

**THE POLITICS OF LAND REFORMS – A
STUDY OF GANJAM DISTRICT IN SOUTH
ORISSA (1974-1989)**

*Dissertation submitted to the Jawaharlal Nehru University in
partial fulfilment of the requirements for the award of the
degree of*

MASTER OF PHILOSOPHY

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1998**



CERTIFICATE

Certified that the Dissertation entitled "THE POLITICS OF LAND REFORMS – A STUDY OF GANJAM DISTRICT IN SOUTH ORISSA (1974-1989)" submitted by Archana Patnaik, is in partial fulfilment of the requirements for the award of the degree of Master of Philosophy of this University. This dissertation has not been submitted for any other degree of this University, or any other University and is her own work.

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ACKNOWLEDGEMENT

I would take the opportunity to express my thanks to **Dr. Bishnu N. Mahapatra**, my supervisor for his valuable guidance and advice.

I would also like to acknowledge my gratitude to the teachers at my Centre who are always helpful.

My sincere thanks to the staff of the Jawaharlal Nehru University Library, New Delhi; the Nehru Memorial Library, New Delhi; the Nabakrushna Chaudhary Institute for Advanced Studies, Bhubaneswar; the Hare Krushna Mahatab State Library, Bhubnaeshwar and the Board of Revenue Library, Cuttack for their cooperation and assistance.

I want to thank all my friends for encouraging me at different stages of my work. Special thanks to maa and baba for helping me out whenever I needed them.

In making this dissertation presentable my thanks to Praveen, Mala Graphics, who put in his best to finish the work on time.

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CHAPTER – 1

INTRODUCTION

Land reforms by altering the relationship between man and land seeks to transform the relationship among men. It cannot be contemplated as if it “were something that a government proclaims one fine morning that it gives land to the tenant as it might give pensions to old soldiers or as it might reform the administration of justice.”¹ In terms of land reforms policy, one is confronted with a range of political and cultural situations – based on different patterns of social organization and customs – and different levels of development.

Land in History

The right to property in land is an ancient idea in India. In the fifth century B. C., Manu said, “field is his who clears it of jungle, game is his who first pierced it.”² Some Indian sages had propounded a different doctrine on the ownership right over land. According to them earth was common property and the right was not to the soil but to the usufruct. Jamini says, “Earth cannot be given away as it is common to all.”³ The thesis of Maine supports the view that in ancient India land was considered as a communal property.⁴ Such a situation must have existed prior to Manu. With people taking to cultivation for their subsistence the system of

¹ Galbraith, J.K., ‘Conditions for Economic Change in Under Developed Countries’, *Journal of Farm Economics*, Vol. 33, 1951, pp. 689-96.

² Max Muller, F (ed.), *The Sacred Book of the East – The Laws of Manu*, Translated by George Buhler, Oxford University Press. 1886, Chap. IX, V44, p. 335.

³ Jamini, *Mimansa Bhasya*, Canto XIV, 13, in S.C. Mitra’s *Tagore Law Lectures – 1895*, Thacker, Spink and Co., Calcutta. 1898, p. 5.

⁴ Maine, H.J. Sumner, *Ancient Law - Its Connection with the Early History of Society and its Relation to Modern Ideas*, London. J. Murray, 1871.

social ownership of land in a gradual way would have passed over to the villages, to the family and finally to the individual cultivators. The course of distribution of land ownership from the community to the individual cultivators is found in the history of land system of almost all countries of the world.⁵ In the primitive stage of cultivation there would have been no instinct among the agricultural population of the village community to claim individual property right over land. Intra-group and inter-group rivalry must have developed with the growth of population.

A pertinent question is whether the Hindu kings had claimed and enjoyed any proprietorship over the soil cultivated by the peasants. The dominant version is that as the saviour of life, liberty and property the king was entitled to a share of the produce. The Rig Veda states in categorical terms that the king has a right only to get a share of the produce of the land.⁶ In India the beginning of the growth of an intermediary landed proprietary class started towards the decline of Mughal power. Revenue collectors, local princes and chiefs converted themselves as the de facto owners of the land under their administrative control. The process was completed when the English recognised them as the de jure owners of land. Gradually the bond between the actual tillers and the land they cultivated was broken. There was a break in the mutual relationship between the cultivators and the community. The age-old fraternal relationship was broken and the owners of land no longer felt the necessity to respect the cultivators' traditional right to the

⁵ 'Land', *The Encyclopedia Britannica*, 9th edition, Chicago, 1970, Vol. XIV, p. 265.

⁶ Vishva Bhandu (ed.), *The Rig Veda*, Part VII, Hoshiarpur, 1965, 10th Mandal, poem 173, stanza 6, p. 3876.

land. The landlords , soon a heterogeneous class did everything within their power to maintain the status quo wherein the peasants were at a disadvantaged position.

What Necessitates Land Reforms

At independence our agrarian structure was affected by several weaknesses which inhibited basic socio-economic justice and agricultural growth. Such a situation, with the intermediaries and landlords dominating the agrarian society necessitated the introduction of land reforms. The actual peasants were an exploited and deprived lot. The land reforms policy adopted was aimed at curing these maladies. The concept of land reforms has been in use since the days of Solon in the 7th century BC whereby limitations were introduced on the amount of land that could be held by an individual Athenian. Such reforms have been one of the dominant themes of history and from antiquity the cause of many political and military conflicts.⁷

In the developing world the land reforms movement is of universal appeal and long duration. Many countries have been striving for decades to effectuate publicly sponsored changes in the traditional land tenure system. Reforms give hope and exhilaration to those whom revolution otherwise makes an irresistible appeal. It has been argued that land reforms have no relevance in the era of liberalisation and free market economy. On the contrary, land reforms have much more relevance in the present context of rapid industrialisation of the country. Success of industrialised countries such as USA, Canada, Singapore etc. show the importance of an egalitarian agrarian society. Reforms were carried out which not

only helped the expansion of the domestic market but also helped in increasing incomes of the rural families. The emancipation of a large section of the society accelerates overall development . The potentialities of land reforms must be viewed within the overall requirements of rural reconstruction.

Scope

The term 'land reforms' has been subject to different interpretations. Some have defined it narrowly as a means to provide land to the landless or the tillers while others have conceived it broadly as a comprehensive program for the transformation of the entire agrarian structure. Doreen Warriner prefers the narrow definition in her extensive study on land reforms. To her, "land reform means the redistribution of property or rights in land for the benefit of small farmers or agricultural labourers. This is what land reform has meant in practice, past and present."⁸ "Attempts to alter", says Joshi, "the agrarian structure directly can be characterised as land reforms."⁹ The United Nations, on the other hand, conceives land reforms as "an integrated programme of measures designed to eliminate obstacles to economic and social development arising out of defects in the agrarian structure."¹⁰ Such a programme involves change of land tenure as well as improvement of agriculture service institutions. Later on, the United Nations seems to have shifted towards a narrower concept of land reforms. It defined land reforms as "changes in land tenure systems and the accompanying changes in other

⁷ The Encyclopedia Britannica, Chicago, 1970, Vol. XIII, p. 658.

⁸ Warriner, Doreen, Land Reform in Principle and Practice, Oxford University Press, 1969, p. xiv.

⁹ Joshi, P.C., Land Reforms in India – Trends and Perspectives, Institute of Economic Growth, Allied Publishers, Delhi, 1975, p. 87.

¹⁰ Progress in Land Reform, The United Nations, Third Report, 1963, p. vi.

institutions that are necessary to achieve the objectives for which the changes in land tenure are sought. The reform of land tenure remains a constant part of reference.”¹¹ The emphasis on reduction of inequality and promotion of distributive justice is obvious.

In India the land reforms policy under the Five Year Plans besides emphasising distributive justice also lays stress on economic efficiency. It seeks to insulate the cultivators from exploitation and to safeguard their best interests in consonance with the national interest or policy. A careful observation of the objectives of land reforms speaks of two factors. First, to remove such impediments from agricultural production as arise from the character of the agrarian structure, and secondly, to create conditions for evolving as speedily as possible an agrarian economy with high levels of efficiency and productivity. The main objective of the government in a democracy is to maximise social welfare.¹² It was intrinsic within the framework of the Directive Principles of State Policy for the redistribution of economic assets so as to limit sharply “the concentration of wealth and means of production to the common detriment.”¹³ Whether agrarian structural reform or promotion of production ought to be given priority is a basic issue of India’s development strategy in general. In India the central government is only entitled to enact general legislation and the onus of implementation of land reforms lies with the states. Ever since independence land reforms constitute

¹¹ Progress in Land Reform, The United Nations, Fourth Report, 1966, pp. 2-3.

¹² Dalton, Hugh, Principles of Public Finance, 4th Indian edition, Allied Publishers, New Delhi, 1961.

¹³ The Constitution of India, As modified upto 1st May 1965, India, Ministry of Law, Delhi, 1965, Part iv, Directive Principles of State Policy, p.25.

perhaps the most fundamental issue in national development.¹⁴ It has since then been a tussle between programmes of productivity which would lead to ineffectual implementation of land reforms and programmes in favour of equity which would lead eventually to their replacement by those in productivity.

According to Michael Lipton land reforms have two components, namely, collective and distributive land reforms.¹⁵ Collective land reforms lead to the operation of land by the state or a group of individuals and is based on the viability of large-scale farming making use of machine based technology. Distributive land reforms, on the other hand are emphatic in making intensive use of the labour resources. Distributive land reforms under conditions of given technology at different stages of agricultural development in India have proved to be effective policy directives in bringing about the twin objectives of land reforms in India as envisaged in the First Five Year Plan, social justice and economic efficiency.

From mid-30's up to mid-60's emphasis was on collective land reforms and from mid-60's the emphasis shifted to distributive land reforms. The adoption of new scientific technology is not bound by land size criteria, it was found out that the output per unit of land was same in both large and small size farms.¹⁶ In individual farming the notion of personal interest and initiative exists. The feeling of possession/ownership of land serves as a major incentive. It has been the

¹⁴ Herring, Ronald J., Land to the Tiller – The Political Economy of Agrarian Reforms in South Asia, Oxford University Press, Delhi, 1985.

¹⁵ Lipton, Michael, 'Towards a Theory of Land Reforms' in David Lichmann (ed.), Agrarian Reform and Agrarian Reformation: Studies in Peru, China and India, Faber and Faber Ltd., London, 1974.

¹⁶ i) Gliffin, Keith, The Green Revolution – An Economic Analysis, United Nations Research Institute for Social Development, Geneva, 1972.

ii) Dorner, Peter, Land Reform and Economic Development, Penguin Books, England, 1972.

experience of developing countries that distributive land reforms besides achieving social justice also lead to economic efficiency.¹⁷

Land reforms is thereby the means by which abstract notions of social and distributive justice can be made tangible – conferring on its beneficiaries a new sense of dignity and self-worth. Traditionally it has been the upper castes who owned land and the lower castes who were the tenants. Possession of a plot of land however small carries with it a high psychological and social value. Possession of land and power go together in the rural society. Historically the owners of land have been the supporters of the government in power. Because of the numerical position of the former zamindars and the later landlords and their economic stranglehold over the tenants they depended on the government for their protection. At the same time the government depend upon them for its own survival so long as the tenants did not organize themselves against the exploitative political and social systems. Increasingly it is seen that institutions such as gram panchayats are being dominated by the landlords. All these only perpetuates the cultivators at the very base of the agrarian hierarchy. Land reforms is the process by which they can gain a foothold in the agrarian hierarchy, be made less passive and fight for their rights.

Thus it is seen that land reforms policy in India is a comprehensive programme for the transformation of the entire agrarian structure. Analysts often

¹⁷ i) Folke, Dovring, Economic Results of Land Reforms, Agency for International Development, Geneva, 1970.
ii) Nguyen, D.T. & Martinez – Saldinar, M.L., ‘The Effects of Land Reform on Agricultural Production, Employment and Income Distribution’, in The Economic Journal, Sept. 1979, pp. 624-635.

use the term 'agrarian reforms' to refer to this.¹⁸ Agrarian reform is a more comprehensive concept than land reform since it involves a wide range of conditions that affect the agrarian sector. Rural development is broader still because it embraces all dimensions of the rural sector, agricultural & non-agricultural and is more concerned with the welfare of the rural people. Land reform is a necessary concomitant of successful rural development. As Gunnar Myrdal has shown land reform contributes to economic development not only through its direct impact on the system of ownership and operation of land but also through its indirect effects on social structure, power balance and the value system.¹⁹ S. Aziz maintains that one of the key elements of a rural development strategy are more equitable distribution of land and other rural resources in order to meet the minimum needs of the poorest of the population.²⁰

Aims and Objectives

Since ancient times land in Orissa had belonged to the community and the community had always the right to regulate it in its own interests. Medieval Orissa saw the emergence of intermediaries and superior landlords and the reduction of peasants and artisans to the position of semiserfs.²¹ During the Mughal period, land ownership rights were unspecified and customary laws determined rights and

¹⁸ i) Jannuzi, F. Tomasson, India's Persistent Dilemma – The Political Economy of Agrarian Reform, Westview Press, U.S.A., 1994.

ii) Tuma, Elias. H., Twenty Six Centuries of Agrarian Reform, a Comparative Analysis, Berkeley, 1965.

¹⁹ Myrdal, G., Asian Drama – An Enquiry into the Poverty of Nations, Allen Lane, The Penguin Press, London, 1969 (3 vols.).

²⁰ Quoted in Prasad, K. N., 'Land Reforms – Basis of Rural Development', The Economic Times, Dec. 26, 1986, p. 5.

²¹ Sahu, Bhairabi Prasad, 'Orissa Society: Past Trends and Present Manifestations', paper presented at a seminar on State – Specific Caste-Class Situation in India, TDSS, Pune, 27-30 Dec., 1987 (unpub.).

duties and its decline in terms of authority saw an increase in the privileges of landlords who began claiming ownership of land.²² The agrarian structure consisting of peasant proprietors were converted into a land system full of tenants. The British conquest was a decisive turning point in the evolution of Orissa land system as it was accompanied by conferring legal recognition on various types of intermediaries. The traditional rights of peasants received a set-back.

Various studies show the continuing dominance of the land owning classes. One study concludes that new technologies are being absorbed while landowners retain an exploitative hold over tenants through appropriate changes in tenurial systems.²³ Another study shows how development induces a process of differentiation making marginal farmers out of small farmers.²⁴ Yet another study shows how a *Brahman-karan* middle class dominates the poor peasants and landless agricultural labourers, most of whom belong to the Dalit castes or tribes and middle or lower castes.²⁵

The aim of this study is to examine the impact of the four important land reform measures, viz. abolition of zamindars, tenancy reforms, ceiling on land holdings and redistribution of land and consolidation of landholdings in the District

²² Dash, Bhaskar, Social and Economic Life of Southern Orissa - A glimpse into the 19th century, Punthi Pustak, Calcutta, 1985.

²³ Bharadwaj, K. and Das, P. K., 'Tenurial Conditions and Mode of Exploitation – Study of Some Villages in Orissa', Economic and Political Weekly, Annual Number, 1975.

²⁴ Rao, R.S., and Tripathy, P.K., 'Identification of Marginal and Small Farmers, their number and characteristics in the State of Orissa', Department of Economics, Sambalpur University, mimeographed, 1978.

²⁵ Mohanty, Manoranjan, 'Class, Caste and Dominance in a Backward State – Orissa' in Rao and Franked (eds.), Dominance and State Power in Modern India-Divide of a Social Order, Oxford University Press, Bombay, 1990, Vol. II, p. 366.

of Ganjam²⁶ in South Orissa from 1974-1989. The District of Ganjam lies in the Southern part of Orissa, bounded by 'North latitude 18°46' and 20°17', and East longitude 83°48' and 85°10'. It is bordered on the north by the districts of Phulabani and Puri, on the south by Sikakulam district of the state of Andhra Pradesh, on the west by Phulabani and Koraput districts and on the east by Puri district and the Bay of Bengal. Since Ganjam District was a witness to the mass movements against feudal landlords and had contributed to the national movement popular aspirations were high regarding land reforms.²⁷ This study seeks to assess the problems thrown up by land legislations and their implementation and the transformations in agrarian relationships not only in Ganjam but also in Orissa for a comparative understanding. It is basically an attempt to evaluate the changes brought about in the agrarian society of Ganjam and what extent land reforms have succeeded in removing the prevalent bottlenecks.

Methodology

Every investigation requires the adoption of certain methodology befitting the objectives of the study. The present study is predominantly based on secondary data from various sources. The main sources of secondary data are official publications by the Government of India as also the Government of Orissa and publication of other concerned departments as well as research organisations.

²⁶ The erstwhile District of Ganjam has been divided since 1992 into the two districts of Gajapati and Ganjam. For purposes of this study all references to Ganjam are to be taken as meant for the undivided District of Ganjam.

²⁷ i) Barik, Bishnu. C., Class Formation and Peasantry, Rawat Publications, Jaipur, 1988.
ii) Pati, Biswamoy, Peasants, Tribals and the National Movement in Orissa – 1920-1950, Monohar Publications, New Delhi, 1993.
iii) Raul, Nathan, 'Intellectual Origins of Nationalism in Orissa (1870-1930)', MPhil Thesis submitted to the Dept. of History (unpub.), Delhi University, May, 1981.

Certain unpublished reports have also been of help. From these sources some benchmarked secondary data related to the extent of implementation of land reforms programmes and other aspects of the study have been collected. With the limitation of official statistics in Orissa it is important to mention that there are a number of questions which ought to have been pursued but have not been taken up at all or did not follow it through adequately.

The present study focusses on the success and failure of the implementation of the land reform programmes from 1974 till 1989 in Ganjam district in South Orissa. In order to accord socio-economic justice and relief to the peasantry of Orissa, appropriate tenancy laws were enacted in 1948 and 1955 and estates were abolished in 1951. As these measures failed to establish peasant proprietorship a comprehensive land law, the Orissa Land Reform Act, 1960 was enacted. Though the Act came into force from 1st October, 1965 the chapter directly related to redistribution of land and which could lead to a noticeable success in the Chapter IV became effective from 2nd October, 1973. This deals with the fixation of ceiling and disposal of ceiling surplus land. The Orissa Consolidation of Holding and Prevention of Fragmentation of Land Act passed in 1972 has given rise to corruption, nepotism and arbitrariness in the process of implementation. All these factors plus the importance of feasibility of collection of data helped in delimiting the time period. Wherever possible data more current than 1989 has been provided to show changes, if any. Wherever needed data of the preceding or the succeeding years have been used, this is on account of lack of official statistics.

Thus, on the whole the work is based on library research and references to a number of governmental records and documents, reports as well as some historical

material of the archives, the latter helping in understanding the history of the land system in Orissa in general and of South Orissa of which Ganjam is a district in particular.

Chapterisation

The present study has been divided into five chapters. In any realistic analysis both macro and micro approaches are supposed to be used in an integrated way. This study, therefore makes an effort to study the land reforms and land relations of a particular district of Ganjam, South Orissa. The first chapter sets forth the parameters of the study clarifying the concept of land reform in its various dimensions.

The second chapter has two sections. The first section deals with the evolution of the land relations of the State of Orissa as a whole. The second section focusses on the historical growth of the land system in South Orissa of which Ganjam is a part. It was different from the rest of Orissa and resembled the Madras pattern as it had been part of the Madras Presidency till 1936. It shows how the interests of the landed aristocracy had always been safeguarded and they enjoyed dominance and status in society.

The third chapter attempts to make an institutional appraisal of the impact of land reforms on the State of Orissa while the fourth chapter focusses on the impact of land reforms particularly in Ganjam district. The concluding chapter sums up the issues under study and seeks to evaluate them while highlighting certain relevant recommendations.

CHAPTER -2

THE LAND SYSTEM IN ORISSA: A RETROSPECT

This chapter is divided into two sections. The first section deals with the land system in pre-British and in British Orissa. The second section deals with the land system as was prevalent specifically in South Orissa of which Ganjam district is an important part.

An understanding of the traditional land tenure system of Orissa necessitates analyzing the transformation of the land system and agrarian relations over a long period of time. It was the Mughal period which first saw the transformation of the agrarian structure full of peasant proprietors into a system full of tenants. It was, however, the British conquest which led to the complete destruction of the traditional rights of peasants and the conferring of legal recognition on the landed proprietors. An attempt is made in this chapter to see the changes brought about in the realm of institutions as well as transformation of relationships between land and people and among people.

Section. I

According to the historians, in the pre-Mughal period, no intermediate proprietary class existed between the king and the tillers of the land. That the king was not the absolute owner of the soil was evident from the fact that the right of

perpetual occupancy was conferred on the cultivators.¹ The king had the right to a share of the produce of the land and had the right to evict cultivators who shirked their duties. There is nothing to show conclusively that the king enjoyed absolute right over land vis-à-vis the raiyats.² According to the custom, whoever brought the land under the plough became its rightful owner and the land was subjected to the extraction of revenue by the state.³ Thus the ownership of land was vested in the peasants while the king had the exclusive right to the revenue.

In ancient Orissa individual property right over land was absent. Land was held in common ownership. The villages were self-sustaining and the produce/surplus produce was shared jointly by all members of the community as a whole.⁴ The requirements of maintaining a peasant militia for conduct of warfare accounted for the social ownership and joint cultivation of land.⁵ Gradually such community ownership gave way to peasant proprietorship. The beginning of the Ganga dynasty in the 12th century saw the community ownership of land completely demolished. During the 12th century from Raja Angabhimadeva onwards half of the land of the empire was assigned to support the military chiefs, peasant militia and the Brahmins.⁶ The land records of the Marathas reveal that the

¹ Dass, Nandkishore, Land Tenure of Orissa, 1875, The Puri District Tenure Report, Calcutta, 1876, p.1.

² Report of the Land Revenue and Land Tenure Committee, Government of Orissa, Government Press, Cuttack, 1949, p.9.

³ Jena, K.C., Land Revenue Administration in Orissa During the 19th Century, S. Chand & Co., New Delhi, 1968, p. 30.

⁴ Das, B.S., Studies in the Economic History of Orissa, From Ancient Times to 1833, Firma Kim Pvt. Ltd., Calcutta, 1978, p. 6.

⁵ *Ibid.*, p.7.

⁶ Mahtab, H.K., History of Orissa, Student Store, Cuttack, 1964, Vol. II, p.165.

Orissan monarch handed over half of his country for the support of his chiefs, armies, officers of state, priests of religion and the other half was reserved for his royal domain.⁷

The land of the province was divided into two principal divisions- military and civil. The military land was under the possession of military chiefs and the army of peasants cum soldiers who cultivated the land in times of peace took up arms during war. As the land was assigned in return of the military service no regular revenue or tribute was levied except under exceptional circumstances.⁸ The civil land was situated between the western and eastern frontier and was known as the crown land or royal domain.⁹ This land was directly managed by the king,¹⁰ with the help of the revenue officials. It was from here that the Hindu kings as well as the later governments - the Mughals, the Marathas and the British obtained their land revenue. The revenue officers were never regarded as proprietors of land. The kings provided a protective shield to the peasants by keeping the revenue as well as the land administration under their control and supervision.

It was after this period that an intermediary class could be said to have come into existence. The hereditary revenue officers developed into a class of landowners with intermediate interest. By having to pay only a small quit-rent they

⁷ Dass, N.K., op. cit., p. 1; Maddox, S.L., Final Report on the Survey and Settlement of the Province of Orissa, 1890-1900, Government Printing, Bihar and Orissa. Ranchi, 1920, Vol. I, p. 158, Vol II, p. 590.

⁸ Hunter, M.W., Orissa, Vol. II or the Vicissitudes of an Indian Province Under Native and British Rule, Smith, Elder & Co., London, 1972, p. 219.

⁹ Stirling, A., An Account of Orissa Proper, Bengal Secretaire Press, 1904,p.39.

¹⁰ Maddox, S.L., op. cit., Vol. II, p. 590.

managed to appropriate a greater income from land without contributing any labour in the production process.¹¹ Thus a sizeable number of landless labour obtained only a share of the produce.¹² However, it cannot be said that the land system was highly inequitable during the Hindu rule as there is evidence to prove the prevalence of peasant proprietorship.¹³ Thus, even if there was existence of revenue-free land or if land was assigned for military services there was no serious danger to the rights of the peasants. Grants of revenue-free land to members of the royal family, the Brahmans and the Deities, though discriminatory, did not destroy the rights of the raiyats. Non-secular grants were granted for certain services and there was as such no general sign of growth of intermediary landed aristocracy in Orissa during Hindu rule.¹⁴ Cultivators were bound to pay the sovereign a fixed share which usually ranged from 1/2 to 1/4th of the gross produce of the land. In fact if one generally goes into the revenue history of Orissa the period prior to the conquest of the Mughals may be called the golden age in as much as there was no exploitation, speculation or uncertainty.¹⁵

The Afghans conquered Orissa in 1568 A.D. but they had no opportunity to establish their rule. Then came the Mughals. Raja Todar Mal attempted survey and settlement of *Bengal suba* during 1582-84. The old division of the province into

¹¹ The Orissa Historical Research Journal, Nos. 3 and 4, September 1953, and January, 1954, p. 54.

¹² Das, Sarala, 'Mahabharat, Shanti and Sivargarohan Parvas' in Pravat Mukherjee's, History of Gajapati Kings of Orissa and their Successors, Calcutta, 1953, p. 160.

¹³ Das, B., S., *op.cit.*, pp.7-8.

¹⁴ Sah, A.P., Life in Medieval Orissa, Chaukhamba Orientalia, Varanasi, 1976, pp. 71-96.

¹⁵ Dash, Giridhari, The Land System and Land Reforms in Orissa, The Nabajivan Press, Cuttack, 1989, pp. 4-5.

military fief and civil land was kept intact. The former was called the *Garjats*, the hill states protected by forts where the chiefs resided and the *Mughalbandi*, the vast plain of rice land along the coastal land. An extensive area of land was left as the undisputed possession of the Orissan king and his dependents for their maintenance.¹⁶ The heads of the existing branches of the royal family were regarded as *Rajas* and large areas of land were assigned to them as hereditary fiefs in zamindari tenure.¹⁷ There was a continuance of the prevailing land revenue administration through the Hindu revenue officials as the *Mughalbandi* land was kept under the direct management of the Mughal kings for getting the maximum possible land revenue.¹⁸ The economic and political power of the Mughals kept the Orissan kings and military chiefs submissive. To prevent any rebellion and as a recognition of their strength the royal households and the military chiefs were allowed to hold extensive area of land in zamindari tenure on paying a fixed sum of land revenue. Previously the whole of the civil land was under the direct management of the *Rajas* and the revenue went into their coffers. Under such circumstance the landholders consisting of the royal families and military chiefs claimed to be the proprietors of the estates granted to them. The revenue officers now became subordinate to the Mughal power of Delhi. It became impractical on the part of the Mughal rulers to exercise control over these officers and the latter started functioning independently in their respective *Taluks*. The later Mughals

¹⁶ Das, N.K., op.cit., pp. 7-8.

¹⁷ Stirling, A., op.cit., p. 43.

¹⁸ Maddox, S.L., op.cit., Vol II, pp. 428-590.

were too weak and feeble to exert their influence on the local officials, they also needed extravagant sums to meet their war expenses and maintain their courts.

It gave a golden opportunity to the subordinate officials to become landed proprietors with more or less of admitted proprietary right depending on their strength and opportunity to extend boundaries as local chiefs. Thus while the royal households and military chiefs established themselves as feudal landlords, the revenue officers merely followed the same path for upgrading their status vis-à-vis land by fair means or foul.

What the Mughals really required were intermediary interests who would deal with the people and enforce revenue demands. The hereditary nature of offices had already introduced an element of fixity which under the rough and distant government soon began to harden into a permanent nature.¹⁹ Even as intermediaries became necessary to the foreign rulers they also become more and more independent.²⁰ The intermediate group lost its homogeneous character and very soon split into a heterogeneous body possessing admitted proprietary right accordingly as the intermediaries had strength and opportunity for asserting themselves,²¹ though none of them possessed any legal ownership over the land.²²

¹⁹ Hunter, W.W., op.cit., p. 221.

²⁰ Ibid.

²¹ Hunter, W.W., op.cit., p. 222.

²² Dass, N.K., op.cit., p.2.

Thus it is seen that the Mughal rule brought a turning point in the land tenure system of Orissa. Such a situation continued even after the commencement of Maratha rule in 1751 which lasted for nearly half a century.

It becomes necessary to mention in a nutshell the growth of the zamindari system for the system existed right throughout the British period and its abolition has been considered as the most urgent item of land reforms in the present century. Broadly speaking, the zamindars of Orissa at the time of British acquisition were either principal *Muquaddams* with a hereditary right of collection but without any right, title or interest on the land itself or government officers in charge of collection.²³ The colonial rule began with the conquest of the province of Cuttack²⁴ in 1803 followed by the Treaty of Deogram of 17 Dec. 1803. The geographical growth of the state as it stands today has come in stages. The first stage began on 1 April, 1936, the date on which the province of Orissa was created within the British empire comprising of the areas of Orissa Division of the then province of Bihar and Orissa, Ganjam, Koraput districts and Baliguda sub-division of Boudh district taken from Madras Presidency and Khariar zamindari and Mohadevapalli Police Station of the erstwhile Central Province and Berar . On 1 January 1948, 25 Princely States, 23 belonging to Orissa States Agency and 2 to Chattisgarh States Agency merged in Orissa Province. The Ex-States of Saraikalla and Kharasuan were subsequently transferred to Bihar province. The Ex-State of Mayurbhanj

²³ Dash, Giridhari, op.cit., p.13.

²⁴ G. Tonybee in book A Sketch of the History of Orissa (1803-1828) mentions the name as 'province of cuttack'.

officially announced its accession to the province of Orissa on 1 January, 1949. Prior to the conquest of the province of Orissa by the East India Company, Bengal had already come under permanent settlement introduced by Cornwallis in 1793. The conquerors lost no time in redrawing the land policy for Orissa on the model of permanent settlement. The Regulation XII of 1805 was formed with the sole object of creating a class of people to assist them in furtherance of the policy of exploitation and denigration of the age-old socio-economic status of the conquered. A few landowners of superior class, the descendants of noble families or higher officials to whom large tracts were assigned for maintenance were confirmed in perpetuity their position and status subject to the payment of a fixed amount as revenue to the company. The Zamindars, and the *Talukdars and Muqaddams* a class of people having a status inferior to that of the former and others who could prove proprietorship right were also secured in their position as rent receivers subject to periodical revision of revenue on condition of performing their duties.

The northern districts of Orissa came under the Company's rule only in 1803. The administration did not wish to rush in for a permanent settlement before making a study of the agrarian conditions and by the time such a study was completed the wisdom of a permanent settlement was called into question. Thus temporary settlement, therefore, took place in the northern districts of the State.

The southern districts of Ganjam and Koraput formed a part of what is known as the Northern Circars of Madras Presidency which came under the Mughal rule somewhat earlier than the rest of South India and where it lasted the



longest. In the whole of South India, therefore, the zamindari system was best developed in these tracts and the zamindars here were the most powerful. When, therefore, the Northern Circars came under the dominion of the East India Company it had no other alternative but to continue the status of these powerful zamindars and formally entrusted the collection of revenue to them by giving leases either for a year or for a term of three to five years. In some cases particularly *haveli* lands,²⁵ farmers were also appointed for collection of revenue.

After the introduction of the permanent settlement in Bengal, the Government of Madras was asked in 1796 by the Court of Directors to make inquiries for the introduction of that system in Madras. This suggestion did not however find much favour of the local officers who thought that except with regard to its application to the Northern Circars there was no scope for its application anywhere in Madras. But the Court of Directors were at that time very much in favour of the introduction of this system throughout the Madras Presidency and therefore, the Governor General went so far as to proclaim that any public servant who was unwilling or incapable of carrying out the orders for introduction of permanent settlement throughout the Madras Presidency would be removed from office. The Madras Settlement Regulation 1802, was then passed for carrying out the orders for introduction of permanent settlement and the Northern Circars were the first to come under its operation before the system received a setback in 1806.



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²⁵ Land which consisted of the Demense or Household land of the Sovereign and districts near to towns resumed by the Muslim rulers and appropriated to the peculiar support of its garrison and establishment.

Under the permanent settlement, zamindars and other landholders having individual claims to their estates were confirmed in their respective possession in perpetuity. Even the land in immediate possession of the government was parcelled out in convenient sizes and was given to the highest bidders in permanent settlement. By this process the entire district of Koraput and a fairly large portion of the district of Ganjam came under permanent settlement. It is definite that as much as ten-elevenths of the gross assets of each estate was fixed as the revenue payable to the government and that the effect of the settlement was to level, under the same denomination, all classes of persons claiming and believed to have, proprietary right in the soil.²⁶ To quote Hunter, "A proprietary body was thus consolidated out of the tangled growth of quasi-proprietary right, a body which included and represented all various sorts of intermediate holders between the ruling power and the actual husbandmen".²⁷ Thus a right which never existed was silently and perhaps unconsciously acquiesced in and formally admitted and confirmed by the British.²⁸

The various types of land tenure systems as had been developed during the British rule in Orissa are as follows. The zamindars were conferred, by the British, the right to inherit and transfer by sale, gift or otherwise, of the whole or a part of their estate. They had the right to collect rent from the raiyats and further had the right over fisheries, wastelands and forest lands of the estates. They also had the

²⁶ Dash, Giridhari, Land Reforms in Orissa - Promises and Performance, Legal Miscellany, Cuttack, 1993, p.2.

²⁷ Hunter, W.W., in Dass, N.K., op cit., pp.6-7.

²⁸ Tonybee, G. A., op cit., p. 26.

right to grant lease and create subordinate tenure. The amount of revenue payable was fixed permanently or for a number of years, according as the estate was permanently or temporarily settled. Default led to public action of the land. The proprietary class was indulged in imposing large number of *Abwabs* or cesses on the peasants.²⁹ These varied from estate to estate and most of them were imposed illegally.³⁰ Some of these inequitable exactions were *Magan, Sunia Bheti, Kumar Purnima Kharcha, Hadi Kharcha* etc. Another form of tenure was the *Padhani* tenure. *Padhani* refers to the village head and was appointed by the villagers with the consent of the king. Even during ancient times the village head was responsible for the collection of revenue. After the Mughal conquest most of them were transferred to *Muqaddams* and acquired quasi-proprietary status. However some remnants of the old class was found in parts of Orissa by the British and these were recognized as sub-proprietary tenure-holders. The term *Muqaddam* was coined after the Mughal conquest to designate *Padhani*. Thus the tenure was termed *Muqadamee* and the tenure-holder became *Muqaddam*. Majority of these *Muqaddams* became zamindars of their estates after making engagement with the government of The East India Company.³¹ Those *Muqaddams* who failed to produce documentary proof of their independent entity continued to remain subordinate to the zamindars.³² They, however, had the same rights and functions as those of the zamindars.

²⁹ Maddox, S.L., op.cit, Vol. I, pp. 178-181.

³⁰ Maddox, S.L. , op.cit., Vol. II, p. 697.

³¹ Stirling, A., op.cit., p. 50.

³² Dass, N.K., op.cit., p. 13.

The *Sarbarkars* were mere collecting agents of the zamindars, either servants or mere farmers and enjoyed jagir lands. The British recognised them as one of the sub-proprietary tenures of Orissa. After the British rule the *Kharida* tenure holders acquired sub-proprietary status and were entitled to receive an allowance of thirty percent of the gross rental. The *Talukdars*, zamindars and the *Muqaddams* during the Mughal and Maratha rule exercised their privilege of disposing of small areas of land by deeds of sale for money. These were termed as *Kharida*. Some estates claimed to have been held under *Sanad* and exempted from the payment of revenue by the predecessor government were found invalid and not genuine by the British. Such lands became liable to payment of revenue and were called as *Lakhiraj Bazyafiti* or resumed *Lakhiraj* tenure.³³ All over India it was a long established practice of the Hindu kings to grant revenue-free land to brahmans, temples, monasteries and to charitable institutions for their support. Orissa was no exception. During the Mughal rule the land was termed as *Lakhiraj*.³⁴ The British also recognised them as such. Some of them are *Brahmottar*, *Khairat*, *Madad Mash* etc. *Tanki Tenures* were granted to brahmans who were brought from north India for religious preaching. Such land was originally held rent-free and later at a quit-rent. The peculiar feature was that while some comprised entire villages others few acres of land. They were allowed by the Britishers to hold their land in perpetuity at a quit-rent with the rights to inherit and

³³ Regulation XII of 1805, Section 18-29.

³⁴ Lands for which no rent was paid to the state by the landholders (La=negative, Khiraj = revenue)

transfer.³⁵ Jagir tenures were land granted to the persons for rendering services to the community or to the state. During the pre-Mughal period all public servants were remunerated by land in lieu of their services. The subsequent governments recognised these jagirdars to hold land either free of revenue or at a quit-rent. The jagirs of all kinds were heritable though in no way transferable.

The great body of cultivators of Orissa as prevalent in the nineteenth century may be broadly divided into two classes - *Thani and Pahi*. The *Thani* or the fixed resident cultivators acquired relatively a superior status from their permanent residence and long period of possession. The resident cultivators cultivated as much land of the village as they could and were given preference to cultivate the land of the zamindars, *Muqaddams*, *Lakhirajdars*, jagirdars and *Tankidars* who did not touch the plough on account of their superior caste. The *Thani* raiyats apparently possessed the rights of occupancy and could not be evicted from their holdings so long as rent was paid. In reality, however, these raiyats had the status of tenants did not enjoy security and could easily be evicted.

The *Pahi* raiyats or the non-resident husbandmen cultivated temporarily the land which the inhabitants of the village could not hold conveniently. They had no occupancy rights and remained as mere tenants at will throughout the British regime in spite of their legal metamorphosis after the passage of various tenancy Acts. They could not cultivate the land unless they agreed to the terms of the

³⁵ Dalziel, W.W., Final Report on the Revision Settlement of Orissa, 1922-1932, Government Printing, Bihar and Orissa, Patna, 1934, p.19.

landlord and as such were subject to exploitation, unjust enhancement of rent and eviction.

The *Chandinadars* were the village shopkeepers, artisans and labouring classes who had no arable land in the village and paid rent for the house site only. Their tenure was known as *Chandina*. Later, on the term was used for all homestead land paying rent separately from the cultivable land.

The British land policy in India was basically guided by two important objectives. Firstly, the British were primarily concerned with securing the largest possible land revenue, for it was from these sums that the colonial expansion and consolidation in India were financed.³⁶ They had a greater concern for reliable collection of land revenue than for improvement of the welfare of the peasantry.³⁷ Secondly, to achieve this end, they wanted to create legally recognised landowners - the zamindars, the *Talukdars*, and other proprietors and subproprietors who would serve as revenue collecting agents and by whom it would be convenient to collect revenue from the cultivating peasants.³⁸

The Regulation of 1799, which gave the right to the landlords to eject cultivators forcibly and to attach their property in the event of default of payment of rental areas by a fixed date, opened the flood-gates of exploitation of the hapless peasantry. The Regulation XIII of 1805, which in fact set in motion the colonial

³⁶ Thorner, Daniel and Alice, *Land and Labour in India*, Asia Publishing House Bombay, 1965.

³⁷ Neale, Walter, 'Land Reform in UP-India', USAID, *Spring Review of Land Reform, Country Papers*, Washington D.C., 1970, p. 10.

³⁸ Thorner, Daniel & Alice, *op.cit.*, p. 53.

system of the Government in Orissa was a bundle of contradictions. The Regulation hoped that settlement made with the zamindars and *Talukdars* for preservation of their rights would pave the way for increase in the general prosperity of the people and extent of cultivation even though it contained provisions which were incompatible to the above ideals.

It was when the revenue-collecting machine started rolling that the contradictions manifest in the system surfaced one after another and in the end the ugly face of British imperialism was exposed. By dividing the territory into a number of principalities and placing these principalities under the charge of intermediaries and conferring on them the power of control and dispensation of material resources without corresponding duties, the company created a set of social parasites which became instruments of oppression and plunder of the peasants.

In course of time the intermediaries got fragmented either on account of necessity or greed. The big landlords leased out their estates to petty landlords retaining the proprietary right with them and in turn the petty landlords subleased in favour of others with the result that the class of intermediaries went on increasing, so much so that between the tiller of the soil and the state there came into being layers of middlemen. As the age old fraternal socio-economic relationship was demolished under the colonial rule, the conflicts of diverging interests were sharpened. The consequence was the increased miseries of the peasants and creation of pyramidal social structure consisting of heterogeneous

landed gentry at the apex and tenantry at the base. The peasantry was oppressed, impoverished and rack-rented. Due to legally acquired status the proprietary class was released from the obligation to respect the cultivators traditional right in land and collected all they could from their estates whether in the form of exorbitant rents, illegal cesses, transit dues, fees for creation of under-tenure or proceeds of new cultivation. An impression was created by the colonial government by passing various regulations and legislative measures that the well-being of the peasantry was the prime objective of the colonial government. These spurious attempts did not deal with the question of fundamentally reforming the prevailing land system with an eye to establish an egalitarian rural society. It may be added that the proprietor of estates did never care for the efficient management of the land or bother for introducing any advanced agricultural technique. For they knew that even if they would fail to meet the revenue demand of the government still they would gain, lose nothing except proprietorship which they could purchase at a future date.

In course of time the sub-leasing of land led to the growth of tenancy and the entrenchment of the share-cropping system. It grew mainly because one had in his possession lands in excess of his capacity to cultivate and that one was assured of certain income without any investment whatsoever. The general conception of tenancy popularly known as share-cropping system of tenancy is that cultivators who cultivate the land of others on condition to pay a portion of the gross produce of the land in kind or in cash equivalent are merely tenants at will with no rights whatsoever on land and are subject to eviction from the land at short notice. The

under-raiyati cultivation was particularly big in those regions where rich peasants or similar other groups gradually disassociated themselves from direct cultivation trusting it to those from whom they had once bought or elsewhere, without severing their direct links with the zamindar in the matter of rent. In fact, quite a number of occupancy peasants themselves, owning petty holdings, cultivated as under raiyats part of the holdings of their richer brethren.³⁹ The unequal ownership of land, uneven productivity, past laws of the land which did not allow new cultivators without proprietors consent, socio-religious taboos etc are some of the factors which accentuated the growth of the system of tenancy. The system had reached its zenith by the end of the 19th century because of the governments inability to perceive its evil and undertake remedial measures. For the first time in the Bengal Tenancy (amendment) Act, 1885 a fixity of rent was provided which hitherto was governed by contract. The Orissa Tenancy Act, 1912 recognised under-raiyats as a class of tenants and for the first time restriction was provided therein not to recover in excess of half the gross produce of the land or the value thereof.

In the case of cash-rented tenancies the rent payable was not to exceed by 25% . The Madras Estates Land Act, 1908, which applied to zamindari areas of Ganjam and Koraput did not recognise an under-raiyat. Both in the zamindari and the raiyatwari area, they were governed by contract between the cultivator and the superior raiyat.

³⁹ Kumar and Raychaudhari, The Cambridge Economic History of India, Cambridge University Press, Delhi, 1983, Vol. II, p. 143.

In the Orissan land tenure system between 1803 and 1951, the revenue-free landowners or the privileged tenure holders consisting of individuals and socio-religious institutions occupied a prominent place. Vast areas of revenue-free land accounted for the creation of a privileged class and vested interests in the society.⁴⁰ It resulted in social evils as in most cases the proceeds of such estates were rarely devoted to the purpose for which they were originally granted.⁴¹ Landlord tenant relationship developed between the revenue-free grantees and the tenants.

The revenue-free tenures (such as *Brahmottar*, *Khairat*, *Aima* and *Madad Mash*) granted to individuals in perpetuity might have been of necessity in ancient times but soon became defunct entities in society. Likewise, existence of *Tanki tenures* owned by Brahmans at quit-rent and *Lakhiraj* land assessed at half rate do not appear to have any sound basis from the point of view of an equitable social order. Moreover the service jagirdars were entirely under the control of the powerful zamindars who very often used them as an instrument to coerce recalcitrant tenants by ceasing their services to them.⁴²

Another important feature of the land system of British Orissa was that while the landowning classes - the proprietors, sub-proprietors and tenure holders belonged to the higher strata of the social hierarchy, the peasants mainly came from the economically backward classes. The British implanted a land system

⁴⁰ In 1837 the English Conferred 331, 641 acres of land as revenue-free in temporarily settled areas. This increased to 334,900 acres in 1900 and to 337,638 acres in 1932.

Maddox. S.L., op. cit., pp. 412-414.

⁴¹ Nathan, R., in Maddox, S.L., op cit., p. 408.

⁴² Maddox, S.L., op. cit., Vol II, p. 473.

which legalised the de jure right of the landowning classes to a share of the produce even if they did not participate in the process of production.

Section. II

The land system of Southern Orissa during the British rule resembled the Madras pattern as it had been part of the Madras Presidency till 1936. The present district of Ganjam which formed a part of the Northern Circars was ceded to the East Indian Company in April 1762 as an *Inam* (free-gift) by Nizam Salabat Jang of Hyderabad. But the possession of the grant was taken by the British on 12 November 1766 following a Treaty of Alliance concluded between the British and Nizam Ali and Subedar of Deccan. The land tenure system of South Orissa was broadly divided into three different patterns corresponding to three different revenue divisions - the zamindari area, the raiyatwari area and the agency area.

The Zamindari Areas

The introduction of permanent settlement in Madras was extremely advantageous from the point of view of revenue collection. Revenue collection was the very basis of permanent settlement and it did not affect the rights of raiyats and others interested in land. However, section 2 of the Madras Permanent Settlement Regulation XXV of 1802 which conferred proprietary right in the soil on zamindars could be interpreted to mean that the raiyat was at the mercy of the

zamindar for his occupation of land.⁴³ The Madras Permanent Settlement (Interpretation) Regulation IV of 1822 made a declaration that the Permanent Settlement Regulation of 1802 was not intended to “define, limit, infringe or destroy the actual right of any description of landholders or tenants.”⁴⁴ Regulation V of that year was enacted for the better protection of the raiyats in 1831 an attempt to amend the Regulation V of 1822 proved abortive. The idea to enact a revenue code in 1855 was also given up owing to difficulties connected with it pending the Imperial Discussion. It was only when the Act VII of 1865 was passed that the tenancy rights got specific statutory protection to some extent.

The Act VII of 1865 was enacted to consolidate and simplify the various laws which had been passed regarding landholders and their tenants and to provide a uniform process for the recovery of rent. The provision of the Act relating to exchange of *Pattas* had a ruinous effect on the rights of raiyats. The *Patta* which was intended to be a mere memorandum of the extent under cultivation in the year and of the particular crops harvested was interpreted by the High Court in 1871 to be a lease for a year. The presumption of the ruling was that the *Pattadar* was a yearly tenant. The zamindars attempted to procure from their raiyats *Pattas* in which entered a stereotyped clause that the zamindar was at liberty to lease out the land at his pleasure. They were distributed in thousands in printed forms by the zamindars of Ganjam and Koraput. The institution of *Pattas* and *Muchilikas* thus

⁴³ Madras Regulation XXV of 1802, The Madras Permanent Settlement Regulation, 1802, Section I, The Orissa Code, Government of Orissa, Law Department, 1st ed., 1950. Vol. IV, p.8.

⁴⁴ The Madras Permanent Settlement Regulation, 1822, Sections 1,2, The Orissa Code. Vol IV, op. cit., p. 373.

not only failed to help the raiyats but became a legal instrument in the hands of the zamindars to rack rent them.⁴⁵ No legislative measure was however contemplated for about a decade thereafter to put a stop to this undesirable state of affairs.

As the flood stream destroys the river bank, the proprietary class washed away the ancient rights of the peasants. Such circumstances led to the enactment of the Madras Estates Land Act, 1908. It declared that raiyats in possession or who shall be admitted by the landholders to the possession of raiyati land, situated in the estate of such landholders shall have a permanent right of occupancy in their holdings.⁴⁶ This Act differed from the Bengal Tenancy Act in certain respects, for example the institution of tenure holders that played a very important part in the tenancy system of Bengal did not have any recognition in the Madras Estate Land Act except that permanent under-tenures under certain circumstances would come within the definition of estates. Similarly, whereas the Bengal Tenancy Act recognised three kinds of raiyats namely (i) raiyats at fixed rates (ii) occupancy raiyats and (iii) non-occupancy raiyats, this Act put all raiyats in one class with right of occupancy and to that extent confirms more to the ancient ideas of the rights of a raiyat. The concept of settled raiyat was not found in the Act. Under the Orissa Tenancy Act as well as the Bengal Tenancy Act non-occupancy raiyats acquired occupancy right in land after continuous occupation for twelve years after which they became settled raiyats. This feature crept into the Act only in 1934.

⁴⁵ Mishra, B. K., Land Tenure and Land Reforms in Orissa, Board of Revenue, Government of Orissa, Cuttack, 1962, p.25, para 71.

⁴⁶ The Madras Estates Land Act, 1908, Section 6, The Orissa Code, op. cit., Vol. IV, p. 373.

The Madras Estates Land Act, 1908's application was more or less ineffective in the zamindari estates as there had been no satisfactory survey and settlement. Large number of non-occupancy raiyats continued to exist. The proprietary class was accorded the privilege of entering into contract for the temporary cultivation of land reserved bonafide by them for raising garden or forest. It did not recognise the right of *Bhagchasis* or share-croppers, thus it encouraged tenancy and created a rentier class.

It left the landholders at liberty to convert the private estates to raiyati land by their own volition and then confer occupancy rights. It became an instrument of extortion and they indulged in leasing and alienation of their private lands as also communal and forest lands on receipt of very high premium. This took a dangerous turn on the eve of zamindari abolition.⁴⁷ The Act which was to establish a just relationship between the landholder and the tenant remained ineffective. Illegal exactions continued. In spite of a legal provision for recovery of such exactions by a unit before the collection, not a single case had been filed by any zamindar.⁴⁸ Dues were also exacted from the raiyats when they cut down trees situated on their raiyati land contrary to provisions of the Act.

The analysis thus reveals that the social, political and economic power were concentrated in the hands of zamindars vis-a-vis the raiyats who were illiterate, ignorant and backward. Mere enactment of legislations without implementation by

⁴⁷ Final Report on the Major Settlement Operation in Ganjam Ex-Estate Areas, 1938-1962. Board of Revenue, Government of Orissa, Cuttack, 1964. pp. 22-24.

⁴⁸ *Ibid.*,

the state provided only lip service to the helpless raiyat. The predominance of the English language in which land laws were expressed and the complicated procedures made the tenancy laws absolutely incomprehensible to the yeomanry. Most of the times they were unaware of the existence of such land laws. Moreover, taking recourse to the judiciary was beyond their means.

The Raiyatwari Areas

The permanent settlement received a check in 1806, after Lord William Bentinck became the Governor of Madras. The opinion in England had also undergone a change and permanent settlement was considered to be detrimental to the prosperity and happiness of the people. The system of village settlements was introduced and the areas which had not come under permanent settlement were farmed out either to head inhabitants or to the community of the village. In 1812 the Court of Directors ordered that in all areas which had not been brought under permanent settlement, the raiyatwari system should be introduced. That is how half of the area of Ganjam plains came under the raiyatwari system.

The raiyatwari system means the division of all arable land, whether cultivable or waste, into blocks, the assessment on each block at a fixed rate for a term of years and realisation of revenue from each occupant according to the area of land thus assessed. The distinguishing feature of this system is that the state is brought into direct contact with the tiller of the soil and collects the revenue through its own servants without the intermediaries. All the income derived from extended cultivation goes to the state.

Raiyats were given *Pattas* which recorded the extent and assesment on their holdings, and which were revised every year so as to bring them in par with the actual state of affairs. When they became defaulters the government were entitled to merely sell such portion of their land needed to recover the amount due. But the raiyats were not dispossessed of their land by eviction.

The assessment initially was too high. The government took as its share 50 percent of the gross produce of irrigated land and 35 percent of the gross produce of unirrigated land. The incidence of rent was inequitable as the rent was not related to the productivity of the land. The government decided in 1855 for a general revision of land revenue settlement on the basis of survey and an exact classification of soils. The assessment was made on the net produce i.e. after deducting expenses of production and some percentage for vicissitudes of season and barren patches. From 1864, the revenue was assessed at one half of the net produce. The settlement on the above principle in the raiyatwari areas of Southern Orissa held directly by the Government was completed in 1884. The rates for wetlands varied from Rs, 5-8-0 to Rs. 1-4-0 and for dry lands from Rs 4-0-0 to Rs. 0-4-0 per acre. The principles of raiyatwari settlement did not vary since then till independence.

The Agency Areas

In the Northern Circars, during the pre-British period there were two classes of zamindars, namely the hill zamindars occupying the Eastern Ghats and zamindars on the plains. On account of its hilly nature, the unhealthy climate

therein and the turbulent nature of the tribals inhabiting it, the hill zamindars had always been treated differently from the zamindars on the plains. Though the general policy was to treat all zamindars alike, the Britishers wanted to know more about the hill zamindars of Ganjam district before going in for a formal settlement of these tracts. In these tracts predominantly inhabited by Khonds and Savars whose way of life was totally different from those in the plains, facilities were extremely meagre and living was difficult. It thus became difficult to reach a regular settlement. A sort of 'Standstill Agreement' was therefore reached by the government with the hill zamindars making them liable to pay *Peshkush*. The Ghumsur rebellion in 1836 was a turning point. The Ghumsur rebellion clearly brought out that the Khonds were extremely loyal to the zamindars and the zamindars as a class were not to be too much relied upon until the administration was properly organised and the country fully subjugated. To effectively deal with the emergencies in these tracts the government decided to remove the zamindari both in the hills and in the plains from the jurisdiction of normal administration and put them under the special control of the Collector as 'Agent' to the government with the Assistant Agents to help him in administering these areas. Since then these areas have been termed as 'Agency' till 1953, when they were transferred to the jurisdiction of normal civil, criminal and revenue administration. To give a statutory recognition the Ganjam and Vizagapatnam Act, 1839, was passed. From the British point of view, the rule of the Khonds was superbly rational and benevolent, a perfect example of the enlightened government. From the point of view of the subjects, it brought alien and restrictive laws, gave outsiders enormous

power over the tribals and established a cycle of exploitation that has lasted ever since days of Russell. The Ghumsur rebellion drew attention of the Government to the rite of human sacrifice known as *Meriah* that prevailed in this hill tracts inhabited by Khonds. Consequently Act XXI of 1845 was enacted to prohibit human sacrifice and female infanticide.⁴⁹ For Khonds who performed human sacrifice punishment was initially imprisonment, transportation and hard labour, only later when it was clear that they knew it was forbidden by the British, were they executed. Public executions were said to have a 'beneficial' or salutary effect, in cowing the population into peace and obedience. Nothing could demonstrate more powerfully how the British enforced the change from the old order than the displacement of human sacrifice by public execution.⁵⁰ Basically, because the killing was in an utterly alien idiom-coldly clinical, instead of in the 'heat' of excitement and without overt sacredness, instead of as an offering to the diety and because it was completely out of their control, the executions were the most dramatic statements of British control over the Khonds.

In 1846 a proclamation was issued stating that the Government of India did not impose any taxes or servile labour on the hill races or to abrogate or injuriously change the hereditary authority and privileges of those *Rajas*, or of *Bissoyees*, *Patros* and Khonds or any other hill chiefs but that the Government intended to rule these hill tracts solely with a view to the benefit of the people in conformity

⁴⁹ Maltby, T.J. and Leman, G.D. eds., The Ganjam District Manual, Government Press, 1918, pp. 76-77.

⁵⁰ Padel, Felix, The Sacrifice of Human Being-British Rule and the Konds of Orissa, Oxford University Press, Delhi, 1995, p. 163.

with their established usages and the principles of justice and with the advice and aid of the hill chiefs.⁵¹ It paved the way for the continuation of the prevailing land tenure system comprised of Hill Chiefs or *Muthadars*, the *Muthaheads* (*Patros*, *Bisoyees*) and *Sub-muthaheads* (*Hodadars*, *Paiks* and *Peshnias*). The deeds were granted to these hill chiefs by the British Government between the years 1874 and 1881 stating that they were to hold the *Muthas* as service tenure holders subject to the payment of a fixed amount of *Nazrana*.⁵²

Such a feudal type of land system, termed *Muthahead* system may be best understood from the following analysis:

Hill Chiefs or *Muthadars*- They were mostly the zamindars of the neighbouring plains and each unit of area was known as a *Mutha*. The hill chiefs enjoyed *Inam* or jagir lands and received fixed *Mamuls* (customary) either in cash or in kind from the various units of *Mutha* through the *Muthaheads* in their jurisdiction. They were bound to attend to the agents with their *Paiks* and performed all the customary duties and services which they used to render formerly to their kings or entrusted to them by the agent.⁵³

Muthaheads - They were responsible for the exaction of *Bethi* labour (unpaid labour) from the tribal folk. They did hold *Inam* estates free of assessment on

⁵¹ Report of the Partially Excluded Areas Committee, Government of Orissa, Government Press, Cuttack, 1940, p. 79.

⁵² Mishra, B.K., op. cit., p. 46.

⁵³ A Report on the Mamuls of Ganjam Agency, 1952, Government of Orissa, 1965, p.69.

service tenure adjoining their village. Besides they were entitled to collect *Mamuls* or dues from the hillmen, the Khonds and Savar peasantry.⁵⁴

Sub-muthaheads - All the subordinate *Mutha* officials for assistance in the administration of *Muthas*, enjoyed *Inam* estates and at the same time indulged in exacting *Mamuls* for themselves from the people. These *Mamuls* seem to have stood or acquired the position akin to that of rent though they were legally not so.⁵⁵

The foregoing analysis reveals that the *Mamul* system of payment under the *Muthahead* type of land tenure was inherently bad as the *Muthadars*, *Muthaheads* and other subordinate *Mutha* officials harassed the hill peasants by exorbitant demand.⁵⁶ The then prevalent land tenure system in the hilly area of Southern Orissa and its peculiar system of collection of *Mamul* rent degenerated into a system of landlordism.

To give socio-economic justice to the peasantry some reformation in the prevalent land system was undertaken after independence. *Bethi* was very common in zamindari and agency areas. Efforts were made by the government and some zamindars to put down this system. However the instructions remained on paper till independence. In 1949, all *bethi* services rendered to the government, to the *Muthaheads* and their subordinates were abolished. In addition there was abolition of all kinds of *Mamuls*. These measures, though aimed at uprooting the *Muthahead* system could not provide immediate relief to the hill peasantry due to

⁵⁴ A Report on the Mamuls of Ganjam Agency, 1952., op. cit., pp. 10-11.

⁵⁵ Report of the Partially Excluded Areas Enquiry Committee, op. cit., p. 81.

⁵⁶ A Report on the Mamuls of Ganjam Agency, op cit., pp. 82-83.

absence of record of rights shown the exact amount of *Mamuls* to be paid. The growing self - consciousness among the aborigines to snap the age-old feudal tie resulted in a wide-scale agitation amongst the tribals in the year 1953. In 1954 the government declared abolition of *Muthadars* as well as to undertake survey and settlement operation for assessing just and equitable rate of money rent to replace arbitrary paddy *Mamuls*. Abolition of *Mamul* system of payments thus paved the way for the destruction of the very foundation of the *Muthahead* system. However, it was only in 1966 that the Government of Orissa decided to abolish *Muthaheads* and the subordinate *Mutha* functionaries for removing these parasite elements forever. This belated measure gave ample opportunities to the *Mutha* officials to indulge in illegal and benami transfer of land.

Perhaps, the most tragic event of Southern Orissa agrarian drama during the colonial rule was marked by the prevalence of *Goti* (bonded labour) system. For the abolition of such debt bondage system, legislation was enacted in Orissa in the Orissa Debt bondage Abolition Regulation, 1948. Today *Goti* system has been legally abolished but the practice still prevails. Only after 1975 under the Twenty point Economic Programme, vigorous drive was started by the government to locate and to free them for their rehabilitation. The strength of the system lay in the foundation that the ignorant peasantry thought as reasonable the demand that they should render some customary services to those having authority over them. It was also the fear of atrocities, oppression and tyranny which compelled the rural masses to supply free labour. There were other specific tenures such as *Inam*

tenures which will be dealt with in the subsequent chapter dealing with Ganjam district.

An analysis of the history of the transformation of the land system and agrarian relations shows that pre-British and post-British agrarian society, while showing certain elements of continuity, have fundamental differences. The Mughal period saw the shift from communal ownership of land to individual property right. This period further saw the emergence of an intermediary class. The intermediary class did not consist merely of the feudal landlords but soon had within its ambit other persons such as revenue officials who were gaining in social status vis-a-vis land. Neither the intermediaries nor the share-croppers were the creations of the British.

The nature of the decisive influences on the agrarian society during British rule were derived from the immediate administrative policies and the related institutional innovations. The Britishers conferred legal recognition on the intermediary class or the absentee landlords and with it the institution of share-cropping and tenancy received a boost. By according such recognition they created more scope for the oppression of the peasants. The heterogeneity of the intermediary class only got more complex with the growth of a land market- an altogether new development in rural society. The intermediary pattern of land system led to concentration of land ownership and gross socio-economic inequality. Extraction of revenue became the sole motive of the landholders- be it the absentee landlords or the tenure holders who leased out their land to share-

croppers and under-raiyats. This was in line with the British policy of securing the largest possible land revenue. Soon proprietorship of the owners was not merely over the revenue as in earlier times but over land. The ancient principle that the community had an overriding interest was thrown to the background. The relationship between the cultivators and the land as also the relationship between the cultivators and the community underwent a change.

In ancient Orissa three parties - the peasants, the community and the sovereign had been enjoying the privilege of property right over land within their own jurisdiction without any clash of interest. The land policy of the British by according legal status to the intermediaries severed the link between the cultivators and the land. Land became merely a means of subsistence. The cultivators were no more the owners of land, they were just the tillers of land. The absence of the feeling of possession led to the loss of initiative and interest on the part of the cultivators. Psychological feeling of non-ownership kills their efficiency, enthusiasm and physical ability. Social distinction between the landowners and the cultivators deadens the interest and zeal of the latter.⁵⁷ The symbiotic relationship between the cultivators and the community and the sense of duty that one had towards the other was lost. The community came to be dominated by a few elite landholders who did everything within their power to maintain the status quo which enabled them to oppress the peasants. The age-old fraternal socio-economic

⁵⁷ Smith, Newlin R., Land for the Small Man, Kings Crown Press, New York, 1946, p. 111.

relationship was demolished and the landholders were released from the obligation to respect the cultivators' traditional right.

The impact of the British policy of maximising land revenue caused a lot of dislocation in rural society. The composition of the landed society changed mainly as the result of the growth of a land market. There was the beginning of the process of admission of new members to the old landed society including groups such as traders, merchants, moneylenders etc. The auction and private sale of estates according to the rules of the permanent settlement did not lead to the complete elimination of the old zamindars and their replacement by predominantly urban elements. The power of these old zamindars did however, diminish and there was an increase in the misery of the peasants. All the old zamindars were not autocratic by nature and despite their reputation as oppressors could understand the plight of the peasants better than the newly-inducted members of the society. Notable changes thus occurred with regard to the position and powers of the landlords in relation to peasants. Apart from rate of rent of peasants the usual measures adopted by the landlords towards increasing their income included dispossession of established social groups such as village headmen etc. This led to a redistribution of the existing income from land in their favour and as a result produced considerable rural tensions.

The land system prevalent in Ganjam District during the British administration did not aim to ameliorate the plight of the actual tillers of the soil. Partly because the British did not intend for its transformation and partly because

of the political alliances which the landlord class entered into and maintained with the state, there were no sincere efforts to assist the peasants. Be it the zamindari or the raiyatwari areas, it were the new classes of large estate owners who benefitted the most - whether the zamindars or the large landowners. In the dwindling economy of the zamindari or the raiyatwari areas, the peasants groaned under severe exploitation. In comparison to the raiyatwari areas the condition of raiyats in the zamindari areas were worse. And in general the condition of agricultural labourers become more worse. The condition of the peasants under the chieftans in the agency areas was so miserable that with much difficulty they could keep their body and soul together. Yet the tribal peasants maintained their loyalty for a long time because of the belief that it was expected of them to serve those who exercise authority over them. The *Bethi* and *Goti* system also survived on this account. In the raiyatwari and agency areas the peasants were alienated from their land which passed into the hands of merchants and money lenders.

In the zamindari tracts the peasants were left completely under the umbrella of zamindars to procure their proportionate share and possession of land. The settlement adversely affected the economic condition of *Paiks*, a local militia, who had been rendering security measures to the kings. Their rent-free land which they had enjoyed from time immemorial was brought under heavy assessment. This impoverished them and ultimately paved the way to militant *Paik* rebellion in 1817 against the mal and corrupt administration of British Government. The supreme power of landlords and their modes of rent collection, occasional interference in their solidarity and culture and rack renting the tribals became so unbearable that

the state experienced a number of tribal discontents and uprisings among Khonds and Savars in the years 1817, 1819, 1831, 1853 and 1865.⁵⁸ Even then the tenants and peasants groaned under feudal and colonial exploitation when their localized movement could not be decisive. Thus, the loss of land, the impoverishment of a section of small peasants, the strengthening of the prevailing inequality were the inevitable consequences of the impact of British rule on the agrarian society of Orissa.

⁵⁸ Maltby, T.J. and Leman, G.D., *op. cit.*, p.167.

CHAPTER - 3

AN APPRAISAL OF THE INSTITUTIONAL REFORMS IN ORISSA

The failure of successive Indian governments to effect meaningful reforms has led to a rural India that is shaped, as it was prior to independence, largely by the elite minority of landholders. This group has worked both to deny the socio-economic changes promised by India's own founders and to thwart the needs and interests of the rural majority who continue to lack secure rights in land. Moreover, because the great majority of people live and work in the agrarian sector of the economy it becomes imperative to undertake the redistribution of economic assets so as to limit sharply the "concentration of wealth and means of production to the common detriment."¹

Land reforms is a means of redistributing agricultural land among the less privileged classes and of improving the terms and conditions on which land is held for cultivation by the actual tillers. The concept of land reforms aims at the abolition of intermediaries and bringing the actual cultivators in direct contact with the state. Further it aims to make more rational use of the scarce land-resource by affecting condition of holdings, imposing ceilings and floors on holdings so as to provide a congenial atmosphere for cultivation. An appraisal of the institutional reforms would thus include an assessment of the abolition of intermediaries, tenancy reforms, land distribution and ceiling legislation and fragmentation and

¹ The Constitution of India, (As modified upto the 1st May 1965), Ministry of Law, Manager of Publications, Delhi, 1965, Part IV, DPSP, p. 25.

consolidation of landholdings. It will enable us to gain an understanding regarding the impact of the institutional reforms on the agrarian structure.

Abolition of Intermediaries

The first phase of land reforms in post-independent Orissa was started by the abolition of the rights, titles and interests in land of all zamindars and intermediaries, including the lessees, between the raiyat and the state when the Orissa Estates Abolition Act of 1951 was enacted. This Act contained largely the main recommendations of various land reform committees set up prior to independence - the Land Revenue and Land Tenure Committee set up by the Orissa Government in 1946, the Agrarian Reforms Committee under Kumarappa in 1947 and the National Planning Committee of 1948. After the abolition of estates, the tenants were brought in direct contact with the state and became the owners of the land which they had earlier occupied. In other words, they became tenants under the government.² A Planning Commission review of the First Five Year Plan stated that by the end of 1954-55 the programme had not been implemented fully in Orissa.³ By now it is proclaimed that all intermediaries, big or small have been abolished and the peasants have been liberated from subjugation.

One of the major causes of delay in the progress of abolition of estates was the lethargic and disinterested administration which was still dominated and

² The Orissa Estates Abolition Act, 1951, (Orissa Act 1 of 1952), Government of Orissa, Law Department, Government Press, Cuttack, 1977, Section 8 (1), p.13.

³ Review of the First Five Year Plan, Government of India, Planning Commission, New Delhi, 1958, p. 315.

influenced by the landed interests. The crux of the problem was that covertly or overtly delaying tactics were adopted by the bureaucracy, legislature and judiciary in order to give sufficient time and opportunity to the intermediaries to undo the noble objective of zamindari abolition. In 1960, the Government of Orissa issued a blanket notification declaring abolition of all estates. But during the period 1951 to 1960, the zamindars got sufficient time in transferring land among their family members and relatives by adopting various corrupt and illegal practices with the tacit support of officials and politicians in power.

On the one hand, the Act legally abolished the intermediaries while on the other it appeared to have recognized the de facto continuance of a landed gentry. This is reflected from the fact that former landed interests were allowed to retain vast areas of homestead lands, buildings, factories and mills which were under their possession on the date of vesting on payment of rent.⁴ Further it was provided in the Act that all lands used for agricultural or horticultural purposes which were in *Khas* (personal) possession of the intermediaries would also be retained by them on payment of rent irrespective of the fact whether such land was used by them or temporary lessees⁵. It did not bring any change in the status of the intermediaries, rather it elevated their status from mere rent-receivers to landed aristocrat having unfettered right to use and occupy the land. Tenants on the ex-proprietors private land were converted to tenants at will and permitted by the legislature for eviction.

⁴ The Orissa Estate Abolition Act, 1951, op.cit., Section 6, p.11.

⁵ Ibid., Section 7 (a), p.11.

This opened the floodgate of eviction of tenantry from the land⁶. These former intermediaries were legally entitled to hold substantial quantity of best quality land. These landlords are still reckoned as a force-social, economic and political-till date in agrarian Orissa. The landowning class did not fail to take advantage of delays to put through paper partition of joint families properties, to falsify crucial records, to force tenants and share-croppers into registering themselves as farm servants or wage labourers.⁷ The definition of personal cultivation without any stipulation as to the requisite amount of supervisory activity or residence has made the articulate ex-zamindars to subterfuge the law and demand retention of as much land within their reach at the cost of tenants. Though in the Second Plan, the States were asked to subject the scope of personal cultivation to residence, supervision and personal labour, nothing was done in this regard.⁸ Preferential treatment was accorded to the dispossessed intermediaries on the ground that they would employ their energies and resources for constructive and beneficial activities for the welfare of the people.⁹

⁶ Thorner, Daniel and Alice, Land and Labour in India, Asia Publishing House, Bombay, 1965, p.62.

⁷ Thorner, Daniel, The Agrarian Prospect in India, 2nd ed., Allied Publishers, New Delhi, 1973, p.20.

⁸ ----“Cases abound where a landlord may have considerable areas recorded as his personal cultivation but may be actually cultivating only a part of it, or none at all...”
Malaviya, H.D., Land Reforms in India, 2nd ed., All India Congress Committee, New Delhi, 1955, p. 452.

⁹ “Both in local interest and knowledge and even in working capacity many of these intermediaries may prove superior to the average government servant engaged in such work and the country can ill afford to waste any talent or human resources at this turning point of its history, we think it will also be a great political blunder if for want of any scope for the employment of the energies in any constructive and beneficial activity the dispossessed intermediaries are practically driven into paths of frustration and desperation”.
Report of Land Revenue and Land Tenure Committee, Government of Orissa, Cuttack, 1949, p. 62.

A question arises, whether, such a measure which has drained the state exchequer in the form of compensation has brought about any fundamental change in the economic and social conditions in the countryside. Payment of exorbitant compensation defy all explanations particularly for those with a large income. It was thought that the zamindars would invest their compensation money in nation-building departments like industry and agriculture and help the state in asset building but this turned out to be mere wishful thinking.¹⁰ Abolition of zamindars could not take a radical turn for a real socio-economic transformation of the agrarian society because of the legacy of the colonial power structure where usually most of the legislators had some landed interests. Even after the departure of the English, the political power in the whole of India remained with the landowning classes- the former zamindars, business and industrial class and the urban middle class.¹¹ Under such circumstances it was natural that provisions be made for payment of compensation as also to hold vast areas of land on the plea of *Khas* possession.

The law has freed the service jagirdars from their obligation of service, be it to the community or to the landlord and made them owners of service jagir lands with hereditary and transferable right. The mutual relationship that prevailed

¹⁰ "It is rightly believed in financial circles that schemes of acquisition of zamindars and other intermediary interests on payment of cash compensation will create serious financial difficulties for the country, even where the charges can be met from provincial resources; they are bound to worsen inflationary conditions as a result of which, even the people who will get the cash compensation will be losing in the very process, in so far as the value of not only the money they receive but the money they already possess will go down considerably".
Report of the Land Revenue and Land Tenure Committee, op. cit., pp. 82-83.

¹¹ Rosen, George, Democracy and Economic Change in India, Vora & Co., Bombay, 1996, p.58.

amongst members of the village community has thus been upset. Another effect of the reforms is that there has been no change of the power structure in favour of the peasants . Power continues to be located in the upper strata of society passing from absentee landlords and their agents to a class composed of big moneylenders, traders etc.

The state has failed to give a good account of itself as a considerate landlord. The rent has been increasing without any justification, there is coercion in the matter of collection, about the condition of records which proclaim the existence of relationship between the state and the raiyats much remains to be done.¹²

However, there is no denying the fact that the reform measures made an important beginning in reshaping the agrarian society. Large number of tenants not only came under direct relation with the state, but also acquired legal and hereditary right of occupancy over the soil which they had cultivated. These positive points obtained due to the abolition of intermediaries cannot be denied.

Tenancy Reforms

The legislation for abolition of intermediaries was primarily aimed at providing land to the tillers. Tenancy reforms were introduced to minimize the

¹² "There are, however, reports that tenants who have to pay the same amounts in revenue to the government as they previously paid to the zamindars ask what the reforms have done for them".

Myrdal, Gunnar, *Asian Drama – An Enquiry into the Poverty of Nations*, Allen Lane, The Penguin Press, London, 1969, Vol. II, p. 1310.

evils of tenancy cultivation. These measures centre around three major areas of agrarian structure-security of tenure, conferment of right of ownership on tenants and regulation of rent. Legislations have been enacted and modified from time to time to reform the tenancy system with a view to make the laws more dynamic and progressive. Legislation of this kind, Myrdal opines "which leaves the landlord in possession of his land while attempting to ameliorate the tenants plight, is a compromise solution, both politically and economically".¹³

Before the passage of comprehensive legislative measures on land reforms, sporadic attempts were made to protect the interests of tenants through the legislations such as the Orissa Tenants Protection Act, 1948, and the Orissa Tenants Relief Act, 1955. Though the Orissa Land Reforms Act came into existence in 1960, it came into force only in 1965. Provisions relating to fixation of ceiling and disposal of ceiling surplus land became effective from 1973. It was this delay in implementation which enabled the powerful and landed persons to firmly entrench their hold. The laws apparently provide for total security to the tenants in their tenanted lands. This ensures that large scale eviction of tenants do not take place, resumption of land may be taken up by the owner for personal cultivation only and in the event of resumption, a prescribed minimum area was left with the tenants. In Orissa, the laws provide for acquisition of full ownership right with full

¹³ Myrdal, Gunnar, op. cit., Vol. II, p. 1323.

powers to inherit and transfer.¹⁴ There are provisions for tenants acquiring occupancy rights by payment of compensation.

The injustice of these provisions was glaring as there was no justification of paying compensation to the intermediaries for the second time in respect of the land possessed by them in view of the fact that they were already compensated by the government for the abolition of their estates in accordance with the 1951 Act. The fact shows that as the price of land was often much too high, many of the tenants failed to acquire the land they cultivated as they could not pay the required compensation. It appears absurd and diabolic that we held the landed proprietors and other intermediaries as parasites but willfully granted a boon to them by way of compensation, though they did not deserve it, whether high or low.¹⁵

Another inequity involved in the legal provisions was that the unrecorded tenants of the vested estates were required to pay a heavy premium to the government and to apply to the revenue officers within a short period of 90 days.¹⁶ The land laws were not of much help since most of the tenants were not aware of such provisions. This simply created obstacles to raise the level of unprotected tenants to that of peasant proprietors. Even though, later in 1971, 1973 and 1976, more opportunities were offered to the tenants it could not help them much as the land was by then transferred by the landlords to their family members. The laws

¹⁴ The Orissa Land Reform Act, 1960, (As amended upto 1976), found in the Orissa Land Reform Code, 1977, Revenue and Excise Department, Government of Orissa, 1978, Section 6(1), p. 11.

¹⁵ Thorner, Daniel, op. cit., p. 2.

¹⁶ The Orissa Land Reform Act, 1960, op.cit., Section 4 (2), (3), pp. 8-9.

further provided for the payment of rent at a rate not more than 1/4th of the gross produce or the value thereof to the landlord in respect of tenanted land and eviction of tenants only under certain specified grounds. Owing to the weak position of the tenants and widespread land hunger, the law regulating rents were observed more in its breach than in the compliance. Two categories of land owners, designated as 'persons under disability' and 'privileged raiyats' are exempted from the laws provided under Chapter II of the Act. It is seen that the legislations aimed to provide security to a minority of tenants who paid fixed rents and left out the majority of sharecroppers who represented the more vulnerable section of the peasantry.

The problem of the share-croppers was completely overlooked. The abolition of zamindars, though claiming to have transferred land from the intermediaries to the cultivators, was in practice far from being the truth. Instead, in most cases, even the raiyats did not cultivate their land by themselves but by sub-tenants, under-raiyats, share-croppers or hired labour.¹⁷ The 1960 Act, imposed a legal ban on tenant cultivation and declared unlawful for raiyats to lease out their holdings to tenants.¹⁸

The institution of share-cropping has taken deep roots in the agrarian structure. When the labour force is large and rapidly growing and the demand for land is acute, it becomes conducive for the system to continue and no amount of

¹⁷ Progress of Land Reforms, Planning Commission, Government of India, Delhi, 1955, p. 11.

¹⁸ The Orissa Land Reform Act, 1960, op. cit., Section 6(2), p.11.

legislations will put an end to it. Moreover, it is seen that possession of land by tenants depended on the fact whether or not it was under the personal cultivation of the landlords. The concept of personal cultivation should have been stringently implemented to prevent elements of absentee landlordism from creeping in. Moving a step forward, the Orissa Land Reform Committee observed that 'personal supervision' and not 'personal labour' should be accepted as the main criterion in judging whether a land is cultivated personally or not.¹⁹ This only aggravated the problem. Perhaps, in no other sphere of reforms, the gap between precept and actual implementation has been so perceptible. The state speaks of conferring occupancy rights over 93,069 acres of land on 1,49,805 beneficiaries who were temporary lessees, recorded under-raiyats and share-croppers.²⁰ Compared to the magnitude of the problem very little has been done. The fact that legislations have failed to perform satisfactorily can be attributed to the fact that what the laws aim is not compatible to reality and is imposed from above. The very proposition that the tenancy problem would be solved once the tenants were made the owners of the land and laws enacted banning tenancy was far removed from reality.²¹

¹⁹ Report of the Orissa Land Reform Committee, Government of Orissa, Revenue Department, 1980, p. 19.

²⁰ Source: Monthly review note on institution, disposal and pendency of cases under different sections except chapter IV, section 22, 23 and 23 (I) of the Orissa Land Reform Act for the month of October, 1989.

²¹ "The worst part of the tenancy policy in the country is the presumption that when and if the present tenants are made owners of the land they cultivate as tenants, the tenancy problem will be solved once for all, and all you have to do thereafter is to make a provision in the law, declaring that in future there will be no leasing out of land."
George, P.T., 'Land Reforms. Promises and performance', Kurukshetra, Vol. XXXV, No. 1.

The Orissa Land Reform Committee, 1980, brought the existence of a vast number of tenants, mostly unrecorded share-croppers in the rural areas into the limelight. The tenants do not feel encouraged to agitate in order to promote their cause because of the fear of retaliation by the raiyat-type of landlords. The Committee thought that in the face of population pressure and limited availability of land, tenancy cannot be banned totally and even if an overall ban is imposed would lead to the emergence of concealed tenancy. A retrograde step was actually taken in 1976 by allowing small landowners having less than 3 acres of land to lease out their land.²²

Continuance of tenancy or the so-called disguised tenancy despite legal prohibition imposed by the Orissa Land Reform Act, was entirely due to the lack of genuine faith on the part of the policy-makers and its administrators in implementing it. Although this shows the futility of statutory ban on tenancy, yet it does not seem to be the ground to legitimize it. It may be noted that the State of Kerala has abolished tenancy totally through effective implementation of land laws. Kerala's success lies in organising peasant masses under state directive and initiative in rural areas and making them conscious of their rights. The only reforms that seems credible is one that would be for progress of tenurial reforms along lines already implemented in West Bengal. It is easier to effect changes in rights in land than to engage in a full-fledged exercise in land reforms - even in the face of stubborn resistance from the big landholders.

²² The Orissa Land Reform Code, 1977, Revenue and Excise Department, Government of Orissa, 1978, Section 2 (3), p. 4.

Land Distribution and Ceiling Legislation

Concentration of landownership adversely affected the structure of society as possession of land became a paramount factor of hereditary socio-economic status and political power. Success of land reforms is preconditioned by a radical change in the existence of outmoded property relations in land which had become an impediment to distributive justice as also to productive efficiency. Unless land reforms spectacularly change the property right in land in favour of real peasants, it will remain a mere political hoax.

Land reforms in India had envisaged that beyond a certain specified limit, all lands belonging large to the landlords would be taken over by the state and allotted to small proprietors to make their holdings economic or to landless labourers to meet their demands for land. Ceiling legislation in India owes its origin to the recommendations of the Kumarappa Committee, 1947 which had suggested inter alia that a ceiling on the size of agricultural holding which a farmer should own and cultivate should be found. Though land to the tiller was the sheet-anchor of the planning process after independence not much was done till the early 1960's when in the context of the socio-political climate redistribution of land had become imperative.²³

Though efforts were made to enact ceiling legislation in reality it lacked sincerity of purpose and a strong will to pull it through. The Panel on Land

²³ Report of the Committee of the Panel on Land Reforms. Government of India, Planning Commission, New Delhi, 1959, p.99.

Reforms (1955) unequivocally stated that the family, not individual would be the appropriate unit in agriculture and ceiling would apply to the total area owned by a family.²⁴ If individual holding and not family holding was to be taken as the basis of enforcing ceiling there would be greater scope for malafide transfers of land. The Second Plan, however, did not mention any clear-cut guideline and left the matter with the States to choose either of the two- family or individual holdings for imposing ceiling on agricultural land.²⁵ The draft Fourth Five Year Plan observed that although land ceiling was indispensable to achieve distributive justice, yet for the lack of requisite political will the socio-economic justice in rural areas became a dream. Such legislations heralded as the means by which the rural economy and polity would be transformed was sufficient to cause the landholding elite to take steps to protect their interests in land and the political power they derived from the control of the land.

In Orissa, the imposition of ceiling on agricultural land took a concrete shape when the Orissa Land Reform Act was enacted in 1960. The legislation which set a higher ceiling than it is today expected a surplus of more than 4 lakh acres of land for distribution amongst the poorer class. Though it was drastically amended in 1965, it was not effective for a considerable long time which gave abundant scope to the big landowners to resort to bogus transactions and create fraudulent deeds in favour of near relations to subvert the laws.²⁶ It remained an

²⁴ Report of the Committee of the Panel on Land Reforms, op. cit., p. 99.

²⁵ On the whole it would be correct to say that in recent years transfer of land has tended to defeat the aims of legislation for ceiling and to reduce its impact on the rural economy.

Second Five Year Plan, Government of India, Planning Commission, New Delhi, 1956, p.195.

²⁶ Third Five Year Plan, Government of India, Planning Commission, New Delhi, 1961, p. 229.

innocuous piece of legislation till 1972. The Fifth Five Year Plan saw some activity in this sphere specially during the period of national emergency. More than 50% of the surplus land said to have been distributed so far in the State was distributed in these two years. The spurt of activities of the years 1976 and 1977 was marked by a sharp fall in the later years. The present limit being less than the ceiling limit proposed in the mid-fifties, had the ceiling laws being rigidly enforced in time according to guidelines set out in the law, distribution should have gone beyond 4 lakh acres after allowing maximum premium to factors like concealment, fraudulent transactions, partition of holdings etc. A dismal performance of slightly more than 1.5 lakh acres of which the years 1976 and 1977 contributed more than 80,000 acres speaks volumes.

Originally, the ceiling legislation pronounced that no person would be allowed to hold more than 25 standard acres of land for personal cultivation.²⁷ Provision was made that where members of a family exceeded five, each member over and above five would be entitled to hold five standard acres together with one ceiling area so as not to exceed two ceiling areas, that is 50 standard acres in aggregate for the whole family.²⁸ One standard acre was defined as one acre of perennially irrigated land or two acres of seasonally irrigated land or three acres of rain-fed land or four acres of dry land.²⁹ Total irrigated land then was only 16 per cent of the total cultivated area.³⁰ This implies that under the original provisions of

²⁷ The Orissa Land Reform Act, 1960, op. cit., Sections 38-39, pp. 25, 26.

²⁸ *Ibid.*, Section 39, p.26.

²⁹ *Ibid.*, Section 2 (30), p. 6.

³⁰ Report of the Administration Enquiry Committee, Government of Orissa, Revenue Department, Government Press, Cuttack, 1958, Vol. I, p. 169.

the Act ceiling area for almost all agricultural of five members varied between 75 acres of rainfed land and 100 acres of dry land. This totally defeated the objective of land reforms. For the imposition of ceiling individual, not the family, was chosen as the unit. This opened the floodgate of malafide transfer of lands within the members of family as well as without for escaping the ceiling provision.³¹ This blocked the long-cherished hope of getting adequate quantity of ceiling surplus land.

Another lacuna is the exemption of plantation farms, orchards, dairy farms, irrigation source etc. from computing ceiling limit. The persons possessing these inevitably belong to the higher strata of society and most of them are actively engaged with some business, trade or industrial production. A class of neo-zamindras was thus created who were offered shelter under these loopholes to strengthen their socio-economic position.³² In Orissa, the ceiling level fixed at 25 standard acres was later in 1972 reduced to 20 standard acres. This too was not a reasonable level from the viewpoint of distributive justice. On the basis of the guidelines of the State Chief Ministers Conference, 1972, the Orissa Land Reform Act was amended in 1973. The family, not the individual was taken as the unit. The ceiling area for a family of five members was fixed at 10 standard acres plus an extra two standard acres for each additional member so that maximum ceiling

³¹ The Implementation of Land Reform - Review, Government of India, Planning Commission, New Delhi, 1966, p. 239.

³² Mahajan, V. S., Socialist Pattern in India - An Assessment, S. Chand & Co., New Delhi, 1974, pp. 42-43.

area for each family does not exceed 18 standard acres.³³ One standard acre becomes equivalent to one acre of irrigated double-cropped land or one and one-half acres of irrigated single-crop land or three acres of rain-fed paddy land or four and one-half acres of any other land.³⁴ In 1993, a ceiling of 3 acres was put on homestead land. Since 1973, all the exemptions to land, except land under plantation, were abolished. No justification can actually be found to keep plantation land outside the periphery of ceiling law. Under this legal privilege few persons possess vast areas of plantation land along with permissible quantity of cultivable land whereas the majority live in a state of absolute poverty.³⁵

Of the 1.5 lakh acres which have been distributed till 1090-91, it is admitted that a sizeable percentage of land shown to have been distributed, are 'locked up in litigation and in some instances the distributed land have gone back to the landlords from whom, the land was taken away on being found surplus. The figures indicate that out of the distributed land, 10,315 acres were under litigation and 2,901 acres have gone back to the landlords by 31st March, 1990.³⁶ A glance at the pattern of operational holding³⁷ at the beginning of the Eighth Five Year Plan (1990-95) reveals that 79.9 percent of landholdings belonged to small and marginal categories, whereas, the area they operated constituted only 46.6 percent of the

³³ It may be added that the ceiling provisions of the O.L.R. Act were brought into force in January 1972, after the decision of the Supreme Court was announced.

³⁴ The Orissa Land Reform Act, 1960, op. cit., Sections 37-37A, p. 28.

³⁵ Ibid., Section 2 (5), 2 (30), pp. 2-6.

³⁶ Source - Board of Revenue.

³⁷ An operational holding means all land which is used wholly or partly for agricultural production and it is operated as one technical unit by one person along or with others without regard to title, legal form, size or locations.

total operated area of the state. 14.9 percent of holding belonged to semi-medium categories and they operated 28.5 percent of the area. The medium category accounted for 4.5 percent of the holdings and the area they enjoyed, covered 19.1 percent of the total area. The large holdings of the size group of more than 10 hectares controlled 4.7 percent of the total operated area, even though they constituted only 3.8 percent of the holdings.

TABLE 1

Number and area of operational holdings and their percentage by broad size groups during 1950-51, 1970-71, 1976-77, 1980-81, 1985-86 and 1990-91.

| Size Class | 1950-51 | | 1970-71 | | 1976-77 | | 1980-81 | | 1985-86 | | 1990-91 | |
|--------------|---------|---------|---------|--------|---------|--------|---------|--------|---------|--------|---------|--------|
| | No. | Area | No. | Area | No. | Area | No. | Area | No. | Area | No. | Area |
| Marginal | | | 14.7 | 7.7 | 16.8 | 8.5 | 15.6 | 8.0 | 18.7 | 9.2 | 21.2 | 10.5 |
| (0-1 hect.) | (69.9) | (30.00) | (43.2) | (11.9) | (46.8) | (14.8) | (46.8) | (15.1) | (52.1) | (17.5) | (53.8) | (19.8) |
| Small | | | 11.2 | 17.1 | 10.4 | 14.7 | 8.9 | 11.9 | 9.1 | 12.7 | 10.3 | 14.2 |
| (1-2 hect.) | | | (33.0) | (26.5) | 29.0 | (25.6) | (26.7) | (22.5) | (25.3) | (24.2) | (26.1) | (26.8) |
| Small-Medium | | | 4.5 | 13.6 | 6.0 | 16.0 | 6.1 | 15.8 | 5.8 | 5.7 | 5.9 | 15.1 |
| (2-4 hect.) | (14.0) | (22.0) | (13.2) | (21.1) | (16.7) | (27.8) | (18.3) | (30.0) | (16.3) | (29.8) | (14.9) | (28.5) |
| Medium | | | 3.1 | 18.0 | 2.3 | 13.0 | 2.4 | 13.2 | 2.0 | 11.7 | 1.8 | 10.1 |
| (4-10 hect.) | | | (9.1) | (27.9) | (6.4) | (22.6) | (7.2) | (25.0) | (5.7) | (22.3) | (4.5) | (19.1) |
| Large | | | 0.5 | 8.1 | 0.4 | 5.3 | 0.3 | 3.9 | 0.2 | 3.3 | 1.5 | 2.5 |
| (above 10) | (2.4) | (13.0) | (1.5) | (12.6) | (1.1) | (9.2) | (1.0) | (7.4) | (0.6) | (6.3) | (3.8) | (4.7) |
| All sizes | | | 34.0 | 64.5 | 35.9 | 57.5 | 33.3 | 52.8 | 35.8 | 52.6 | 39.4 | 52.9 |

Figures within bracket indicates percentage to total.

Number is in lakhs and Area in lakh hectares.

Source -1) 1951 Census Report,

2) Report on the number and area of operational holdings in Orissa (1985-86) published by the Board of Revenue,

3) Statistical Abstract of Orissa, 1996.

An analysis of the data reveals that the number of holdings show an increasing trend in general but the increase is not continuous, for instance, there was a fall in the year 1980-81 to an extent of more than 2.6 lakhs. Though the number of holdings have increased there is a declining trend in the operated area from 64.5 lakh hectares in 1970-71 to 52.9 lakh hectares in 1990-91. Moreover, the fluctuating behaviour of the marginal holdings does not coincide with the operational conduct of the land reforms programme in the state. Though the period from 76-77 to 80-81 is reported to be the period of brisk activity unfortunately it does not seem to have any effect on the general pattern of land holdings in the state.

Small holdings have come down from 11.2 lakhs to 10.3 lakhs and in area from 17.1 lakh hectares to 14.2 lakh hectares during the period 1970-71 to 1990-91. Statistics relating to both the size groups, small and marginal clearly reveal that though their number has gone up by 5.6 lakhs, the total area they operated continued to be almost the same 24.7 lakh hectares as compared to 24.8 lakh hectares in 1971. Their holding average also has decreased to 0.78 in 1990-91 as against 0.95 in 1970-71. The benefit of land reforms cannot be said to have come to the small holders to the desired extent. There is little to be gained by granting such tiny and uneconomic holding to the poor landless as it is not economically viable. However, as Ladejinsky opines³⁸, in a country where land hunger is rampant, the controversy between viable large holding and non-viable small

³⁸ Ladejinsky, Wolf, in Louis J. Walinsky ed., *The Selected Papers of Wolf Ladejinsky*, Oxford University Press, New York, 1977, pp. 369-71.

holding is sterile and as such land ceiling must take a radical form. Providing a small holding is a question of difference between abject poverty and something approaching subsistence. What has however to be guarded against is that the land holdings do not revert back to the big landowners. The law provides that such holdings cannot be normally transferred for a period of ten years. As the present trend reveals, just after the lapse of 10 years these lands are going back to the big landowners.³⁹

The semi-medium holdings have gained in strength both in number and area. It is this class which has benefitted considerably from the various reform measures. The principal targets of all the land reform laws-the medium and the large category continued to wield considerable influence on the agrarian structure having under their control nearly 34 percent of the total operated area of 52.9 lakh hectares. Thus it is seen that land concentration has not been broken to usher in a new economic order based on justice and equality.

Not only have the ceiling laws touched only a fringe of the deserving beneficiaries, their lot continues to be the same as before. In a majority of cases, the land declared surplus and distributed has been of inferior quality because of the provisions of law which gives option to the landlord to select their surplus land. This coupled with the fact that the allottees did not possess capital to make necessary investment in the land and they lack knowledge to gain access to

³⁹ Mishra, K.C., Land System and Land Reforms, Himalaya Publishing House, Delhi, 1990, p.528.

institutional finance, its impact on them has not been as desired. The tardy progress in acquiring and distributing ceiling surplus land was accounted for by the unnecessary delay in disposal of ceiling cases by the revenue officials who also indulged in corruption.⁴⁰

It is often said that administrative failings and lack of political will were the main factors for the failure. Had the ceiling laws been introduced in the decade following independence and linked up with the abolition of intermediaries the results would have been better. Wolf Ladejinsky views that the in-built landlord opposition, supported by the bureaucrats can be defeated if political leadership is determined to achieve the goal. Especially, this is necessary in a country where peasants are not organized to get justice through agitation.⁴¹ Land reforms are a function of “9/0 of political will” and “where there is a will there is a way”.⁴² That political will plays a crucial role in any reform measure became evident from the achievements on declaration and distribution of ceiling surplus lands during the year 1976-77 and 1977-78. Where the political will has been firm and uncompromising the record has been impressive.

Another lacuna of land reforms legislation related to payment of compensation to the owners of the ceiling surplus land. The original provision of the Orissa Land Reform Act states that to acquire the ceiling surplus land, the

⁴⁰ A Compilation of Important Orders and Circulars on Land Reforms, 1965-82, Government of Orissa, Board of Revenue, Orissa, Cuttack, 1983, pp. 21,278,317,375.

⁴¹ Ladejinsky, Wolf, op. cit., p.502.

⁴² Ladejinsky, Wolf, in G.P. Mishra, Some Aspects of Change in Agrarian Structure, Institute for Social and Economic Change, Bangalore, Sterling Publishing Private Ltd., New Delhi, 1972, p. 60.

allottee has to pay to the landlord a price equal to the value of land prevailing in the locality.⁴³ In fact the poor cultivators lacked financial ability to purchase such land by paying a market price. The law was amended in 1976. Accordingly, the ceiling surplus land was first acquired by the government on payment of compensation to the landowners. It was then distributed among the weaker sections of the community on payment to the government at the rate of Rs. 400 per standard acre.⁴⁴

Another reason for the tardy progress of ceiling laws is that there is no pressure from below. The potential beneficiaries, share-croppers, small peasants and landless labourers are weighed down by multitudes of social and economic constraints, are passively unorganized and afraid to raise their voices. Ceiling legislation had failed to enthuse the potential beneficiaries into participating actively in the process. What was intended in ceiling legislation was to provide each agricultural household in the rural areas with the basic minimum asset which can be taken as the nucleus of agricultural progress whereas the programmes for rural development intended to provide gainful employment, easy credit facilities etc. may come handy to the proposed reforms. In the absence of such reforms in agriculture with a near-equality in the asset distribution in the rural areas, all the other programmes of rural development may prove sterile. Till the Seventh Five Year Plan land reforms was not directly linked to agricultural development. In the Seventh Five Year Plan, a conceptual change was brought in linking up the

⁴³ The Orissa Land Reform Act, 1960, op.cit., Sec.50,p.33.

programme with the anti-poverty programme. The core of the anti-poverty programme lies in the endowment of income generating assets on those who have little or none of these. Hence redistributive land reforms and security of tenure to the informal tenants have to be directly integrated with the anti-poverty package of programme. Redistribution of land could prove to be a permanent asset base for a large number of rural landless poor for taking up land based and other supplementary activities.⁴⁵ Only then can they acquire a just social and economic status befitting an egalitarian social order.

Fragmentation and Consolidation of Land Holdings

Fragmentation of land stood out prominently amongst all the evils the colonial land policy perpetrated in Orissa. It had become a major constraint in the field of agriculture. It refers to land scattered in the village in plots separated by land in possession of others. The disintegration of the joint family system, the imposition of money economy, the decay of village industries which compelled many rural workers from occupational castes to abandon their traditional occupation and take to cultivation, unprecedented growth in population, inadequate opportunities in the field of non-agricultural employment etc. are few of the factors which are responsible for fragmentation of land.

Fragmentation of land was often the offshoot of inheritance law as well as a peculiar method of distribution of landed property among the heirs. If the inherited

⁴⁴ The Orissa Land Reform (Amendment) Act, 1976, in the Orissa Land Reform Code, 1977, op. cit., Sec. 47, pp 36-37.

⁴⁵ Seventh Five Year Plan (1985-90), Government of India, Planning Commission, Vol II, p. 62.

holding consisted of three fields to be divided among three, then each would receive one plot. In fact the mode of distribution was quite different and each heir received one-third of each plot. This practice ensured each heir a share in each type of lands, which were very often not uniform in quality. As a consequence, from generation to generation, fragmentation of holding increased in a geometrical progression.

It accounted for wastage of time and land, rise in the cost of cultivation, underutilisation of labour and capital, difficulty in personal supervision, disputes and litigation and impediment to agricultural productivity. The size of the land being small improved practices could not be applied profitably, control of irrigation and drainage became difficult, there was loss of land in the ridges of the field etc. Such drawbacks need immediate corrective measures, immediate because further delay would aggravate the situation beyond control. One should not forget that though our land reforms programme envisage the creation of small holdings yet it must be a composite one instead of being a fragmented holding. Consolidation of fragmented holdings becomes imperative for the success of land reforms and to make cultivation operationally and economically viable. The government was also at times the culprit in accentuating the malady in dealing out surplus lands received from land owners in fragments. That the average size of our holding has gone down considerably bears testimony from the statistics available which shows that the size of the operational holding has been sliding down consistently.

TABLE 2

| Year | Size of operational holding (In hectares) |
|-------------|--|
| 1970-71 | 1.89 |
| 1976-77 | 1.60 |
| 1980-81 | 1.48 |
| 1985-86 | 1.46 |
| 1990-91 | 1.34 |

Source - 1) Report on the number and area of operational holdings in Orissa (1985-86), published by the Board of Revenue,
2) Statistical Abstract of Orissa, 1996.

The statistics further reveal that the average size of marginal holdings (below 1 hectare) which constitutes 53.8% of the total holdings is barely 0.49 hectares whereas the size of small holdings whose percentage is 6.1% is 1.37 hectares. Since a holding consists of a number of parcels of land one can imagine the size of the smaller parcels of land.

It was during the Fourth Plan (1969-74) when emphasis was focussed on consolidation of holding and states were urged to take up consolidation work on a priority basis in the areas which had already been brought under irrigation projects or within their command areas with irrigational potential. In accordance with the directives, the Government of Orissa enacted the Orissa Consolidation of Holding and Prevention of Fragmentation of Land Act, in 1972.

It provided for allotment of a compact area to a land owner in lieu of scattered plots so as to enable him to improve the agricultural output, through improved practices and optimal use of irrigation potential available. During the process of consolidation provisions existed for changing the landscape of the village under consolidation by realigning the communal and reserved lands. The most important problem involving the consolidation was the evaluation of land which differs greatly in quality. On the basis of the valuation, every landowner shall pay or receive compensation according as the valuation of houses, structures, trees, wells and other improvements existing on the land allotted to him is more or less than the valuation of such properties existing on the land originally held by him.⁴⁶

Since its operation in 1972, the performance has not been commensurate with the time and resources utilized in the scheme.⁴⁷ Moreover it does not seem to have generated the necessary goodwill and participation of the target group. One of the impediments was the unfailing attachment towards the land. In fact the consolidation laws have helped the growth of corruption, nepotism and arbitrariness, in the process of implementation and as such, retarded the progress of implementation. Besides, the consolidation scheme aimed at reducing the number of fragments into a *chaka* or a compact parcel of land. However it did not envisage any programme for converting each fragmented holding into one compact block by

⁴⁶ Manual of Orissa Consolidation of Holdings and Prevention of Fragmentation of Land, Cuttack Law Times, Cuttack, 1978, Sec. 16, pp. 14-15.

⁴⁷ In all 7,24,878 hectares of land have been consolidated till 30.9.97.

combining all the fragmented and scattered fields held by a landowner. At present consolidation operation seems to be undertaken only for the sake of consolidation and not for a radical agrarian transformation.

The law proceeds with an assumption that after the scattered plots were consolidated and land-owners becoming cognizant of the utility and advantages fragmentation will be controlled. The operation of consolidation is a time-consuming one and progress depended on many factors including co-operation of target group. Efforts have also to be made to control fragmentation after completion of consolidation operation. The Chapter V of the Act deals with prevention of fragmentation after closure of consolidation operation in areas and withdrawal of notification. It issues a general directive not to transfer or partition agricultural land so as to create a fragment.⁴⁸ Legislation and implementation has to be stringent to prevent fragmentation after the consolidation operation. Consolidation of holding has to go side-by-side with prevention of fragmentation and land ceiling in order to enable to raise the standard of living of the beneficiaries.

Thus, it is seen that the basic malaise of today's rural segment has not been a particular system but the whole structure, which determined the behaviour of its constituent units. All the processes-abolition of intermediaries, tenancy reforms,

⁴⁸ Fragment means a compact parcel of agricultural land held by a landowner by himself or jointly with another comprising an area which is less than.

1) One acre in the districts of Cuttack, Puri, Balasore and in Anandpur Subdivision of Keonjhar

2) Two acres in other areas of the state.

land ceiling and consolidation-are complementary and need to be implemented simultaneously to achieve a greater amount of success. Had the land ceiling been applied along with the abolition of intermediaries the erstwhile landlords would not have got a chance to keep the land within the family by transferring to various members. Likewise, security of tenure becomes possible only with the complete absence of intermediaries. The scope of personal cultivation has led to the transformation of intermediaries into absentee landlords. This supported tenancy and share-cropping. It can be said that tenancy has come to stay not just because the tenants were not aware of the law but for the fact that the prevailing agrarian structure did not provide for a congenial atmosphere to assert their rights. Further, land ceiling and land consolidation must go together in order to ensure compact plots.

The impact of land reforms in Orissa have been tilted in favour of the middle level of the rural hierarchy – the tenants having ex-proprietary occupancy or hereditary rights prior to the reforms and owing medium size of landholdings. They seem to have benefitted more than the former proprietors. Social justice continues to remain a myth for the lower classes who actually cultivate and work on the land.

Far from giving land to the actual tillers, the zamindari abolition, the tenancy reforms and the ceiling legislation have helped the emergence of a rural gentry composed largely of the former landlords and the relatively better-off tenants under the old set-up and to a certain extent, the former landlords. Political

and social power of the rich landowning class have become the main obstacles to an egalitarian agrarian change. The government machinery and the bureaucracy also showed their negligence and callousness in implementing the various land reform measures effectively. Land reforms in Orissa have failed to achieve their objectives because of the passiveness on the part of the poor peasants to agitate for getting distributive justice and on account of the built-in legal loopholes in the land laws. There is, thus, an urgent need of changing our perception to meet the demands of the situation and for the removal of the obstacles which have contributed to the survival of the structure as it exists.

CHAPTER - 4

AN ASSESSMENT OF LAND REFORMS IN GANJAM DISTRICT

The District of Ganjam¹ has a long history of ups and downs. It has passed through several administrative hands² before it was captured by the British and later amalgamated into Orissa Province (1936). The district has several firsts to its credit. It was the first district of the state to be occupied by the British though then it was placed under the Madras Presidency which was a more developed administrative unit. It was here that the first conference demanding amalgamation of all Oriya speaking tracts under one administrative unit was held. The district did not lag behind in contributing to the freedom movement of the country. The initial decade after independence saw a spell of mass movements in the coastal tract of Orissa including Ganjam. Popular aspirations regarding independence had led the peasants to hope for a future without landlords and the consequent repression.

The district derives its name from the Persian word *Ganj-I-Am* meaning the granary of the world. Though the district does not live up to its name it serves to highlight the important role that agriculture and thereby land plays. Predominantly rural in character³ the economy of the district continues to be agro-based. Hardly

¹ The erstwhile District of Ganjam has been divided since 1992 into the two Districts of Gajapati and Ganjam. For purposes of this study all references to Ganjam are to be taken as meant for the undivided District of Ganjam.

² Section II of Chapter 2 of the dissertation gives an account of the history and land policy of Ganjam under several administrative hands.

³ 86% of the total population is rural as per the 1981 Census. Taking the statistics of Gajapati and Ganjam districts together the 1991 Census puts the figure roughly the same, around 87%.

any major infrastructural change towards industrialization seems to have been undertaken. This chapter makes an attempt to show how the continued feudal /semi-feudal relations of production, the landlords/absentee landlords enjoying absolute privileges of economic and political power and the not-very-successful land reform measures have strengthened the hands of the upper strata of the agrarian society. Any progressive patchwork on rural development cannot deliver the desired change and the only remedy is radical land reforms.

Abolition of Intermediaries and Village Officers

Behind the various land reform measures enacted after independence was the pious intention of the government to liberate the peasants and tenants from the unaccountable exploitation. Abolition of intermediaries had been the settled policy of the government. Sensing danger, the zamindars had started the large scale alienation of forests and private lands under their control. The validity of the Orissa Estates Abolition Act, 1951, was first questioned by some zamindars of Ganjam District for which there was delay in issuing notifications relating to vesting of the estates.⁴ These zamindars or the ex-intermediaries are still reckoned as a force-social, economic and political in agrarian Ganjam. As seen in the previous chapter while the Act apparently abolished all the intermediaries it only appears to have assisted the landed few in entrenching their hold by allowing them to retain a substantial quantity of land on payment of rent. Thus, they were converted from

⁴ Dash, Giridhari, Land Reforms in Orissa- Promises and Performance, Legal Miscellany, Cuttack, 1992, p. 14.

rent-receivers to landed aristocrats. Temporary lessees under the intermediaries and jagir holders (the village servants) were deemed to be tenants under the state government. Many, however, failed to apply for raiyati status within the prescribed time period of three months as they were not aware of it. During settlement operation conducted after abolition of estates the lands in *Khas* possession of the intermediaries and of the personal service holders were recorded as raiyati if they had been settled with them by the Tahasildars concerned. If not they were recorded under a separate arrangement called *Bebandobasta* meaning that their status has not been determined.⁵ Such an arrangement continues to exist for over 859 acres till 31st March, 1989. Notifications were also issued for vesting a large number of *Inams* in the District of Ganjam. However, writ petitions were filed challenging the inclusion of *Inams* in the definition of estates. These *Inam* tenures owe their origin to the charitable land grants made by the Hindu kings as a custom for the support of the temples or to holy and learned men or as rewards for public service. This practice continued during the Mughal and British rule. This lacuma was removed by necessary amendment to the definition of estates and intermediaries in the Orissa Estate Abolition Act. According to the statistics available, the number of zamindaris and *Inams* that vested in the government in the district are 614 and 23,083 respectively.⁶

⁵ Behuria, N.C., Orissa District Gazetteers – Ganjam, 1997. Gazetteers Unit, Government of Orissa, 1997, p. 589..

⁶ Ibid.

The institution of village officers played a very prominent role in the Madras system of administration. The trio of *Karji-Karana- Talyari*, the village officers were useful not just from the viewpoint of administration but also from the point of view of the larger benefit they were rendering to the villagers. The job of the *Karana* was mainly that of an accountant while that of the *Karji* was to maintain peace and order. The *Talyari's* task was to assist these two. Unlike the village heads like *Gountias, Padhans* and *Sarbarkars* elsewhere in the state who were not merely rent-collectors but holders of some proprietary rights, these officers in Ganjam were not exploitative in nature as they were statutory representatives of the government getting salary from the treasury. Since the hereditary character of these posts was *ultra vires* the Constitution and as a measure of land reforms, these posts were abolished under the Orissa Hereditary Village Officers (Abolition) Act, 1962 with effect from 1st February 1963. Since the tasks were to ensure efficacy in administration and maintenance of peace and order it had disastrous results as no alternative arrangements were made for village level administration.

In the agency areas, the tenures of *Muthadars* being service tenures were resumed under executive orders and their subordinate officials including *Muthaheads* were abolished in the year 1971, under the Ganjam and Boudh (Village Officers Abolition) Act, 1969. The village officers in the agency areas were settled with lands on occupancy right as *Inam* lands.

The so-called abolition of these intermediaries/zamindars and village officers did not lead to any change in the power structure. The landed people at the top of the structure made use of the legal loopholes and the ignorance of the tenants to strengthen the socio-economic set-up which was to their advantage. With the attainment of political freedom we had endeavoured for the emancipation of the lowest level of the agrarian hierarchy and to relieve the discontent, despair and frustration of the peasants and its resultant violent revolution. It was paradoxical that while vehemently condemning the zamindars as the social parasites and perpetrators of oppression and socio-economic exploitation not only were they given compensation but also huge areas of land when their right to collect revenue was withdrawn. The abolition of intermediaries meant merely a change in their source of income.⁷ They were able to accumulate, in course of time, more and more wealth by combining capitalist agriculture along with money-lending, trading, manufacturing and commercial activities. Further, on account of the links they had with the bureaucracy and the politicians, they could successfully utilize the gram panchayats, the co-operatives and various financial agencies to protect their own interests at the cost of the tenants and peasants.

Tenancy Reforms and Distribution of Ceiling Surplus Land

After independence attempts were made to afford some amount of protection to the tenants and share-croppers. As seen in the previous chapter share-

⁷ Myrdal, Gunnar, Asian Drama- An Enquiry into the Poverty of Nations. Allen Lane, The Penguin Press, 1969, Vol. II, p. 1307.

cropping had taken ages to establish itself and legislation banning it would not be sufficient to deal with the issue. The Ganjam Small Holder's Relief Act of 1947 was passed to provide temporary relief to the small holders in the district of Ganjam. The Orissa Tenants Protection Act, 1948 was enacted to protect the *Bhagchasis* from arbitrary eviction by their landlords. Its provision for Ganjam District limited the quantum of rent to 1/6th of the gross produce if they were occupancy raiyats and 1/5th of the gross produce if they had no right of occupancy. Previously, neither the Board's Standing Order nor the Madras Estates Land Act recognized any tenancy below the raiyat and so under-raiyats or *Bhagchasis* had no occupancy rights. The enactment of the Act caused a good deal of friction between the zamindars and the peasants. This generated social commotion caused by agrarian agitation.⁸ However, failing to assert their rights large number of tenants continued as before in relation to their landlords.⁹

The abolition of zamindars had served as a prelude to a total attack on the intermediary rights and the resultant socio-economic injustices. The Orissa Tenants Relief Act of 1955 covered all temporary tenants and tenants liable to pay produce rent. Besides making stringent provisions against arbitrary eviction it reduced the quantum of share to 1/4th of the gross produce subject to an over-all limit of 4, 6, 8 standard mounds of paddy or value thereof respectively for dry land, wet land and land growing cash crops. The economic environment in the rural areas being what

⁸ Rath, S.N., The Development of the Welfare State in Orissa, S. Chand & Co., New Delhi, 1977, p.73.

⁹ Report of the Administration Enquiry Committee, Government of Orissa, Revenue Department, Government Press, Cuttack, 1958, Vol. I, p. 139.

it was, the shadow of some form of landlordism still looming large and the proper climate for effective implementation not being there the Acts did not produce any tangible results. Very few tenants took recourse to the judiciary being afraid of complete ouster from the land, thereby being deprived of their income. In the earlier years of the operation of the Orissa Tenants Relief Act, there was a spate of cases but the number decreased because the momentum of feeling that had grown in the first instance in the district had slowed down. The uncertain atmosphere seriously affected the rural set-up. The sudden introduction of legislations did not allow a reasonable time for the small and middle landowners to resume lands for personal cultivation. The relation between the landlords and the tenants became strained and led to creation of new devices by the landlords to harass the tenants like taking handnotes from them for exorbitant amounts as security for the produce demanded from them.

All these were temporary measures pending comprehensive land reforms- the passage of the Orissa Land Reforms Act, 1960. It came into force from 1st October, 1965 except chapter II and IV. Chapter III providing for resumption of land from temporary tenants for personal cultivation and for giving raiyati rights on the irremovable lands to such tenants became effective from a later date in 1965, from 9th December. Chapter IV relating to fixation of ceiling and disposal of ceiling surplus land became effective from 2nd October, 1973.

Chapter II of the Act enumerates the different categories of raiyats and tenants. It also makes provisions for the temporary lessees in personal cultivation

of lands in vested estates for claiming occupancy rights on application to the Tahasildar within a prescribed period for settlement of land on payment of compensation at the rate of Rs. 800 per standard acre to be paid in five instalments as may be fixed by the Tahasildars.¹⁰ Till 31st March, 1989, 3,189 raiyats have thus benefitted from over 293.52 hectares of land in Ganjam, the average coming to barely 0.092 hectare per holding.¹¹ Transfer of raiyati land has been made void from 1976 for a period of ten years from the date of settlement without prior permission of the Tahsildar in respect of lands settled for agricultural purposes except transfers in favour of any Scheduled Bank or any Co-operative Society by way of mortgage. The raiyats were liable for eviction if they had used the land for any purpose other than agriculture. New obligations were imposed such as keeping the holding fit for agriculture or not leasing it out. Although *Bhagchas* or share-cropping had been prohibited since 1st October, 1965 raiyats who are neither “persons under disability”¹² nor “privileged raiyats”¹³ continue to lease out their lands in full or in part to tenants and are realizing about fifty percent of the produce with impunity. Though, as yet only 66 persons have been declared as “persons under disability” and 199 institutions have been declared as “privileged raiyat” in

¹⁰ Behuria, N.C., *op. cit.*, p. 590.

¹¹ *Ibid.*

¹² Person under disability means (a) a widow, or an unmarried woman or a woman who is divorced; (b) a minor; (c) a person incapable of cultivating land due to some mental or physical disability; (d) a serving member of the armed forces; (e) a raiyat, the total extent of whose lands does not exceed 3 standard acres.

The Orissa Land Reform Act, 1960 (Amended up to 1976), found in the Orissa Land Reform Code, 1977. Revenue and Excise Department, Government of Orissa, 1978, Section 2(2), Section 6 (3), p. 11.

¹³ A privileged raiyat means (a) a Ccooperative Society and a Land Development Bank; (b) Lord Jaganath at Puri; (c) any recognised trust or institution; (d) a religious or charitable trust of public nature; (e) any public financial institution. *Ibid.*, Section (2) (21), p. 4.

the district raiyats leasing out their land to tenants run into thousands.¹⁴ Not a single case had been started for eviction of the raiyats for leasing out land in contravention of the law nor were the tenants willing to enforce their right. *Bhagchas* is likely to continue indefinitely till personal cultivation continues to be unremunerative and till the tenants remain in fear. Similar is the case with regard to use of land for purposes other than agriculture. Although large scale conversion of agricultural lands for non-agricultural purposes has taken place, no effective step has yet been taken for evicting the raiyats.

The transfer of land by raiyats belonging to a Scheduled Tribe/Caste shall be void unless it is made in favour of persons belonging to a Scheduled Tribe/Caste or with the previous permission in writing of the sub-Collector. This can be done *suo motto* or on application. 3,548 cases were started in the district for restoration of Scheduled Tribe/Caste land illegally transferred or forcibly occupied out of which 3,456 cases had been disposed of by 31st March, 1989 in which 414.216 hectares were restored in favour of 1,556 persons, the average being 0.26 hectares.¹⁵

The provision of tenants not liable to pay more than 1/4th of the gross produce has been made heritable but not transferable under the Orissa Land Reforms (Amendment) Act, 1976. Eviction of tenants is liable only if the tenants

¹⁴ Behuria, N.C., op. cit., p. 592.

¹⁵ Ibid., p. 591.

render the land unfit for the purpose of agriculture, fail to cultivate the land properly or fail to deliver the rent within two months.

Chapter II provides for resumption of land by the landlords for personal cultivation. The right of resumption was somewhat restricted in the sense that landlords were entitled to resume not more than a fixed portion of the land from the tenant. Where the landlords failed to cultivate the land personally after resumption the land would revert to the tenants who could acquire raiyati right on payment of compensation. However, if the tenants do not acquire tenancy right under similar conditions the land will revert to the landlords. Since *Bhagchas* is prohibited, tenants to whom land is leased out in contravention of the provisions of the Act are entitled to get raiyati right either on application or by *suo motto* action by the Tahsildar. Under this provision an extent of 1,177.744 hectares have been settled in favour of 2,757 tenants till 31st March 1989.¹⁶ The progress can be said to be marginal if the thriving tenancy system is taken into account. Since in most cases, whether it is non-transference of land from a Scheduled Tribe/Caste to a non-Scheduled Tribe/Caste or claim of raiyati right by a tenant, the beneficiaries were an ignorant lot, much depended on the *suo motto* action of the officials which was sadly lacking. Moreover, the price of the land being high most of the poor tenants failed to acquire the land they cultivated as they could not pay the compensation.

¹⁶ Behuria, N.C., op. cit., p. 593.

Chapter IV of the Orissa Land Reform Act relates to fixation of ceiling and disposal of ceiling surplus lands. As originally enacted, the ceiling was 25 standard acres per person which was later reduced to 20 standard acres in 1972. But its operation was stayed as the ceiling limit was considered excessive which would defeat the object of distributive justice. To prevent transfers of surplus lands in excess of the reduced ceiling to be fixed later, an ordinance was promulgated with effect from 17th July, 1972 prohibiting transfer of lands by owners having more than 10 standard acres. After effecting necessary amendments, the Amended Act become effective from 2nd October, 1973 in which the ceiling limit was fixed at 10 standard acres for a family of not more than five members. Where a family consists of more than five members, the ceiling area will be increased by two standard acres for each member subject to a maximum of 18 standard acres. A 'family' in relation to individual means the individual, the husband or wife, as the case may be, of such individual, and their children, whether major or minor but does not include a major married son who as such had separated by partition or otherwise before 26th September, 1970. After determination of ceiling surplus lands in the prescribed manner by filing returns within a prescribed period or *suo motto* by the Tahsildar, as the case may be, the said lands shall vest absolutely in the government free from all encumbrances for which the owners will get certain amounts (not compensation) at the rate of Rs. 800 per standard acre depending on the extent of ceiling surplus land to be vested.

Seventy percent of the extent of ceiling surplus lands will be settled with persons belonging to Scheduled Tribes and Scheduled Castes and thirty percent in

favour of others according to a certain order of priority, preference being given to landless agricultural labourers, up to 7/10 standard acre of land on payment of *Salami* at the rate of Rs.400 per standard acre of land. Payment of *Salami* had been ordered to be waived with effect from 31st October, 1985, the date of the first death anniversary of the late Prime Minister, Indira Gandhi. Till 31st March, 1989, 4,822.576 hectares of land have been declared as ceiling surplus in the district out of which 2,005.618 hectares have been allotted in favour of 5,417 beneficiaries of whom 3017 are Scheduled Castes and 750 belonged to the Scheduled Tribes. The Agricultural Census, conducted in the year 1985-86 shows the per capita holding size of the Scheduled Castes and Schedule Tribes at 0.8 hectare and 1.1 hectares as against the state average of 0.9 hectare and 1.6 hectares respectively. To raise the poor landless allottees above the poverty line a central scheme of financial assistance for improvement of the allotted land and for purchase of inputs is in operation from the year 1975-76. The quantum of assistance which was Rs.1000 per hectare has been raised to Rs. 2500 per hectare from the year 1983-84. Till 31st March, 1989, an amount of Rs. 17,58,730 has been released in favour of these allottees both by the central and the state government on 50:50 basis.¹⁷

A glance at the pattern of operational holdings would be indicative of the extent of changes in the land tenurial pattern after the implementation of land reforms.

¹⁷ Behuria, N.C., op. cit., p. 594.

TABLE 3**Number and Area of Operational Holdings and their Percentage by Broad Size****Groups During 1970-71, 1976-77, 1980-81, 1985-86 and 1990-91.**

| Sizeclass | 1970-71 | | 1976-77 | | 1980-81 | | 1985-86 | | 1990-91 | |
|-------------------------------|---------------------|-------------------------|--------------------|--------------------|---------------------|-----------------------|--------------------|--------------------|---------------------|---------------------|
| | No | Area | No. | Area | No. | Area | No. | Area | No. | Area |
| Marginal (0-1hect.) | 1,62,769 (60.12) | 77,980.10 (22.15) | 237,895 (66.90) | 111,424 (29.53) | 1,95,924 (60.47) | 94,666.92 (23.76) | 2,33,150 (65.4) | 1,06,593 (27.4) | 2,62,900 (67.15) | 1,21,000 (29.88) |
| Small (1-2hect.) | 71,708 (26.98) | 1,08,962.9 3 (30-95) | 68,930 (19.38) | 93,782 (24.85) | 71,217 (21.98) | 95,745.66 (24.03) | 70,656 (19.6) | 95,235 (24.4) | 79,200 (20.22) | 1,07,800 (26.62) |
| Semi- medium (2-4hect.) | 22,893 (8.45) | 67,638.42 (19.21) | 35,755 (10.05) | 91,980 (24.39) | 39,747 (12.26) | 98,386.6 3 (24.69) | 39,501 (11.1) | 1,02,283 (26.2) | 37,900 (9.68) | 9,71,00 (23.98) |
| Medium (4-10hect.) | 11,547 (4.26) | 63,989.65 (18.17) | 12,075 (3.4) | 67,491 (17.89) | 15,179 (4.68) | 80,940.57 (20.31) | 12,512 (3.5) | 68,015 (17.4) | 10,400 (2.65) | 5,60,00 (13.83) |
| Large (above 10) | 1,785 (0.006) | 33,958.59 (9.50) | 964 (0.27) | 12,678 (3.36) | 1909 (0.58) | 28,675.38 (7.19) | 1,331 (0.4) | 18,469 (4.7) | 1,100 (0.28) | 3,00,00 (7.40) |
| All Sizes | 2,70,702 | 3,52,029.09 | 3,55,419 | 377,355 | 3,23,976 | 3,98,414.96 | 3,56,550 | 3,90,595 | 3,91,500 | 4,09,900 |

Figures within bracket indicate percentage to total

Number of holdings is in lakhs and Area in lakh hectares.

Source: 1) District Statistical Handbook, Ganjam, 1978-79.

2) Statistical Abstract, 1985.

3) Agricultural Census, 1985-86, Board of Revenue, Orissa.

4) Economic Survey, Government of Orissa, 1996-97.

An analysis of Table 3 reveals that the number of holdings show an increasing trend in general. The increase, however, is not continuous. While there has been a fall in the number of holdings in the year 1980-81, there has been an increase in the total operated area, showing an increase in the average size of

holding to 1.20 hectares. The years 1976-77 showed the holding size at 1.06 hectares in comparison to 1970-71 when it was 1.30 hectares, thereby showing a decline in the average size. The years 1976-77 witnessed maximum activity in the sphere of land reforms because of the strengthening of the political will. Conferring of occupancy right and distribution of ceiling surplus was at its height and since most of the beneficiaries were the marginal and small categories it brought the average down. The point to note is not that there were fluctuations in the average size of the holdings but that the size continued to hover around 1 hectare per holding. Were one to exclude the large category from the calculations of the average size the average size would be abysmally low. The average for the year 1990-91 is also at a low of 1.03 hectares. The period 1990-91 saw the large landowners benefitting the most. The average size of holding of the large landowners increased from 13.87 hectares to 27.27 hectares. While they constituted just 0.28 percent of the total holdings the area they held was 7.40 percent of the total operated area. This shows that a certain section of the large landholders had succeeded in acquiring more land. The large category - the principal target of all land reform laws continued to wield considerable influence in the agrarian society.

The statistics relating to both the size groups, marginal and small reveal that the average size of the former group hovered around 0.46 hectares (both in 76-77 and in 90-91) while the average size of the latter group hovered around 1.36 hectares (both in 76-77 and in 90-91). This only shows that even if legislations were to be implemented more effectively, it is unlikely that in the days ahead sufficient land could be made available to the landless and the near landless to

provide them with economically viable holdings. Here land reforms can be said to consist in doling out small tokens of land. Greater efforts have thus to be made in acquisition and distribution of ceiling surplus land by the state. Holding of a tiny piece of land may be the source of subsistence but in order to raise the peasants from their position in the agrarian society creation of economically viable holdings becomes necessary. As for the semi-medium and medium categories there seems to be an overall decline both in terms of number of holdings and the total area operated over the years. However, if we take the data just for the year 1990-91, the category having the least number of holdings and the maximum operated area is the semi-medium category. It held just 9.68 percent of the total number of holdings but covered 23.98 percent of the total operated and all its. Thus, it is seen that land ownership and its concentration and all its added benefits continued to be the monopoly of a few. The implementation of land reforms cannot be said to have ushered in a new socio-economic order in Ganjam District and there has been no basic structural change.

Consolidation of Holdings

As in the case of other coastal districts of Orissa, land holdings in Ganjam District got increasingly fragmented due to unrestricted sale, partition and succession, increasing dependence on agriculture, due to lack of development of the industries, etc. over the years. Individual holdings remained widely scattered making cultivation laborious and expensive. A look at the statistics of the average size of holding in Ganjam district would show the size of the operational holding to

be excessively small. Since a holding consists of a number of parcels of land, the size of these parcels must be tiny.

TABLE 4
Size of operational holding in hectares.

| Year | Orissa | Ganjam Dt. |
|---------|--------|------------|
| 1970-71 | 1.89 | 1.30 |
| 1976-77 | 1.60 | 1.06 |
| 1980-81 | 1.48 | 1.20 |
| 1985-86 | 1.46 | 1.10 |
| 1990-91 | 1.34 | 1.03 |

Source: 1) District Statistical Handbook, Ganjam, 1978-79.

2) Statistical Abstract, 1985.

3) Economic Survey, 1996-97, Government of Orissa.

The average size of operational holding was roughly 0.42 hectare less than the state average over almost a twenty year period. Moreover, the size of operational holding in Ganjam District itself has been declining. The year 1980-81 saw the average size of the holding to be 1.20 hectares. After a decade it had declined to 1.30 hectares. The statistics further revealed that the average size of marginal holding (below 1 hectare) which constitutes 67.1% of the total holdings was barely 0.46 hectare whereas the size of small holding whose percentage was 20.2 is 1.36 hectares.

The Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Act, 1972, came into force with effect from 10th August, 1973. Consolidation of the scattered holdings in compact blocks was only one of its objectives. It also aimed at increased production through modern techniques, by providing on-farm development like field irrigation, access road to *Chaka* plots, reservation of lands for community needs like school, playground, hospital, veterinary centres, Panchayat Ghar and house-sites for Harijans and Adivasis, etc. The pre-consolidation work in Ganjam started in year 1972. Till 31st March, 1989, the programme covered 62 villages with 66,403 hectares mainly within the ayacut area of Rushikulya Irrigation Project.¹⁸

TABLE 5

| Year | Coverage | |
|---------|----------|------------------|
| | Village | Area in Hectares |
| 1973-74 | 74 | 10,901 |
| 1978-79 | 181 | 47,463 |
| 1985-86 | 106 | 27,270 |
| 1987-88 | 28 | 2,100 |
| 1988-89 | 13 | 2,789 |
| Total | 402 | 93,523 |

Source - Director of Consolidation

Almost 90 percent of the cultivators were small and marginal landowners. Ordinarily class IV lands are lands of inferior quality which are not preferred by landowners, being unsuitable for raising paddy crops. But in the district of Ganjam, this type of land called *Padar* is mostly used for growing vegetables and other

¹⁸ Behuria, N.C., op. cit., p. 605.

commercial crops like betel leaves. So, the value of such land in Ganjam district was much more than that of paddy lands. Like in other parts of the state, the landowners of Ganjam District were not willing to part with their original land even if it is of inferior quality. They require land of different varieties which will be suitable for paddy, sugarcane, pulses and vegetables and betel leaves. This was not always possible in a village under the Consolidation Scheme. Such type of *Padar* lands being scanty in these villages it was not possible to equate such lands for the purpose of consolidation with other lands nor did the land owners of such lands agree to take class I land in lieu of *Padar* lands. This has created much difficulty in allotment of *Chaka* or compact blocks.

As yet no on-farm development programme has been taken up in the command area of the Rushikulya Project. Unless these activities are dovetailed into the Consolidation Scheme, success of the scheme, particularly in Ganjam District, is remote. At present, consolidation work seems to be undertaken just for the sake of consolidation and not for any major agrarian transformation. Since the scheme has not generated the enthusiasm of the target group it does not seem to have taken off. Even after the scattered plots are consolidated there is no guarantee against fragmentation. Since most of the rural population is dependent on agriculture and the absence of non-agricultural occupation along with 16%¹⁹ decadal growth rate of population (1981-91) in Ganjam district fragmentation of land will probably

¹⁹ The Statistical Abstract of Orissa, 1996, Government of Orissa, Bureau of Statistics & Economic, Bhubaneshwar, 1997.

continue. Prevention of fragmentation and consolidation of holding has to be done simultaneously for achieving success in this field.

Bhoodan

In the early part of the fifties, Acharya Vinoba Bhave initiated a movement called Bhoodan Yagna for acquisition of land through voluntary gift with a view of distributing the same to the landless persons. To facilitate donation of lands in connection with the Bhoodan Yajna and to provide for distribution of such lands the Orissa Bhoodan Yajna Act was enacted in 1953 which would have brought in a revolutionary change in the idea of land ownership had it been successful. The Orissa Bhoodan Yagna Samiti's record in the district of Ganjam showed that upto 31st March, 1989, 394.94 hectares were distributed among 288 landless persons.²⁰

Wasteland Settlement

In the earlier times there was a premium on occupation of government lands including forest lands except reserved forests. Anybody occupying waste or vacant lands which was not communal land like *Gochar*, etc, without prior permission was entitled to preferential treatment in the matter of settlement of that land. It is only when the pressure on lands increased due to growth of population and there was large scale devastation of forests that the government awoke to the realities of the situation. After independence sensing danger regarding their abolition the zamindars started large scale alienation of forests and private lands

²⁰ Behuria, N.C., op. cit., p. 594.

under their control to defeat the provisions of any legislation that was intended to come in not very distant future. The Orissa Preservation of Private Forest Act, 1947, provided for preservation of private forests to prevent their indiscriminate deforestation. This was followed by Orissa Communal, Forest and Private Lands (Prohibition of Alienation) Act, 1948 which was enacted to prohibit alienation of all communal, forest and private lands without prior permission of the Collector. It was only in 1961 that the government prescribed a set of principles for settlement of waste lands in the order of October, 1961 called Approved Lease Principles. This rule prescribed a priority of settlement outside reserved areas in favour of the Scheduled Castes and Scheduled Tribes having lands less than 5 acres to the extent of 5 acres only including homestead lands. The landless persons belonging to other backward classes and other landless persons would get preference next to the landless Scheduled Castes and Scheduled Tribes. Persons having land exceeding 5 acres were not to get any settlement of waste lands but all encroachments prior to 13th September, 1961 which were not objectionable were to be settled with encroachers irrespective of the area owned or encroached on payment of a nominal *Salami* of Rs 50 to Rs 150 per acre according to the quality and productivity of land. Thereafter a set of rules for disposal of encroachment cases in the District of Ganjam were issued in the government order no. 54724.R dated the 27th August 1964. All encroachments in Ganjam were divided into two categories, namely, *Sivajamai* cases and non-*Sivajamai* cases, the former relating to encroachment for agricultural purposes and the latter for non-agricultural purposes. *Sivajamai* cases were encroachments for agricultural purposes by landless persons over assessed

land not reserved in respect of which the encroacher was recorded in the relevant village papers as having been in continuous occupation since 1st July, 1949 or any earlier date. Landless person was defined as a person the total extent of whose land along with the lands held as tenant or raiyat by all members of his family living with him is less than 5 acres and who has no profitable means of livelihood other than agriculture.

These noble intentions of the government had an in-built obstruction. The *Sivajamaidars* not only had to pay for it varying from Rs. 100 to Rs 800/- depending on the quality of land but were also liable to pay the cost of standing trees and other assets existing on the land. Major changes were effected in the Presidential Act 2 of 1975 and further amendments were also made in 1975 and 1981 to make its implementation more effective. Under the revised executive instructions encroachments made prior to 16th August, 1972 could be settled with encroachers to the extent that they were landless. In the definition of landless, 2 acres was substituted for 5 acres for settlement of unobjectionable encroachments. But for Scheduled Castes and Scheduled Tribes the limit of 5 acres for the landless remained unaltered. The present law regarding settlement of government land is that seventy percent of such land shall be settled with persons belonging to Scheduled Castes and Scheduled Tribes in proportion to their respective population in the village in which the land is situated and the remaining shall be settled with other persons in the following order of priority - co-operative farming societies, any landless agricultural labourer, ex-servicemen, raiyats who cultivate not more than one standard acre or any other person. No reliable figure is available

regarding the extent of land settled prior to 1974-75. But from 1974-75 upto 1988-89, the extent of land settled with the landless persons is 15,526 hectares in favour of 28, 917 beneficiaries. Out of them the number of Scheduled Tribe beneficiaries is 8,251 who have got 5,637 hectares and the number of Scheduled Caste beneficiaries is 5,736 who have got 3,189 hectares.²¹

A perusal of this chapter reveals that many schemes have been attempted for land reforms in Ganjam District. Many legislations have been enacted at frequent intervals, some to suit the political philosophy of the party in power, some to remove the lacunae in the implementation and in majority of cases on an ad hoc overview of the objectives of the law. All these have however, failed to bring about a structural change in the agrarian society and the potential beneficiaries continue to remain in the same condition. In such a situation where the beneficiaries do not engage in agitation the importance of the political will is only highlighted.

Close on the heels of independence came the abolition of intermediaries which in reality only altered their source of income by providing them scope and opportunities to bypass the legal provisions. Laxity on the part of the officials and delay in implementation only added to their advantage. There can be no question about the fact that the gradual enactment and implementation of legislations for reforms have been in themselves an impediment to the process by which change in the traditional land system was sought. In the Sixties came another progressive legislation which assured us a better deal in the sphere of tenurial rights with a

²¹ Behuria, N.C., op. cit., p. 599.

clear mandate of land to the tiller. In the Seventies came the attempt to consolidate the innumerable scattered pieces of land with a view to boost agricultural production. Further it was during the Seventies, in fact from 1973-74 that ceiling legislation was put into practice. Though the momentum picked up during 1977-78 after a few years there was a fall in the amount of ceiling surplus land acquired. Even if the number of beneficiaries showed a rise the average size of the holdings have come down. The analysis of Table 3 and Table 4 revealed the size of the operational holdings to be 1.30 hectares in 1970-71 and 1.03 hectares in 1990-91. Since even efforts at consolidation were not at a fast pace and the holdings were in fragments, the peasants continued to suffer. At stages came the abolition of village officers, the Bhoodan Yajna, the wasteland settlement etc. All these exercises notwithstanding the picture continues to remain the same.

Myrdal rightly observes that land reform measures immediately after independence, such as tenancy reforms and zamindari abolition, can hardly be said to have brought a radical change in the agrarian property relations²². The object of land reforms was to ease substantially the remnants of feudalism and to save the peasantry from the exploitation of the landed interests. However, the layers of intermediaries with large chunks of cultivable land asset of the country at their command perpetuated a system which persists till today. Despite heavy doses of reform measures the abolition of intermediaries saw the conversion of the ex-intermediaries into absentee landlords which encouraged tenancy in a concealed

²² Myrdal, G., op. cit., Vol. II, p. 1307.

manner. It may be added that large number of tenants had been dragged into legal battles after estate abolition in 1951 in order to prove their occupancy right in land over which the zamindars also claimed their own right on the plea of personal cultivation. They had to bear a huge expenditure for this over a long period. Moreover, when the court verdict went in their favour, they were asked to pay compensation to the landlords for acquiring property right despite their inability to bear such burden.²³ From the point of view of ensuring socio-economic justice to the peasantry, both the abolition of estates and a simultaneous conferment of proprietary right on the tenants could have been done by the government at one time in 1951 without paying any compensation whatsoever for the latter purpose. Some sort of direct action was needed on the part of the state to acquaint the tenants with legal provisions. Analysis reveals that some amendments were made only after the rich landowning class took full advantage of the legal loopholes in the earlier land laws. Institutional change in the agrarian system needs to be sharp, radical and dramatic.

The legal definition of personal cultivation as equivalent to personal supervision appeared to have destroyed the long-cherished goal of establishing peasant proprietorship in the agrarian set-up as it has failed to get rid of the non-tilling absentee landlord from our land system. By favouring the proprietors they created a built-in contradiction between the right of resumption and security of

²³ Report of the Select Committee on the Orissa Land Reform Bill, 1959, in Orissa Gazette Extraordinary, No. 240, February 26, 1960, Notification No. 1973, A-L . A-D., February 24, 1960, Note of dissent.

tenure. Moreover the governance and administration overtly or covertly acted in logic against an honest implementation of land reforms policy. It is seen that in Ganjam though over the years the large landholders have decreased in terms of number of holdings, they have succeeded in cornering a larger percentage of the total operated area. Even where the peasants were ignorant of the legal provisions the officials had *suo motto* powers to deal with the issues. Initiative on the part of the officials was sadly lacking. Moreover, Ganjam District was a witness to the fact that new allottees of ceiling surplus land were prevented from occupying the land allotted to them. Even if the holdings are small or of an inferior quality such as *Padar* (as mentioned earlier) they are of immense value to the cultivators. Legal provisions preventing transfer of land from peasants belonging to a Scheduled Tribe/ Caste to non-Scheduled Tribe/ Caste persons continued to be flouted. It is from the Fifth Five Year Plan that emphasis began to be laid on ceiling surplus land as part of the anti-poverty strategy. It is a fact that landlessness was the main guiding factor in the distribution of ceiling surplus land. The holdings were distributed without looking into facts like the availability of tools and equipments, situational and qualitative aspects of the land for efficient utilization etc.

The tenurial insecurity and disparity in landholding in Ganjam has not diminished. The measures relating to tenancy control, ceiling on landholdings and distribution of ceiling surplus land have proved ineffective. The problem of fragmentation continues to baffle and amalgamation of holdings is progressing at a snails pace. Thus it is seen that the cumulative impact on the rural peasantry of the attempts at land reform have been disconcertingly meagre.

CHAPTER - 5

CONCLUSION

A policy of land reforms is successful when it reduces disparities in the agrarian structure and provides opportunities to the deprived sections of the agrarian society to improve their status. This study was an attempt to examine the overall impact of the land reform measures in the District of Ganjam in South Orissa from 1974 to 1989. It arrived at the following conclusions.

Land reforms as a weapon for agrarian transformation, both in terms of institutions and relationships among men has not been successful in Ganjam. The foregoing analysis reveals that such reforms have not resulted in ending the sufferings of the lowest level of peasants who actually cultivate and work on the land. It is the big landlords, either the ex-intermediaries or the neo-zamindars who have managed to benefit the most out of the land reforms. It appears from the analysis that in Ganjam District land ownership and its concentration and all its added benefits continued to be the monopolised by a few. The major characteristic of rural class dominance is land holding. As local politics has been controlled and concentrated in the hands of the large landowners, they have gained as landholders since they have been best able to take advantage of the flow of resources.

A distinctive feature of Ganjam District is that highest productivity in agriculture exists side by side with gross inequality in land control.¹ With the

¹ Barik, Bishnu. C., Class Formation and Peasantry, Rawat Publications, Jaipur, 1988, p 69.

implementation of land reforms and distribution of land the ranks of the marginal and small landowners have swelled in Ganjam. Yet, as shown in the preceding chapter the average size of the marginal landholdings remained at 0.46 hectare over the years while the average size of the small landholdings hovered around 1.36 hectares. Holding of such tiny pieces of land may provide subsistence but is not sufficient to elevate their position in the agrarian hierarchy. On the other hand, the large landholders while constituting just 0.28 percent of the total number of holdings covered 7.40 percent of the total operated area. The average size of the large landholdings actually increased from 13.87 hectares to 27.27 hectares over the years. Thus it is seen that social justice continued to be myth for the actual peasants of Ganjam.

Concentration of social, economic and political power in the hands of the large landholders vis-a-vis the passive role of the actual peasants in the political game has made land reforms a mockery and an instrument for consolidation of political power and socio-economic status. Efforts for regulating rent, ceiling, minimum wages, establishing peasant proprietorship and prohibiting tenancy have met either with strong resistance or a combination of acquiescence and evasion. The zamindari abolition, the tenancy reforms and the ceiling legislation seem to have favoured the big landowners as against the actual peasants. It gave rise to the impression that it is the need for legitimacy that prompted the political leadership/elite to initiate land reforms.

Land reform laws ostensibly passed for the benefit of the underprivileged have not basically altered the village structure in Ganjam District. Abolition of zamindari only saw these ex-intermediaries and the neo-zamindars (the moneylenders, the traders, the merchants etc.) get around the laws in which the loopholes were so large as to give them ample manoeuvring ground. By passing themselves off, legally or illegally, as tillers and cultivators, they have gone on dominating rural life.

Land tenure problem is essentially a product of the power relations in a village society. The landlord-tenant relationship has not yet been replaced by a more egalitarian relationship. Tenancy regulation too has proved to be illusory *Bhagchias* or share-cropping continued to thrive in Ganjam with the raiyats also leasing out their land to tenants. The most common and serious land tenure problem is inequality of landownership. Land redistribution may be appropriately considered as a basic agrarian change to which all other reform measures bear a more or less dependent relationship. If land redistribution is absent all else may prove ephemeral, including security of tenure and rent reduction, measures extremely difficult to enforce. Attempts to put a ceiling on land holdings were made from time to time. Distribution of land to the weaker sections become a live-issue in the mid - 1970's. These small pieces of land of doubtful quality did not make much of a difference. While the Government of Orissa is smug about its performance by way of distribution of over 90 percent of the land declared as ceiling surplus, it also needs to be kept in mind that the areas distributed constituted only 0.95 percent of the net sown area. Moreover, it was found out in

the preceding two chapters that while the average size of operational holdings for Orissa stood at 1.34 hectares, it was 1.03 hectares for Ganjam. Since the efforts at consolidation were not at a fast pace and the holdings were found in fragments, the peasants continued to suffer even after acquiring land.

Land ceiling has not only been fixed at a higher level but also deliberate dilatory tactics have been adopted by the government to give enough scope to the large landholders to evade the ceiling law. Land reform laws, as in other states, were often enacted and amended with deliberate loopholes and exemptions aimed at encouraging fictitious transfers of land, overtly or covertly, to close and distant relatives and to keep the size of the permissible holding high. In the matter of distribution of surplus land it is seen that either the surplus land has not been distributed or it has been distributed in a haphazard manner in Ganjam. Again, it has been noticed that if the land has been distributed among the landless in course of time, they have been dispossessed of the land either under economic pressure or by force. There is not only forcible eviction of tenants from their lands but also prevention of new allottees of ceiling surplus land from occupying the lands allotted to them in this district. The landless agricultural labourers who were granted tiny patches of land found it too difficult and risky to cultivate the same due to the machinations of the large landholders from whom ceiling surplus land had been taken away. These landholders have no compunction in forcibly entering upon the land for cultivating the same in open disregard of the legal authorities. In spite of repeated proclamations by the government to check such high handedness,

the progress of restoration of land to the allottees of ceiling surplus land evicted therefrom had not been satisfactory.²

As seen earlier it was often the gap between the passage of legislations and their implementation, as in the case of the Orissa Estate Abolition Act and also the ceiling provisions of the Orissa Land Reform Act which was the major drawback of the land reform programmes in Ganjam. Had ceiling legislation being passed immediately after the abolition of intermediaries the success rate would have been higher. Distribution of ceiling surplus land and prevention of fragmentation and consolidation of land holdings should have been done together. The government was at times a party to the increasing fragmentation of land. Thus, the lack of integration of land reform programmes have been a major obstacle to their success.

The slow enactment and implementation of legislations have been, in themselves, an impediment to the process by which change in the land system is sought. Speed of implementation and the willingness and capacity to act forcefully, appear to be important to the success of reform policies. The government machinery also showed its negligence in implementation due to lack of a political will for land reform. Many revenue officials either indulge in corruption and bribery or succumbed to political pressure to protect the interest of the landed gentry. As a consequence, implementation has been slow.

² A Compilation of Important Orders and Circulars on Land Reforms, 1965-1982, Government of Orissa, Board of Revenue, Cuttack, 1983, pp70-71, 235, 268,287.

Even after the land reform programmes and the rural development package were made complimentary in the Seventh Five Year Plan the majority of small peasants and landless households have not benefitted much. Implementation remained tardy but it generated contradictions between landowners and actual peasants. What has emerged is a situation where the programmes to be successful require the active participation of the potential beneficiaries. Ideals and social conscience can never become effective unless power is given to those who have grievances. The importance of an organizational effort demanding change of the existing system can hardly be overlooked. Ganjam with its history of peasant movements against the feudal landlords provides a fertile ground for such an effort. Making the peasants aware of their rights and facilitating the understanding of the land laws would go a long way in making them active participants.

The success of Operation Barga in West Bengal highlights the importance of tenurial reforms. If reforms are sought to be implemented within the rule of law they must be the sort that redistribute rights in land. Banning tenancy only gives rise to concealed tenancy. On the contrary, according legal recognition on the tenants and giving additional security of tenure would go a long way in improving the conditions of the peasants. Lessons have also to be learnt from Kerala where under the state initiative the peasants agitated for their rights and were successful.

It would of relevance to cite a few recommendations put forth by the Land Reforms Unit of the Lal Bahadur Shastri National Academy of Administration, Mussoorie at a workshop held in Orissa at Bhubaneswar in 1993. On the issue of

land ceiling there should be a provision for imposing penalty on the defaulting land owners. Allotment of land should be done properly by giving physical possession and there should be periodic monitoring of such possession. The list of deserving beneficiaries by way of ceiling surplus land should be prepared with the help of villagers in an open meeting. In view of the uneconomic size of the land allotted, the beneficiaries should be encouraged to take up cooperative investment and production to make cultivation a viable proposition..

The recommendations on tenancy reforms highlight the importance of tenants being recorded legally considering the large scale of unrecorded tenancy. A serious thought should be given to changing the definition of personal cultivation which is now considered equivalent to personal supervision. The legal provision only mention ceiling on raiyati holdings, but there is no ceiling on tenanted lands. Since even raiyats lease out their land to tenants, the ceiling laws should apply to the aggregate of raiyati and tenanted lands of raiyats. Administrative measures should include strict instructions to revenue inspectors to unearth real tenants during field visits. Without re-organisation of credit and marketing system the benefit of land reforms will not accrue to the capital starved beneficiaries. Emphasis should also be given to educate the rural masses on their rights and it would also be in order to engage NGO and voluntary agencies to create awareness among the public. The workshop also put a lot of emphasis on the maintenance, updation and computerization of land records.

Legislations pertaining to land reforms will continue to be enacted, changes brought and recommendations put forth. Ultimately, it is the devolution of power to the small peasants/landless that will determine the establishment of egalitarian relationships in the agrarian society

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GLOSSARY OF VERNACULAR TERMS

Abwab - Illegal Cess or exaction.

Amla - Agents or officers.

Bazyafti Tenures - Tenures held rent and revenue - free before the settlement of 1838 and resumed and assessed at the settlement of 1838.

Bazyaftidars - Holders of resumed tenures.

Bethi - Labour which is not paid for.

Bhagchas - A raiyat who cultivates land for his landlord on condition that he would pay a creation share of the produce, generally more than half - share.

Magan - Exactions raised for meeting the expenses of the zamindars for marriage in the family.

Bramhottar - Grants of lands assigned for the support of Brahmans.

Chandina - Homestead lands of shopkeepers, artisans and those of the labouring classes who, having no arable land in the village, pay rent for homestead only.

Debottar - Lands assigned for the worship of an idol.

Garjats - Hill states protected by fiefs where chiefs resided.

Goti - Bonded labour.

Hadi Kharcha A kind of cess imposed on the tenant to meet the expenses on religious festivities

Inam land - Land given as a gift.

Kharida - Lands sold rent - free or at a quit rent by the proprietors.

Khas - Personal and direct possession.

Lakhiraj - Revenue-free land.

Madad Mash - Grants of land to learned Muslims for their help and maintenance.

Mamuls - Cash or kind rent or presents.

Muqaddam - A class of sub-proprietors.

Mutha - The hill tracts divided into several revenue units called muthas.

Muthadar – Hill Chiefs of South Orissa.

Padhan - A class of sub-proprietors or proprietary tenure - holders.

Pahi - Non-resident cultivators.

Paiks - Hereditary landed militia.

Patta/Muchilika - A deed of lease given to a raiyat showing his land and his rent and the period for which it was fixed.

Salami – A form of payment

Sanad - Deeds by which grants of land is made.

Sarbarkar - A class of sub. proprietors .

Suba - Province.

Sunia Bheti - Cess collected on New Year's Day.

Taluk - Small revenue paying unit.

Tanki – Quit-rent.

Thani - Resident cultivators.

Talukdar -Proprietor directly responsible to the state for the payment of revenue of the land they possess.