



LAND DISTRIBUTION AS LAND REFORMS: EFFECTS ON LANDLESS IN ODISHA

Dr. Sarat Parida

Faculty of History, Govt. Women's College, Sambalpur, Odisha, India.

Abstract

India, one of the developing countries of the world, after her independence conceived land reforms as important components of the strategy for achieving economic growth and securing social justice to a large chunk of agricultural population especially the poor and the landless. During the last six and half decades the state governments in tune with the land reforms policies formulated at the national level have enacted a host of legislations to realize the various objectives of land reforms. In the context of Odisha, measures have been adopted for abolishing the feudal and semi-feudal interests in land, regulating tenancies, and redistributing land under different schemes with the object of broadening the land access of the poor. The measures have been successful in certain aspects but from the perspective of the poor and the landless, the efficacy of the measures in terms of addressing the problem of the landless, as gleaned from the NSS data (59th round) however, suggest a disconsolate state pointing to a certain extent the inadequacy of land distribution programme in the land reforms front. In fact, the 59th round of National Sample Survey found that in 2003, 9.6 per cent of the households in Odisha were landless, a slight lower than 10.6 per cent in 1971-72. The paper intends to review the land reform measures adopted in the state to benefit the poor and landless, and the extent to which the measures have helped the landless.

Key Words: *Land Reform, Landless, Land Distribution, Odisha.*

INTRODUCTION

India, one of the developing countries of the world, after her independence conceived land reforms as important components of the strategy for achieving economic growth and securing social justice to a large chunk of agricultural population especially the poor and the landless. In fact, land reform measures were devised and implemented as key instruments for ushering of an egalitarian social order in the countryside. The skewed nature of land ownership pattern in the country coupled with the existence of a class of intermediary interests in land, exploitation of the tenants and growth of institutions not conducive for agricultural growth provided the rationale for undertaking land reforms. However, during the last six decades, the state governments in tune with the land reforms policies formulated at the national level have enacted a host of legislations to realize the various objectives of land reforms. In this connection, the various measures adopted viz. the abolition of intermediary tenures, tenancy reforms and the land redistribution programmes in broad perspective envisaged the idea of giving effect to two principles - land to the tiller and land to the landless. The measures have been successful in certain aspects but from the perspective of the poor and the landless, the efficacy of the measures in terms of addressing the problem of the landless, as gleaned from the NSS data¹ (59th round) however, suggest a disconsolate state pointing to a certain extent the inadequacy of land distribution programmes in the land reforms front. The state of Odisha in this context shows no deviation from the national trend and even after six decades of independence, the bulk of rural poor in the state lack access to land and land tenure security. The paper intends to review the land reform measures adopted in the state to benefit the poor and the landless, and the extent to which the measures have helped the landless.

OBJECTIVES OF LAND REFORMS POLICY

The land reform policy of the government at the national level was greatly shaped by the recommendations of two committees set up a few months after independence viz. the Congress Economic Programme Committee and the Congress Agrarian Reforms Committee (Kumarappa Committee). The Kumarappa Committee in its report advocating the abolition of all intermediary interests in land reiterated that land must belong to the tiller.² The objectives of land policy to a certain extent also stemmed from the Constitutional provisions especially Article 39 of the Constitution of India which provided that: (1) the ownership and control of the material resources of the



country should be so distributed as best to serve the common good; and (2) the operation of the economic system should not result in a concentration of wealth or a means to production to the common detriment.³ However; the official land policy was outlined in the various Five Year Plan documents. The First Five Year Plan outlining the objective of land reforms stated: *the land policy should be such as will reduce disparities in wealth and income, eliminate exploitation, provide security for tenants and workers and finally promise equality of status and opportunity to different sections of rural population.*⁴ However, the emphasis on different aspects of land reforms and the theme changed in various plan periods but the core objective has remained the same over the years centering round a just distribution of land resources. Land reforms being a state subject under the federal constitution, the laws relating to land reforms are usually framed and executed by the state governments. Of course, the Planning Commission and the Central Government provides the policy directives and broad guidelines in this regard.

LAND REFORMS IN ODISHA PRIOR TO INDEPENDENCE

The province of Odisha was formed on 1 April, 1936. It included territories formerly under the Provinces of Bihar and Orissa, Madras and Central Provinces. Hence, the tenancy laws obtaining in these neighboring provinces were in force in different parts of the province at the time of its formation. It was mainly for this reason the land revenue administration in Odisha became complicated in post-independence period, in fact, the most complicated in India.⁵

The Congress ministry in Odisha formed in July 1937, following elections under the provisions of the Government of India Act 1935, for the first time made serious as well as sincere attempts to introduce agrarian reforms. It passed some important legislations mainly pertaining to the accrual of tenancy rights in land but the benefits of the measures hardly percolated to the lower strata of the kisans. However, concrete measures for effecting reforms in the land system in the state were adopted in the post- independence period. In this regard, the report of the Land Revenue and Land Tenure Committee, 1949 and the report of the Land Reforms Committee, 1958 greatly influenced the land reform policies of the State Government.

ABOLITION OF INTERMEDIARIES

The abolition of intermediary interests in land received priority in the land reform programmes in the state. At the time of independence, nearly 70 per cent area of the five districts of the state was under the zamindari system and 30 per cent of land under raiyatwari and khasmahal settlement. The zamindari system which conferred on a zamindar or an intermediary the right to collect fixed revenue on behalf of the administration, in course of its growth created some of the worst features quite detrimental to the interest of the peasantry.⁶ To do away with the system, the Orissa Estates' Abolition Act, 1951 was enacted and it provided for the abolition of all rights, titles and interests in land of all intermediaries existing between the state and the raiyat upon payment of compensation. But owing to legal obstructions the process of abolition of estates in the state took considerable time and being carried out in a phased manner finally completed in 1974. The main objective behind the abolition of intermediary interests in land was to bring the raiyats and under-raiyats in direct relationship with the state and thereby to guarantee security of tenure to them. However, the 33 acres of upper limit set legally for resumption of land for personal cultivation and certain other flaws in the Act enabled the class of intermediaries to retain much land with them. On the other hand, the legislation brought in its wake eviction of tenants on a large scale as the landlords resumed land for personal cultivation.⁷ In fact, the legislation that was enacted in the lines of similar measures adopted in various states consequently failed to effect radical changes in the agrarian structure in the state. Gunnar Myrdal, an authority on land reforms describing the nature of the laws observed that though the measures ended the reign of powerful intermediaries as semi-feudal chiefs, inferior tenants drew essentially no benefit from the reforms.⁸ However, the abolition of intermediaries brought large areas of cultivable wasteland, forests and abadi land (house plots and other land in the villages) under state ownership. Subsequently a substantial portion of the lands was distributed to poor beneficiaries in the state.



TENANCY REFORMS

Like abolition of feudal interests in land, tenancy reforms too was designed to check the exploitation of the tenants by providing measures for regulating rent, security of tenure and conferring ownership right on the tenant. The Orissa Tenants Protection Act, 1948 and the Orissa Tenants Relief Act, 1955 were designed with the object of protecting the tenants from excessive levy of rent and arbitrary eviction. However, the Acts were not very effective and in the wake of the operation of the Acts eviction of hundreds and thousands of tenants were reported in the state. The Orissa Land Reforms Act, 1960 as amended in 1965 conforming to the national guideline provided that the rent payable by cultivating tenant was not to exceed one-fourth of the gross produce or value thereof.⁹ For guaranteeing security of tenure to the tenants, the Act as amended in 1965 provided that the landlord could resume on three months' notice only a prescribed portion of the land leased out but failure to cultivate the resumed land within a period of one year would call for restoration of the land to the tenant whose tenancy had been terminated. The law generally prohibited leasing out of agricultural lands but raiyats included in the categories of 'person under disability' and 'privileged raiyats' were exempted from this restriction. It is important to note that the Orissa Land Reforms (Amendment) Act, 1965 and its subsequent amendments in 1974 and 1976 conferred full ownership rights to tenants on land in their possession, but not many tenants in the state have taken advantage of the provisions owing to lack of evidence and difficulties in establishing their ownership rights. However by June 1991, an extent of 40,470.669 acres of land has been settled on raiyati basis in favour of 46,267 sharecroppers in the state.¹⁰

DISTRIBUTION OF LAND UNDER VARIOUS PROGRAMMES

The main objective behind land ceiling was to set a limit on landownership and to distribute the surplus land among the landless and the land poor on certain priorities. The ceiling level fixed at 25 standard acres by the Orissa Land Reforms Act, 1960 was reduced to 20 standard acres by the amended Act of 1965. It was also stated in Section 51 of the Act that the government could provide ceiling surplus land to raiyats owning not more than one standard acre of land, landless agricultural workers and co-operative farming society.

The ceiling provisions of the Orissa Land Reforms Act were amended in the year 1973 in conformity with the national guidelines. Under this Act, the ceiling area for a family of five members was fixed at 10 standard acres and for a family consisting more than five members an excess of two standard acres for each additional member was allowed subject to a maximum limit of 18 standard acres. The initial fixation of ceiling limit at 20 standard acres and the non-implementation of the ceiling provisions for long seven years gave the land owners sufficient opportunity and by the time it was reduced to 10 standard acres they made all kinds of adjustment to escape ceiling limit. It may be pointed out here that when the law providing for ceiling limit at 10 standard acres was enforced in the state only 8.4 per cent of the cultivating families had in their possession more than 10 acres of land.¹¹

The Orissa Land Reforms Act as amended in 1974 i.e. by Act 9 of 1974 clearly stated that 70 per cent of the ceiling surplus land vested in the government was to be settled with persons belonging to the STs and SCs and the remaining lands with persons of other categories. The State Government has been allotting ceiling surplus land up to 0.7 acre free of salami to the landless for agricultural purposes since 1974-75. By 2010-11, ceiling surplus land measuring an area of 160559.723 acres has been distributed among 143382 beneficiaries. Ironically, land measuring 10068.324 acres involved in litigation is still pending in different courts.¹²

The bhoodan programme initiated by Acharya Vinoba Bhave in the country in the early fifties of the last century was also extended to Odisha. The programme represented an attempt to effect changes in the land distribution pattern in a unique way by making land available through voluntary donations for distribution to the landless and the land poor. To facilitate the donation of land to the movement and to provide for the distribution of such lands, the Government of Odisha enacted the Orissa Bhoodan Yagna Act, 1953 and later this was replaced by the Orissa Bhoodan & Gramdan Act, 1970. The Bhoodan Movement which subsequently unfolded the programme of



Gramdan, though lost its momentum after the Fourth Five Year Plan (1969-74) period, it was able to garner substantial acreage of land in the state. In fact, by 2010, 5,79, 994 acres of bhoodan land has been distributed among 1,52,852 landless person in the state out of the total 6,38,706 acres of land received by way of donation, and 58,712 acres of land is awaiting distribution.¹³

The distribution of waste land to the landless for agricultural purposes formed another important item of land redistribution programme of the State Government. The Orissa Government Land Settlement Act, 1962 provides for the settlement of wastelands in the state. Section 2 of the Act stipulates that 70 per cent of government waste land would be settled with persons belonging to STs and SCs and the remaining lands with persons of other categories. Since 1974-75, the State Government has been allotting waste land up to one acre to the landless poor families for agricultural purpose. By the end of 2010-11, about 7, 44,854 acres of government wasteland has been distributed among 4, 88,167 landless families.¹⁴

However, in the past few years the government has shifted its priority from agricultural land distribution to residential land distribution. In 2006, the State Government started the project ‘vasundhara’ with the object of providing house sites to all 2, 49, 334 (as per data collected in 2004-05) homesteadless families in the state. Under the scheme, the State Government is providing 4-10 decimal of homestead land to landless families. In fact, data indicate that in the state 2, 29, 885 families have been provided with homestead land after the launch of the project.¹⁵

The State Government has launched a campaign called as ‘MO Jami MO Diha’ (My Land My Homestead) since 2007 to protect and ensure the land rights of the poor and the weaker sections who were allotted lease of government lands earlier or to restore their lost land. The objective of the campaign is to assist the poor especially those belonging to the SC and ST communities to retain their land and homestead within the existing legal framework. The campaign aims to verify the physical possession of lands allotted under various schemes viz. ceiling surplus land, homestead land lease cases, waste lands distributed for agricultural purposes and restore cases of Regulation 2 of 1956 and Section 23 of Orissa Land Reforms Act. By the end of December 2011, 233484 cases were received for verification out of which 141808 cases have been disposed of.¹⁶

Changes in the Proportion of Landless Household

Percentage of landless household

State	1971-72	1982	1992	2003
Odisha	10.6	7.7	13.8	9.6
All- India	9.6	11.3	11.3	10

Source: National Sample Survey Organization, *Household Ownership Holdings in India, 2003, Report No. 491, Govt. of India, 2006, p. 11 & 21.*

The formulation of specific land reform policies, enactment of laws and their implementations, use of different schemes for redistributing land since independence, however, have not effected discernible change from the perspective of the landless and access to land still remains a distant dream for a vast majority of poor in the state. This is gleaned from the fact that the 59th round of National Sample Survey found that in 2003, 9.6 per cent of the household in Odisha were landless a slight lower than 10.6 per cent in 1971-72. Further, under the land distribution programme land have been distributed among the landless but studies indicate that a considerable section of beneficiaries continues to face problems to get physical possession, to get record of rights (patta) in favour of them and have got poor quality of land quite unsuitable for cultivation. Even more bothersome is the



fact that the land distribution programme for last few years proceeding at snail's pace and during the year 2011-12 only 319.729 acres of wasteland, 2.52 acres of ceiling surplus land have been distributed in the state.

CONCLUSION

Thus, the land reforms policy evolved and pursued with the intended objective of benefitting the tiller and landless has not yielding much result in terms of increasing the access of the landless to land in the state. Moreover, the scope of distribution programme of land being limited on various counts especially owing to waste lands under government being reserved for communal or industrial purpose, and the distribution of bhoodan lands remaining dormant in the state for last several decades a more effective and pragmatic policy should be pursued that would combine selective revision of the existing laws¹⁷ and adoption of a holistic approach, a wider agenda beyond the stereotype of land reform and target the landless and land poor.

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