

Tenancy aspect of temple lands in Tamil Nadu, India

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ABSTRACT

The paper attempts to analyze the Tenancy Aspect of temple tenants and owner farmers in Tirunelveli district of Tamil Nadu, India. A sample of 90 temple tenants and 50 owner farmers from two taluks of Tirunelveli district of Tamil Nadu viz, Shencottah and Tenkasi were selected for the study. The reference period of the study was 2002-2003. The study revealed that the temple tenants had Recorded Tenancy Rights (RTR) overall percentage was 64.4 showing that the Act had not been fully enforced. The tenancy of temple land was lesser costly than that of owner land. The relief and concessions provided by the various tenancy acts were so common to temple tenants, but the lower average value of rent per hectare for temple lands could be explained only by lower productivity of temple lands and the failure to revise the cash rent tolerably over the years. There were direct and indirect tenants, the whole set of the indirect tenants category and some in the direct tenants category had no RTR despite of the law making it obligatory. Most of the temple tenants had the security of tenancy, as even transfer to the heirs was not intricate. The study revealed that the temple tenants had Recorded Tenancy Rights (RTR) overall percentage was 64.4 showing that the Act had not been fully enforced. The tenancy of temple land was lesser costly than that of owner land. There were direct and indirect tenants, the whole set of the indirect tenants category and some in the direct tenants category had no RTR despite of the law making it obligatory. Most of the temple tenants had the security of tenancy, as even transfer to the heirs was not intricate.

Key words : Temple lands, Recorded tenancy right, Terms of tenancy.

INTRODUCTION

Tamil Nadu is a land of ancient, big temples and mutts. There are many temples in the state, which have cultivable land and also urban lands to a limited extent, donated to them for earning income to meet their maintenance expenses. These temple owned lands are given on lease to the cultivators and the rent received from them is the major source of revenue to the temples. But the purpose is not served because the rent collection is poor.

The Hindu Religions and Charitable Endowment (HR & CE) Department is in overall charge of maintaining records and administering the temple owned lands. These institutions own nearly 191583 hectares of land (HR & CE, Policy Note: 2003-04).

Record of Tenancy Rights (RTR), as per the Tamil Nadu Agricultural Lands Act, 1969, any person cultivating land not owned by him, but taken on lease has to register his tenancy right with the concerned taluk office. This is called Record of Tenancy Rights (RTR). This registration entitles him the security of tenancy (against arbitrary eviction), fair rent and even a right to buy the land on priority, if the land is offered for sale. However, the very same benefits of the tenants encourage landowners to avoid the registration. They would prefer oral lease or other forms of arrangements (such as hypothecation for loans, advances from the owner to the tenant - either

real or imaginary). So it is not uncommon to see unregistered tenancy. Temple tenants take on lease the lands belonging to the temple. It cannot be done without an official order from HR & CE Department. But even among temple tenants there exists the unregistered tenancy rights; because lease is inherited, transferred or even sold by the original lessee to some one else without notice to the temple authorities.

If the productivity of temple lands is really low, that will lead to low income-low investment – low yield-cycle. If the cycle is allowed to persist, it is a social waste of the scarce land. If it is not really low, then the statement of lessee should be contested and proved wrong (Consultancy Project, 1995). In either case, an economic analysis of temple owned land is the only way to find a remedy. Hence, it is also important to conduct an analysis of temple owned land's tenancy aspects, terms of tenancy and categories of tenants which will help to improve the productivity of the temple owned lands through appropriate policy interventions.

MATERIALS AND METHODS

In Tamil Nadu, two districts namely Thanjavur and Tirunelveli have more acreage of temple lands when compared to other districts of the state. We purposively selected Tirunelveli district as a study area because southern Tamil Nadu, the district has more acreage under

temple lands in order to get the sufficient number of respondents having temple tenants. A total of 28364.28 hectares belongs to temple lands is Tirunelveli district. Of this, 17144.44 hectares are wetlands, 9781.16 hectares are dry lands and 1452.68 hectares are rainfed lands. In the study area out of 11 taluks, two taluks viz., Tenkasi and Shencottah were selected randomly for the study. From the selected two taluks, nine villages were selected randomly from Shencottah (five) and Tenkasi (four); 10 temple tenants were selected randomly from each village, which constituted 90 temple tenants. In order to compare the temple tenants with owner operated farms, 50 owner-operated farmers were selected randomly from eight villages (each five) and last 10 from one village. The total sample constituted 90 temple tenant farmers and 50 owner farmers, thus making the total sample to 140. The data pertaining to the year 2002-03 were gathered. The collected data were analyzed using simple percentage analysis.

RESULTS AND DISCUSSION

The current status of the Recorded Tenancy Rights (RTR) is presented in Table 1.

It could be observed from Table 1 that in none of the two taluks, there was 100.0 per cent RTR for temple tenants. The percentage of registered RTR was 54.0 in Shencottah taluk and the highest percentage was 77.5 per cent in Tenkasi taluk. Overall percentage was 64.4 showing that the Act had not been fully enforced. Not all these who failed to register concealed the fact; simply they had not done it and they were well aware of the Act and had no reservation for registration. Their activities were transparent. Therefore, the extent of concealed tenancy would be smaller than the percentage of unregistered (non RTR) tenants.

Table 1 : Recorded Tenancy Rights of Sample Farmers

S.No.	Taluk	Temple tenants (Nos.)		
		Total	with RTR	%
1	Shencottah	50	27	54.0
2	Tenkasi	40	31	77.5
	Total	90	58	64.4

Terms of Tenancy

The period of lease, the rent and the mode of payment of rent are the factors that define the terms of tenancy. When the rent is a fixed value payable in cash either before raising the crop or after the harvest of the crop, it is called fixed cash tenancy. If the rent is payable in kind at specified rates so many number of bags of grain per

hectare, it is fixed kind tenancy. Alternatively the rent may be paid as a percentage of the produce harvested which is called as share cropping.

The Public Trust Act 57/61 fixed fair rent at 40.0 per cent of grain harvested and 20.0 per cent of straw and the tenants retained 60.0 per cent of the main product (rice grain) harvested. But non-payment of rent was not infrequent and sought relief, which came through Act 21/72 where in the tenants who paid atleast a part of their arrears, were given waiver for the balance of rent due from them. Further the Act 18/80 changed the even proportion of the harvest payable as rent. The share of tenant and the owner in total quantity harvested was fixed at 75.0 per cent and 25.0 per cent, respectively and no share in the straw was payable.

Thus, the tenants received substantial relief from their obligation to pay rent and further relief came from the Act 38 of 1991. At the time of study, the rent payable by the tenants of temple and also other lands was 25.0 per cent of the harvested product only. Therefore, the rent paid per hectare of leased in land varied due to the variation in productivity of the crop raised. Average quantity of paddy grain payable by the sample tenants and its money value, estimated at the average price (of Rs. 4/kg) received by the sample farmers are presented in Table 2.

As could be seen in Table 2 payment of rent in kind for rice crop was 769 kg/ha for the temple tenants and average value of rent per ha was Rs.3074. In Shencottah taluk, payment of rent in paddy was crop 763kg/ha and in Tenkasi taluk was 774 kg/ha with the value of Rs. 3052 and Rs. 3096, respectively. Thus, rent of the temple land was lesser than that of owner land. The relief and concessions provided by the various Tenancy Act were so common to both temple tenants and other tenants, but

the lower average value of rent per hectare for temple lands could be explained only by lower productivity of temple lands and the failure to revise the cash rent adequately over the years.

Categories of Tenants

Temples allocated temple lands directly to the

Table 2 : Average Rent Payable for Land

S.No.	Taluk	Temple tenants (Nos.)	
		Kind (kg/ha)	Value (Rs.)
1	Shencottah	763	3052
2	Tenkasi	774	3096
	Total	769	3074

cultivating tenants long back and the allocation was officially recorded as per the RTR Act 10/69. By this arrangement, sub-tenant and all other cultivators of the temple lands were recognized as tenants of the lands cultivated by them. It also allowed the temple tenants to pass on the land to their legal heirs if they were cultivators. There was also a ceiling of five standard acres (two standard hectares) for land allotted to any individual tenants. Tenants who had land in area of exceeding five standards acres divided the same among their family members to satisfy the law and to retain the land with them.

There were cases of transfer of the lease holding to

temple, originally. The share of sub-tenants in the total number indirect tenants was 52.2 per cent. There were direct and indirect tenants, the whole set of the indirect tenants' category and some in the direct tenants' category had no RTR in spite of the law making it obligatory. Most of the temple tenants had the security of tenancy, as even transfer to the heirs was not difficult. Sub-leasing and even sale of tenancy right was observed while in a smaller proportion only.

Conclusions and Policy Implications

The study revealed that the temple tenants had Recorded Tenancy Rights (RTR) overall percentage was

Table 3 : Categories of Tenants (Numbers)

S.No.	Taluk	Direct tenants	Indirect tenants		Total
			Heirs	Sub-lease	
1	Tenkasi	7	15	18	40
2	Shencottah	9	12	29	50
	Total	16	27	47	90
	(%)	17.8	30.0	52.2	100.0

some other cultivators in return for cash payment either as advance, loan or outright sales price. While the records in the temple would show someone as the lessee, the actual cultivating tenant would be someone else. They were called indirect tenants of temple lands. The lands having cash crops like sugarcane and banana, were leased out by open auction method, normally for period of three years. In the next auction after three years the land might change hand, if the highest bidder in the auction was some one other than one who was cultivating land previously.

Hence, the tenants could be classified into two categories as (i) direct tenants and (ii) indirect tenants. The indirect tenants can be further classified by mode of acquisition of tenancy. The distribution of tenants among these categories of farms presented in Table 3.

As could be perused from Table 3 that there were 16 direct tenants, accounting for 17.8 per cent of the total number of temple tenants. The indirect tenants were 74 (82.2 per cent). Among them, 30.0 per cent received land as heirs of the tenants who took land on lease from the

64.4 showing that the Act had not been fully enforced. Not all these who failed to register concealed the fact; simply they had not done it and they were well aware of the Act and had no reservation for registration. Their activities were transparent. The tenancy of temple land was lesser costly than that of owner land. The relief and concessions provided by the various tenancy acts were so common to temple tenants, but the lower average value of rent per hectare for temple lands could be explained only by lower productivity of temple lands and the failure to revise the cash rent tolerably over the years. There were direct and indirect tenants, the whole set of the indirect tenants category and some in the direct tenants category had no RTR despite of the law making it obligatory. Most of the temple tenants had the security of tenancy, as even transfer to the heirs was not difficult.

The study shows that many of the temple tenants do not have Record tenancy rights (RTR), hence the enforcement of the Act might be strengthened while tenants without RTR might loose their tenancy; further

the land may be re-allotted by the public auction system. A system of fixed cash tenancy must replace the present system of share cropping i.e. 25.0 per cent of the harvested grain is payable as rent by the tenants to the temple. Because of the present system gives room for declaring lower yield or even total crop failure even in years of good crops. Temple staffs are not able to know the actual yield of the crops. Temple can agree to help the tenants for making necessary and beneficial investments either from its own funds or by helping tenants borrow for the purpose of to be making an irrigation facility. Tenants must agree to pay the rent and amount of loan payable regularly. Failure to pay in full the rent, loan or both for more than

three years must be made a sufficient cause to cancel the tenancy rights, the land will return to the temple.

REFERENCE

Consultancy Project (1995). "Investment and Productivity of Temple Owned Lands in Tamil Nadu, (Submitted to State Planning Commission, Govt. of Tamil Nadu). HR & CE, *Policy Note.* (2003-04).

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