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Land Reform Initiatives in Odisha: Hopes realized and belied

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Abstract

Odisha a predominantly agrarian state like other states of the country after independence relied on land reforms to remove the bottlenecks that an outmoded and inherited land system put on the development of agriculture, agrarian economy and the welfare of the large mass of peasantry. Under the prodding of the Planning Commission the Government of Odisha has adopted several land reform measures pertaining to the four main aspect of land reforms viz. abolition of intermediaries, tenancy reforms, ceiling on land holding and distribution of surplus, and consolidation of fragmented holdings. But the legislations have not yielded the desired objectives though a degree of success is discernible in certain aspect. The article intends to examine the land reform measures in the state to discern as to what extent the measures have accomplished the desired objectives and realized the expectations of the peasantry in the state.

Keywords: Land Reform, Land System, Agrarian Reform, Peasantry, Odisha.

1. Introduction

Odisha a predominantly agrarian state ^[1] like other states of the country after independence relied on land reforms to remove the bottlenecks that an outmoded and inherited land system put on the development of agriculture, agrarian economy and the welfare of the large mass of peasantry. The peasants who during the colonial rule had suffered the brunt of an iniquitous and oppressive land system, with the approach of independence clamoring for reform in their favour started agitation in different parts of the country. Consequently, in the months preceding and following the country's independence agrarian riots and struggles were witnessed in various parts viz., U.P., Telengana region of Andhra Pradesh, in Malbar and Travancore of Kerala, Tripura, and Manipur. The peasants in Odisha too vented their discontent through agrarian agitations which were witnessed following independence at several places viz., Kakatpur and Nimapara area of Puri district ^[2], Shergada in Ganjam district. Thus, the agitations and struggles of the peasantry had provided the thrust and impetus for initiating reforms in the existing land system. Legislations on land reforms though constitutionally a matter for government of the states, they are usually framed and executed by the State Governments on the basis of the guidelines suggested by the Planning Commission and the Government of India. The four major types of reforms, that have been carried out in India and for which legislations have been enacted by the states including odisha since independence pertain to; (1) abolition of intermediaries, (2) tenancy reform designed to fix maximum rents to improve security of tenure, (3) ceiling on land ownership and distribution of surplus, and (4) consolidation of fragmented holdings.

2. Evolution of Land Policy

The agrarian policy of the Government at the national level was greatly influenced by the recommendations of the Congress Economic Programme Committee, which was set up on 17 November, 1947 under the chairmanship of Pandit Jawaharlal Nehru. The Committee in its report declared that: *land should be held for use and as a source of employment* ^[3]. It received further fillip from the report of the Congress Agrarian Reforms Committee, which was set up under the chairmanship of J. C. Kumarappa in December, 1947, to examine and make recommendations on agrarian reforms. The Committee in its report completed in July, 1949 stated: *Without comprehensive reforms in the country's land system, there cannot be any lasting improvement in agricultural production and efficiency* ^[4]. However; the official land policy was outlined in the various Five Year Plan documents. The main objective of land reforms in India as outlined in the Five Year Plans was thus the elimination of exploitation and social injustice in the agrarian set up and the creation of an agrarian economy with high level of efficiency and productivity.

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3. Attempts to Reform the Land System 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. Owing to the association of the different parts of the state with different provinces and the operation of revenue laws of the neighboring provinces in various parts of Odisha, the land revenue administration in Odisha after its formation became complicated, in fact the most complicated in India. It was seen that after the merger of the Garjats with the state which followed the country's independence as many as 32 different laws and administrative systems governed 'land' and 'rights' therein in the state ^[5].

The Congress ministry in Odisha, which was formed in July 1937 under Biswanath Das following elections under the provisions of Government of India Act 1935, for the first time made serious as well as sincere attempt to introduce agrarian reforms. It passed some important legislations mainly pertaining to the accrual of tenancy rights in land but they hardly affected the lower strata of the kisans ^[6]. After the end of the Second World War a nationalist ministry under the leadership of Harekrushna Mahatab was sworn in on 23 April, 1946. With independence round the corner it tried to give effect to the promises it made to the people which included drastic agrarian reforms and abolition of intermediary interests in land. It appointed the Land Revenue and Land Tenure Committee in November, 1946 under the chairmanship of Nabakrushna Choudhury and the land reforms policy of the Government of Odisha was greatly shaped by the report of this committee.

4. Tenancy Reforms

The first piece of legislation that was enacted in Odisha soon after independence in the field of tenancy reforms was the Orissa Tenants Protection Act, 1948. Following the country's independence and apprehending the abolition of the intermediaries, the landed proprietors and persons holding varying subordinate proprietary rights in land resorted to large scale eviction of tenants mostly the share croppers. To provide protection to these bhaga-chasis, the Orissa Tenants Protection Act was enacted. Under the Act, landholders owning 33 or more acres of land were debarred from evicting tenants from the land they cultivated. The Act prescribed the quantum of rent payable by different types of tenants for different areas of the State but the law was not full-proof against eviction. In the wake of the operation of the Act large-scale eviction of tenants from their lands was reported in various parts of the state. The Act was applicable to the coastal districts only and it provided for the protection of a special class of tenants i.e., the share-croppers. But the legislation was the first attempt in post-independence period to regulate the relations between the share-croppers and the landlords, which prior to the enactment of the law was governed by customary practices or by contract between a share-cropper and landlord. However the Act which had exhibited certain defects in its working was replaced later by the Orissa Tenants Relief Act in 1955. The Act conferred additional rights on the tenants with regard to the quantum of rent and in the matter of eviction. It provided that no tenant in lawful cultivation of any land on the 1st day of July 1954 or at any time thereafter could be evicted from such land by the landlord ^[7]. It reduced the prevailing rate of produce rent on the gross produce from 1/3rd to 1/6th for occupancy tenants and from 2/5th to 1/4th for non-occupancy tenants with the

object of providing substantial relief to the tenants from the excessive levy of rent. But again the small cultivators, particularly in the coastal districts, could not take full advantage of the provisions of the Act as they had to prove their rights in the courts. Nevertheless, the Act had made the tenants conscious to a great extent about their rights especially in the district of Cuttack and Puri, as indicated by the number of cases instituted under the Act in these districts ^[8].

5. Abolition of intermediary interests

At the time of independence, the zamindari system covered nearly 70 per cent area of the five districts of the state viz., Cuttack, Puri, Balasore, Ganjam and Koraput ^[9]. The 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. Moreover under the system there existed a long chain of idle intermediary interests and they all derived a share of rent from the same piece of land and the same cultivator. This intermediary class with power and influence exploited the tenants like parasites without contributing positively either to the growth of agriculture or to the maintenance and improvement of the land. The abolition of intermediary interests in land in Odisha was effected under the Orissa Estates' Abolition Act, 1952. However, the Act which proclaimed the abolition of all intermediary interests existing between the state and the raiyat, the release of service tenure holders from the obligation of rendering services and conferring occupancy status on them in respect of lands under their occupation, could not practically abolish all intermediary interests at a stroke. The Act got entangled in legal wrangles as the vested interests sought the intervention of the judiciary to obstruct the implementation of the Act. Besides amendments to the Indian Constitution, amendments in the Act were effected from time to time to facilitate its working. The vested interests no doubt had failed in their objective but this gave them ample time for distribution of holdings to relatives in the guise of personal cultivation. For this reason as well as certain flaws in the legislation which allowed the intermediaries to retain all agricultural lands under their khas possession on the date of vesting, enabled them to retain large areas and released little amount of lands for vesting in the state. However, the abolition of estates that was effected under the Act and accomplished in batches was finally completed in the state in 1974. No doubt it took a very long time to obliterate the vestiges of the colonial land structure, but by abolishing the intermediary interests in different revenue systems prevalent in different areas of the state, the measure introduced certain degree of uniformity in the land revenue administration in the state ^[10].

6. Ceiling on land holdings

An important tool employed to break the inequality in land ownership pattern in the country was the fixation of ceiling on landholding. The idea was to set a limit on landownership and to distribute the surplus land among the landless and land poor as a measure of social justice. In fact the skewed nature of landownership pattern in Odisha provided the rationale for fixation of land ceiling in the state. At the time of independence, about 11 per cent of the household had owned above 10 acres of land and it comprised 48 per cent of the land area of the state ^[11]. The Orissa Land Reforms Acts, 1960 which prescribed a ceiling limit at 25 standard acres was not enforced immediately in the state. Though the Act was

amended drastically in 1965 and the ceiling limit was reduced to the level of 20 standard acres yet like the Orissa Estates' Abolition Act, 1952, the ceiling provisions of this Act too got entangled in litigation and it finally became effective after long 7 years on 7 January, 1972. Further, the ceiling limit was fixed so high that the provision itself was an impediment to achieve the real intent of land reforms as a measure of social justice. This was largely due to the fact that according to the census of 1961, only 1.6 per cent agricultural families of the state had above 30 acres of land and 94.2 per cent families had in their possession below 15 acres of land ^[12]. The ceiling limit was again reduced to 10 standard acres by the Orissa Land Reforms (Amendment) Act, 1973, but the anticipation of such a measure long before its adoption, various exemptions allowed under the law as well as clandestine transfers among the relatives enabled the landowners to reduce their holdings to below ceiling level and consequently the ceiling law released little land for distribution. This was not only the case in Odisha but in almost all the states of the country. This fact was recognized by the Third Five Year Plan and it stated:

On the whole, it would be correct to say that in recent years, transfers of lands have tended to defeat the aims of the legislation for ceilings and to reduce its impact in the rural economy ^[13].

Moreover it was found that the choice given to the landowners in the laws to select the land for personal cultivation enabled them to retain the best lands with them and consequently a large part of the declared ceiling surplus land was found unsuitable for cultivation or under litigation.

7. Consolidation of Holdings

The main objective of land reforms in India was to redistribute the land wealth of the country as a measure of social justice and to increase agricultural productivity. The laws passed for the abolition of intermediaries, tenancy reforms, and fixation of ceiling on landholding intended to realize the first objective. To achieve the second objective consolidation of holdings was adopted as an important component of land reforms in the country. For this reason, the State Government enacted the Orissa Consolidation of Holdings and Prevention of Fragmentation of Land Act in 1972. The Act provided for the consolidation of scattered agricultural holdings and to check their fragmentation after consolidation for the development of agriculture in the state. But unlike many states viz., Bombay, Punjab, Uttar Pradesh, West Bengal and Bihar, where laws for consolidation had been passed fairly early in post-independence times, in Odisha the law became effective as late as 1973, the time when consolidation work for all practical purposes had been completed in states like Punjab and Haryana. The scheme of consolidation was launched in the first instance in some selected fragment-ridden areas of the state from January, 1974 and by the end of 1976-77 only 254,000 acres of land was under consolidation operation though the State Government had planned to consolidate 6 lakh acres of land in the state during the same period ^[14]. Thus it is evident that the work of consolidation had made not much headway in the state during the first three decades following independence.

The examination of the aforementioned measures indicate that the measures adopted primarily with the objective of providing 'land to the tiller', 'land to the landless' and facilitating the development of agriculture in the state have not yielded the desired objectives. The Planning Commission in its review report in 1972 admitting this fact stated that the

land reforms programmes could have brought fundamental changes in the agrarian system and eliminated exploitation in the agrarian fields. But that had not been successful ^[15]. Gunnar Myrdal, an authority on land reforms, reflecting the popular perception wrote:

The post-war attack in South Asia on agrarian problems by way of land distribution and ceiling legislation cannot be said to have accomplished a great deal. In India and Pakistan some of the largest landowners have seen their holdings reduced but the impact has not been as sharp as had been anticipated ^[16].

But the question is why the land reform programmes which created an euphoria in the country in the years following independence in the long run failed to produce the expected results. No doubt, promises were made to the mass of the peasantry by various political parties in their election pledges and legislations were enacted by the government from time to time. But it was noticed that the measures faced strong resistance from the vested interests during their passage in the legislature and were challenged in the law courts during the phase of implementation. As a result, vested interests succeeded to a certain extent in modifying the provisions of law in their favour and gained time to evade the provisions of law. The laws passed relating to the abolition of intermediaries and land ceilings were notable examples in this context.

8. Conclusion

However, the measures undertaken in the state in the field of land reforms during the three decades following independence were not a complete failure. The legislations had introduced certain reforms in favour of the cultivating classes. It is true that unlike Bengal and Kerala where the land reform measures have achieved a degree of success, the legislative measures in the state have not introduced radical change or transformation in the agrarian set up. But they have succeeded to a great extent in eliminating the feudal elements in the countryside, in saving the poor tenants from the various types of exploitations to which they had been subjected to during the colonial rule, and most importantly, have released a substantial amount of land for distribution among the landless and land poor. Yet the measures have achieved far short of what the mass of peasantry expected of them.

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