CHAPTER -IV

PROGRESS OF LAND CEILING IN ORISSA

4.1 INTRODUCTION:

Chapter II and III examines the broad outline of the land reforms policy and land tenure practices and land reforms in Orissa. A review is made on the very rationale of land reforms policy and in particular the issues and controversies on ceiling in the country as well as the state of Orissa. The very purpose of land reforms explicit the case for ceiling as an instrument of redistributive justice. It has been universally agreed that ceiling on land is the only effective measure in the package of land reforms to make any true welfare of the landless peasants. The analysis in the preceding two chapters reveals the overwhelming implications of ceiling in the country and the states. This chapter makes an analysis of the progress of land ceiling in Orissa.

4.2: CEILING ON LAND HOLDINGS AND THE STATE:

India inherited many a problems from the British of which the exploitative and iniquitous agrarian system is one. This system was characterised by the continuation of intermediaries, non-provision of security of tenure unregulated rent and the continuation of exceptionally unequal distribution of land holdings among the households of farmers. Soon after India got independence, at the state level, policies were framed and implemented in order to make the agrarian arrangement more
equitable. It is an undesirable fact that land constitutes by far the most valuable and desired asset of the people in rural India. If the distribution of this asset is skewed, it would naturally perpetuate inequality. This contradicts the aim and objective of a welfare state to eliminate inequality. It is a common conception that the burden of inequality falls heavier on poor than on rich. One of the sources of alleviating inequality and poverty from the rural India is to introduce reform measures in agriculture. One such measure consists of imposition of ceiling on land holdings and distribution of ceiling surplus land among the landless rural households. In this respect, the state has to play certain roles like implementation of ceiling laws. In Orissa, ceiling laws has been framed and implemented. In the following paragraphs the relevance of state to the implementation of such laws has been outlined.

4.3 : CEILING LAWS IN ORISSA :

The Orissa Land Reforms Act of 1960 was designed on the basis of the guidelines provided in the Second Five-Year Plan (1956-61). The “Ceiling and Disposal of Surplus Land” came into effect in Orissa on the 7th day of January 1972. According to this Act, the ceiling area is defined in respect of the persons and families. As per definition, a ‘person’ includes companies, families, associations or other body of individuals, whether incorporated or not, and any institution capable of earning or holding property. Similarly, the Act defines a ‘family’ in relation to an individual which does not include a major married son who as such had parted by partition or otherwise before the 26th day
of September, 1970. The ceiling in respect of a person or a family has been fixed at 10 standard acres if the family of the person consists of five members or less. In case of family having more than five members, 2 standard acres for each additional member over and above five acres subject to a maximum limit of 18 acres. The fixation of this ceiling has been amended several times from 33 acres in the Act of 1960 to 20 acres in 1965 and to 10 standard acres in 1972 which continues at present to be the ceiling limit per person or per family.

The ceiling laws in Orissa provides exemptions to some sections of persons. Ceiling exemptions are allowed in respect of some privileged royts, individual or commercial undertakings provided that the said land has not actually been used within a period of five years from the commencement of the Orissa Land Reforms (Amendment) Act 1973. The size of ceiling area of a family, homestead land, the land transferred by sale, gift or otherwise or partitioned before the 26th day of September 1970 are not taken into account for determining the size of ceiling area.

All surplus land due to imposition of ceiling is to vest in government being surrendered by the land owner. The surplus land is to be distributed among the persons belonging to the scheduled tribes and scheduled castes as per the proportion to their population of the village in which the land is situated. After distributing the land among these reserve categories of people, the balance if any, is to be distributed in order of priority among the following viz. (a) Cooperative farming societies formed by landless agricultural labourers, (b) individual landless agricultural
labourers, (c) ex-servicemen or members of the Indian army if they belong to the village, (d) ryots who personally cultivate the land not exceeding 1 standard acre and (e) any other categories in case of non-availability of the above four categories.

The above conditions remained in force till their several amendments starting with the 11th day of July, 1995. Among such amendments, the most recent one is made on the 29th day of November, 1997. This amendment is not only the most upto date one but also made provision of agricultural land for the purpose of non-agricultural uses like residential, industrial, business and others. The purpose behind this amendment was that land put into non-agricultural use does not come under the purview of the ceiling laws.

The ceiling laws in Orissa is not fool-proof in respect of the different provisions. There are some clauses which may provide some dues for the persons or families to escape from the ceiling laws. For example the Act contains that the land holding of a family would not be considered for fixation of ceiling if a major married son had already parted by partition or otherwise before the 26th day of September, 1970. This sort of provision is a clear-cut legal encouragement of 'benami transfers or pre-dated transfers of land to escape the ceiling laws. Similarly, the exclusion of non-agricultural use of land from the ceiling purview may also encourage such conversion today and this resumption of land into the purposes of agricultural use tomorrow. This actually happened and many landlords escaped on this ground. The issues relating to this is already examined in detail in the preceding chapter.
4.4. STATUS OF THE WORKING OF CEILING LAWS IN ORISSA:

Consequent upon the amendments of the ceiling laws in Orissa on 07.01.1972, the state entered into a completely new and the most desired area of action in land reforms. The amendments in the ceiling laws necessitated the actions on three interrelated areas viz. declaring the portion of land holdings of the related households as surplus, possession of such surplus lands by government and distributing the vested lands among the qualifying households of scheduled tribe, scheduled caste and other categories as provided under the original Land Reforms Act, 1960. Since these three areas are interrelated, failure to comply procedures on any one will render the law ineffective and non-working in other areas. Amongst the three areas, the distribution of ceiling surplus land becomes the most important area of concern and hence the attention was more on this area. It is due to the fact that the ceiling surplus lands and the distribution thereof among the target groups is considered to be the main indicator of the success of the implementation of the ceiling laws.

The extent to which this law succeeded in Orissa in fulfilling the objectives of the land reforms proposal and also its efficacy in the sample district is maintained in the details of statistical information as provided by the Board of Revenue, Orissa in its own publications of which 'Annual Report of the Land Commission on 'progress of Land Reforms' and 'Details of Disposal of Different Important Categories of O.L.R. cases till the end of July, 2000 are seem relatively more relevant and progress after 2000 is insignificant and hence less important. Some data are available
till the end of 1999 and others are available till the end of July, 2000 which even at present i.e. 2005 is the recent most one since after July 2000 no persistent improvement or action in this line was undertaken at the beginning this century.

Detail information relating to the distribution of ceiling surplus land in Orissa from the date of implementation till the end of July, 2000 is shown in Table 4.1. The table shows that out of the total area declared surplus (178408.00 acres) as a result of the implementation of the ceiling laws, 93.64 per cent of it was taken over possession and the balance of 6.36 per cent could not be done due to certain reasons amongst which two are important. First, there was locked up in litigation and second, valid transfer of land after the date of declaring the land as surplus. Out of the land (11350.09 acres) which was declared surplus but could not be taken over possession, 68.11 per cent was due to being locked up in litigation and 10.25 per cent was due to post-dated valid transfer. A total area of 167057.91 acres, 94.63 per cent of it was distributed among the target groups. The remaining 11350.09 acres i.e. 6.37 per cent could not be distributed till the end of July, 2000.

The total area of land declared surplus and taken over possession stood at 156408.092 acres by July 2000. It was distributed among the households of Scheduled Tribes, Scheduled Castes and Others. It is observed that among the households of beneficiaries (138522), 34.39 per cent belong to scheduled caste category, 36.87 per cent constitute scheduled tribe category and the remaining 28.74 per cent are the other households. Out of the total land distributed (156408.092 acres), 31.80 per cent, 41.84 per cent and 26.36 per cent goes to scheduled caste,
scheduled tribe and others respectively. The households of scheduled tribes have been the best beneficiaries from the implementation of ceiling laws in Orissa. It is because their number being 36.87 per cent in the group of total beneficiaries have received 41.84 per cent of the total area of land distributed.

There was a gap between the area of land declared surplus but not distributed. The quantity of such undistributed land stood at 21999.908 acres. Out of this undistributed land 18.89 per cent are seen to have been locked up litigation and 17.30 per cent are declared reserve for public purpose. So it is clear that litigation is the single major cause of a portion of land declared surplus but not taken over possession and a portion of land taken over possession could not be distributed.

**TABLE NO.4.1**


<table>
<thead>
<tr>
<th>Description</th>
<th>Area in Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Total Area Declared Surplus (4+5)</td>
<td>1,78,408.00</td>
</tr>
<tr>
<td>2. Total Area Taken Over Possessions</td>
<td>1,67,057.91</td>
</tr>
<tr>
<td>3. Total Area not Taken Over possessions (1-2)</td>
<td>11,350.09</td>
</tr>
</tbody>
</table>

**Reasons**

a) Locked up in litigation 7,731.00
b) Validly transferred after the date of declaring the land as surplus 1,162.85
c) Other reasons as reported by A.D.Ms 1,901.75
d) Balance to be taken possession 554.49
   
   \[(a+b+c+d) \quad 11,350.09\]

4. Total Area Distributed 1,56,408.092
Beneficiaries:

<table>
<thead>
<tr>
<th>Household Types</th>
<th>Number</th>
<th>Area Distributed</th>
</tr>
</thead>
<tbody>
<tr>
<td>a) Schedule castes</td>
<td>47,640</td>
<td>49,742.299</td>
</tr>
<tr>
<td>b) Schedule Tribes</td>
<td>51,075</td>
<td>65,430.490</td>
</tr>
<tr>
<td>c) Others</td>
<td>39,807</td>
<td>41,235.303</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>1,38,522</strong></td>
<td><strong>1,56,408.092</strong></td>
</tr>
</tbody>
</table>

5. Total Area Declared Surplus but not distributed 21,999.908

Reasons:

i) Not taken over possession (3) 11,350.090
ii) Unsuitable for agriculture 1,599.086
iii) Reserve for Public Purposes 3,805.834
iv) Locked up in litigation 4,156.861
v) Other reasons as reported by A.D.Ms 967.954
vi) Available for distribution 120.083

**21,999.908**

Source: Details of Disposal of different Important Categories of OLR cases till the end of July, 2000, Board of Revenue, Orissa.

**TABLE - 4.2**

**DISTRIBUTION OF CEILING SURPLUS LAND IN ORISSA BY MARCH'05**

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Category</th>
<th>No. of Beneficiaries</th>
<th>Land Distributed (in Acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Schedule castes</td>
<td>51,237</td>
<td>52,835.711</td>
</tr>
<tr>
<td>2.</td>
<td>Schedule Tribes</td>
<td>54,121</td>
<td>68,058.857</td>
</tr>
<tr>
<td>3.</td>
<td>Others</td>
<td>41,828</td>
<td>43,621.027</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>1,47,186</strong></td>
<td><strong>1,64,515.595</strong></td>
</tr>
</tbody>
</table>

**In Sample District (Puri)**

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Category</th>
<th>No. of Beneficiaries</th>
<th>Land Distributed (in Acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Schedule Castes</td>
<td>1352</td>
<td>829.543</td>
</tr>
<tr>
<td>2.</td>
<td>Scheduled Tribes</td>
<td>28</td>
<td>23.070</td>
</tr>
<tr>
<td>3.</td>
<td>Others</td>
<td>1561</td>
<td>1248.610</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td></td>
<td><strong>2941</strong></td>
<td><strong>2101.223</strong></td>
</tr>
</tbody>
</table>

Source: Board of Revenue (March, 2005)
As pointed out above, the progress of ceiling after July, 2000 till March, 2005 is very insignificant. However, Table-4.2 exhibits a short summary of the distribution of ceiling surplus land in Orissa and in the sample district Puri till the end of March, 2005. A little comparison between Table-4.1 and 4.2 reveals that by the end of July, 2000 total area distributed among the three categories stood at 1,56,408.092 acres among 1,38,522 number of beneficiaries and total land distributed by 31st March, 2005 stood at 1,64,515.595 acres among 1,47,186 number of the same three categories (Table-4.2). It means within these five years a total area of 8,107.503 acres of land is distributed among 8664 number of the same category of beneficiaries. The average area per beneficiary in 2000 was 1.129 acres whereas the average acreage stood at 1.117 acres in 2005. So it is clear that the progress in the distribution of ceiling surplus land in the last five years does not show any spectacular change over the year 2000.

During the years 2000-05 (March), out of the 8664 number of beneficiaries, scheduled caste constituted 3597, Scheduled Tribe 3046 and others 2021. Similarly the total lands settled with Scheduled Caste, Schedule Tribes and others stood at 3093.412, 2628.367 and 2385.724 acres respectively. Table-4.2 further depicts that in the sample district i.e. Puri, a total number of 1352 Scheduled castes beneficiaries are distributed with 829.543 acres of land, 28 Scheduled Tribes with 23.070 acres and others, comprised of 1561 number with 1248.610 acres of land distributed. The sample district Puri is a coastal district and the Scheduled Tribes population is very meagre. Similar is the case
with scheduled castes beneficiaries but the others category were benefitted more during the period 2000-05.

The overall position of the progress of the distribution of ceiling surplus land in Orissa and the sample district is very much disappointing especially during 2000-2005. The average quantity of land distributed among the target groups is so meagre that is neither helped the landless people in improving their socio-economic standards nor provided the minimum amount of land for subsistence farming. When the rich landowners are allowed to retain a more than required homestead land, the average land distributed among the landless for cultivation and purposes is very small for large number of landless farmers in comparison to the lands retained for other purposes by the rich landowner.

In the preceding paragraph, a brief summary of the working of the ceiling laws in Orissa till the end of March, 2005 is analysed. A detail description of the distribution of ceiling surplus land among the target groups during the period 1992-1999 and 2000-2005 (March) has been presented in Table-4.3. During the period the overall progress was that the total area settled for distribution has fallen from 2487.009 acres in 1992 to 681.036 acres in 1999. Similarly, during 2000-05 a total of 8107.503 acres of land are settled with the target groups which is still lower than the period 1992-99. The number of beneficiaries over the period 1992-2005 have greatly fluctuated without showing any systematic trend. The total area of ceiling surplus land settled in Orissa during the above fifteen years has not only shown a decreasing trend but also each of its three components that is, area distributed among
### TABLE - 4.3

**STATUS OF CEILING SURPLUS LAND IN ORISSA SINCE 1992**

<table>
<thead>
<tr>
<th>YEAR</th>
<th>Area Settled (in Acres) and the Number of Beneficiaries Category-wise</th>
<th>Total Number of beneficiaries</th>
<th>Total Area settled</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>SC</td>
<td>Area</td>
<td>ST</td>
</tr>
<tr>
<td>1992</td>
<td>710</td>
<td>637.026</td>
<td>890</td>
</tr>
<tr>
<td>1993</td>
<td>891</td>
<td>583.203</td>
<td>566</td>
</tr>
<tr>
<td>1994</td>
<td>1189</td>
<td>828.769</td>
<td>1106</td>
</tr>
<tr>
<td>1995</td>
<td>555</td>
<td>321.626</td>
<td>518</td>
</tr>
<tr>
<td>1997</td>
<td>731</td>
<td>363.448</td>
<td>407</td>
</tr>
<tr>
<td>1998</td>
<td>254</td>
<td>179.469</td>
<td>304</td>
</tr>
<tr>
<td>1999</td>
<td>572</td>
<td>212.289</td>
<td>402</td>
</tr>
<tr>
<td>2000-05*</td>
<td>3597</td>
<td>3093.412</td>
<td>3046</td>
</tr>
</tbody>
</table>

**Source**: Annual Report of the Land Commission for the years 1990-91 to 1998-99 on progress of Land Reforms and informations from the file for 2000-05, Board of Revenue, Orissa.

*The figures are consolidated since the year-wise break-ups from 2000-2005 are not available due to non-compliance at the source and the figures are taken from the file in the concerned department of Board of Revenue, Orissa.
the households of scheduled castes, scheduled tribes and others, the worst being in respect of the most important category of the households i.e. scheduled tribes.

The total area distributed among the scheduled caste households has fallen from 637.026 acres in 1992 to 212.389 in 1999 (66.66 per cent). The similarly, the area distributed among the scheduled tribe households has also decrease by 77.48 per cent (1136.028 acres in 1992 to 255.811 acres in 1999) and the total area distributed among other households has fallen by 70.19 per cent during the same period. Thus among the three categories of beneficiaries, though the distribution of ceiling surplus land in aggregate term has gone in favour of scheduled tribe households (3391.332 acres to SC, 4237.998 acres to ST and 3298.875 acres to other households) during the period 1992-99 in Orissa, during the same period the distribution of ceiling surplus land has fallen very fast in respect of these households. But the trend was reverse during the period 2000-2005. In this period the distribution of ceiling surplus land has gone in favour of scheduled caste households (3093.412 acres to SC, 2628.367 acres to ST and 2385.724 acres to other households). The average land distributed per head in respect of SC households stood at 0.859 acres, 0.862 acres for ST and 1.180 acres for other households. This is however, an improvement over the period 1992-99 since during this period the average lands distributed to the same three categories stood at 0.646 acres to SC, 0.934 acres to ST and 0.708 acres to others which are slightly less than the period 2000-2005. Similarly, the average number of scheduled castes
benefitted per year during 1992-99 stood at 583 and increased to 599 during 2000-2005. Corresponding to this the average number of ST beneficiaries during the same period increased slightly from 504 to 507 and the figure is reduced from 517 to 337 for others category of beneficiaries.

The analysis of data presented in Table-4.3 reveals that trends and pattern of distribution of ceiling surplus land amongst the target groups in highly fluctuating. The distribution of ceiling surplus land among the target group as per the purpose and rationale of Land Reforms Act, 1960 and amendments thereafter was not satisfactorily achieved. The analysis of data further reveals that the progress of land reforms especially ceiling on land was very slow and it does not show any perceptible improvement. The quantity of ceiling surplus land vested in government was very small in relation to the number of target groups. One of the remarkable features of the implementation of ceiling laws in Orissa is that among the causes contributing to non-taken over of possession and non-distribution of the land declared surplus is that there has been a large number of cases locked up in litigation. So the implementation of ceiling in Orissa does not show any favourable impact on the landless farmers for whom the law was primarily meant for.

One of the remarkable features of the implementation of ceiling laws in Orissa is that among the causes contributing to non-taken over of possession and non-distribution of the land declared surplus is that there has been a large number of cases locked up in litigation. This problem was acute during 1993-99
number of cases, instituted by the affected parties have increased by 59.93 per cent and area involved in acres has increased by 91.43 per cent. But the number of cases disposed of by all the courts as provided under the existing law has diminished by 61.61 per cent. This presents a summary of the extent of litigation in Orissa in respect of the implementation of ceiling laws. It is also observed that the number of cases both instituted and disposed of and area involved in acres are larger in coastal districts than that of the western districts. During the last part of the last century, in most of the western districts, neither new cases have been instituted nor old cases have been disposed of in respect of the implementation of ceiling laws.

The situation improved substantially during 2000-05 since in these years, the average no. of cases instituted is more or less same to the period 1993-99, the average number of cases disposed of, the number of persons benefitted and the total area involved increased persistently. It means since these years happens to be the last part of the ceilings surplus land distribution, the government of Orissa took the initiatives to clear up the backlog of ceiling cases as far as practicable. So the average number of cases instituted, disposed of, persons benefitted and the area involved during 2000-05 became more than the period during 1993-99.

The implementation of ceiling laws and the overall progress on an average during 1993-2005 show a mild progress. However, the analysis in respect of the progress on implementation of ceiling laws in Orissa provides evidence that it is the scheduled tribe
households which have best benefited out of the ceiling implementation. The most strongest stumbling block of implementation of ceiling laws in Orissa is litigation and the corresponding complicacies involved in it further blocked the progress against the target groups.

**TABLE - 4.4**

**PROGRESS OF DISPOSAL OF CASES IN RESPECT OF THE IMPLEMENTATION OF CEILING LAWS IN ORISSA SINCE 1993**

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of cases Instituted</th>
<th>No. of cases Disposed of</th>
<th>No. of persons benefited</th>
<th>Area involved (Acres)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1993</td>
<td>1487</td>
<td>2167</td>
<td>128</td>
<td>172.360</td>
</tr>
<tr>
<td>1994</td>
<td>1583</td>
<td>1609</td>
<td>16</td>
<td>107.400</td>
</tr>
<tr>
<td>1995</td>
<td>1314</td>
<td>1077</td>
<td>132</td>
<td>156.170</td>
</tr>
<tr>
<td>1996</td>
<td>1370</td>
<td>1671</td>
<td>37</td>
<td>16.135</td>
</tr>
<tr>
<td>1997</td>
<td>677</td>
<td>863</td>
<td>291</td>
<td>187.640</td>
</tr>
<tr>
<td>1998</td>
<td>2062</td>
<td>3209</td>
<td>474</td>
<td>264.931</td>
</tr>
<tr>
<td>1999</td>
<td>3711</td>
<td>832</td>
<td>789</td>
<td>2010.490</td>
</tr>
<tr>
<td>2000 to Mar.05</td>
<td>78038</td>
<td>69736</td>
<td>128660</td>
<td>18467.690</td>
</tr>
</tbody>
</table>


**4.5. CEILING ON LAND HOLDINGS AND THE LAND LOSERS**

The Orissa’s agrarian economy has been subject to a number of defects like (a) uneconomic size of land holdings of a majority of households, (b) inequality in the ownership and use of land and (c) a large number of households being landless. In order to
safeguard agrarian economy from these defects, the Government of Orissa has been enacting and implementing various land laws of which the implementation of ceiling laws and disposal of ceiling surplus land is one. The laws intend to achieve two important objectives viz. fixation of a ceiling on land holdings to prevent monopolisation and concentration of land in fewer hands and distribution of ceiling surplus land among the landless households of target groups having no land for their own. The ceiling law provides that no household of persons or a ryot or as both shall be entitled to hold any land in excess of the ceiling area.

The Law fixed the ceiling area at 33 standard acres. (A standard acre is defined as 1 acre of class I land, 1.5 acres of class II land, 3 areas of class III land and 4.5 acres of class IV land. Class I land is round the year irrigation facilities land where two or more crops can be raised whereas class II land has limited irrigation facilities which can grow not more than a single crop. Class III land is unirrigated on which only paddy can be grown. Class IV land includes all other remaining varieties.) The ceiling area of 33 standard acres was very high and it prompted the intermediaries to evict tenants. In order to save the tenants from eviction, the Government of Orissa brought an amendments through the Orissa Land Reforms (Amendment) Act, 1974 and the ceiling area was reduced to 10 standard acres, with the definition of a standard acre being held unchanged.

The provisions are incorporated into the chapter IV of the Orissa Land Reforms Act, 1960 and this serves the main Act of Land Reforms in Orissa. The land holdings possessed by an
individual in excess of 10 standard acres, is brought under the scope of ceiling laws. The authorised Revenue Officers are to declare the area of land holdings over and above 10 standard acres as ceiling surplus land. This land is to be taken over and vest in government. Then the lands is to be distributed among the households of scheduled tribes, scheduled castes and others who are normally identified as landless. Thus, there are two parties to the implementation of ceiling laws - one being the land losers and the others being land allottees. It is necessary to study the attitude of the households of land losers and land allottees and the economic impacts of the implementation of ceiling laws.

The households losing land after the imposition of ceiling in Orissa are the households each having possessed land exceeding 10 standard acres at the time of imposition of such ceiling. The important characteristics of these household comprises the occupations of the heads of the land losing households, their parents and grand parents, household types and the caste to which these households belong. The detail classification of the households of land losers on the basis of these characteristics will indicate who the land losers normally are. In Orissa, the land losers as a result of ceiling belong to mainly three categories viz. farmer households, businessmen and service holders. In case of farmer households, they possessed unduly large land holdings which is oversized from the view point of personal cultivation. Accordingly, the inequality in the possession and distribution of land holdings has been perpetuating over generations. Thus, whosoever is a owner of large land holdings in Orissa and the
sample district lost land due to imposition of ceiling law was
normally a farmer household having possessed equally large land
holdings before two/three generations.

Households of land losers also differ, on the basis of whether they belong to nuclear or joint families. In Orissa as a whole and the sample district majority of the households belong to nuclear families. But actually they are all joint families before the implementation of ceiling laws as they were jointly dining. In order to minimise the area of land to be taken out by the Government as ceiling surplus land, they have been forced to be partitioned and to live as nuclear families after the imposition of ceiling on land holdings. This could happen so on ground of deficiency in ceiling laws in Orissa.

The household of land losers can be distinguished among themselves on the basis of the social caste to which they belong. The very common feature and the structural framework in Orissa is such that the households of scheduled tribes are more in number among the target groups and the most miserable section followed by the household of scheduled castes and general castes. Among the land losers in the sample district, none is seen to have belonged to either the category of scheduled caste or scheduled tribe family. Another important point to be noted here is that in the western part of Orissa some scheduled castes and tribes households are the owner of land beyond the ceiling limit. In summary, it can be held that the land losers due to implementation of ceiling are not only large farmers but they have inherited equally large land holding from their ancestors. The collapse of the joint
family system in Orissa is mainly due to the implementation of
land reform measures in general and ceiling on land holding in
particular. But the collapse of the joint family system as a result
of the implementation of ceiling laws is an intentional and
purposeful escape from the ceiling laws by the large households
residing in the joint family system.

4.6 : ATTITUDE OF THE LAND LOSERS TOWARDS THE CEILING
LAWS :

In Indian agrarian framework, land is accepted as an
invaluable and non-replaceable asset and Orissa is no exception
to this consideration. Land is generally accepted as the best form
of collateral and it acts as a protection against financial stringency
to its owners. There exist an ancestral and strong psychological
attachment between land and its owners. Therefore, any action
imposing the owners to part with a portion of their land holdings
is likely to affect the psychology of its owners. Implementation of
ceiling laws is a compulsion on the households or person who
own land beyond the ceiling limit to part with the surplus land to
be distributed among the persons who do not have it. Therefore,
it is but natural that the ceiling imposition would affect the
psychology and attitude of the owners of land who by compulsion
have to surrender the ceiling surplus land. In this section, an
attempt is made to examine and analyse the attitude and opinion
formation of the land losers on the ceiling laws.

The land what they have been compelled to part with in
favour of the target groups in the land on which they had well-
defined property rights. The lands which are declared as surplus have been either received through inheritance or consolidated by them through purchase. In both the cases, if the land is to be parted with by compulsion, the immediate impact is grave psychological depression and it may be more if the land was purchased by the previous generations. Moreover, the present owners were cultivating these lands either personally or by leasing out under the system of share-tenancy before it is taken out as ceiling surplus. So they used to enjoy ownership right on such land. The area of land to be taken out from the ownership of its owner is determined by the state on the basis of some well-defined rules and regulations. But the lands are to be actually surrendered are normally decided by the households of land losers. The decision to surrender the land is normally based on the consideration of the fertility of land and its proximity to better or worst location. Between these two considerations, the land losers normally emphasize that they would held better quality land and surrender the inferior land. This has actually happened that the land losers surrendered the inferior lands as ceiling surplus land. Thus, the ceiling surplus land available for distribution is relatively less fertile which are to be distributed among the target groups.

The large land owners are greatly affected by the implementation of ceiling laws. They could know before the implementation of ceiling laws that they are going to be affected by the law by losing their lands. Majority of the land losers could know before hand the fact that they will be affected by the implementation of ceiling laws and they could manage to know
this from the revenue officers working in their areas. So almost all of them make attempts to escape the ceiling laws by any means. One of such methods of escaping from the laws is pre-dated partitioning of the family land among their sons, daughters and near relatives as well as faithful household servants. Those who failed in pre-dated transfer tried to escape the ceiling laws by some other methods, i.e. by getting their work done through the revenue officers concerned. Some land owners expressed dissatisfaction on the ceiling laws since they lost their land which they acquired through hard means.

The land losers also expressed their dissatisfaction on the ground of the payment of compensation. The payment of compensation according to the land losers were nominal and are very low in comparison to the cost of maintenance of those land which are previously cultivated partly under personal cultivation and partly by hired labour. So in this respect, the ceiling laws are highly discriminatory. The land owners who lost their lands out of compulsion through the ceiling laws is thus the refusal and withdrawal of their well defined property rights. However, one thing is very clear that the land owners after having known that they are going to be affected by the ceiling laws tried their best to escape through legal and non-legal attempts.

4.7 : CEILINGS LAWS AND THE LAND ALLOTTEES :

The main goal of the ceiling laws is to achieve equity in the ownership distribution of land holdings. The farmer household possessing more than 10 standard acres of land of the most
superior quality is brought under the limits of ceiling laws and is to surrender a portion of its land holding for distribution among the target groups belonging to the landless scheduled tribes, scheduled castes and others. The main purpose of such action on the part of the state is to prevent excessive concentration of land on the one hand and to ensure land distribution more equitable or less inequitable on the other. The institution of ceiling on land holdings and distribution of ceiling surplus land provides for the payment of financial assistance to the land allottees for enabling them to put the assigned land into effective cultivation. Thus, the imposition of ceiling and distribution of ceiling surplus land in favour of the land allottees is sure to affect their attitudes, economic activities and socio-economic structure to which they belong.

According to the provisions of Land Reforms Act 1960 the ceiling surplus land is to be vested in the Government. After vesting of land in the Government, the surplus lands will be settled with the target groups in proportion to their respective populations in the villages in which the land is situated and the remaining land will be settled with the same categories subject to certain conditions laid down in section 51 of the Act. The land allottees are normally from the category of economically and social backward rural households. Although economic backwardness is their common characteristics, they still differ among themselves on some other ground. The present section makes an analysis of how far and to what extent the target groups of land allottees differ among themselves on the grounds other than their economic
and social backwardness.

The ceiling laws in Orissa provide for the settlement of ceiling surplus land with the landless belonging mostly to the communities of scheduled castes and scheduled tribes. In case of their non-availability the surplus lands is to be distributed to the households from other categories. However, majority of the households belong to scheduled castes and scheduled tribes. Another consideration on the basis of which the households of land allottees can be compared are the type of the household member taking household management decisions. In this consideration, in Orissa most of households are nuclear households and hardly 10 percent of the households belong to joint families. So in each type of family, it is the head of the household who takes decision in respect of household management no matter whether the head is a man or a woman.

Another important criteria of comparison of the households of land allottees is the principal occupations by the households before and after the distribution of ceiling surplus land in their favour. This is important on the ground that the allotment of land in favour of landless households may change their economic status and shifting of their occupations to the other. Majority of the households in Orissa were working as agricultural labour and hardly 2 per cent were engaged in small business like vending of vegetables etc. before the allotment of ceiling surplus land. Since the per capita land acreages after the ceiling surplus land is distributed is hardly one acre, it was not possible to go for suitable cultivation. So after, having received land, most of them retained
their occupational status of working as agricultural and wage labour. This shows that the distribution of ceiling surplus land has not made any perceptible influence on the change in occupational pattern among the households of land allottees in the state.

Before the implementation of ceiling it was expected that there will be a shift in occupational pattern of the target groups. But surprisingly no such has happened leading to the conclusion that implementation of ceiling laws does not affect the choice of occupation by the households of land allottees. This is due to two reasons viz. small size holding and low productivity land. The beneficiary household is allotted a tiny plot of land which is very much inadequate to support the food requirements of the household family. Moreover, the household received a very low grade land (as the land owner surrendered the excess land as per his choice and naturally they have retained the better quality land and surrendered the low quality or fallow lands) and in some cases the land is not cultivable. Thus, the implementation of ceiling laws in Orissa is seen to have no impact on the choice of occupation by the households of land allottees before and after the land is distributed to them.

4.8: CEILING LAWS AND THE ATTITUDES OF LAND ALLOTTEES:

The land allottees are the households of the target groups of scheduled castes, scheduled tribes and others. Since these groups are the beneficiaries from the implementation of ceiling laws, it is
necessary to examine their opinions on the law itself and their attitudes towards the process of implementation and the extent of benefits that have accrued to them. In this respect the experience that they have acquired from the day they know from the Gramya Sabha that they are going to get some land which would be allotted as ceiling surplus land till the day of actual settlement of the land in their favour and the size and quality of land allotted to them.

The basic purpose of the ceiling law is to bring about equitable distribution of land holdings. Therefore, the law prescribes that the land from the large households under their possession beyond the ceiling limit and distributing the ceiling surplus land in favour of the target groups and whole process of ceiling shall be costless from the side of the land allottees. The landless households should be displaced from socially and economically backward sections to the status of households with land asset. Thus, the very purpose behind the ceiling laws will be defeated if the target households to be the owner of the ceiling surplus land are to waste their time by approaching for a favour to the authorities, pay bribes and get harassed, produce unnecessary evidence in support of their claims and other forms of hurdles for the land allottees during the process of implementation of the ceiling laws.

As observed by the researcher, in Orissa the samples from Puri district produce the evidence that making approach to the ceiling enforcement authorities is a common phenomena without which they feel, that they might have been deprived of their genuinely due privilege of getting a piece of land even though it
was recommended by the village committee. All most all the households of the target groups have reported to have approached the bottom level revenue officers prior to the allotment of ceiling surplus land in their favour for many times beyond their capacity to recollect. However, the situation was a little better in the scheduled tribe prone areas of Western Orissa. Since the scheduled castes household thickly reside in coastal and ceiling surplus land vested in government in these parts are relatively less than that of the western parts of Orissa, the problems in this respect are more marked in case of scheduled castes households.

It is a fact that the majority of land allottees have made approach before the land is distributed in their favour at the expense of their time but it has never happened at the cost of their purse. Very few have paid bribes for getting a piece of ceiling surplus land in their favour. Constant approach also resulted in harassment and misbehaviour to the concern household in many cases. Some few households expressed their dissatisfaction that they were misbehaved while approaching the persons. Some elite and conscious households could manage a better favour in respect of land allotment at the cost of relatively less elite households from the same category. Thus, the problems are not only from the authorities alone but the problem too accrued from within the group.

Ceiling laws and its implementation is expected to meet the expectations of the land allottees. But it is seen that most of the beneficiaries are not satisfied with how it is implemented and the effects of its implementation. Ceiling laws and its
implementation has failed to produce results to the extent of their level of satisfaction. The landless households are benefitted to the extent of getting a plot of land and nothing beyond that. Very few land allottees are benefitted to the extent that they have been able to get a plot of land and that it has added to the sources of family income. But majority of them claim to have been benefitted as these plots of land are used by them for residential purposes. Thus, the beneficiary households are benefitted to the extent of getting a piece of land (as they were not having earlier) to add some income to their family and using the land for residential purpose. The beneficiary household are no way benefitted in respect of agricultural productivity and efficiency.

Area and quality of land distributed is of primary concern to the land allottees. The ceiling surplus land surrendered by the land owner as per their choice is of low quality land and in most of the cases the lands are not easily cultivable. Since the allottees are allotted with the land which in most cases is not instantly cultivated, the beneficiary household instead of adding to their family income, the addition to cost of improving the land became the burden for them. The households have received either high or low land which requires immediate investment beyond their means. Moreover, the size of land is hardly one acre per household on an average which is very much insufficient to introduce modern technology for cultivation.

4.9 : CEILING ON LAND HOLDINGS : ACHIEVEMENTS :

Ceiling on land holdings is a method of achieving reforms in agricultural development. The law intends to have an equitable
distribution of land among the target households. This egalitarian consideration is of more ethical than economic. The present study emphasizes the economic aspect of ceiling on land holdings. Because the ceiling on land holdings aims at reducing the large area of land concentration in the single individual owner who is not a cultivator and also a mis-match between household labour and household land of the concerned owner is likely to emerge. This could result in a decrease in agricultural productivity and efficiency contrary to the expectations that large land holdings promote productivity. Thus, if a portion of land is taken out from the households having possessed land beyond ceiling limit and distributed in favour of landless households of a particular area, the likelihood of such a paradox can be circumvented. This would fulfill the twin objectives of bringing land and labour of the households losing land into an ideal match and providing land to households having possessed labour which might have wasted without land. In this section, an overall analysis of achievement is made and the specific analysis relating to the achievement of land ceiling in the sample district is made in chapter V.

As per the provisions of the ceiling laws, the land allottees are benefitted in many ways. One such important benefit may consist of the acquisition of incentive of ownership by the land allottees to cultivate the land. The distribution of ceiling surplus land in favour of landless households inculcate in them a spontaneous psychological feeling that they are no more recognised as a section of landless households in the society and they are at par with households with land. It is natural that this type of feeling
in them may act as a source of incentive to cultivate the land with permanent ownership. But such an incentive may not always benefit them in the true sense of the term. If the cost of sacrifices caused to the beneficiary households in getting plots from the pool of ceiling surplus land are more than the mere psychological feeling that they are no more landless households, then the disincentive effects of the former may outweigh the incentive effect of the latter and cause the net effect of loss of incentive to cultivate. The pains and sacrifices includes the time spent in approaching persons in power and office, payment of bribes to get a favourable plot of land and the extent of harassment caused to these households during the process of settlement of ceiling surplus land in their favour.

As per the opinions gathered from the sample district, it can be generalised that at the government level nothing is achieved without approach to officers who are in the implementing process. In order to get a plot of land in favour of each land allottees, they had to approach the revenue officers many times which affected their hopes and aspirations of becoming owners of land. It is quite common with the land allottees that their hopes of getting a plot of land from the pool would have permanently remained as hopes without little approach. But as is observed from the data on the distribution of ceiling surplus land among the tribes in the tribal based areas of Orissa, the tribals could get land with no approach or a little approach. However, there are two evil consequences behind the approach viz. payment of bribes and possibility of harassment. As is observed, these two problems are nominal since
it happened in case of only some stray cases.

The most important disincentive effect is the quality and area of land distributed. Normally, the ceiling surplus land is inferior in quality i.e. either very high or very low or fallow lands which is difficult to cultivate. This is one of the flaws in the ceiling laws since the land surrendered by the land owner according to his choice as per the provisions of the law. So when the land owners surrender the surplus land according to his choice, naturally they surrender the low quality land (mostly unused) retaining the better quality land. So it became difficult and unbearable on the part of the poor land allottees to make huge investment to bring the land into cultivable shape. Similar was the case with very low land prone to water logging and the households of land allottees lose interest in cultivation.

Size and area of land is also an important standard in the modern system of cultivation. The size of land holding need to be of a definite area (in acres) without which modern technology can not be applied to cultivation. The ceiling surplus land distributed per capita is less than half acre in the coastal plain and a little more than one acre in the western hilly area. So the per household availability of land being so small does not promote efficiency and therefore inferior quality and small area of land distributed out of the pool of ceiling surplus land fails to create incentive to cultivate the land from the view point of productivity and efficiency. Thus on an average, ceiling laws may not be accepted as a source of incentive to cultivate.
The achievement of ceiling laws is also assessed in the context of employment and income generation. Land being an important asset of rural households, its distribution in favour of the landless is effected to improve their economic capabilities by increasing their income and number of mandays of employment during the year. Since the households of land allottees receive land for cultivation, it is equally likely that the sources of their family income change as compared with the ones before the land was settled in their favour. As is seen, the land allottees before the implementation of ceiling were normally agricultural labourers earning their income from three sources like working as wage labour, working as wage labour with doing some primary activities and doing some secondary activities like vending, hawking and petty trading. After the land is allotted to them the majority of land allottees doing wage labour with primary activities before the implementation of ceiling were changed to pure cultivators. Thus, at least for some, the distribution of ceiling surplus land has brought cultivation as an independent source of income; the ceiling laws has created some true cultivators. The ceiling laws in Orissa and its greatest achievement is that it has created a diversion of occupations among these households in favour of pursuing primary activities including self-cultivation.

Land allotment may also cause change in the number of days of work that a household of land allottee gets during a year before and after the distribution of ceiling surplus land. There is a marginal change in respect of the number of mandays of work over and above the pre-ceiling period. It was due to the fact that
most of the landless households were agricultural workers and since agriculture in the state of Orissa is seasonal by nature, they were getting engaged hardly for 190-200 days in a year. When they are allotted with the lands they became true cultivators sacrificing the employment elsewhere during the same period. So the number of mandays of employment did not change as there was no change in the agricultural pattern and the infrastructure framework like modern inputs and rise in irrigation potential along with the implementation of ceiling laws. Thus, the distribution of ceiling surplus land has not helped the households of land allottees to get substantially large number of days of work during a year after the land is settled in their favour but it produces a happy state of some increase which might not have been there without land distribution.

The distribution of ceiling surplus land contributed to some extent to the generation of income with the households of land allottees. It is not so much encouraging in the coastal plain of Orissa but is substantial among the scheduled tribe households of western parts of Orissa. The jump in this respect in the coastal districts of Orissa is very small which is attributable to small size holdings and it is substantial in the western parts of Orissa is due to a relatively bigger size of land-holdings. The target groups in the western parts were not getting any agricultural employment in the pre-ceiling period. When they were allotted lands, naturally they could get more employment in mandays and hence the achievement is substantial. But the coastal area land allottees were relatively getting more employment in
agricultural operation before the distribution of land to them. Instead of being engaged elsewhere, they could engage themselves in their own land by withdrawing themselves from the engagement as wage labourer with the big land owner. So the change is only in respect of land ownership and not substantial level of employment. All such increase though not attributed to the availability of land for cultivation, but at least a portion of this increase can be attributed to have happened due to distribution of ceiling surplus land.

The achievements of ceiling in Orissa is assessed from the viewpoint of asset creation. Asset creation implies the acquiring of agricultural implements like plough, spade, sickle, bullock cart and others as well as purchasing of bullocks by the land allottees households. In this front the achievement is poor since a very few number of the households have acquired agricultural implements after the distribution of ceiling surplus land in their favour. The empirical findings drawn from the sample district show a very poor trend in asset creation. This is corroborated again by the fact that due to very small size of land, the land allottees could not be able to purchase a pair of bullocks which is not considered to be cost-effective. Those who could purchase the bullocks after land allotment could have done so before land allotment. But actually they did not go for the purchase of bullocks or any other implements. Once they get a plot of land, they immediately come forward to realise their objective of purchasing bullocks. In spite of this, it can not be held definitely that distribution of ceiling land among landless households of an area could be able to create
assets with these households. It is so because the income generated from the small sized land allotted to the households does not make the households able to go for purchasing agricultural implements and bullocks and these households can manage their cultivation by hiring the bullocks and other implements.

Another assessment of ceiling is in the context of its contribution to household saving. Since distribution of ceiling surplus land provides land assets to a group of households, one can imagine its contribution to the growth of saving with the beneficiary households. But in this context, the achievement is highly disappointing. The beneficiary households were as much saving as before the allotment of land as after. This is again attributable to the small size of land and the corresponding low income generated from the land asset. As is already pointed out, the land allotted to the landless households is hardly at one acre per capita does not in any case can be able to generate household income exceeding household expenditure. Unless the households are given with relatively larger areas of land, it will be too imaginary to hold that settlement of ceiling surplus land in favour of a group of landless households could be able to generate savings with these beneficiaries.

4.10: LIMITATIONS OF CEILING LAWS IN ORISSA:

The main purpose of ceiling on land holdings and distribution of surplus land is to prevent excessive concentration of land in fewer hands. Of course this concentration does not include
homestead land or tanks with their embankments or both to the extent of three acres per 'family', in the hands of a few persons. This provision is a part of the whole scheme of land reforms. After independence, the country introduced several plans directed towards the achievement of the objective of equality in the distribution of economic power. Land being the limited and scarce asset and an important source of economic power, there arose a national consensus on the introduction of land reforms to achieve the objective of equality. The immediate step was the measure of tenurial reforms followed by the measures of ceiling on land holdings and distribution of ceiling surplus land and consolidation of holdings to prevent fragmentation of land.

Indian Constitution provides that land is a state subject and accordingly the state governments enjoy the prerogative to frame laws and acts taking into accounts the local conditions. The Orissa Land Reforms Act, 1960 is a direct replica of this privilege. This act is the most comprehensive Act which provides the detailed provisions of tenurial reforms, ceiling on land holdings and distribution of surplus land. Chapter IV of this Act captioned under ‘Ceiling and Disposal of Surplus Land’ furnished detail legislative framework of imposition of ceiling on the land holdings of ‘persons’ and distribution of the surplus land among the target groups.

The ceiling laws are seem to have been subject to certain deficiencies and internal failures for which it has not been able to deliver the desired objective of reducing excessive concentration of land ownership in the hands of a few. One such deficiencies in
the Land Reforms Act is marked in respect of the definition of a 'family' and 'members' of a family. The Act defines a family of an individual as "...... the individual, the husband or wife, as the case may be of such individuals and their children, whether major married son who as such had separated by partition or otherwise before the 26th day of September, 1970". This definition is deficient since it does not bring under its scope the family of a person who is male but bachelor or of a person who is female but unmarried as in each case he is not a husband or she is not a wife respectively.

If this is the definition of a family to be brought under the ceiling laws even though he or she possessed 10 standard acres of land or more, but not then a person, is exempted from the scope of the ceiling law. Similarly, the law is also not applicable to a major married son separated by partition or otherwise before 26.09.1970. This has opened another outlet of escaping the law.

When the law provided that a family can retain land for personal cultivation not more than 10 standard acres, the families were separated in pen and paper but actually the major married sons used to dine from the common kitchen and in all social ceremonies and functions both families (family of parents and family of major married son) participate as one family. This definition of a family has promoted notional pre-dated partitioning of family in order to escape the ceiling laws. Of course, in some cases these households could not succeed as the cases were disposed of by the competent revenue courts in their against. However, this is one of the most marked deficiency in the ceiling
laws which hinder the objective of reducing land concentration in fewer hands.

With regard to the definition of a 'member' of a family, the Act provides a long list of persons who actually do not constitute the member of a family. The Act provides in the list that 'widow' is not a member of husband's family and therefore, the widow herself constituted a family. This definition could be sheltered under by the prospective land losers to escape the ceiling laws. In Hindu families, widows are more loyal to the families of deceased husbands. A large number of households took advantage of the definition to transfer the family land to the widow either to escape fully or lessen the incidence of ceiling laws. So this type of lacuna in the definition of 'member' of a family is one way of legal escape from the ceiling purview by the large land owner. Thus, the definition of 'family' and 'member' is suggestive of the presence of loopholes in the implementation of ceiling laws in Orissa which may be attributed to the internal failures of the laws.

4.11. SUMMARY:

The Orissa Land Reforms Act of 1960 was designed on the basis of the guidelines provided in the Second Plan and came into effect in Orissa on 07.01.1972. The Act was comprehensive and incorporates the modus operandi of the ceiling implementation with a view to achieving the objective of distributive justice. As per the law, the surplus land due to imposition of ceiling is to vest in government and the land is to be distributed among the target groups. The ceiling laws in Orissa is not fool-proof in respect
of the different provisions. There are some clauses in the law which encouraged the big land owner to escape legally from the ceiling laws.

The progress of land ceiling in Orissa does not show a promising trend due to the most important reason of the wide gap between the area of land declared surplus and the land actually distributed. This is mainly due to the reason of locked-up litigation. The average area of land distributed is hardly one acre which did not help the landless to generate any surplus income or asset. Moreover, the land surrendered by the land owner (distributed among the target groups) is of poor quality and required infrastructure investment to make these lands cultivable which is practically beyond the reach of the poor peasants. This resulted in slow improvement in agricultural productivity and efficiency by the poor farmers and hence no perceptible change in socio-economic status of the poor farmers other than a psychological feeling that they could get a piece of land in their ownership.