

SOME ASPECTS OF TENANCY IN ORISSA

AN ANALYSIS OF REGIONAL DIFFERENCES
WITH SPECIAL REFERENCE TO CUTTACK
AND SAMBALPUR DISTRICTS

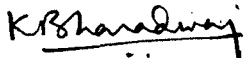
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I certify that the dissertation entitled "Some Aspects of Tenancy In Orissa - An Analysis of Regional Differences With Special Reference To Cuttack And Sambalpur Districts" submitted by Shri P.K.Das in fulfilment of six credits out of the total requirements of twentyfour credits for the degree of Master Of Philosophy (M.Phil) of the University, is a bonafide work to the best of my knowledge and may be placed before the examiners for their consideration.


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P R E F A C E.

This study looks into some features of tenancy practices in Orissa with special reference to the two regions of Cuttack and Sambalpur. Orissa's economy is backward, in general, characterized by a heavy population pressure on land. This, combined with uneven distribution of land ownership, makes the incidence of the tenancy problem quite severe. Tenancy practices prevalent in the state as evolved over a long period in the past are extremely complex in nature. A complicated political history associated with intricate socio-economic conditions has made these practices varied and deep-rooted, frustrating all attempts at reform through legislation.

The landlord and tenant nexus is more a social than a merely contractual relationship. The structure of land holdings is largely influenced by the nature of this relationship. During the period of British administration in Orissa, no healthy relationship could develop between tenants and landlords. After independence, in spite of various land reform legislations the situation remained practically unaltered. Through the years, landlords have remained the domineering class, resistant and hostile to reform. Landlordism coupled with vested political interests has made the agrarian structure more and more imperfect leading to complicated patterns of tenancy relations.

The complexities of the tenancy practices are, in part, the result of imperfections of the lease market. Mono

-polist landlords largely influence the supply of land in the lease market. Being interested in a regular flow of rent they become choosy while leasing out land to tenants. All tenants do not have free and equal access to the lease market. 'Effective' leasing in depends on the desirability and feasibility of leasing in land. There is a large mass of land-hungry agricultural labourers, marginal and small farmers. But most of them are not capable of leasing in land since they are less creditworthy. The large landowners, though capable of leasing in land (because of their financial strength) in most cases do not actually lease in. Thus in the one case the landless and marginal farmers do not have the capacity to lease in though they may have a desire for it, while in the other case the landlords do not lease in even though they have the capacity to do so. The middle class and upper middle class landlords, in whose case both desirability and feasibility coincide, are the effective leasers in. As a result, the middle class farmers have become more prosperous at the expense of marginal farmers and landless agricultural labourers.

Land reform legislations have failed to realise these basic, inherent and built-in hindrances in the way of effective implementation of the reform measures. Land legislations in Orissa having failed to realise their aims, the outlook for future has to be based on a more realistic approach than that hitherto followed.

I
CHAPTER. I.

An analysis of the land structure of Orissa needs a study of the ecological factors and the geophysical conditions of the state. As we shall see, these factors influence land relations and production conditions in an essential and significant manner.

Orissa is a state with varied physical features. There are four distinct natural divisions, namely (1) the Northern plateau, (2) the Eastern Ghats, (3) the Central tract, and (4) the Coastal plains. Broadly speaking these four divisions can be studied under two main regional divisions namely (i) the Coastal plain, with its fertile soil and rivers flowing into the Bay of Bengal and (ii) the Inland mountainous region, a part of southern peninsula which is almost three fourth of the area of the state.

Orissa's economy is conditioned and influenced by its regional variations. It is primarily agrarian and the non-agricultural sector is not adequately developed. A significant feature of the distribution of population is that a large percentage of it (91.59 percent) live in the rural Orissa. In the

absence of any alternative source of earning, a considerable portion of the population depend upon agriculture. The employment distribution will show the population pressure on agriculture.

Table 1.1*

Class	:1951	: Percen- : tage of : the : total	:1961	: Percen- : tage of : the : total	:1971	: Percent- : age of : the : total
Agricultural	4375	78.2	5657	73.8	5304	77.4
Non-Agricultural	1221	21.8	2005	26.2	1547	22.6
Total:	5596	100.0	7662	100.0	6851	100.0

* Source: B.N.Sinha Geography of Orissa (New Delhi-1971)

The demographic pressure on land has remained more or less constant through decades. According to 1971 census figures 77.4 per cent of population depend on agriculture. This is evidently very significant. A spatial analysis of the population distribution will reveal the complexity of the problem in specific regions. There are certain areas like the coastal districts where population density is comparatively high. The following table describes the nature of the distribution of population

in the coastal and the inland regions.

Table 1.2

Category	Population Per Sq.Km.	Area (Per- cent- age)	Popula- tion (Percen- tage)	Inland Area (%)	Popula- tion percen- tage	Coastal Area (%)	Popula- tion
Very Low	Less than 70	39.7	14.2	37.9	13.4	1.8	0.8
Low	70 - 110	31.0	27.2	27.3	23.0	3.7	4.2
Medium	111 - 230	24.2	40.1	11.6	17.3	12.6	22.8
High	231 - 290	1.9	5.5	0.4	0.6	1.7	4.9
Very High	291 +	3.2	13.0	-	-	3.2	13.0

Apparently the overall population pressure does not seem to be too high, to raise any concern. But its spatial distribution is more significant. The coastal tract accomodates 45.7 per cent of the total population in only 23 percent of the total area of the state, which is comparatively larger, accomodates 55.3 percent of the total population. Therefore, the coastal region has more densely populated areas. This shows the magnitude of the pressure on land in the coastal region.

2 According to 1971 census, the coastal areas comprising the districts of Cuttack, Balasore, Puri and Ganjam accomodates 46.90 percent of the total population where as the inland region comprising the rest of the districts accomodates the rest of population.

This demographic pressure has a direct impact on the size of the individual land holding. As we see from the following table the percapita land holding appears to be influenced by the density of population.

Table 1.3

Density of Population, percapita and average size of land holding

Districts	: Density of : population : per Sq.Km. :	: Percapita : land hol- : ding. :	: Average size : of land hol- : ding :
Cuttack	341	0.53	3.2
Balasore	286	0.81	4.5
Puri	230	0.56	3.5
Ganjam	183	0.52	3.1
Bolangir	142	1.12	8.1
Mayurbhanj	138	0.73	4.2
Dhenkanal	120	0.68	4.6
✓Keonjhar	116	0.78	5.0
Sundargarh	107	1.08	7.9
✓Sambalpur	105	1.01	6.7
Kalahandi	98	1.25	11.2
Koraput	76	0.87	6.8
Boudh - Phulbani	56	0.70	3.1

Source: Colmn. 1 and 2 - Census of India, 1971

✓ Colmn. 3 - Economic Survey of Orissa, S.Misra, Vol.I

While in all the districts of the coastal region the density of population is high and, the percapita land holding is low the inland region has a lower density of population and the percapita land holding is higher. In the districts of Boudh-Phulbani, Koraput, Dhenkanal and Mayurbhanja the percapita land holding is comparatively not that high since a large part of these districts are covered by forests and hills.

The average size of the holding is also influenced by the demographic pressure. The districts in the coastal region show that the average size of the holding is comparatively low. In the inland region the average size of the holding is larger except in Boudh Phulbani. In Boudh-Phulbani the low average size of the holding is largely ^{due to} the peculiar topography of the region and inaccessibility to a large tract of the district. Broadly speaking the coastal region shows that the average size of the holding is below the state average. This evidently shows how the agrarian structure is influenced by population distribution. The average size of holding gives only a rough description of the agrarian complex. In order to comprehend the complexities of the agrarian economy, however, we need to look into both the structure of land ownership as well as of operational holdings.

The major factor which largely influences the agrarian structure is the ownership distribution. In a backward economy the industrial sector is not well developed. Hence agriculture

becomes the main source of livelihood. It is the major form of wealth of the rural area. As such the desire for possession of land is more acute. Land is a scarce natural factor. As we find there exists gross inequality in the distribution of this scarce factor. There is concentration of land in the hands of a few and a large mass of rural families are left either with a tiny plot of land or no land at all.

Table : 1.4

Distribution of land among the rural families according to different sizes of owned land.

In the given table we find that about 30 percent of the families do not own any land. Out of the rest 70 percent of land owning families, more than half have less than two acres of land. About 25 percent have either one acre or less than an acre of land. This sort of small holding is hardly sufficient to make one's sole source of livelihood. A regional analysis of the pattern of distribution shows as we see below, that the inequality of the land/distribution is more in coastal areas compared to the inland region. Ganjam shows the highest percentage of landless families and it constitutes almost half of the total number of families of the district. About 32 percent of families own land either one acre or less than that. In Cuttack this category of landowners constitutes 39 percent of the total population. In Puri it is 35 percent. Thus in the coastal region as a whole 35 percent of the families possess land either one acre or less than that. But in the inland region this category

Table No. 1.4*

Distribution of land among the rural families according
to different sizes of owned land (in acres)

Districts	Less than 1	1	2	3	4	5	6	7
Balasore	17.5	16.8	11.7	10.3	6.9	5.1	3.8	2.6
Cuttack	21.2	17.4	11.5	7.5	4.6	3.5	1.7	1.3
Ganjam	16.3	15.6	8.8	4.2	3.1	2.0	1.6	0.7
Puri	18.5	16.9	10.6	6.6	4.2	2.7	1.7	1.0
Koraput	3.3	9.1	9.8	8.3	7.2	6.2	3.5	2.0
Sambalpur	3.2	9.4	10.4	7.3	6.5	4.8	3.5	2.4
Bolangir	2.0	7.0	10.0	7.5	6.8	6.2	4.7	3.3
Dhenkanal	3.6	15.1	13.6	9.3	6.6	7.2	3.3	2.7
Kalahandi	2.0	3.9	5.4	5.8	6.5	6.2	4.5	4.0
Keonjhar	8.0	11.9	9.8	7.9	6.6	6.1	2.7	2.5
Mayurbhanj	11.6	17.3	17.2	11.2	7.0	5.6	3.0	3.5
Phulbani	22.8	14.4	10.2	4.2	3.3	1.9	1.5	0.9
Sundargarh	1.9	7.7	10.6	8.8	7.3	6.7	5.0	3.6
Coastal	18.5	16.3	10.5	6.8	4.5	3.2	2.0	1.3
Inland	6.0	10.8	10.9	8.0	6.5	5.7	3.6	2.7
Orissa	11.8	13.3	10.8	7.5	5.6	4.5	2.9	2.1

Table No. 1.5 (Contd.)

Districts	8	9	10 to 14	15 to 19	22 -24	25+	Land Owing fami- lies	Land Less fami- lies	Total
Balasore	2.5	1.3	4.1	1.6	0.8	1.5	86.5	13.5	100
Cuttack	1.2	0.7	2.4	1.0	0.5	0.5	74.9	25.1	100
Ganjam	1.0	0.3	1.4	0.4	0.4	1.5	56.3	<u>43.7</u>	100
Puri	1.4	0.5	2.5	0.8	0.4	0.9	68.7	31.3	100
Koraput	2.8	1.3	6.0	2.3	1.4	2.4	65.6	34.4	100
Sambalour	2.2	1.3	4.9	2.1	1.1	2.1	61.2	38.8	100
Bolangir	2.9	1.8	7.0	3.4	1.5	3.6	67.7	32.3	100
Dhenkanal	2.1	0.9	3.7	1.3	0.8	0.9	76.1	23.9	100
Kalahandi	3.7	3.3	10.7	5.5	3.2	6.1	70.6	29.4	100
Keonjhor	1.5	1.0	4.4	1.3	0.7	0.8	65.2	34.8	100
Mayurbhanj	2.5	0.9	4.6	1.5	0.6	0.6	87.2	12.9	100
Phulbani	1.4	0.5	2.0	0.7	0.3	0.6	65.3	34.7	100
Sundargarh	3.5	3.0	8.6	4.5	2.0	3.1	76.3	23.7	100
Coastal	1.4	0.6	2.5	0.9	0.5	0.8	69.8	30.2	100
Inland	2.5	1.5	5.7	2.5	1.3	2.3	70.0	30.0	100
Orissa	2.0	1.1	4.2	1.7	0.9	1.6	70.0	30.0	100

* Source: S. Misra Op. Cit.

constitutes only 16.8 percent. Districts like Bolangir, Sambalpur, Dhenkanal and Kalahandi show a low percentage of this class of distribution of land. In most of the districts the percentage of landless families is significant. In the coastal region, 96 percent of families own less than 9 acre of land and in the inland region it is 85 percent. Though it is little less in the inland region still in the two regions this presents quite an alarming situation in the pattern of ownership of land distribution.

Area is area table?

Evidence

This is evidently responsible for the existence and continuance of the tenancy practices. On the one hand we find that there is a class of landowners who possess large tract of cultivable land which are fragmented and are spread scattered over a large area. Thus the large landowner does not find it feasible to cultivate all these plots. On the other hand there exists a large mass of landless families with very tiny plots of land which can hardly satisfy their basic and minimum needs. Such a **paradoxical** situation is the origin of tenancy practices.

*What is the
evidence?*

What is important to understand the economic functioning and the character of income flows is the distribution of operational holdings. An operational holding is defined as the amount of land owned minus the amount leased out plus the amount land leased in. The unit of cultivation or the operational unit is rather more important for the efficiency of land utilisation. Economic and optimum utilisation of land is feasible only when the unit of cultivation is a viable one. In a very small operational unit the inputs like labour, capital etc., cannot be

efficiently utilised in many cases. These uneconomic fragmented units are very common in Orissa and more specifically in the coastal region. The laws of inheritance and tenancy are responsible in dividing the small landholding into further very small tiny units of cultivation. The following table will show the extent of fragmentation.

Table 1.5*

Fragmentation of land holdings

Districts	Plots : per : fami- : ly :	Plo- : ts : per : acre :	Avera- : ge si- : ze of : the : plot.	Districts	Plots : per : fami- : ly :	Plots : per : acre :	Average : size of : the : plot
Balasore	12.30	3.04	0.33	Kalahandi	13.00	1.14	0.87
Cuttack	12.00	4.00	0.25	Keonjhar	7.78	1.58	0.63
Ganjam	11.21	2.89	0.34	Mayurbhanj	16.12	3.28	0.30
Puri	12.00	2.99	0.33	Phulbani	9.18	3.01	0.33
Koraput	8.78	1.23	0.81	Sundargarh	12.85	1.58	0.63
Sambalpur	15.70	2.53	0.39	Coastal	11.82	3.20	0.31
Bolangir	12.80	1.57	0.63	Inland	11.74	1.74	0.57
Dhenkanal	9.31	1.88	0.53	Orissa	11.75	1.94	0.51

*Source: S.Misra. Op. Cit.

The table shows that the family holding is fragmented in 12 plots on an average taking figures of the state as a whole.

The average size of the plot is 0.51. But this is reduced to a large extent when we take the district averages. Thus we find, in most of the districts the average size of the plot is only one third of an acre. This again is the district averages. Practically in all districts and specifically in those of the coastal areas the units of cultivation are very small. Most of these plots are not situated in a contiguous tract and are scattered widely. Therefore, very often it is not possible on the part of a single individual to bring the scattered plots under his own cultivation. In most of the cases we find that because of this reason the distant plots are leased out. Leasing out of such distant plots becomes necessary also because very often it reduces the cost and botheration of undertaking cultivation.

Leasing out of land is more practised in the coastal districts and the percentage of land leased out is higher compared to the inland region³. In the coastal districts as many as 14.4 percent of the land owning families lease out some land and 14 percent of the land owned by these families is leased out. In contrast to this in the inland region only 3.6 percent of the owned land is leased out. Similarly non-cultivating owners exist in a larger percentage in the coastal region where as the number of such families is meagre in the inland region.⁴

This problem can be better analysed when we consider the amount of land leased in and the percentage of family leasing

3. See S.Misra. Op. Cit. PP 159

4. Ibid. PP 155

in land. In the coastal region 47.8 percent of the cultivating families lease in land to the extent of 28.1 percent of the cultivable land. In the inland region the percentage of cultivating families leasing in land is 18.7 and they lease in between themselves 7.4 percent of the cultivable land. This gives a clear picture of the magnitude of tenancy existing in the inland and the coastal regions. It is quite evident from the aforesaid figures that the coastal areas have more of tenancy practices than the inland region.

There is one particular factor which is to be mentioned here. Scarcity of alternative source of earning makes possession of land a necessity. This is the case with very small land holders or landless families. But what is significant is there are large landholders who also lease in land. In fact in the coastal region out of families owning land either 25 acres or more 9.5 percent lease in land. But in the inland region this category of landowners leasing in land constitutes only 5.3 percent. Even then this is significant. This is evident from the table given below.

Table 1.6

Distribution of leasing in families
according to the size of owned land(in acres)

The percentage of leasing in families in the medium class owners is conspicuous. The extent of tenancy is appreciable in cases of landowners who own 10 acres or more of land. This class

5. Ibid. PP. 166. See the table.

Table 1.6*

Distribution of leasing in families according to size of owned land (in acres).

Districts	Nil	Less than One	1	2	3	4	5	6	7
Balasor	51.1	46.7	61.1	53.4	46.5	39.8	39.7	31.6	33.5
Cuttack	19.1	36.2	40.1	40.2	38.1	37.7	33.0	29.6	29.6
Ganjam	14.2	27.2	30.4	33.5	30.5	31.4	24.1	28.2	26.3
Puri	37.5	50.0	46.8	39.0	34.1	29.5	29.2	22.7	26.8
Koraput	15.6	9.0	12.3	8.4	11.3	11.7	9.5	7.4	11.4
Sambalpur	10.8	24.6	22.6	13.9	13.5	10.2	13.9	7.9	6.1
Bolangir	11.7	15.2	11.9	10.8	6.8	5.4	6.7	6.8	3.1
Dhenkanal	8.3	21.5	21.3	17.3	20.5	13.2	10.6	13.5	14.3
Kalahandi	15.5	14.8	4.1	3.3	4.7	2.3	2.5	1.0	1.7
Kunjhar	29.5	40.9	30.4	24.0	14.0	17.0	16.1	13.4	9.0
Mayurbhanj	10.1	37.5	28.5	29.8	27.3	23.5	25.7	13.2	21.3
Phulbani	9.2	8.3	10.7	13.5	10.0	12.4	13.0	11.5	11.4
Sundargarh	18.3	25.8	12.2	14.5	16.7	10.5	8.4	8.6	12.7
Coastal	24.4	39.5	42.6	31.5	33.4	35.3	32.7	28.8	29.0
Inland	13.7	22.4	18.5	16.3	15.1	11.7	11.6	8.4	9.8
Orissa	18.6	34.7	32.0	27.6	24.9	20.4	18.4	15.0	15.3

Table 1.6 (Contd.)

District	8	9	10 to 14	15 to 19	20 to 25	25 +	Total
Balasore	40.9	21.0	23.3	20.6	11.3	7.7	44.3
Cuttack	26.9	15.2	30.0	24.1	17.9	17.7	32.0
Ganjam	26.6	26.5	24.2	21.1	9.6	5.5	22.5
Puri	23.3	7.8	17.3	13.1	7.1	8.8	39.0
Koraput	11.5	7.1	10.4	12.1	10.0	8.4	12.1
Sambalpur	11.5	7.8	8.1	7.2	4.0	7.5	12.1
Bolangir	0.9	7.2	4.9	1.8	4.1	3.1	8.4
Dhenkanal	7.1	6.8	4.6	6.3	5.1	-	14.3
Kalahandi	2.4	2.0	3.1	2.5	4.2	2.9	6.8
Konjhar	17.4	13.4	6.7	12.5	9.5	15.4	24.3
Mayurbhanj	13.2	21.9	14.3	4.9	6.7	2.4	25.3
Phulbani	5.0	7.2	14.3	19.9	-	5.9	10.1
Sundargarh	13.7	5.6	8.3	7.7	13.9	7.2	12.3
Coastal	26.8	22.4	22.0	20.3	11.8	9.5	33.6
Inland	8.17	7.5	7.6	6.1	6.6	5.3	13.6
Orissa	14.5	11.2	11.4	9.4	7.3	6.2	22.7

*Source: S.Misra, Op. Cit. PP 172-73.

of landowners can be categorized in the upper middle class group, in the economy. A considerable number of such families lease in land in the coastal areas. Such practices of leasing in by the better off landowners are also prevalent in the inland regions. Thus "the general conclusion that emerges is that among the well-to-do farmers in Orissa, particularly in the coastal areas, a considerable portion cultivates some land taken on lease from others". The significance of this point is that the leasing in of land by medium and large land holders is not because of necessity to raise subsistence but, as would be discussed in chapter below, because of certain peculiarities of the lease market. Any land reform measure which favours the lessees so far as the distribution of the produce is concerned needs to take note of the facts of the situation as to who leases in from whom. The afore-said class of lessors, for example, do not comprise those tenants who are poor but a class which is ^{able to} make agriculture more or less a profitable occupation, and if they are leasing in land from the poorer farm families, possibly the lessors are the economically weak party in the contract. Hence we must know both the parties to the contract as well as the terms of the contract before we generalise about tenancy practices.

Such tenants

III
CHAPTER II

In the preceding chapter it has been pointed out that tenancy practices are more prevalent in the coastal than in the inland region in Orissa. This needs further explanation in order to appreciate fully the nature and extent of tenancy in the state as a whole and comparatively speaking in its two separate regions. We may choose two particular districts from the two regions which have distinct features with unlike natural conditions. These two are Cuttack from the coastal region and Sambalpur from the inland region: the two districts have diverse conditions so far as topography, population distribution and other agrarian features are concerned.

Sambalpur is situated in the extreme north-west region of the state. It was formerly a part of the Central Provinces and later on merged with the state of Orissa, when Orissa became a separate state in 1936. The economy of the district is predominan^atly agrarian. 82 percent of the population of the district earn their livelihood from agriculture. A large part of the district is covered with forests and hills. The climate is extreme, rainfall is quite uncertain. A large part of the cultivable area is not fertile. In the past when water from the Hirakud Dam had not been fully harnessed for purposes of irrigation the existing irrigation

facilities did not cover a large part of the district.¹ Agriculture depended mostly on rainfall.

According to the land use pattern of the given period, land available for cultivation was meagre, most of the district lying in the upland region being covered with forests.

Table 2.1.

Land Utilisation in Sambalpur

	Area in Acres	Percentage
1 Forest	1,118,000	25.82
2 Area not available for Cultivation	285,251	6.59
3 Other Uncultivable area (Excluding Current fallows)	1,326,712	30.64
4 Current fallows	334,890	7.74
5 Net area sown	1,264,440	29.21
Total	4,329,293	100.00

The above table shows that 63.05 percent of the area is not cultivable for one reason or another. The net area sown was only about 29 percent of the total area and because of lack of irrigation facilities about 50,000 acres only were double cropped.

1. We are studying a period prior to the full utilisation of the water from Hirakud Dam, since we have to refer to the data of the Farm Management studies of the district of the year 1957-60.

The population distribution of the district shows that nearly 88 percent of the total population live in the rural areas. Most of the rural population have no other alternative but to seek their livelihood in agriculture. This shows the heavy demographic pressure on land.

Cuttack, on the other hand, is in the deltaic region. It can be divided into three broad zones. There is strip of marshy jungles on the coastal side with a varying width of 3 to 30 miles. There exists an intermediate arable tract of cultivable land in the older deltaic part of the district with an extensive system of irrigation. In the third category there are broken hills along with the western boundary, contiguous with inland plain at a distance of about 60-70 miles from the sea.

Table: 2.2

Land Utilisation in Cuttack (1969-70)

(Area in thousand acres)

1	Geographical area	1089.07
2	Forests	82.59
3	Miscellaneous-free crops Groves (not included in the net sown area)	25.91
4	Permanent Pastures	63.56
5	Cultivable waste	46.56
6	Area not available for cultivation	143.32
7	Fallow (i) Current	38.46
	(ii) Others	3.64
8	Net area sown (i) Irrigated	276 .92

contd..Table 2.2

	(ii) Unirrigated	408.10
9	Total Cultivable are	<u>723.48</u>
10	Gross area Irrigated	434.41

Source: Farm Management studies, Cuttack District, 1969-70
(unpublished).

The above table shows that about 66.5 percent of the area is cultivable. But Cuttack which occupied 7.19 percent of the area of the state accomodates 17.44 percent of the total population of the state. But Sambalpur with an area 11.28 percent of the total area of the state accomodates only 8.41 percent of the total population. This shows that even though the cultivable land is more in Cuttack it does not add in any way to percapita land holding. Moreover, 92 percent of the total population live in the rural area who have no other source of livelihood except agriculture. This increases the magnitude of the problem. Owing to this heavy demographic pressure, the percapita land holding in Cuttack is only 0.53 acres where as in Sambalpur it is almost double that area.

A large part of the cultivable area in Cuttack is irrigated. In Sambalpur, before the construction of the Hira-²kud Dam about 22 percent of the cultivable area was irrigated, where as in Cuttack about 40 percent of the cultivable land is irrigated. Irrigation has more or less a direct bearing on the agrarian pattern. In an area with more of irrigation we find that

land value increases, and the attraction to hold more land becomes intensified. With the existing concentration of ownership distribution of land and the social and institutional factors influencing it the units of cultivation get fragmented and scattered. To mention a few of them the right to inherit property is partly responsible for the fragmentation of land into small units. From generation to generation, when the family size expands, the landholding of the family gets divided into smaller units. Some landowners lease out portions of their holding in small units in order to maximise the rent from their land. Moreover, lack of credit facilities also ~~exerts~~ compels the marginal and small landholders either to mortgage or sell a small portion of the landholding to the village money lender, in order to avail of the credit.

only migration level

These factors are more or less responsible for the tenancy practices and they explain why such practices are more prevalent in Cuttack than in Sambalpur.

The Pattern of Land Distribution:

We have earlier looked at the inequality in the land distribution pattern of the state. Inequality of land distribution is a characteristic feature of any backward or developing economy. Both Cuttack and Sambalpur have this common problem of inequality. But Cuttack being comparatively more populated poses a more complex problem than Sambalpur.

Out of the total rural families 25 percent do not own any land. 38.6 percent families own either one or less than one acre of land. This percentage constitutes more than half of the rural families. On the contrary, in Sambalpur out of the total

Which district has more
land concentration?

total land owning families only a meagre, 12.6 percent, have either one acre or less than an acre of land. The percentage of households in larger size group of land holding is comparatively higher in Sambalpur.

Magnitude of Tenancy

The magnitude of tenancy is more in case of Cuttack. The inequality of ^{qu} distribution and ^{land} population pressure on land are the two main causes responsible for the increased tenancy practices. In Cuttack 15.5 percent of the land owning families lease out land to the extent of 13.5 percent. But in Sambalpur the percentage of families leasing out land is 8.1 percent. It is almost half the figure pertaining to Cuttack. These families lease out land to the extent of 4.8 percent. This figure evidently shows that the magnitude of tenancy is evidently more in Cuttack than in Sambalpur.

A better analysis of the tenancy practices can be made by looking at the extent of the land leased in by different cultivating families. In Cuttack 45.7 percent of the families lease in land to the extent of 24.8 percent of the cultivable land. On the contrary in Sambalpur only 19.0 percent of the families lease in land to the extent of 7.4 percent of the cultivable area. Actually the percentage of families leasing in land is a better index of the magnitude of tenancy. This is evident when we compare the percentage of families leasing out or leasing in land. The latter shows a comparatively high figure. So the magnitude of tenancy is comparatively high in Cuttack.

There is of course one peculiar feature which persists in the land market. We find that there are very small landholders who lease out land. The reason for this may be the smallness of the plot. If it is at a distance the landowner finds it difficult to undertake cultivation. On the other hand there are also big and well-to-do land owners who lease in land. This is more prevalent in case of middle class or upper middle class land owners.³

Average size of Holding

The average size of operational holding is smaller in the Cuttack district. Out of the total, about 83 percent of the holdings, are below the five acre size group.⁴ 51.5 percent of the holdings are in the size group of less than two acres. Where as in Sambalpur in this size group there are only 20.7 percent of the holdings. The average size of the holdings is small in both the districts. The picture becomes clearer when we take into account the cultivators holding in both the districts.

³ See above - Ch. I

⁴ See S.Misra Op. Cit. PP 119.

Table 2.3*

Cultivators' holding group according to size.

Holding size	Less than 2 acres	2 -4 acres	5 - 9 acr- es	10 - 14 ac- res	15- 19 ac- res	20- 24 ac- res	25 - 49 ac- res	49- 99 ac- res	100+
<u>1. Cuttack</u>									
a) Holdings	38.4	39.1	16.4	3.8	1.3	0.5	0.5	0.03	0.01
b) Area	10.3	34.1	29.5	12.0	5.9	3.1	4.0	0.5	0.6
<u>2. Sambalpur</u>									
a) Holdings	19.5	40.9	23.9	7.7	3.2	1.7	2.3	0.6	0.2
b) Area	3.8	20.9	25.4	14.3	8.2	5.5	11.6	6.1	4.2

* S.Misra - Op. Cit. PP. 125.

One significant feature that is seen in this table is that in Cuttack the number of small holdings is larger specially in case of holdings of less than 2 acres. With the increase in the size of holding the percentage of holding in each size group, is larger in Sambalpur than in Cuttack.

Fragmentation of Holdings

Efficient utilisation of land is possible when the size of the operational unit is an economic unit. But in most

5. The 'economic' or 'viable' minimum size of holding depends upon various factors like, soil conditions, climate, production conditions, facilities for irrigation etc. So it is not

cases the land holding is fragmented into such tiny plots, that they become uneconomic for purposes of cultivation. In most cases the ~~unit~~ size of fragmentation^{ation} is about 0.12 acres specially in the small size of one acre or less than an acre. But a comparative picture will show that the size of holding is small in the two districts. and that in Cuttack the fragmentation of land is more prevalent.

Table 2.4*

Extent of fragmentation of Land Holding

District	Numb- er of fami- lies	Owned land (acre)	Total No.of Plots	Plots per family	Plots per acre	Average size of the plot
Cuttack	223	670.40	2,685	12.00	3.04	0.25
Sambalpur	387	2467.94	6,251	15.67	2.53	0.39
Coastal	790	2918.06	9,345	11.82	3.20	0.31
Inland	2,451	16,470.96	38,121	11.75	1.96	0.51

* S.Misra - Op. Cit.. PP 204.

possible to give a rigid definition as to what is a viable minimum operational holding. This is a topic that has generated much controversy.

See for discussion - S.C.Jha A critical Analysis of Indian land Reform Studies(Bombay 1971) PP 8-12.

6. See S.Misra Op. Cit. PP 206.

The above table shows that in Cuttack the average size of of the plot is only one fourth of an acre, where as in Sambalpur, it is larger. But even this average size is not very widely seen. in either districts. The data regarding the operational units available in the Farm Management studies also bear testimony to this. The units of Cultivation being small and scattered landowners resort to the practice of tenancy.

The number of non-cultivating owners is more in Cuttack i.e. 4.4 percent, where as this is meagre, 0.5 percent, in case of Sambalpur. This increases the tenancy practices.

One more point may be mentioned here. In the district of Sambalpur, especially in the rural areas, the availability of non-agricultural employment is negligible. Cultivation is the main occupation. That is why leasing out of land is not very common in practice, as it is in the district of Cuttack.

Cuttack has large tracts of irrigated land because of which the productivity of land is ^{more} increased and land is more valuable. Land being a scarce natural factor and a major form of rural wealth the incentive ^{to} hold land gets intensified. The cultivating households are, therefore, interested to possess land even though the units are small; This factor/ has resulted

7. Ibid PP. 62. Apart from this there are quite an appreciable number of cases who lease in or lease out land. But such cases are concealed ~~ximp~~ for the fear of land reform legislations.

XX (J)



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in an increase of the magnitude of tenancy as well as of petty holdings in Cuttack.

Summing up, it can be said that the magnitude^{of}/tenancy (the number of families leasing out or leasing in land) and the unequal distribution of land are observed more in Cuttack than in Sambalpur.

The problem of tenancy is more complex than it seems to be at first glance. Its nature varies from place to place, depending upon terms of contract. This problem has thus to be studied in relation to a particular area. Tenancy has its roots spread into social, economic and political character of the society. Hence any study of tenancy cannot be made without reference to these factors. Any realistic reform of the land structure has to reckon all these related matters for "whenever we touch the land we touch the root of the society"⁸

8. R.K. Mukherjee - Land Problem in India. PP.8.

III
CHAPTER III

*what is it
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Here we shall briefly sketch the historical evolution of the broad tenancy patterns in the region. The tenurial system in Orissa is peculiar and complex. There were different tenancy systems in the different parts of the state. Diversity is due to the fact that in the past, different parts of Orissa were under different administrative units belonging to Bengal, Bihar, Central Provinces and Madras. These continued until Orissa became a separate state on the 1st April, 1936.¹ The different land tenure systems followed in the different parts were: a) Bengal Presidency System covering the Coastal districts of Orissa namely, Balasore, Cuttack and Puri; b) Central Province System covering the districts of Sambalpur and Nuapara sub-division; c) The Madras System followed in the district of Ganjam and Koraput; and lastly d) the various other tenurial systems followed in the 24 princely states which were merged into the state in 1948. Of these four systems, special attention is given below to the two patterns, found in the districts of Cuttack and Sambalpur.

Bengal Presidency System:

This system found in the coastal districts of Cuttack Puri and Balasore, originated during the British Rule when

¹ There were of course slight alternatiin earlier to this, when in 1905 the district of Sambalpur was transferred to Orissa Division. But then it remained included in Bihar Orissa Division till 1913.

in 1805, these districts were brought under the Permanent Settlement Act. There were both the permanently settled areas and temporarily settled areas. By the Regulation XII of the Act, of 1805, the whole body of revenue agents were comprehensively styled as Zamindars.² These persons in charge of collection of rents became land holders. Thus originated a class of intermediaries. They had the rights of land management and were responsible to the government for the payment of certain sum of revenue. However, they had no right to increase the rent. These were known as temporarily settled areas. There existed another class of land owners who were allowed to enjoy estates. These were mainly the descendants of the noble families. There was also a class of village chiefs who enjoyed estates at a quit rent. These were known as the Permanently Settled estates.³ This was later made to a five year period settlement in 1822 and continued till the beginning of the present century.

The Zamindari system had its defects. Owing to a

2 R.K.Mukherjee- The East India Company when they first came into possession of Bengal, Bihar, and Orissa framed out revenues are utilised the older Zamindars and subordinate chiefs who collected the revenue and made it over to the ruling power. Op. cit. pp. 325.

3 "The important permanent settlement areas were Kanika, Avl Kujanga, Jarishpur, Marichpur, Darpan, Sukinda and Khurda. The jagir mahal including Parikud in Chilka Lake were also confirmed as revenue free states in perpetuity. Khurda was later resumed as a result of the revolution of the Raja and became a government state; out of which Ekhrajat Mahal a revenue free state covering an area of 105 sq. miles was carved out in pursuance of orders passed in 1858 and 1865 to provide for the upkeep of Jagannath Temple at Puri. The rest of the area covering three districts (excluding the ex-

variety of circumstances this system led to a number of anomalies.⁴
 In the permanently and temporarily settled tracts, the tenure holders and the protected tenants have rapidly become middle men and "where population has begun to press on land they have sublet".⁵ The intermediaries collected rent from the land which had been sublet. This rent was very high. More often than not the tenants were tortured and oppressed by the landlords.⁶ But the tenurial system continued by the British since no better alternative to the Zamindari system could be evolved because of the lack of proper records of land holding. There is also another reason for the continuance of the Zamindari system. The British had the idea that such a system would develop a healthy relation between the land lord and the tenant and induce productivity. It, however, did not prove to be true.⁷

states) was brought under permanent settlement.

Land Tenure and Land Reforms in Orissa.
 Board of Revenue (Government of Orissa 1962)
 PP 6.

4 R.K. Mukherjee Op. Cit. PP 325-26.

5 Ibid. PP 10

6 "The permanent Settlement endeavoured to substitute a system of declaratory leases (Pattas) for a system of customary rents..... The amount of rent was not to exceed the established pragana rates.... Unfortunately the whole machinery by which the pragana rent was to be determined by an exhaustive enquiry and recorded in the village register collapsed entirely and the cultivators were left almost for half a century at the mercy of competitive rents". Ibid PP 314.

7 "The principal aim of the permanent Settlement Act was no doubt to secure a moderate assesment regularly and punctually collected and at the time to restore to their proper rights and privilege the zamindars and the landholders.... The actual cultivation and the intermediate land holders had rights, which it was the duty of the Government to Protect". Ibid PP 313. See also R.C. Dutt-

Permanent Settlement Act did not mitigate the sufferings of the yeomanry.⁸ Therefore, the governor-general-in-Council was subsequently empowered to proclaim necessary orders to protect the peasantry and to establish a relationship between a landlord and the tenant in conformity with the conditions agreed upon in the Kabuliyat. The undergoing intention was that it would prevent rackrenting and also help the landlords in appropriating the rent. But this too had a adverse effect: The zamindars abused certain provisions of the Act (Regulation VIII of 1799) and engaged themselves in distraining the crop the cattle and such other assets to realise the rent. As a consequence the Act was withdrawn. However, the withdrawal of this Act was taken as an opportunity by the cultivators not^{to} pay the rent. This created a necessity for defining the rights of both the Zamindars and as well as the tenants and accordingly the Rent Act of Bengal 1859 was passed. This assured fair rent, restricted eviction from the land if the rent payment was regular and if the tenant was enjoying occupancy rights.⁹ But again the Act

8 "The mistake of the permanent settlement was that the Zamindars who were only landholders, were identified with the English Lawlords, real proprietors and the rights of the tenants were in the works of field so completely affected that at present it is difficult to find a single vestige or ascertain what they were. This mistake was subsequently repeated in more than one province. The government first created the middle men, called them landlords and wresting some of the immemorial customary rights of cultivators gave these to the landlords as guarantee to punctual payment of Kisti of the Sarkar. The government by forced sale and attachment most of the great Zamindars of Bengal during the period of about 20 years following the settlement to distress and beggary the government then gave the power of distraint copied from English land, to the Zamindars to relieve their 'distress' which power they scandalously abused." Ibid. pp. 49-50

failed to achieve its objectives for lack of proper record of rights, and secondly because of the ignorance of the cultivators who could know little of this regulation. The law also had many other loopholes. The Orissa Tenancy Act, 1913 was therefore passed to secure fair rent occupancy right on land etc. This law gave protection to the occupancy ryots to some extent but failed to give any protection to the under ryots.

The history of this system shows that inspite of the regulations the implementation could not yield any effective results. ¹⁰ Occupancy rights could not be established because of the lack of proper record of rights. Apart from this the deep rooted attachment of the landlords to land also was an obstacle to the establishment of tenant's rights on the land. Landed property has always been the source of power, prestige and security. Hence big landlords were resistant to any reformation and tried by all means to exploit the ignorant ryots.

Economic factors

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- 9 The Bengal Tenancy Act, 1885 provided that every tenant who had held land for twelve years acquire thereby a right of occupancy. The non-occupancy tenants cannot be ejected excepting execution of the decree of a competent court nor can their rent to enhanced at shorter intervals than 5 years
- 10 "A series of tenancy law, however, cannot check all the abuses of irresponsible and absentee landlordism which has received the sanction of the British government... The excessive fragmentation and scattered holdings the conflict between the rich and the landless peasantry... are all recent evils which have been aggravated by the British misunderstanding of the Indian village tenures and Customs"..... R.K.Mukherjee, Op. cit.

Central Province System.

Under this system followed in the districts of Sambalpur, there were six different forms of land ownership. These were:

- (a) the Zamindars, (b) Malguzars, (c) Malik Makbujas, (d) Gauntias, (e) Bhogra-Bhogis and (f) Bhramottars.

a) The Zamindari system of Sambalpur is like the Bengal Presidency system but with certain differences. The Zamindars of Sambalpur stand half way between the chief of feudatory state who pay tribute to the British government and the ordinary proprietors of Khalsa village who pays a portion of his assets as land revenue. The right to the state was hereditary and was transferred only with the consent of the government. Each state had its own system and thus was a separate entity. The rent was collected by the Thikadars, a class of intermediaries. These intermediaries were in possession of sir lands of the village in return for the services rendered by them.

b) The Malguzars were a class of proprietors of the village held by them. They held these estates revenue free or at quite rents for the services rendered by them. to the British rulers. or earlier native rulers. They were like the ordinary holders in the temporary settlement of the Bengal tenancy.

c) Malik - Makbuzas existed only in limited area. They were proprietors of parcels of land which were not villages. They were

11. Board of Revenue, Government of Orissa, Op.Cit. PP. 18.

12. Bihar and Orissa State Gazettees, 1932, P 198, Quoted also in B Mohapatra - "Land Reforms in Orissa - with special reference to Sambalpur District".
Orissa Economic Journal Vol.1, 1968. PP 26-39.

cosharers with Malguzares but, however, did not have any claim to the latter's land.

d) The Gauntias did not enjoy the proprietary rights untill 1862. This was all held on temporary settlement and during their renewal the gauntias were to pay heavy 'nazarana'. They were responsible for the management of the whole village so long as the payment of governmental revenue was regular.

e) Bhogra-Bhogis had proprietary rights exercised on in a part but not in the entire village. Bhogra-Bhogis were larger in number than the malik makbuzas, these were the junior or an illegitimate branch of such families.

f) The Brahmattor tenure is a proprietary one and was granted to Brahmins either by Zamindars or the feudal lords.

There were also service tenants enjoying land as long as they were performing services, and such tenants were not allowed to transfer land for more than one agricultural year and sale of such lands were also denied. There were also 'Maufidars', mainly the relations of the Zamindars, who held villages and were paying the rent directly to the government.

The incidence of tenurial system in Sambalpur was also notable. About 95 percent of the tenants were occupancy tenants. These tenants often faced difficulties especially when they wanted to raise credit. They were not ordinarily able to transfer land to obtain credit because there were restrictions on such transfer

designed to protect land from passing into the hands of money lenders. In extreme cases when the tenant managed to transfer land for credit he received only a small pittance from the money lenders and lost his land. Non marketability of occupancy rights were taken advantage of by speculators and money lenders.

The tenants did not enjoy security and an occupancy tenant could be ejected on account of non payment of rent. The occupants of Bhogra-Bhogi and Sir lands were almost tenants at will. The landlord and the tenants' relation was strained, "the ryots chief grievances are that the landlords are becoming more and more rapacious in demanding 'nazarana' for consenting to the ryots transferring their lands or reclaiming new fields from the waste. An active cause of the strained relationship between the landlord and the tenants is the gauntia's own dissensions with his hissadars (co sharers) which invariably result in the creation of factions amongst the ryots!"¹³ There was also a system of free labour enjoyed by the landlords for cultivating the Bhogra-Bhogis and the Sir lands. This was sheer exploitation of human labour.

Legislations were made abolishing nazrana. in 1904. But this was of little effect and the practice continued to be followed. Thus no improvement worth, the name could be made in tenancy practices in the period preceding Independence.

13. Khan Bhadur Mahammed Hamid's settlement Report on Sambalpur, 1926 - Quoted Orissa Economic Journal Opp. Cit.

Tenancy reforms in the pre-independence era were a failure. As Marx observes "it is the history of English management in India which is a string of unsuccessful and really absurd (and in practice in famous) experiments in economics. In Bengal they created a caricature of English landed property in a large scale, in south-Eastern India a caricature of small allotment of property, in the north-east they transformed to the utmost of their ability the Indian commune with common ownership of the soil is a caricature itself"¹⁴. Cornwallis introduced the British system of landlord, freehold and lease hold tenancy with the idea that it would bring forth in India, results similar to those in England. But unlike the English landlords the Indian Zamindars became only a class of parasites, feeding on the poor tenants without taking any interest in the land improvement.¹⁵ Both the Zamindari system and the Ryotwary system more or less failed to induce agricultural growth. The imposition of a foreign land tenure system in India was bound to fail because it had no relationship with the socio-economic structure in India. A major share of the evils that exist in the present day tenancy practices in our country are thus rooted in the system that was imported in the past from Britain.¹⁶

¹⁴ Karl Marx - See foot note, Vol. III PP 333-34.

¹⁵ See R.K. Mukherjee Op. Cit. PP 315.

¹⁶ B. Natarajan:

Indians repeated Arthur Young's ideas - 'the magic of property turns sand into gold' - and thus he own what is called the Ryotwary system of tenancy or the peasant proprietorship. The two major system of land tenure of India, one from England (The Zamindari system) and the other from France through England and Arthur Young.. exactly did not suit us.

"The influence of Western concepts on Indian Agriculture: Introductory comment". Land Tenure pp. 505.

CHAPTER IV

Any land reform measure, in order to be effective, should be made, considering the basic characteristics of the land market. Hence a study of the lease market is essential. In the present context the importance of the lease market arises because of the presence, on the one hand, of an uneven distribution of ownership of landholdings in the region and on the other almost total dependence on **agriculture** as ~~the~~ source of income. There is a large number of households of 'marginal' and very small farmers and amongst them they own a smaller area of the total cultivable land compared to **the** area occupied by a small number of large landowners.

*In South India
large area*

A major part of the supply of land on the lease market comes from large landlords. One reason is that the large landholders find it difficult to bring all the scattered tiny fragmented plots under personal cultivation. There is also the class of absentee landowners, who engage themselves in non-agricultural sector and therefore, have to lease out land. These apart there exists another class of lessees who lease out because of their physical inefficiency to undertake cultivation as ⁱⁿ the case of widow and child landowners.

Contd

On the demand side we find that ~~there~~ ^{there} exists a large mass of landless agricultural labourers and marginal and small farmers anxious to lease in a piece of land, firstly, because there is insecurity of employment outside their own farm. Agricultural sector does not provide continuous and regular employment through

out the year. So in order to satisfy the basic needs this class of people are anxious to lease in land. Secondly, land being a major source of wealth, and the only measure of one's social status the above-said farmers want to have some land on lease in order to supplement their owned holdings.

This process of leasing out by large landowners and leasing in by landless marginal and small landholders may be supposed to bring about a sort of egalitarian distribution of landholding. In fact this would be presumed under the so called perfectly competitive lease market. But the following table shows that the lease market seems to be biased in favour of a particular group of lessees.

Table 4.1*

Percentage distribution of area leased in for 1950-51 to 53-54 by livelihood classes.

Livelihood classes	Percentage of estimated number of households.	Percentage of Area leased in			
		50-51	51-52	52-53	53-54
1. Cultivating owners	30.09	49.65	53.07	47.70	51.92
2. Non owing cultivators.	4.12	21.06	18.75	26.64	20.64
3. Non-cultivating owners.	1.37	5.48	-	-	-
4. Others	55.42	23.81	28.18	27.66	27.44

* Source: N.S.S. 8th Round No.59 (1954-55)

*Why not
16th & 17th
round*

The table shows that out of the total area leased in 50 percent is leased in by owner cultivators while non-owing cultivators lease in comparatively less land. The bias towards this particular group is because of certain peculiarities of the lease market.

In the lease market we observe that lessors who constitute the supply side are not always large landowners. Among them there are very small landholders too. It is also observed that while absentee landlords lease out the entire amount of land other land owners lease out only a part of their land and also lease in land according to convenience. This may happen especially when^a landholder holds fragmented pieces of land. On the demand side also we find one significant fact which we have earlier discussed² i.e. it is not only the landless and the marginal landowner who lease in land but the prosperous³ middle and upper middle class landholders who also lease in land.

1. Ownership holdings are usually dispersed in a number of plots located at distance from each other (i.e. fragmentation of owned holdings which owes its origin in India to a number of institutional and economic factors) provides incentive, i not a compulsion to cultivators to lease out the distant plots and to lease in nearer ones to achieve relatively compact cultivation holdings".

M.L. Dantwalla and C.H. Shah, Op cit. pp 122.

2. See Chapter I

3. About 60 percent of the households in Orissa owning more than 25 acres of land lease in some land. The cultivators who own more than 10 acres of land lease in land to a considerable extent.

See S. Misra Op. Cit. PP 174.

This process of leasing out and leasing in of land may be attributed to certain peculiarities of the lease market. Landlords when leasing out land prefer tenants who will be able to pay the rent regularly. Big farmers and those others who own sufficient land to be able to pay rent regularly are preferred to those who do not own land. Regular payment of rent depends upon tenants' credit-worthiness. One's credit worthiness is usually reflected in the amount of land one owns. Therefore, we find in table 4.1 that it is the cultivating owners who are able to lease in more land. It may be because they own some land of their own and thus are expected to be more regular in the payment of rent than the non-owning cultivators.

is it derived from logic or random?

A look for further observation needs an analysis of the data of farm management studies of Cuttack and Sambalpur districts.⁴

year?

~~1969~~ 1957-60

Analysing farm management studies of Cuttack and Sambalpur districts, we find that among the 150 households considered in Cuttack district the size of the ownership hold-

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4. Studies of the Economics of Farm Management Cuttack District (Un-published); and studies of the Economics of Farm Management Sambalpur District, Ministry of Food and Agriculture, New Delhi.

The data of the farm management studies are not adequate nor comprehensive. The main purpose of farm management studies were to study the nature of operations, and the input output relationship of the different farms. Therefore, for our purpose it has certain ~~limit~~ limitations e.g. the data do not give any importance to tenurial contracts etc. Since we do not have any detailed data already collected we made use of the farm management data to draw out certain suggestive inferences.

5
 dings varies from 0 to 7.20 hectares. The farm size varies from 0.06 to 6.15 hectares. Out of the total only 10 households have farm sizes above 3.65 hectares. The peculiarity of the sample reflects the predominance of the small holdings in the region on which we have already commented in Chapter II above. For our present purpose, i.e. an analysis of the lease market these data have certain limitations.
 6

However, in the given sample we find four clearly distinct groups of households: (1) households only leasing in; (2) only leasing in and leasing out; (3) only leasing out and (4) neither leasing in nor leasing out. In the first category there are 54 households, in the second 27, and in the third and fourth there are 5 and 64 respectively. Thus we find a large number of households do not enter the lease market in any capacity. Among those who do, a large proportion are net leasers in (i.e. leasing in more land than they lease out).

Out of 150 households, 58 lease in land. All these 58 households excepting one, possess some land. The amount of land leased in by the different households varies and households with different size of owned land, lease in landⁱⁿ varying degrees.

-
5. Farm size is equal to the area owned minus the amount of land leased out plus the amount of land leased in.
6. See foot note 4 above.

Table 4.2

(Areas in hectares)

Sl. No.	Size group	Number of farms			Percentage of owner cum tenant cultivated area.	Average area leased in
		Owner Cultivation.	Tenant cultivation.	Owner cum tenant.		
1	0.00 - 0.81	21	-	5	26.2	0.96
2	0.82 - 1.32	16	1	19	52.87	7.83
3	1.33 - 2.03	17	-	20	53.93	11.55
4	2.04 - 3.64	29	-	12	30.18	7.33
5	3.65 +	8	-	2	22.87	1.63

From the above table it is evident that the average area leased in is maximum in the third size group. In the second and fourth size groups the amount of land leased in is larger than the amount of land leased in by the first and fifth size groups.

The situation is similar in the Sambalpur district also.

Table 4.3

Area (Acres) owned and taken on lease per farm in different size group.

S.No.	Size group	Area owned Average for the years 1957-60	Average leased in area for the years 1957-60.	Percentage of the area leased in.
1.	2.	2.	4.	5.
1.	0.00 - 2.50	1.40	0.05	3.45

1	2.	3.	4.	5.
2.	2.51 - 5.00	3.35	0.13	3.75
3	5.01 -10.00	6.12	0.65	9.60
4	10.01 -15.00	9.96	2.33	18.96
5	15 +	21.21	0.13	0.46

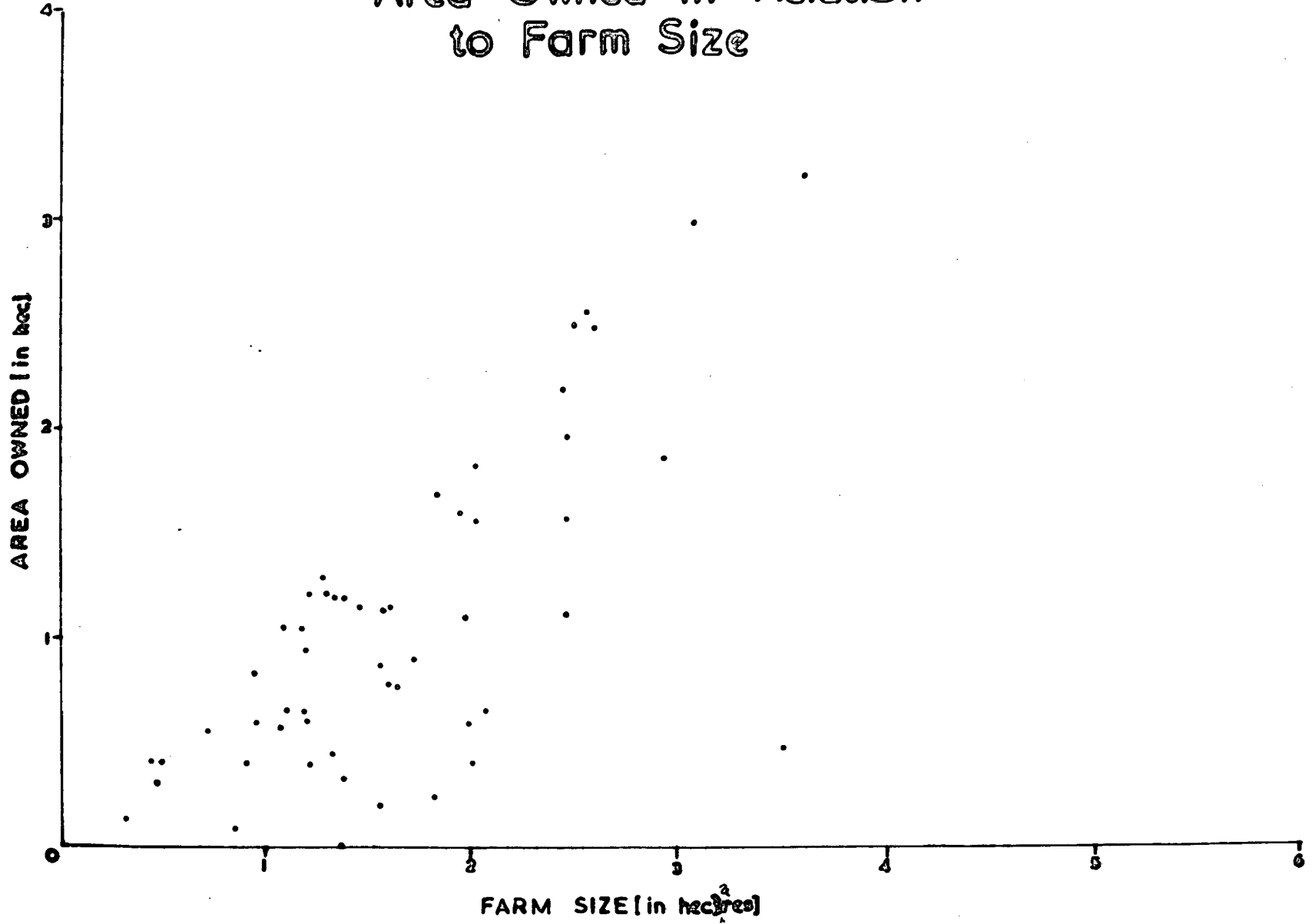
The above table shows that the amount of land leased in is the maximum in the size group of 10 to 15 acres. The percentage of leased in area is higher i.e. from 9.60 percent to 18.96 percent in case of farms ranging from 5 acres to 15 acres.

Such situations, however, suggest a correlation to exist between the amount of area owned and the area leased in.

In the graph I we have plotted^t the amount of area leased in by different households. We have selected households where the ownership ratio i.e. owned area divided by farm size, has been less than one. The X axis represents the farm size and the Y axis represents the area leased in by individual farms. In the graph we find a positive linear relationship showing that the farm size is roughly in direct proportion to the amount of land owned. It is this constancy in the proportion which is peculiar to the land structure. As mentioned above, this perhaps reflects some kind of imperfections in the lease market. We shall indicate some peculiar features of the lease market in the following

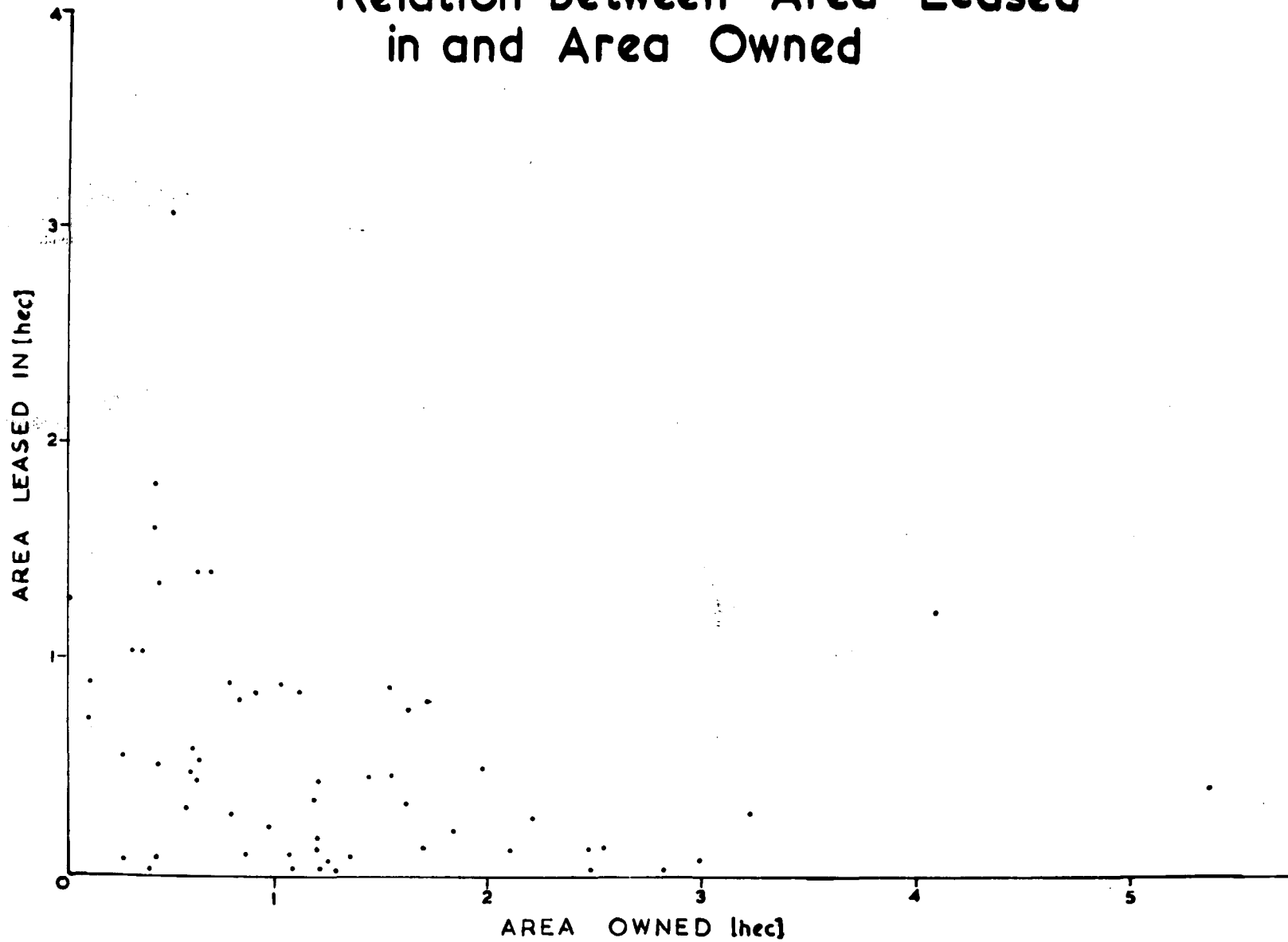
GRAPH I

Area Owned in Relation to Farm Size



GRAPH II

Relation between Area Leased in and Area Owned



discussions. The relation between farm size and owned area, could be spurious: in as much as owned land farms highly significant proportions of the farm size there may appear to be a significant positive relation between farm size and owned area. Therefore it is necessary to look more deeply into the leasings in and leasings out by different groups of farmers.

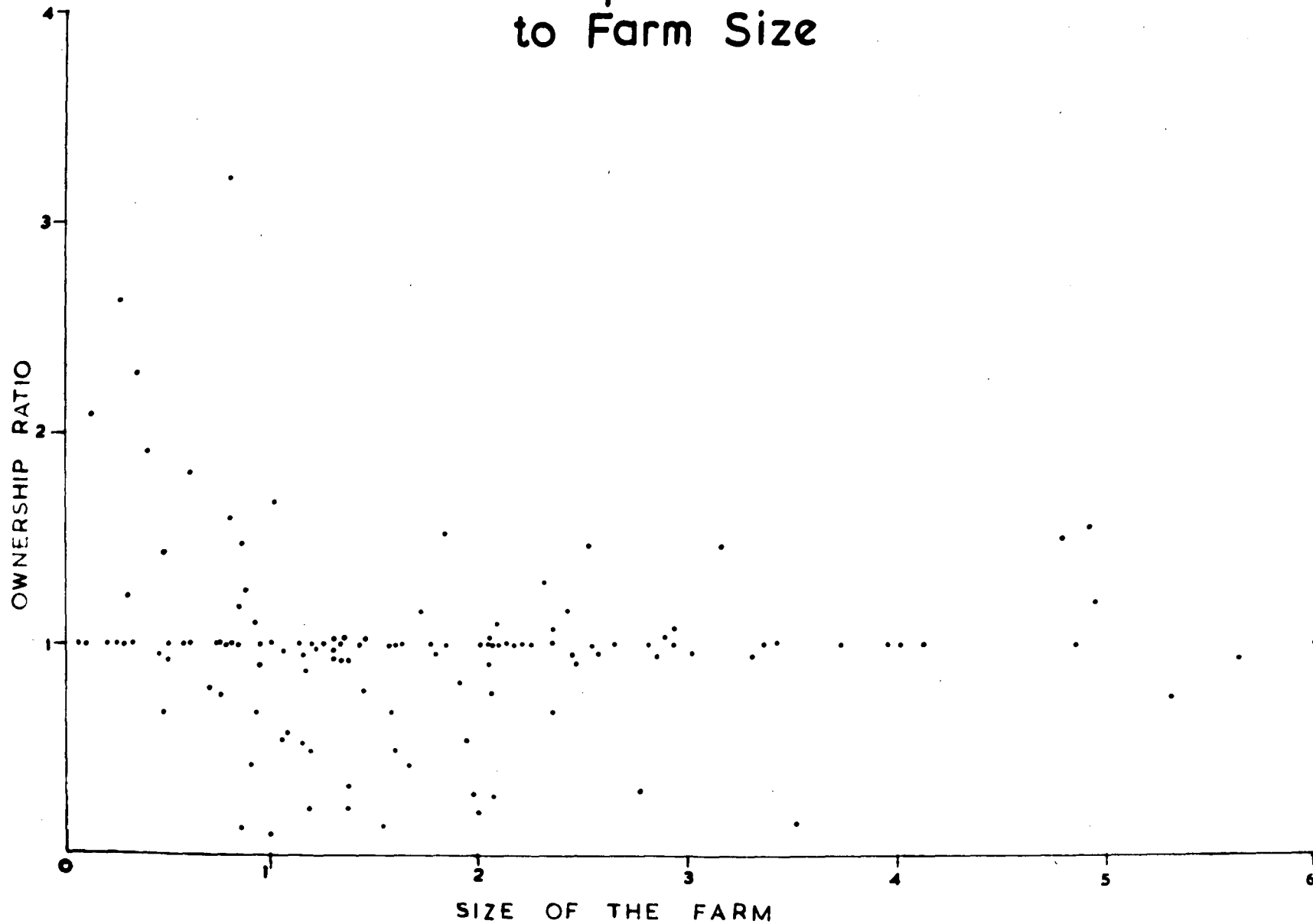
We try to relate the amount of land leased in by ^{house holds} χ to its owned area.⁷ In the graph II the amount of land owned is represented by the X axis and the amount of land leased in is represented in the Y axis. The graph shows, that if at all, there may be a weak negative relationship between the amount of land leased in by different households, i.e. there is a tendency for the amount of leased in land to decrease with the increase in the amount of owned land. Therefore, the earlier hypothesis that the ownership holding determines the amount of land that can be leased in appears to have been contradicted.

However, a closer look ^{reveals} ~~indicates~~ certain peculiarities of the distribution of the leasing in land. In graph III, the X axis represents the size of the farm and the Y axis represents the

7. Before we adjudge the issue however, it must be borne in mind that the sample which we have used for this purpose has certain limitations(see foot note 4.). The sample consists of a large number of households who have small size operational holdings with a very small proportion of leased in land. Moreover, in a large number of cases the ownership ratio is one. This is because the purpose of the farm management study is different.

GRAPH III

Ownership Ratio in Relation to Farm Size



ownership ratio. There is large concentration of households where the ownership ratio is equal to one. The farm size of such households is equal to the amount of land the households own. These are mostly the households who neither lease in nor lease out.

Above this line the householders are the net leasers out and below the line the households are the leasers in. The graph shows that there is a large concentration of lessees between the farm size of .75 to 2.5 hectares. Thus the graph suggests that the households in this size graph have been able to lease in more land relatively to their own holdings than the households with smaller and larger farms.

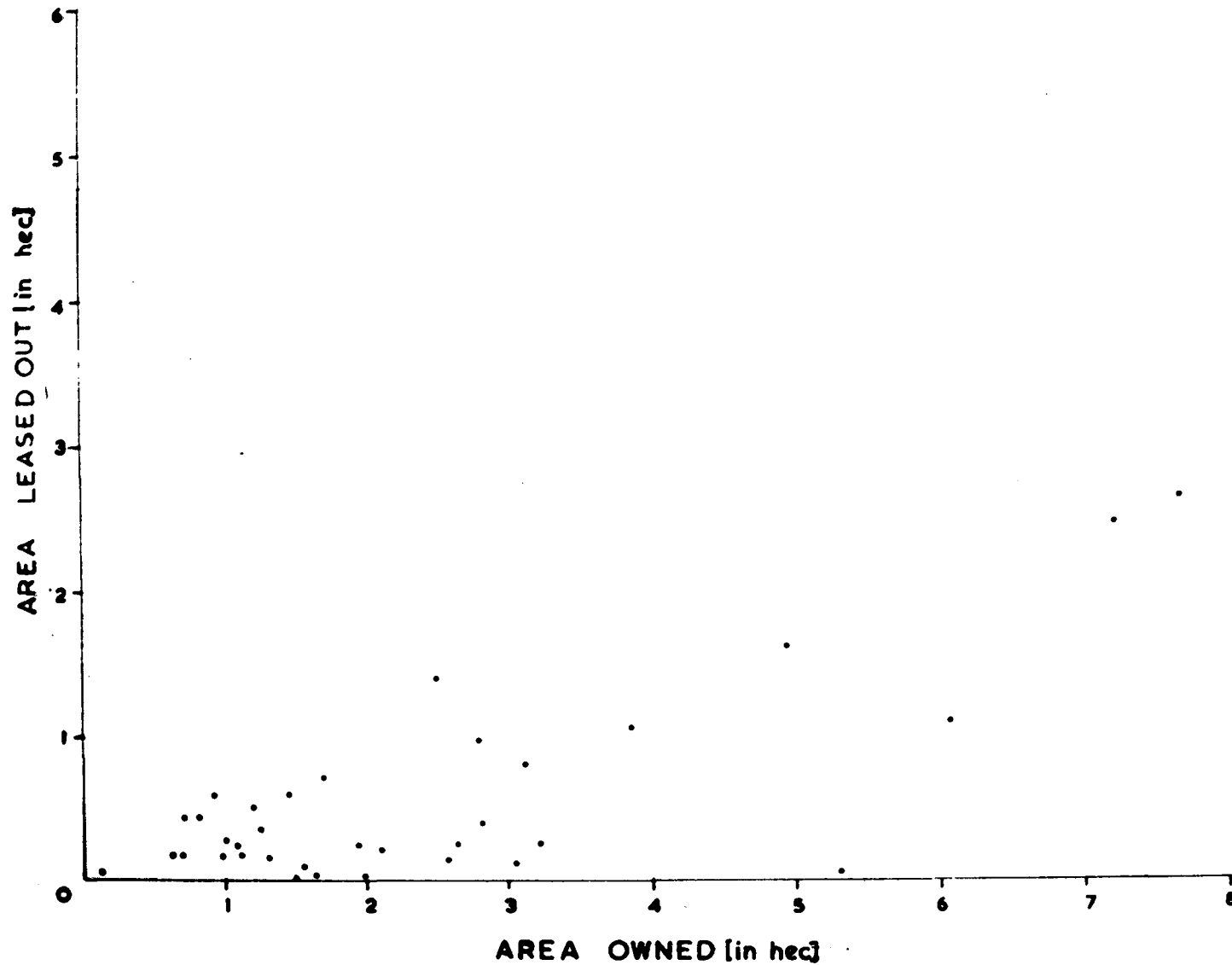
Earlier we have noted that those who possess some amount of land are able to lease in more land than, those who own no land. In other words, this suggests that the capacity to lease in land is governed by one's economic stability, which is largely reflected in the amount of land one owns or cultivates.

However, "effective" leasing in of land has two important elements: one, the desirability of leasing in and second, the feasibility of leasing in land. To take up the second, the marginal farmers have less capacity to lease in land. These cultivators have less credit facilities to invest in land; they do not have

9. This is probably because the sample of the farm management studies is a biased one, because the purpose of the farm management studies was to study the tenancy conditions in any depth. for our purpose it has certain limitations.
See also foot note 4 above.

GRAPH IV

Relationship between Area Leased out & Area Owned



and leasing out may fetch them a high total rent, especially if the petty tenant is under compulsion to cultivate his leased in land intensively to raise a subsistence. Further, the big landlords expect to wield more power in the society, when they have under them a large number of tenants. Such a process of leasing out also reduces the risk of default payment of rent. In many cases large landowners also have different avenues of earning like money lending etc. which are more profitable. Therefore, they may prefer to invest in these other avenues and shirk the responsibility of undertaking personal cultivation. In the graph IV, where we have the area owned on the X axis and the area leased out on the Y axis, we find big landowners lease out relatively in greater proportions.

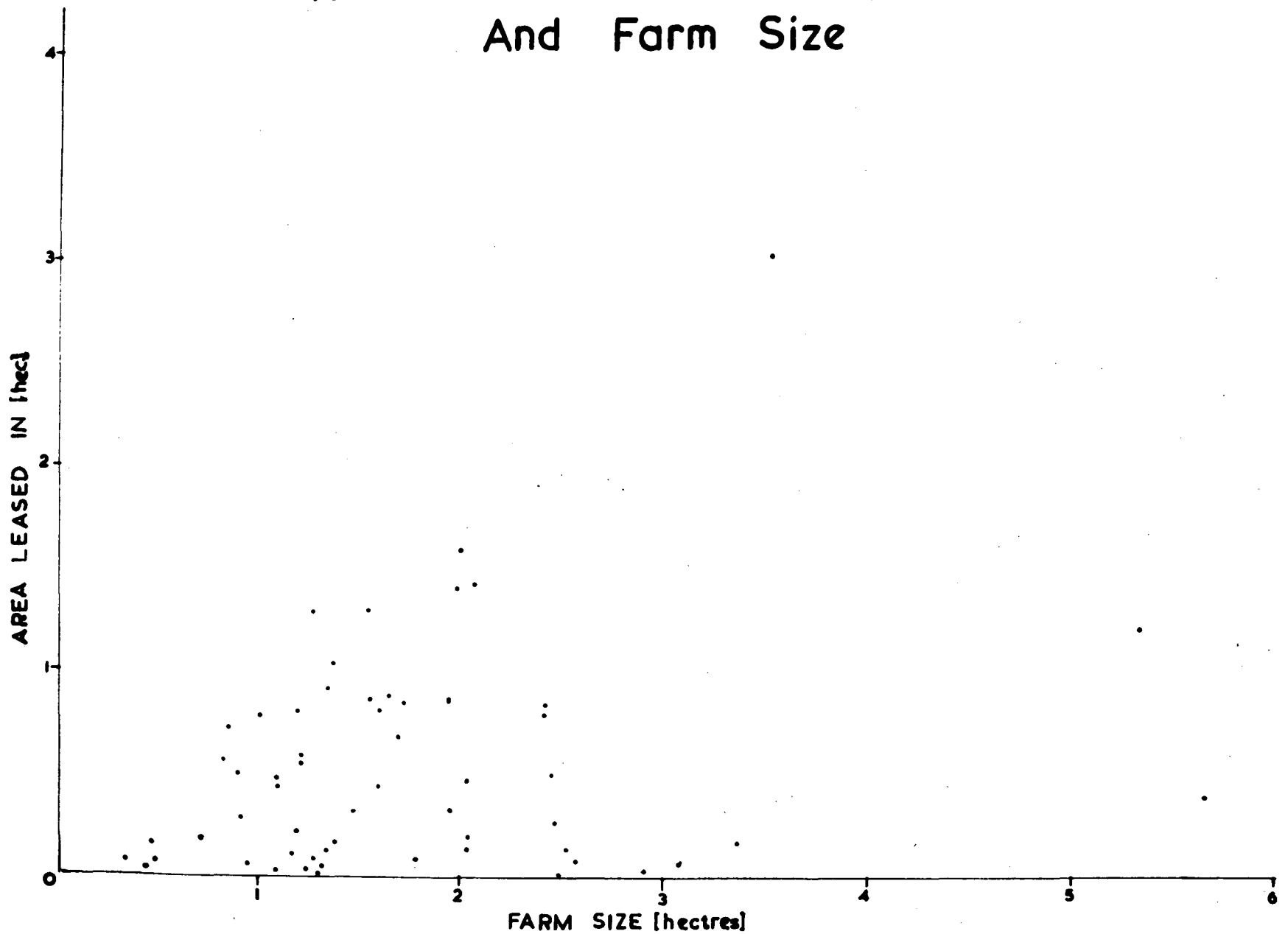
Thus, we find in ^{the} one case, namely the case of marginal farmers, the operators do not have the capacity to lease in land, though they may have desire for it; while in the other case, the large landowners, even though they enjoy the capacity to lease in land and increase the farm size, they may not prefer to do so.

It is the middle class landowners, in whose case both the economic desirability and the feasibility to lease in coincide. So that they appear to be effective leasers in. What is more as we have mentioned earlier the lessors will prefer such tenants. These tenants have some amount of land of their own. These farmers may also be able to utilise profitably the developed techniques

10. See also K.N.Raj. "Ownership and distribution of land". Indian Economic Review (April, 1970) PP 1-42

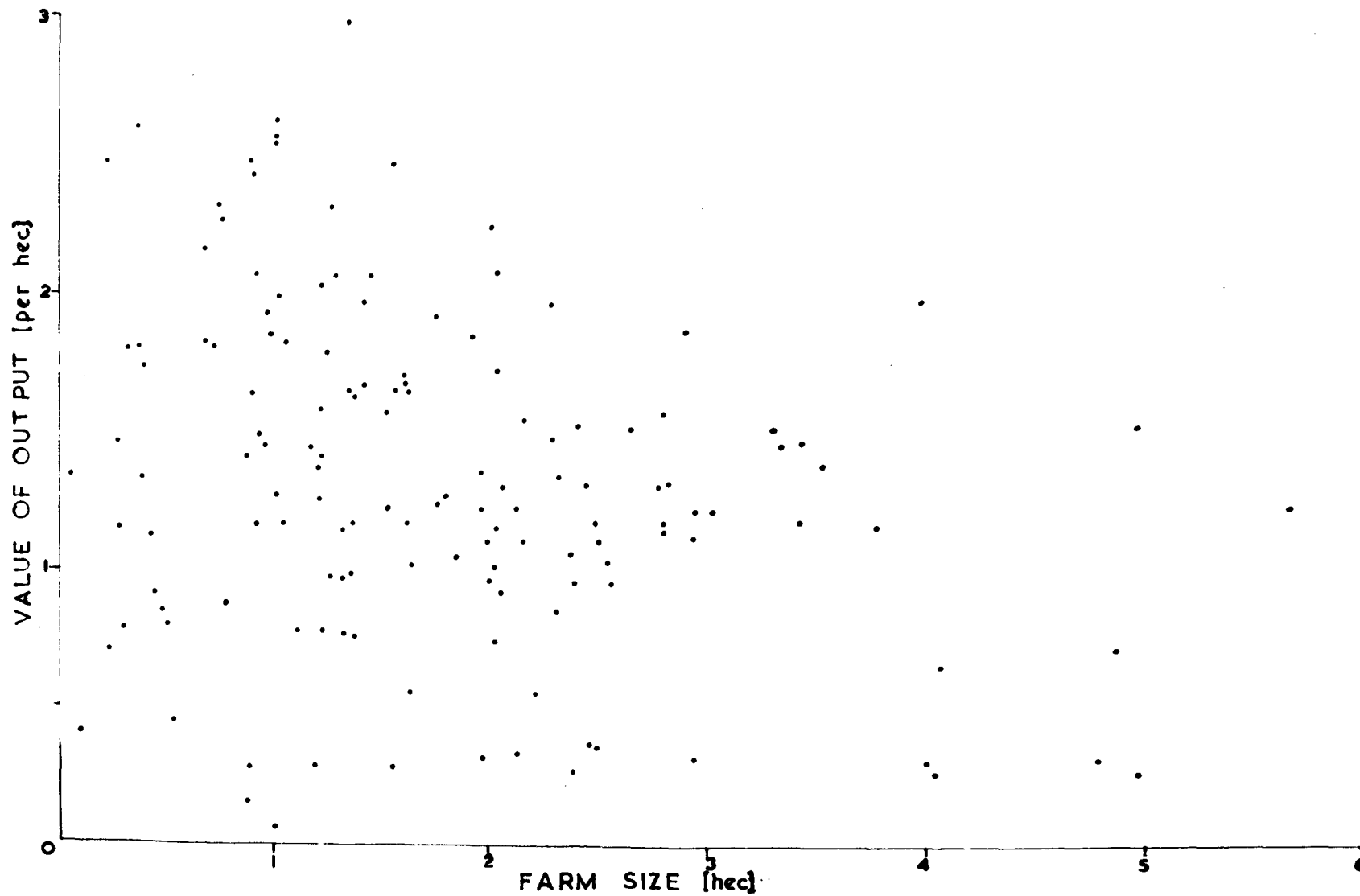
GRAPH V

Relation between Area Leased in And Farm Size



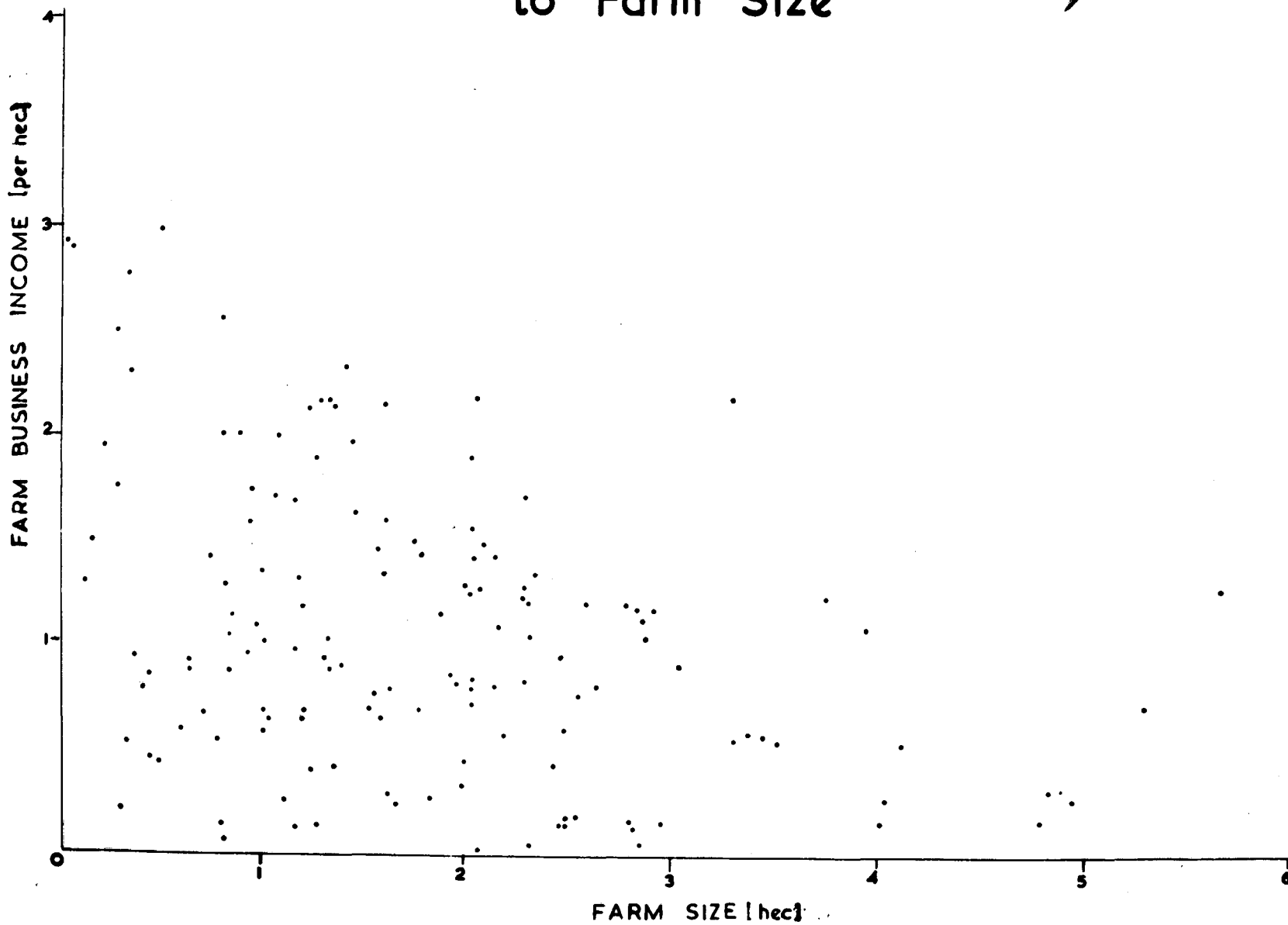
GRAPH VI

Value of Output in Relation to Farm Size



GRAPH VII

Farm Business Income in Relation to Farm Size



of production and benefit from the large operational holding. In the graph V, the X axis represents the farm size and the Y axis represents the amount of land leased in. The graph evidently shows that the households having a farm size between .75 to 2.5 hectares of land are able to lease in more than the households with smaller or larger size of land holdings.

If we look at the graph VI, we find that although the value of the output per hectare generally appears to decrease with the increase in the farm size, the value of output per hectre rises gradually in case of farms ranging from .75 to 1.35 hectares and then gradually falls. That is in the middle size farms the value of output per hectre appears to be larger than either ~~on~~ very small or big farms. This indicates that the middle-size farms may be more productive. Therefore, their capacity ^{to lease in land may be greater} and lessors may prefer this class of tenants since payment of rent would be regular.

The graph VII we relate the farm size to the farm business income. We find that the farm business income is comparatively more in the middle size group than that of the large and small size farms. The farm business income is highest in .5 hectre holding and then gradually falls. The fall becomes significant after the 2.25 hectre farms size.

All these seem to suggest ^{the} relatively better economic position of the middle class farmers. Therefore, these farmers are preferred by lessors in the lease market, because these tenant farmers will be able to pay ~~the~~ rent regularly.

Comparing over the time periods the position of the middle class farmers as leasers in seems to be strengthened.

*Does it indicate
of land leased?*
Table 4.4*

Changes in average area leased in 1949-50 and 60-61

Area Owned	Average area leased in (49-50)	Average area leased in (60-61)
Less than One	2.02	1.74
1.00 - 2.00	2.37	1.95
2.00 - 4.00	2.58	2.24
4.00 - 6.00	6.04	2.23
6.00 - 8.00	5.56	2.21
8.00 - 10.00	2.74	3.09
10.00 - 12.50	2.71	4.05
12.50 - 15.00	1.65	3.07
15.00 +	6.03	5.04

* Source - B.Misra Op. Cit.

Looking at the table we find that there has occurred a change in the average area leased in by the various farms. The average area leased/by the small farms has declined where as in case of farms between the 10-15 acre (4 to 6 hectre) size group the average amount of land leased in has increased. One possible

reason for this may be that leasing in capacity of the holdings in the 8 to 15 acre size group has comparatively increased, because the landowners could profitably make use of improved agricultural methods of production. The landowners are more or less interested to lease out land to those lessees, because they find^{that} they are more creditworthy and the risk of irregular payment of rent is minimal.

To sum up by some general remarks: we find a simultaneous existence of monopoly and monopsony conditions in the lease market. The big landowners have a monopolistic control over the supply side. There is concentration of land in the hands of large landholders. As has been pointed out, there are historical and socio-economic factors responsible for unequal distribution of land holdings. On the demand side, we find a large number of lessees, but all do not have equal and free access to all lessors.¹¹ because the latter as monopolists can be selective in choosing the lessees. The lease market, thus, is imperfect and non-integrated. Non-integration of the land market is an impediment to making equitable distribution possible. On the contrary, it helps to perpetuate the poverty of the marginal tenant farmers. ^{The} marginal farmer however has not gained at all (see table 4.4). His operational unit has remained either static or diminished. The middle and upper middle class owner cultivators have benefited because of the peculiar nature of the lease market. Land reform legislations have failed to overcome this inequitable situation.

11. See M.L. Dantwala and C.H. Shah.
Op. Cit. PP 123.

More importantly, the prevailing monopoly and monopsony conditions are reflected in the lease terms. The terms of lease actually differ depending upon the respective bargaining positions of the lessors and lessee. Marginal tenant farmers with weak socio-economic positions are compelled to accept adverse terms from the large landowners who have greater bargaining power. Thus the marginal farmers, in most cases, are exploited.

The middle class farmers who enjoy^a somewhat better socio-economic position are comparatively placed in a^{better} situation. Moreover, they also command a monopsonistic position in the lease market. Thus different lease terms prevail in the lease market. But data being a constraint it is difficult to prove the above hypothesis.

Before concluding we may point out another striking feature of the lease market. The owners of irrigated land prefer to lease in similar land and the owners of the unirrigated land lease in unirrigated land for purposes of congenial production conditions. Production conditions normally remain the same as like soil, climate and natural environment. Therefore, a tenant farmer usually tries to lease in land to which he can adopt production pattern similar to that adopted on his own land. Secondly it is also true that irrigated land usually exists in a contiguous strip. Therefore, tenant farmers who own irrigated land generally lease in irrigated land in the neighbouring areas.

Table 4.5 (a)

Sl No.	Area Owned	Area leased in	Farm size	Net area Irrigated	Percentage of farm size irrigated
1.	2.	3.	4.	5.	6. ⊕
1	.40	0.02	.42	.42	I
2	2.86	0.03	2.89	2.89	I
3	3.19	0.16	3.35	3.35	I
4	1.06	0.02	1.08	1.08	I
5	0.56	0.16	0.72	0.61	*
6	1.36	0.08	1.28	1.28	I
7	0.64	1.42	2.06	2.06	I
8	4.07	1.24	5.31	2.17	⊖
9	0.25	0.55	0.80	0.80	I
10	0.26	0.06	0.32	0.32	I
11	0.45	0.91	1.36	1.23	*
12	0.62	0.28	0.90	0.90	I
13	0.21	1.34	1.55	1.55	I
14	0.32	1.05	1.37	1.37	I
15	0.0	1.27		1.27	I
16	1.24	0.05	1.29	1.16	⊖
17	2.98	0.08	3.06	3.06	I
18	0.49	3.01	3.50	3.26	*
19	5.30	0.39	5.63	5.30	I
20	1.15	0.44	1.59	0.25	⊖

contd...

Table 4.5 (a) (Contd..)

1.	2.	3.	4.	5.	6.
21	1.54	0.48	2.02	0.44	e
22	1.57	0.85	2.42	0.25	e
23	0.65	0.45	1.10	0.93	*
24	1.69	0.10	1.79	1.29	e
25	2.49	0.10	2.59	2.03	*
26	0.39	0.50	0.89	0.26	e
27	0.85	0.08	0.93	0.18	e
28	1.26	0.02	1.28	0.16	e
29	1.21	0.02	1.23	0.26	e
30	1.14	0.33	1.47	0.20	e
31	0.89	0.85	1.74	0.45	e
32	1.82	0.20	2.02	0.38	e
33	0.63	0.55	1.18	1.18	I
34	0.80	0.80	1.60	1.60	I
35	0.59	1.40	1.99	1.99	I
36	1.62	0.78	2.40	2.40	I
37	0.40	1.60	2.00	-	U
38	0.40	0.80	1.20	-	U
39	1.10	0.86	1.96	-	U
40	1.45	0.48	1.33	0.23	e

Table 4.5 (a) contd..

1.	2.	3.	4.	5.	6.
41	0.61	0.60	1.21	0.20	⊖
42	0.59	0.49	1.08	-	U
43	0.95	0.23	1.18	-	U
44	1.05	0.11	1.16	-	U
45	1.71	0.80	2.51	0.10	⊖
46	2.09	0.13	2.02	1.15	⊖
47	1.96	0.50	2.46	0.02	⊖
48	0.41	0.08	0.49	-	U
49	0.32	0.15	0.47	0.02	⊖
50	1.21	0.12	1.33	-	U
51	1.21	0.16	1.37	-	U
52	1.61	0.33	1.94	-	U
53	2.53	0.13	2.66	-	U
54	2.19	0.26	2.45	-	U
55	2.48	0.01	2.49	0.05	⊖
56	0.10	0.73	0.83	-	U
57	0.11	0.89	1.00	-	U
58	0.76	0.88	1.64	-	U

Table 4.5 (b)

1.	2.	3.	4.	5.	6.
1	10.94	0.16	11.10	-	U
2	20.89	1.38	22.27	0.80	⊖
3	39.88	0.22	40.10	0.53	⊖
4	-	0.68	0.68	0.68	
5	0.71	1.42	2.13	2.13	I
6	1.54	1.44	2.98	2.98	I
7	0.22	2.79	3.01	3.01	I
8	4.19	3.44	7.63	7.63	I
9	-	12.24	12.24	12.16	⊖
10	0.25	0.72	0.97	-	U
11	2.20	0.70	2.90	-	U
12	2.37	4.11	6.48	-	U
13	4.92	3.30	8.22	-	U
14	9.71	0.82	10.53	-	U

Table 4.5 (a) - Cuttack
4.5 (b) - Sambalpur.

- ⊕ I = 100% irrigated.
 U = 100% unirrigated.
 * = Some part of leased in land is irrigated
 ⊖ = Nothing definite can be said.

This

/hypothesis holds true when we analyse the data covering the districts of Cuttack and Sambalpur.

In Cuttack out of 58 households who lease in land, there are 43 households who own land either partly or wholly irrigated and 15 households who have only irrigated land. Out of 43, there are 18 households who lease in only irrigated land and 5 lease in land partly irrigated. As regards the other 20 cases nothing definite can be said. In the district of Sambalpur there are only 14 households who lease in land. Out of this, 4 own and also lease in irrigated land.

The situation is similar in case of households holding unirrigated land. In Cuttack 20 households own unirrigated land. All these twenty households lease in unirrigated land. In Sambalpur 6 households own and lease in only unirrigated land. Apart from ^{the production factor} from the farmers owning irrigated tracts afford to secure irrigated land on lease. This process of leasing in further widens the disparity between the landholders of unirrigated areas and those of irrigated areas.

These peculiarities of the lease market perpetuate the poverty of the marginal farmers and farmers with land of less worth.

CHAPTER V

We have studied briefly in the preceding chapter the ecological and historical ~~background~~ ^{background} of the tenurial problem as well as certain economic ~~background~~ features of the lease market. We shall herein review the question of land reforms in the post-independence period.

Land legislations in the post-independence period and the working of these laws show how these legislations could not appreciably improve the condition of tenants. The main objectives of the reforms during the post-independence period were a) Providing security to the tenants, (b) regulation of rent, (c) conforment of ownership rights and (d) ensuring socio-economic justice through land redistribution.

Under the Zamindari system, the tenants were highly susceptible to eviction for non payment or irregular payment of rent. The cultivators were mostly the tenants - at-will, who could be evicted on short notice. After independence, the idea of abolishing intermediary interests was adopted as a policy. Apprehensive of losing land and rent there of as a consequence of the land reform measures the landlords evicted a large number of tenants. In the coastal region of Orissa where, as we have noted above, there is a preponderance of petty tenants, the tenants could obtain land on lease only for a short period and could be evicted easily. So in order to protect such tenants from eviction the Orissa tenants' protection Act, 1948, was passed. The main

features of this Act were:

- a) Eviction of tenant by any landlord who possesses 33 standard acres or more was restricted;
- b) The rent payable by any tenant having occupancy rights was to be within the limit of one third of the gross produce and in no case the landlord would charge more;
- c) In case of Ganjam and Koraput, a ryot holding land on produce rent was to pay only one-sixth of the gross produce as rent;
- d) Tenants without any security of tenure, were not bound to pay more than two-fifth of the gross produce as rent;
- e) If any tenant is charged more than the prescribed rent then the landlord would be penalised.

These provisions of the Act were primarily introduced in the coastal districts where threat of eviction was greater. However, the act could hardly protect tenants from eviction. The clause that landlords with less than 33 standard acres of land can evict the tenants proved to be an advantage to the landlords to carry out eviction. Holdings of 33 standard acres or more were rare when the act was enforced. Most of the land holdings in the coastal areas were very small so that eviction was possible within legal limits. This Act of 1948, was not introduced in the inland districts where such holdings were rumerous. Thus the Act proved to be totally unrealistic and ineffective.

1. In fact in the coastal districts of Balasore, Cuttack and Ganjam there were only 150, 90 and 93 households who had more than 20 acres of land. These figures are out of 2,043 samples taken from all over Orissa. But in the inland region, on the other

Even the Orissa Easte Abolition Act, 1951, which aimed at abolishing the intermediary interests did not contain the provision to protect the tenant. This act allowed the Zamindar to retain land, who, because of this provision, could easily evict the tenants. Unfortunately many of the ryots who cultivated land and acquired the right of occupancy had not been recorded in the settlement documents on account of which it was easy to evict the tenants.

Subsequently, it was considered expedient to repeal this act and substitute it by a more comprehensive legislation covering all the temporary tenants and all tenants who pay produce rents, and the Tenants' Relief Act, 1955, was passed with the following provisions:

- a) No tenant in lawful cultivation of any land on the 1st day of July, 1954 or at any time there after shall be liable to be evicted from such land by the landlord.
- b) No such tenants shall be bound to pay more than one-fourth of the gross produce of the land or the value there of one-fourth estimated produce as rent to the landlords;
- c) No landlord can collect cesses;

hand, there were, 1,592 holdings of more than 20 acres of land out of the 2,043 samples surveyed. See S.Misra, Op.Cit. PP 149

See also B.Misra and B.Jena - "Working of the two tenancy laws in Orissa". Indian Journal of Agricultural Economics (April - June, 1957) PP 117 - 120.

d) No tenant holding land on produce rents with permanent and heritable rights of cultivation should be liable to pay more than two thirds of the rent;

e) The landlord had the right to evict the tenant from any land selected by him for his personal cultivation² to the aggregate extent of seven standard acres³ of land provided he made such selection by intimation to the collector by the 15th June, 1955. But in any case the landlord fails to cultivate land within the specified period then the tenant might legally seek restoration of the possession of the land (within 90 days ending with the last date of the agricultural year in which he had been evicted).

⁴ The Tenancy Relief Act, 1955, had varied effects in different areas. Unlike the Orissa Tenants Protection Act, 1948 this act was enforced not in any specific region but in the whole state.

2. Personal cultivation means cultivation by one's own labour or with the assistance of a member of that person's family or a servant or hired labourer on payment of wages in cash or in kind, but not by way of a share in the produce of the land under one's personal supervision or that of any member of the family.
3. A standard acre means one acre wet land or two acres of dry land.
4. See Report of the Administrative Enquiry Committee Vol.I Government of Orissa, 1958, PP 143-44.

In some princely states where land hunger was not acute because of low demographic pressure, this legislation produced little effect. Notable among these areas were Bolangir, Boundh - Phulbani, Dhenkanal, Sambalpur and also the district of Koraput, outside the princely states. In the rest of the state the land⁵ did not have any appreciable effect either.

There were loop-holes in the Act. For example the provision of resuming land for personal cultivation was largely responsible for eviction of tenants.⁶ The definition of personal cultivation of land by servants or hired labourers without personal supervision by the landlord is tantamount to personal cultivation. In many cases the landlords managed to get a bond signed by actual tiller to prove that the tillers are not the tenants but working in the field as servants or hired labourer.⁷ (See Appendix where we reproduce some special contracts). Thus 'land ostensibly resumed

5. The research section of the Utkal University undertook a survey of the working of the Orissa Tenants' Relief Act, 1955. The three villages in the coastal districts surveyed showed that out of 105 sample cultivating families 45 families cultivated land on produce rent basis. The tenants were paying 50 percent of the gross produce as rent to the landlord as usual and the cost of production was entirely borne by the tenants, though the tenants were fully aware of the Act. There was a solitary case of a tenant who lost the case when trying for restoration of possession of land. This was responsible for the breakdown of the morale of the tenant cultivator. Ibid. PP 145-46.
- 6, B.Misra: With regard to the causes of eviction the original tenants in most cases stated that landlord tookaway the land from him for various causes and in a large number of cases on the plea of self-cultivation.
See - Report on an Enquiry into the working of the Orissa tenants protection Act 1948, and Orissa Tenants' relief Act, 1955, in the five districts of Orissa (New Delhi-1970).
7. See appendix.

by the landlords on grounds of personal cultivation are cultivated through crop sharing arrangements, where in crop shares are treated as labourer or as partners in cultivation". The landlord took advantage of such a situation because of the weak economic condition of tenants. Thus both the Acts of 1948 and 1955 failed to a large extent to provide security to the tenants.

The Question of Fair rent.

The act also could not effectively help to assure fair rent. The payment of rent was more in the form of produce except in case of inland districts. In Sambalpur for example we find 37.88 percent of the tenants paid rent, in kind and 62.12 percent paid in cash where as in Cuttack 91.04 percent of tenants paid rent in kind and 8.96 percent paid in the form of cash. Specially in an inflationary situation the rent paid in terms of cash is an advantage to the tenants.

(5.1)

The ~~above~~ table shows the form and amount of rent paid. In Cuttack out of 346 samples 315 (91.04 percent) were under crop sharing system. Out of this 315, 310 (about 98 percent) paid more than 50 percent of the gross produce in the year 1948. But in Sambalpur 32 percent of such tenants paid 50 percent of the gross produce as rent. In the year 1960-61 the share cropping tenants were existing to the extent of 99 percent in Cuttack,

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8. B.R.Karla - "Land reform legislation and its implementation in different states". Indian Journal of Agricultural Economics(January-March, 1962 Conference Number) PP. 114-23.
9. B.Misra Op.Cit. PP. 74.

TABLE NO.5.1* FORMS OF RENT PAYMENT
(Figures in brackets indicate percentages)

District	1948				Percentage				1960				Percentage			
	Total No. of tenants.	Pay- ing in cash	Othe- rs	Pay- ing in kind	Less than 50%	50%	More than 50%	Total No. of tenants.	Pay- ing in cash	Oth- ers	Pay- ing in kind	Less than 50%	50%	More than 50%		
Cuttack	346 (100)	1 (0.29)	30 (8.67)	315 (91.04)	5	310	519	519	3 (0.58)	75 (14.45)	441 (84.97)	4	437	...		
Balasore	346 (100)	1 (0.33)	7 (2.33)	292 (97.33)	2	288	2	427 (100)	1 (0.23)	12 (2.81)	414 (96.96)	7	405	2		
Puri	309 (100)	8 (2.58)	11 (3.56)	290 (93.85)	23	265	2	423 (100)	11 (2.60)	15 (3.55)	397 (93.85)	32	361	4		
Ganjam	160 (100)	3 (1.87)	26 (16.25)	141 (81.88)	51	76	4	284 (100)	5 (1.76)	49 (17.25)	230 (80.99)	61	157	14		
Sambalpur	66 (100)	1 (1.51)	40 (60.61)	25 (37.88)	15	8	2	188 (100)	1 (0.53)	127 (67.55)	60 (31.91)	23	35	2		
Total:	1181 (100)	14 (1.19)	114 (9.65)	1053 (89.16)	96	947	10	1841 (100)	24 (1.4)	278 (15.10)	1542 (83.76)	127	1393	22		

*Source: B.Mishra, Report of an enquiry into the working of the Orissa Tenants' Protection Act 1948 and Orissa Tenants' Relief Act, 1955. New Delhi, 1970, P. 74.

58 percent in Sambalpur and all such tenants were paying 50 percent of the gross produce as rent. Thus the provision in the Acts of 1948 and 58 were not effective in restricting rent. On the other hand it is seen that rent has gone up in Sambalpur. Along with the share of the produce, the share cropping tenants were paying a portion of the byproducts, too. Moreover, about 29 percent in Cuttack and 41 percent in Sambalpur the tenants were making other payments besides the contract rent.¹⁰ Such a share of the produce was enjoyed by the landlords without shouldering any production responsibility.

The old customary rent system continued largely due to the ignorance of the parties about the legislations. In Sambalpur 93 percent of the tenants did not know at all that the tenancy act had been passed and the rest 7 percent had a vague idea about it. In Cuttack, however, 31 percent of the tenants had knowledge of the Act. In about 35 percent of cases eviction was either induced or threatened.

The efficacy of the tenancy laws can be better judged from the actual experiences of the tenants. As the survey report¹¹ on the working of the tenancy acts indicates, in Cuttack about 86.90 percent the tenants have stated that fair rent is not

10. See B.Misra Op. Cit. PP. 73.

11. Report of an Enquiry into the working of the Orissa Tenants' Relief Act, 1955 in the five districts of Orissa. Op.Cit.

assured. They have also stated that they were not given protection against eviction. But in Sambalpur about 4 percent of the tenants have stated that fair rent is not assured and 4.26 percent of tenants have informed that protection was not given against eviction.

Abolition of Intermediaries.

This was another important objective of the post-independence reform legislation. The idea was to settle land in the name of the actual tiller. It was assumed that conferment of such rights would bring "a significant change in the level and the volume of agricultural production."¹² When the security of property is ensured it may result in the full utilisation of the potential within the cultivator himself. A full proprietary right to the peasant gives more incentive for better utilisation of labour force and increase the agricultural production.¹³ The cultivator now knows that major portion of the fruit of his labour cannot be enjoyed by the intermediary who rarely contributes anything to actual¹⁴ production. It was also felt that abolition of the intermediary interest would bring an end to the strained relationship between the landlord and the tenant. It would also result in a major

12. S.C.Jha: "Tenancy Reforms" Quarterly Journal of Indian Studies in Social Sciences (Jan.-June, 1970).

13. Doreen Warriner - Economics of Peasant farming (London, 1969) PP 140.

14. See J.K.Galbraith; Economic Development(London, 1969) PP. 33.

redistribution of the rural income "to the advantages of those who work in the fields and to the disadvantages of those who do not".¹⁵ With such an end in view tenancy reform laws were enacted in the post-independence period in order to abolish the intermediary interest.

No doubt, abolition of intermediary interest was a complex problem. In the coastal districts of Orissa where tenancy and feudal system were prevalent, there was also subinfeudation with a chain of under tenures. The intermediary interest in this region sometimes numbers quite as many as six or seven between the state and the actual tiller of the soil.¹⁶

In 1951 the Orissa Estate Abolition Act was passed. According to this Act the Estate owners were to surrender all land except homestead lands or lands which are used as gosals or factory etc. The lands which are under personal cultivation of the intermediaries were allowed to be retained by them on payment of rent and the intermediary was given the status of a ryot. The act aimed at abolition of intermediary interest in both permanently and temporarily settled areas and also in other

15 Daniel Thorner: Agrarian Prospects of India (Delhi, 1956)

16 Report of the Administrative Enquiry Committee Vol. I PP 57

estate areas. There were altogether three lakhs of estates which were to be vested in the government. Out of this only 17 18,984 were vested, thus the progress was initially unremarkable. However, later reports have shown that out of 4,23,154 estates except 2312 all have been vested in the government. In the estate areas intermediaries as a class of non-cultivating owners based on share cropping started to dwindle.¹⁸ Many Zamindars and inamdars have lost their previously enjoyed prestige, positions and along with it their social status. However, the rentiers did not totally disappear. They still existed as a class subsisting on the surplus earned through exploitation of the actual tillers. So as a further step to bring the land to the tiller the Land Reform Act of 1960, was passed. This act was more comprehensive. It provided for rationalising the land tenure pattern by abolishing the intermediary rights and for securing social justice and equity by way of fixing ceilings on land holdings. But in spite of this Act, large scale subletting of land still goes on in different guise and a class of new landlordism has come into existence. Holders of ^{title} land in land who are tenants to the government have in turn sublet their land and have become landlords¹⁹ over the subtenants. The tenants on the contrary do not establish their possession over the land, pressurised by the landlords and

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17. Ibid. PP. 68.

18. Reply to the questionnaire on land reforms issued by the National Commission on Agriculture. Government of Orissa, 1972.

19. V.K.R.V.Rao. "Veledictory Address" in the Seminar on Land Reforms. PP 31-36.

under the fear of eviction. This situation exposes the weak socio-economic position of the tenants and the dearth of alternative sources of livelihood.

Imposition of ceilings can hardly succeed in securing sufficient surplus land to ensure socio-economic justice through redistribution. There has been large scale transfer of land in the recent years. This has weakened the impact of the ceiling measures.

Thus land reform measures have not been very effective. Rents still continue to be 50 percent or more of the gross produce, intermediaries still continue to exist ~~and ceiling measures still continue to exist~~ and ceiling measures have been defeated. The obstacles to land reforms are many. Foremost among those is the absence of record of rights, an essential document for the effective implementation of the land reform measures. In the absence of this document land reform measures have been "marred by such arbitrariness and injustice and may sometimes defeat the very purpose behind them".²⁰ Secondly, government machinery could not function properly because the ^{Government} was apprehensive that a "suo-moto action in any law relating to the landlord and the tenant is likely to seriously upset the social structure creating bigger problems and in particular, problem of law and order".²¹ Land being the

20. M.L.Dantwalla and C.H.Shah. Evaluation of Land Reforms (University of Bombay, 1971) PP 158.

21. See Explanation of Government of Orissa on Implementation of Land Reforms (Planning Commission)

major form of ^{rural} wealth is most sought after. The powerful landlord has always tried to dispossess the poor tenant or exploit him otherwise and in achieving these aims, his strong socio-economic and political position has helped him. Indian agrarian structure is resistant to changes.²² The general social structure, the weak socio-economic position and illiteracy of the tenant class, a government administrative machinery unmotivated, uncommitted and ungeared to the ideals of the land reforms, absolute inelasticity of land supply,²³ all these factors have contributed to frustrate land reform measures.

The lessons learnt from this is that land reform measures in future have to reckon with the reality of the existing situation, and be based on a proper assessment of the various hostile factors.

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22. See for a discussion:
Dorren Warriner - Land Reform in Principle and Practice
(Oxford, 1969) PP. 150.
23. If the tenancy rights are not fortified by customs and tradition or where tenants crumble under pressure accretion and a rising demand for land, farmers have no real defacto protection against the rapacity of land-lords and repeated rises in rent.
Y.S. Brener Agriculture and Economic Development in Low income countries (The Hague, 1971) PP 104-5.

CONCLUSION:

It appears from this study that land legislations have practically failed in Orissa to achieve their objective such as ~~bring~~ bringing land to the tiller, ensuring socio-economic justice and preventing rackrenting etc. Some of the causes of the failure can be understood in the course of this study. The British administration in Orissa aimed at establishing an orderly revenue system. It was perhaps hoped that under this system the zamindars would play the role of entrepreneurs. But this proved to be an illusion. Under this system landowners actually turned out to be a class of parasites living on the surplus expropriated from the tenants.

Reform measures in the post-independence period did not improve the situation because they were introduced in disregard of either the actual socio-economic condition of the state, or the inherent peculiarities of the lease market.

One of the main objectives of the reform measures was to protect the tenant from eviction. But a common defect of all these land legislations was the provision for resumption of land for personal cultivation. Landlords took advantage of this and indulged in large scale evictions. In many cases tenants were compelled 'to surrender land voluntarily'. Evictions were easy because of landlords' influence in the society and in the political and administrative machinery.

Another objective of land reform was to prevent rackrenting. But this could ~~hardly~~ hardly be achieved. One

of the causes of this, as we have discussed, is the skewed distribution of land ownership. Land is largely concentrated in the hands of a minority group who wield power and exploit the tenant class. Tenants, being economically weak, are not in a position to bargain with the lessors. In rural Orissa, there is a dearth of employment opportunities. Tenants, marginal farmers, and a large mass of agricultural labourers have no alternative but to stick to land. Therefore they are at the mercy of the landlords.

The second cause is the imperfect nature of the lease market. This helps in perpetuating high rents. Land owners have taken advantage of the vulnerable ~~xxxx~~ socio-economic position of the marginal tenant farmers. Thus the objective of rent regulations has been defeated.

The administrative machinery has failed in many cases to implement the laws effectively. This is so, either because the machinery is non-committal in regard to the ideals of land reforms, or it is under uncertain and uncongenial political influence. Land owners also try to influence the administrative machinery either directly or indirectly through the legislature.

Lack of proper record of rights has been a major handicap in identifying the actual tiller. Tenants, though in actual possession of land for a long period, have not been properly recorded in the 'patta'. On the contrary, the landlords have even tried to prevent the tenants' names from being recorded in the 'patta', and thus to deprive them of occupancy rights. It is seen in many cases that landlords while leasing out land

to the tenants have purposefully used a dubious document where the poor tenants are made to sign to the effect that they are hired labourers or mere supervisors but not actual tenants. It is true that in some cases land legislations have restored occupancy rights to tenants; but most of such tenants have eventually been compelled to sell or mortgage the land either to landowners or money lenders ~~but~~ because of their lack of creditworthiness.

The non-integrated nature of the lease market has resulted in increasing proletarianisation of the marginal farmers. The marginal farmers, because of their lack of creditworthiness and limited access to the lessors, have not been able to increase the operational holdings. Thus they are compelled to lease out or sell the tiny plot of land they hold, and try to seek employment either in the nonagricultural sector or remain in the agricultural sector as agricultural labourers. Land reform measures have hardly helped the marginal farmers.

The outlook for land reforms in future has to emerge from the lessons learnt from the past. It has to grapple with the realism of the agrarian conditions of the state. Tenancy practices have to be rationalised. Landlords and tenants have to be educated, and the full implications of the land legislations should be made clear to them. Lease terms should be legally determined. The practice of oral leases should be discontinued. The tenants should be given protection against rackrenting and eviction. To realise all these it is necessary

to have a sufficiently equipped and independent administrative machinery free from unhealthy influences and consisting of people committed to the ideal of land reform.

Tenancy practices are deep-rooted. Mere land reform legislations cannot deal with them. Along with legislations, there is a strong need also for a changed outlook, a developed infrastructure with adequate irrigation, credit and marketing facilities, and a rationalized land structure.

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Ramachandra Path
 writer
 of Koutal
 P. S. T. P. O. Athgola
 Cuttack
 6.2.72

APPENDIX-I

I, Sri Brindaban Rout, son of Late Madhab Rout, village-Gopalpur, P.S.Gurudijhatia, Distt. Cuttack, excute this handnote, that having failed to arrange money elsewhere, I am taking a loan of Rs. 500/- (Rupees five hundred) only in cash from the money lender Sri Krishna Chandra Patnaik, village-Nizigarh, P.I./P.O. Athagarh, Dist. Cuttack the money being urgently required for the development of my agricultural land. I will repay the principal with interest at the rate of 12% per annum to the money lender on demand. In case I fail to pay, he can recover the amount by taking appropriate action in a court of law. In proof where of this handnote is executed which will be helpful whenever needed. 6.2.72.

Date of this handnote is sixth of February, Nineteen hundred seventy two.

Rama Chandra Rath,
Writer of Kontol.
P.S./P.O. Athgarh,
Cuttack, 6.2.72.

APPENDIX - II

Ramachandra Rout, aged 30, son of late Madhusudan Rout,
Village Samsarpur, P.S./P.O. Athgarh, Distt. Cuttack offerer

Vs.

Raghunath Misra, Son of late Harihar Misra, Village-Nizigarh
P.S./P.O. Athgarh, Disstt. Cuttack offeree.

I hereby declare that I have been appointed as a supervisor to undertake all responsibilities of cultivation and crop production and to take care of 3.50 hectares of land of the offeree situated in the Village Samsarpur under Athgarh P.S. and mentioned in the schedule Khata and plot of the said village. I will undertake the responsibility of cultivation and will give an account and deliver the produce to you after harvest. I will be taking from you all expenses as and when necessary towards the cost of cultivation and will proper account of the same. I will receive 10 pauties (ten pauties of grain) towards my wages and submit a due receipt for the same.

In proof where of, I give this letter to agreement which will be helpful at the time of need.

Dated: 1.2.73

Schedule

P.S. Athgarh, Vill:- Samsarpur, Khata No.30, Plot No.215 3.50 hect

Biswanath Misra

Writer, of Radhanathpur Sason, P.S./P.O. Athgarh, Distt. Cuttack
1.2.73

Witness:- Govinda Rout, S/O Late Nanda Rout, P.S. Krishnapur,
Athgarh, 1.2.73.

Witness:- Sri Satrughana Rout , S/O Madan Rout,

Vill:- Ankula, P.S. Athgarh

1.2.73.

Explanation:

In appendix-I, the money lender is the landlord and the loanee is the tenant. But in fact, there is no money transaction between the parties. The amount of money lent, which has been stated in the document is generally equivalent to the amount of rent the tenant is to pay to the landlord. The illiterate and ignorant tenant is afraid of such documents and therefore, regularly pays the rent without mentioning that he is the real tenant.

In appendix-II the tenant himself is compelled to state that he is not the tenant but a mere supervisor, works in the field on wage basis.

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