76 percent of those who applied received card. Consequently, the number of licensed cultivators remained as low as 29 percent of the total number of tenant farmers. The main reason for the tenant farmers not applying for loan eligibility card was the lack of awareness, followed by objection of land owners. Second, even the majority of the licensed cultivators failed to access bank loans, insurance and input subsidies, largely on account of lack of awareness, conflict with land ownersø interest and negative attitudes of concerned bank and government officials. Many landowners have an apprehension that licensed tenants may eventually claim ownership or occupancy right over the leased land, if they are allowed to receive loan eligibility cards and bank loans, which will be recorded now. In such a situation, the landowners may either resist issuing loan eligibility card to the tenants or rotate the tenants from year to year and plot to plot, thereby creating insecurity and disincentive for the tenants to cultivate land efficiently. Alternatively, some landowners may even prefer to keep the land fallow than to lease out.

Under these circumstances, the best course of action for the government would be to insert a new clause in the Act, saying that leased out land would automatically revert back to the landowner on the expiry of the lease period. The existing tenancy law should also be amended to delete the clause of adverse possessionø which may entitle the tenants to claim occupancy right over the leased in land by virtue of cultivating it on continuous basis for a long time. As Indiaøs Twelfth Five Year Plan rightly mentions õtenancy should be legalized and regulated to provide security to the tenant while also protecting the land ownerøs rightsö. (Govt. of India: 2012). There should be wide publicity and awareness campaign about the positive aspects of the AP Licensed Cultivatorsø Act which would help improve agricultural growth and equity in the state.

References

Deininger, Klaus, Jin, S. and H. K. Nagarajan (2012). Equity and Efficiency Impacts of Land Leasing Restrictions: Evidence in India in (T. Haque (ed). Land Policies for Inclusive Growth, Concept Publishing Co.

Govt. of India (2012), Twelfth Five Year Plan, Planning Commission, New Delhi.

Govt. of India (2006), Report on Operational Holdings, 59th Round NSSO.

- Haque, T. (2001), Impact of Tenancy Reforms on Productivity Improvement and Socio-economic Status of Poor Tenants, National Centre for Agricultural Economics and Policy Research, Policy paper No. 13, New Delhi: Indian Council of Agricultural Research.
- Revathi, E (2012), A Study of the Impact of AP Licensed Cultivators Act, 2011, (Unpublished Report), Landesa, New Delhi.

Tenants and Licensed Cultivators in Andhra Pradesh (2011-12) by District

Distribution of Loan Eligibility Cards (LEC) according to districts in Andhra Pradesh (2011-12)

S.No.	Districts	Tenant	Applied	Tenants	Applied	Issued LEC	% of
		Farmers	for LEC	Issued	for LEC	(% to	Licensed
				LEC	(%)	applied)	cultivators
1.	East Godavari	250000	70584	49959	28	71	20
2.	West Godavari	200000	116923	85809	58	73	43
3	Guntur	175000	51108	33233	29	65	19
4.	Krishna	120000	54000	50306	45	93	42
5	Chittoor	100000	19278	15304	19	78	15
6	Kurnool	100000	61333	49797	61	81	50
7	Mahabubnagar	100000	34213	22013	34	64	22
8	Medak	80000	10447	6415	13	61	8
9	Nellore	80000	21835	15430	27	71	19
10	Prakasam	75000	24000	12000	32	50	16
11	Vizianagaram	68000	24568	22568	36	92	33
12	Khammam	52460	43353	30340	83	70	58
13	Nalgonda	50000	40000	34000	80	85	68
14	Karimnagar	40000	23369	15863	58	68	40
15	Warangal	32486	29000	27168	89	94	84
16	Kadapa	30000	11818	7944	39	67	26
17	Nizamabad	25000	5395	2936	22	54	12
18	Vishakapatnam	20000	14000	11330	70	81	57
19	Ranga Reddy	6920	5867	5867	85	100	85
20	Anantapur	5035	5035	5035	100	100	100
21	Srikakulam	125000	4500	4300	4	96	3
22	Adilabad	13000	9600	6308	74	66	49
	Total	1747901	680226	513655	38.92	76	29

Source: Revenue Department GoAP

Characteristics of Land Lease Market in Andhra Pradesh

1	Percentage of male tenants with LEC	93
2	Percentage of female tenants with LEC	7
3	Percentage of pure landless tenants with LEC	59
4	Percentage of owner-cum tenants .with LEC	41
5	Percentage of LEC tenants leasing in wet land upto 2.5 acre	71
6	Percentage of LEC tenants leasing in dry land upto 2.5 acre	53
7	Percentage of LEC tenants leasing in land from more than one land	10
	owner	
8	Percentage of LEC tenants having oral lease a) Wet land	90
	b) dry land	88
9	Percentage distribution of leased in wet land by	
	LEC Holders under various terms: a) fixed cash	70.2
	b) fixed produce	22.5
	c) Share Cropping	7.3
10	Percentage distribution of leased in dry land by	
	LEC Holders under various terms: a) fixed cash	99.1
	b) fixed produce	0.9
	c) Share Cropping	0.0
11	Average rent paid by LEC Holders in Wet land:	
	a) fixed cash	10936
	b) fixed produce	10.5 bags of
		75 kg each
	c) Crop Share	50:50
12	Average rent paid by LEC Holders in dry land:	
	a) fixed cash per acre	9218
	b) fixed produce	6 bags of
		75 kg each
	c) Crop Share	NA
13	Percentage of SC/ST tenants with LEC	26
14	Percentage of BC tenants with LEC	40
15	Percentage of Other caste tenants with LEC	34
16	Percentage share of marginal and small cultivators LEC in total leased	94
	land (wet land)	

17	Percentage share of marginal and small cultivators in total leased land	83
	(dry land)	
18	Percentage of LEC holders growing only food crops in wet land	88
19	Percentage of LEC holders growing only food crops in dry land	19
20	Percentage of LEC tenants with one year lease in wet law	57
21	Percentage of LEC tenants with one year lease in dry law	74

Average Net Returns per Acre from Leased inland by District

District	Average Net Returns per acre
Kurnool	5194
Guntur	22625
Mehboobnagar	9510
Nalgonda	11938
State Average	11418

Source: Field Survey

Table-4

Reasons for Leasing out Land by Land owners

1	disability
2	high cost of cultivation
3	non profit in agriculture
4	non-agricultural employment
5	scarcity of labour
6	living in cities
7	more land than can be cultivated
	personally

Main Reasons for Leasing in Land by the Tenants

1	inadequate own land
2	landlessness
3	improving land size and income
4.	availability of surplus family labour

Source: Field Survey

Table-6

Frequency Distribution of Reasons for not Applying for LEC

(Percent)

1	lack of awareness	94
2	objection of land owner	2
3	can¢t say	4

Source: Field Survey

Table-7

Frequency Distribution of Reasons for not Getting LEC, although Applied for it (Percent)

а	no reasons given	62
b	delay in submission of application	6
с	other reasons	32

LEC Holder's Access to Bank Loan

Percentage of LEC holders issued bank loan	15
Percentage of villages where LEC Holders did	55
not receive any bank loan	
Percentage of villages where les than 15 percent	23
LEC holders received bank loan	
amount of loan disbursed per LEC holder	Rs.6000-Rs. 14000
Percentage of mandols/sub-divisions where 75	50
percent to 100 percent loan was from Pvt. money	
lender	
Percentage share of Pvt. M	53
oney lenders in total loan received by LEC	
holders	
Percentage share of bank loan in the total loan	13
received by LEC holders	
Percentage share of co-op. society/SHGs in the	7
total loan received by LEC holders	
Percentage share of traders in the total loan	9
received by LEC holders	
	Percentage of villages where LEC Holders did not receive any bank loan Percentage of villages where les than 15 percent LEC holders received bank loan amount of loan disbursed per LEC holder Percentage of mandols/sub-divisions where 75 percent to 100 percent loan was from Pvt. money lender Percentage share of Pvt. M oney lenders in total loan received by LEC holders Percentage share of bank loan in the total loan received by LEC holders Percentage share of co-op. society/SHGs in the total loan received by LEC holders Percentage share of traders in the total loan

Frequency Distribution of Reasons for LEC holders not Receiving Bank Loan

a)	loan already availed by the land owner against the	26
	leased land	
b)	lack of awareness	23
c)	no specific order from government	7
d)	objection of land owner	5
e)	lack of no-due certificate	2
f)	no recommendation by any responsible person	9
g)	misinformation given by VRO	4
h)	objection by banksøfield officer	11
i)	asked to form groups	4
j)	outstanding loan with the tenant	2
k)	delay in submission of application	2

Source: Field Survey

Table-10

Frequency Distribution of Reasons for LEC holders not Getting Farm Input Subsidies

	Percentage not getting Farm Input Subsidy	96
a)	lack of awareness	73
b)	no reasons cited	14
c)	land owners getting the input subsidy	7
d)	not available	6

Tenant Farmers Perception about the AP Licensed Cultivators Act

1	Percentage of tenants who felt LEC useful	33
2	Percentage saying tenants farmers should be properly identified	24
	and LEC issued	
3	Percentage saying bank loan should be given to all LEC holders	19
4	Percentage saying apprehensions of land owners should be	12
	removed	
5	Percentage saying farm input subsidy should be provided to all	21
	LEC holders	
6	Percentage saying previous debt should not be considered for	11
	giving bank loan	
L		