



Mains Practice Question

Q. Discuss the challenges of Model Land Leasing Act, 2016. Also, suggest measures that can be taken to protect the interest of small and marginal farmers in India. (250 words)

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Approach

- Introduce by briefly explaining the Model Land Leasing Act and its objectives.
- Discuss the challenges associated with the Model Land Leasing Act.
- Suggest measures to be taken to protect the interest of small and marginal farmers.
- Conclude suitably.

Introduction

- The Model Land Leasing Act, 2016 seeks to permit and facilitate leasing of agricultural land to improve access to land by the landless and marginal farmers.
- It also provides for recognition of farmers cultivating on leased land to enable them to access loans through institutional credit.
- Main features of the act:
 - Legalise land leasing to promote agricultural efficiency, equity and power reduction. This will also help in much needed productivity improvement in agriculture as well as occupational mobility of the people and rapid rural change.
 - Through this act, the landlord can legally lease the land with mutual consent for agriculture and allied activities.
 - A Leaseholder may receive institutional loan, insurance and disaster relief so that he may invest more and more in agriculture.
 - In order to resolve the dispute between the landlord and leaseholder, the provision of "Special Land Tribunal" has been made in the Civil Court.

Body

Challenges Associated with the Model land Leasing Act, 2016

- **Absence of tamper-proof land records:** The biggest challenge to the Model Land Leasing Act is the lack of tamper-proof land records with the revenue department. This is one of the reasons why landowners fear leasing out their farms.
- **Diversion of land from crop cultivation to commercial use:** Model Land Leasing agreement Act (2016) may encourage the diversion of agricultural land from crop cultivation to commercial use because it allows leasing of agricultural land for activities like animal husbandry, plantation crops etc.in addition to crop cultivation.
- **Absentee Landlordism:** Model land leasing act will prevent redistribution of land through transfer ownership as people living outside the area will prefer leasing instead of selling.
 - Otherwise, land distribution through selling was an important means of redistribution and consolidation of land. Land leasing will promote absentee landlords.

- **Lack of Uniformity:** Since agriculture is a state subject, the disparity and abundance of laws create confusion, and lack of uniformity, which may prevent the formation of a healthy leasing ecosystem.
- The act is also silent on whether a land already under lease agreement can be mortgaged or not, keeping in view that the lessee might be interested in availing crop loans or term loans in case of allied activities.
- **Exploitation of small and marginal farmers:** The model Land Leasing Act doesn't specify the rent on leased land and the period of lease and has rightly left it to the concerned parties in the land lease market which could lead to exploitation of small and marginal farmers.
- **Food security:** Leasing out land to activities other than agriculture might endanger the food security of the country in the long run.

Measures to be taken to protect the interest of small and marginal farmers

It has been noted that an estimated 36% of India's tenant farmers were completely landless, around 86% owned less than two hectare and 56% owned less than one hectare of land. Therefore the small and marginal farmers deserve special attention.

- The strict restrictions must be removed from the Act so that small and marginal farmers are able to lease land easily without hesitation.
- Proper awareness and education among the farmers about the benefits that land leasing can bring to their household income and life.
 - They must be taught about the benefits of land leasing and also about the rules and regulations so that they are not fooled by industrialists and large landowners.
- Since most of the small and marginal farmers are dependent on cattle, the grazing lands must not be leased out in the name of fallow land.
- Farmer activists have strongly advocated that agricultural land must not be used for industrial purposes.
 - Moreover, agricultural land should not be given to corporate houses in the name of poor farmers. There should be a viable ceiling on land to be given on lease and it should also be given to landless, agriculture labourers or unemployed youths at the household level.

Conclusion

Overall, the Model land leasing Act if implemented properly in the right spirit will be of great help to Indian agriculture which is reeling under stress because of lack of agricultural efficiency and productivity.