

# **ECONOMIC IMPACT OF LAND REFORMS IN KERALA**

*by*

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**C E R T I F I C A T E**

This is to certify that the thesis  
"Economic Impact of Land Reforms in Kerala" submitted  
by Smt. K.A. Jayalakshmy for the degree of Doctor of  
Philosophy in Economics is a record of original work  
done by her under my supervision and guidance.


Date : April 1983.

  
Dr.K.C. SANKARANARAYANAN.

**DECLARATION**

I, hereby declare that the thesis, "Economic Impact of Land Reforms in Kerala" submitted by me for the award of the degree of Doctor of Philosophy has not previously formed the basis of the award of any degree, diploma, associateship, fellowship or other similar title of recognition.

Cochin - 22,  
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## CHAPTER - I

### INTRODUCTION

"Bowed by the weight of centuries he leans  
Upon his hoe and gazes on the ground  
The emptiness of ages in his face  
And on his back the burden of the world."

- Edwin Markham

The man with the hoe.

1.1.0 The nature of land reforms can be understood only with reference to its objectives, which in turn depend on the political ideology, the social and economic environments. As Professor Schultz in his, "Economic Organisation of Agriculture", puts it, "the problem of land reform is one of retaining the community preference and the possibilities."<sup>1</sup> As the preference of the community involves value judgement it falls outside the scope of Economics. Hence the difficulty of discussing agrarian reforms purely on objective lines.

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1. Schultz, Theodore. W. Economic Organisation of Agriculture, New York, Mc Graw Hill, 1953, p.312.



1.1.1 The objective of land reform programme was two fold. First, it aimed at providing an incentive to the actual tillers of the land by offering them security of tenure, reasonable terms of rent and ownership of non-resumable lands. Second, it aimed at reducing the size of big holdings, so as to do away with glaring inequalities in land ownership. The basic aim of agrarian reform is not purely one of relieving the impoverished peasants, but is designed to set free the rural productive forces from the shackles of the feudal land ownership system of the landlord class in order to expand agriculture production. Similar opinion was expressed by the UP Zamindari Abolition Committee. In its report the committee remarked 'The abolition of zamindari and its replacement by a more efficient and progressive organisation is a necessary pre-requisite for agricultural improvement. But it is only one among a number of factors contributing to agricultural efficiency. The psychological change and social enthusiasm aroused by this measure should be utilised for making an organised and co-ordinated effort for agricultural reconstruction.'<sup>2</sup>

1.2.0 It was the Congress Agrarian Reforms Committee which highlighted the necessity of undertaking land reform measures. The Committee felt that in the agricultural economy of India,

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2. UP Zamindari Abolition Committee Report, p.574.

there was no place for intermediaries and so land must belong to the tiller. The following points viz.

- a) provision of enough opportunity to develop the farmer's personality
- b) no scope for exploitation
- c) maximum efficiency of production, and
- d) need for the scheme of reforms to be within the realm of practicability were suggested as the main requirements of a rational land policy.

1.3.0 A brief summary of the policy in regard to land reforms as contained in the Five Year Plans is given below :-

Proposals for land reform should address themselves to five principal interests, viz., intermediaries, large owners, owners of small and medium sized plots, tenants-at-will and landless workers. The policy regarding elimination of intermediary rights has been accepted in all states. The problem of land held by owners falls under two categories, land now under the cultivation of tenants-at-will and that under the direct management of owners. Regarding the first, the general policy is to fix a limit to the area which the landlords could resume for personal cultivation. As to the latter, it is proposed that land management legislation should be undertaken which would set up the appropriate authorities who would have the rights to take over the management of an entire farm or such portion of it as may be in excess of the limit and arrange for cultivation. Regarding the third, the

general policy is to get them organised for the purpose of production as far as possible into-co-operatives. Steps are also taken for consolidation and prevention of sub-division. Regarding the fourth, a distinction is made between those who generally cultivate the lands themselves and those who do not. For the last category, Minimum Wages Act is implemented.

In short, land reform comprises :

1. Compulsory take over of land usually (a) by the state ; (b) from the biggest landowners and (c) with partial compensation; and
2. the farming of that land in such a way as to spread the benefits of the man-land relationship more widely than before the take over.

1.3.1 Land reforms is by definition, an equalising policy at least in intention. Its primary motivation is to reduce poverty by reducing inequality. The dark shadow of the Indian peasant which looms large on the agricultural horizon of India can be removed and be replaced by the bright figure of a contented peasant only by lifting him out of the status of a subsistence farmer and making him an independent farmer in possession of an economic holding.

"Land reform needs to be viewed in the context of the plan strategy and as an integral part of employment planning" - the Planning Commission remarked in its Draft Sixth Five Year Plan - 1978-83. The major types of legislation were : abolition of

intermediary tenures, regulation of rent and tenant purchase, consolidation of fragmented holdings, ceilings on current holdings and future acquisitions and several enactments relating to agricultural workers, co-operative farming and state management.

1.4.0 Most of the work relating to the enactment of laws and acquisitions of intermediary tenures had been undertaken during the First Plan, and intermediaries have been almost entirely abolished. A few pockets remain where further action is necessary. The general pattern of abolition of intermediaries comprises the following measures :-

1. Common lands such as waste lands, forests, abadisites etc., which belonged to intermediaries were vested in the State Government for purpose of management and development.
2. Home farms and lands under the personal cultivation of intermediaries were generally left with them and lessees of home farms continued as tenants under them. In some States, tenants of home-farms of intermediaries were also brought into direct relation with the state and the rights of intermediaries over their tenancy lands were abolished.
3. In most states tenants-in-chief holding land directly from intermediaries were brought into direct contact with the state. In some states, tenants possessed permanent and transferable rights and it was not necessary to confer further rights.

1.4.1 The abolition of intermediaries imposes a heavy strain upon the administrative resources of the state Governments :  
Determination and payment of compensation to intermediaries,

arrangements for the preparation or revision of records, establishment of agencies for collection of rent or revenue, maintenance of records etc., are all to be undertaken.

1.4.2 As per the regulation of rent, a rate of rent exceeding  $\frac{1}{4}$  or  $\frac{1}{5}$  of the produce is regarded as requiring special justification. It would also be desirable to provide for the commutation of produce rents into cash rents. Besides the usual regulation of rent, the maximum rent is fixed as multiple of land revenue. Progress in this has been uneven and in several states legislation lags behind. The land should belong to the tiller and except for categories subject to disabilities, occupancy rights should be conferred on tenants and share croppers. The limit of resumption for personal cultivation is set at three times the family holding. Resumption is to be on grounds of personal cultivation only. A period of five years is prescribed within which the right of resumption may be exercised. For areas in excess of the limit for resumption, the general policy is to enable the tenants to become owners.

1.4.3 The Planning Commission accepted the principle that there should be an absolute limit to the amount of land which an individual may hold. The appropriate unit for this is not the individual but the family. The Committee of the Panel on Land Reform set up by the Planning Commission recommended that the ceiling should apply to the total area held by a family, the expression

'family' being deemed to include husband, wife, dependant sons and grand children. The Committee viewed that where the number of members of a family is larger than five, the ceiling of the family holding may be raised to a maximum of six family holdings. Certain types of land are exempted from ceiling. They are :

1. Orchards where they constitute reasonably compact areas,
2. Tea, Coffee and Rubber plantations,
3. Specialised farms engaged in cattle breeding, dairying, wool raising etc.,
4. Sugar cane farms operated by sugar factories and
5. Efficiently managed farms which consist of compact blocks on which heavy investment or permanent structural improvements have been made and whose breakup is likely to lead to a fall in production.

1.4.4 Three main factors account in deciding upon exemptions, viz.,

1. integrated nature of operations especially where industrial and agricultural work are undertaken as a composite enterprise,
2. specialised character of operations and,
3. from the agricultural production aspect, the need to ensure that efficiently managed farms which fulfil certain conditions are not broken up.

1.4.5 The compensation to be paid to the owner is determined either as specified amounts related to different classes of land or in terms of a multiple of land revenue. The total annual burden falling on cultivators to whom lands are allotted does not

exceed 1/4 or 1/5 of the gross produce. These methods suggested above make possible the ceiling legislation to cause less burden.

1.4.6 In order to eliminate legal and procedural bottlenecks and circumvention of the ceiling law, the Sixth Plan Document pointed out that it is necessary to ensure that :

- i) the land declared surplus to the ceiling is taken over by the State,
- ii) it is distributed and physically delivered to the eligible categories expeditiously,
- iii) the allottees are given adequate financial material and technical assistance to bring the land under productive cultivation.

1.4.7 As per the consolidation of fragmented holdings, the planning commission vigorously urged the States to pursue this policy. It saves time and labour, facilitates improvement of land through irrigation as well as dry farming practices, provides an opportunity for replanning individual holdings and the village abadi and providing roads and other amenities. The Planning Commission was engaged in a comparative study of methods and solutions which have been evolved in different parts of the country for various problems connected with consolidation of holdings with a view to making the best existing experience on the subject more generally available.

1.4.8 It would be necessary that consolidation operations are preceded by an enquiry into existence of tenancy interests and that

these interests are recorded before ownership is altered. Consolidation law should not extinguish such right when the land owner gets another piece of land.

1.4.9 Finally, the Sixth Plan Document provided for the setting up of village committees. This is necessary for better implementation of land reforms. In short, this is the basic idea behind our reform movement and what our plans focussed on land reforms. Now, let us have a look at the experience of other countries, as well as that of the various states within our country.

#### 1.5.0 Experience of other countries and that of other States in India

1.5.1 The land reform measures that can claim to have broadly achieved what they set out to do are those carried out in Japan and Taiwan. The success here was mainly (as against tardy progress in other Asian countries) due to the administrative arrangements and the simultaneous developments of non-agricultural resources. Orderly transfer of people from agricultural to non-agricultural pursuits also contributed to the success of these programmes. Again in both countries, "the American preference for social equality and political stability was able to exert itself, whilst this was not possible to anything like the same degree anywhere else in Asia."<sup>3</sup> Taiwan demonstrated how an

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3. Brown, James. R and Lin, Sein, (ed.) Land Reform in Developing Countries, University of Hartford, 1968.



over-crowded territory with meagre land resources can bring about an unsuspected amount of wealth to build up farm prosperity so as to cater to both the inland as well as export market. So also in Japan, as a consequence of land reforms, farm prosperity even with small and fragmented holdings, provided a powerful thrust to all-round economic and social development.

1.5.2 Philippines' experience shows that any land reform programme must be comprehensive enough to deal with two general aspects of land problem - justice and technology. The former refers to the rights and obligations of landlords and tenants as well as of other parties in respect to the ownership, tenure and enjoyment of land, including questions of crop division, security of tenure and rights of management and the latter refers to such matters as irrigation, fertilisers etc.

1.5.3 The Korean land reform experience shows that such reforms can be accomplished in war time under military pressure. It also illustrates that land should not be fragmented and that the mere transfer of ownership of land can be more political than economic. The rate and method of payment for land transferred must be in such a way as not to overburden the purchaser and also to compensate the former owner without subjecting him to undue loss.

1.5.4 How a high tenancy rate may be transformed into a desirable state of affairs is well illustrated by Denmark. It is stated

that today farm tenancy is in effect at an end. This effect came about largely from the "awakening of the peasants themselves and their demand that an intelligent social-minded policy be developed by the government so that they might acquire a stake in the land they were working."<sup>4</sup>

1.5.5 The ideology put forward by Mao-Se-Tung was that the target of agrarian reforms is only and must be to end the feudal system of exploitation on the part of the landlord class. Attention must also be given to non-encroachment on middle peasants, professional people and new type of such peasants all of whom do not engage in exploitation or engage only in slight exploitation.

#### 1.6.0 Land Policy in India

1.6.1 The chapter of land policy in the First Plan starts with the remark - the future of land ownership and cultivation constitutes perhaps the most fundamental issue in national development. The principles of land tenure were connected with various interlocking historical, sociological, demographic and even religious and psychological factors. Accordingly, almost all the states of the Indian Union made serious attempts at land reforms legislation and implementation. Regarding the abolition of intermediaries, UP passed the Zamindari Abolition and Land Reforms Act in 1950 and

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4. Wilson, Gee. The Social Economics of Agriculture, Macmillan Co., New York, 1954, p.197.

this was subsequently amended in 1952, 1954, 1956 and 1958. Bihar also passed a similar Act in 1950 and later amended several times. West Bengal Estates Acquisition Act (1953) provided for the abolition of intermediary tenure of all types and grades. The Orissa Estate Abolition Act (1951) related to the abolition of all intermediary interests by whatever name they were known. Same is the case with Andhra Pradesh and Rajasthan. A number of Acts were passed in Tamil Nadu to abolish all type of intermediary rights on payments of compensation to co-intermediaries. Assam introduced the Assam State Acquisition of Zamindari Act (1951) and the Assam Lushai Hills District (Acquisition) of Chiefs Rights Act 1954). In Gujarat, the Tenure Abolition Laws provide not only for the abolition of intermediaries but also for upgrading tenant cultivators to the status of occupants with or without payment of purchase price according to the nature of occupancy rights enjoyed. Punjab, Haryana and Himachal Pradesh also passed a number of Acts for the abolition of intermediaries. For tenancy reforms, almost all states divided the whole into smaller regions for convenient and speedy implementation. There were three main enactments in the state of Assam for the regulation of tenancies. The provisions regarding tenancy arrangements were incorporated in the Bihar Land Reforms Act (1961). The Bombay Tenancy and Agricultural Lands Act (1948) was amended from time to time upto 1974 and was made applicable to the whole of Gujarat also. The Himachal Pradesh

Tenancy and Land Reforms Act (1972) provided for many important measures. Tenancies in Haryana were regulated by the Pepsu Tenancy and Agricultural Land Act (1955). The tenants in Jammu and Kashmir acquired occupancy rights in 1923. But it was by the Jammu and Kashmir Agrarian Reforms Act(1972) that the tenancies in the State stood abolished. Tenancies were regulated in Madhya Pradesh under the Madhya Pradesh Land Revenue Code (1959). Karnataka and Orissa too passed tenancy laws. The Rajasthan Tenancy Act (1955) replaced the then existing numerous laws relating to the land problem. Utter Pradesh, Tamil Nadu and West Bengal also passed a series of tenancy legislation. Regarding ceiling legislation, though all the states introduced ceiling, there was a wide variety in the level of ceiling introduced, in the number of exemptions granted, in the date of commencement of the operation of ceiling law and so on. The magnitude of the structural change brought about by landlord abolition, tenancy legislation, ceiling etc., in Kerala is indisputably significant, particularly in comparison with other Indian States.

#### 1.7.0 Agrarian Relations in Kerala

1.7.1 The peculiarity of Kerala is that agrarian relations of Kerala in the past was based on caste. It was the ascendancy of the Brahmins that led to the feudalistic agrarian relations. Brahmins alone had the absolute proprietorship on land. They handed land to sub-castes like Nairs, thereby creating various tenurial relationship. At the lowest of the caste hierarchy

(as well as the landed hierarchy) were the agricultural labourers. When agriculture became the chief source of wealth, as these janmies were the sole authorities, all the economic and social conditions were controlled by them. Professor Kunjan Pillai<sup>6</sup> has established on the basis of historical evidence that the Janmi - Kudiyan System was the product of peculiar socio-economic situation of the region. The Sangham period shows no evidence of a land owning Namboodiri class. On the contrary, there are evidences to show that land belonged to the Kuravas, the Pulayas and Others. With the Aryan migration, temples became the Centre of learning and Brahmins were entrusted with the trusteeship. Lands were donated to their temples by Kuravas and Pulayas. As managers of vast areas of fertile lands, the power and influence of Brahmins increased. Various tenure rights suited to their interests were created. The supremacy of landlords and the caste hierarchy continued even upto the latter part of the 20th century. Prior to the British Rule, the various classes - Janmi, Kanakkar and the actual cultivator were co-proprietors. Later the English mistook the janmi for a landlord of European type and consequently the customary relation was upset. The faulty definition of the local tenures by the British together with the absenteeism in land holding culminated in an oppressive land tenure system.

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5. Elankulam Kunjan Pillai, P.N., Janmi Systems in Kerala, (Malayalam), National Book Stall, Kottayam, 1966.

1.8.1 Before the formation of Kerala, the State of Travancore, Cochin and British Malabar passed legislations for the settlement of landlord-tenant relations. The first unified legislation in the State, the Kerala Agrarian Relations Act was passed in 1960. In 1963, it was repealed and the Kerala Land Reforms Act was passed. Section 74 of the Act laid down that after the commencement of the Act, no tenancy shall be created in respect of any land except in special cases. It conferred on the cultivating tenant security of tenure, fixation of fair rent and the right to purchase the landlord's rights and he became the full owner of the land. The tenant could get his right established by approaching the Land Tribunal. Cultivating tenants other than those holding land under a member of Armed Forces or seamen or a legal representative of these persons are entitled to fixity of tenure.

1.8.2 The various complex tenancy systems which existed in Travancore, Cochin and Malabar area were slowly abolished by the various amendments of the Kerala Land Reforms Act, 1963, details of which are explained in the next chapter.

#### 1.9.0 Good and Evil of the System

1.9.1 Production operation on land is intimately connected with land tenures, i.e., terms on which land is held. "Private Enterprise" will not yield its best results unless legal and social institutions are such that the private investor secures the fruits of his own effort. Of the many spheres where this is

relevant, the most important sphere which is widely neglected in developing countries is the contract between the cultivator and his landlord.

1.9.2 The economic disadvantage of tenancy is that it leads to the steady impoverishment of the soil i.e., 'Soil Mining.' It was Arthur Young who said in his 'Travels in France' that "the magic of private property turns sand into gold. Give a man the secure possession of a black rock and he will turn it into a garden, give him a nine year's lease of a garden and he will convert it into a desert."<sup>6</sup>

1.9.3 The Marshallian analysis shows how the tenant farms given the same production function as that of the owner operated farms use less resources and obtain less output as compared to the owner-operated farms. This is due to many factors such as lack of security and incentives for improvements on the farms.

1.9.4 Institutional instability is the social disadvantage of tenancy. In areas of high tenancy percentages, school population are uncertain and changeable. The tenant class due to illiteracy and social distinction feel ill at ease "Such a situation leads to a lack of community consciousness and community spirit resulting in backwardness or disintegration of community life for owners as well as tenants."<sup>7</sup>

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6. Wilson Gee, Op.cit., p.191.

7. Ibid. p.194.

1.9.5 A tenure system which is no longer in accord with the stage of political and economic development will inevitably contribute to instability, insecurity and uncertainty. On the other hand a tenure system which secures fair reward to the cultivators will promote self-help, self-reliance, thrift, independence and all other social virtues. There are three conditions for a just and equitable system of land tenure. This is briefly termed the three F's-Fixity of tenure, Fair rent and Freedom of transfer.

1.9.6 The change from tenancy to ownership is likely to promote a short term as well as long term effect in increasing productivity. The achievement depends on the terms on which the ownership is acquired. If the purchase price is a merely nominal charge, (as in Japan) or is fixed at low level, (Burma and in some Indian States) the result of change will be an increase in the cultivators income. If it is fixed too high, former tenant, may have to make payments over many years which may not be lower than his previous rent payment. Peasant proprietorship is considered to be the pattern best suited to the genius and traditions of our people. There can be no modernisation without defeudalisation which means liquidation of the last vestiges of absentee landlordism and the installation of peasant proprietors or owner cultivators to the utmost feasible extent.



### 1.10.0 Purpose of the Present Study

1.10.1 The main purpose of the present study is to dig deep into the once existed tenurial conditions and legislations that were passed to remedy the evils connected with the tenurial conditions and to highlight some of the economic impacts of the land reform legislation introduced since 1956. Although the misery and exploitation which afflict the rural people and the injustice inherent in the social structure can be removed by the strict implementation of land reforms, it is not the single and definite way of liberating the peasantry from its fate. Reform is not an Utopia; it is only the product of a constellation of political and social forces.<sup>8</sup>

This study covers a period of twenty four years - ie., 1956-1980.

### 1.11.0 Hypothesis of the Thesis

1.11.1 A satisfactory system of tenure is an essential condition for an efficient agricultural industry. The implementation of land reform measures helped to increase productivity and capital formation. It also led to a better social and cultural life.

### 1.12.0 Methodology

1.12.1 The study is partly descriptive and partly empirical. Data for the study are collected from :

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8. Lehmann, David (Ed) Agrarian Reform and Agrarian Reformism; London, Faber and Faber, 1974.

1. Published government documents,
2. Survey conducted by the Bureau of Economics and Statistics (1963-64),
3. Land Board and
4. NSS Reports pertaining to land reforms.

1.12.2 The data collected from these sources are supplemented by a personal survey conducted in two villages of Ambalappara II in the Ottappalam taluk of Palghat District and Kumarakam in the Kottayam Taluk of Kottayam District. About two hundred households were surveyed. Survey was based on convenient purposive sampling.

#### 1.13.0 Scheme of the Study

1.13.1 For purposes of analysis, the thesis is divided into two parts. The first part comprises nine chapters. They are : (1) Introduction, (2) Literature Review, (3) Tenure Systems of Kerala, (4) Efforts at Land Reforms Prior to Unification, (5) Land Reforms After Unification, (6) Land Reforms in the Perspective of National Land Reform Policy, (7) Salient Features of Kerala Land Reforms, (8) Implementation of Land Reform Measures and (9) Inhibiting Factors which Retard Implementation of Reform Measures. The first five chapters provide a sort of introduction to the main body of the thesis and provide the historical background to the land reform measures undertaken in Kerala.

1.13.2 The second chapter gives an account of the literature surveyed. For the present study, a significant number of related works were reviewed. Important among them are listed below:

1. Ahmed, Z.A. - Agrarian Problem in India.
2. Ayyat, K.M. - Land Reforms in Kerala and India.
3. Centre for Development Studies - Poverty, Unemployment and Development Policy.
4. Dantwala, M.L. - On agrarian Structure and Economic Development.
5. Dutt, Palme, R. - India Today.
6. Gupta, S.C. - Indian Agrarian Structure.
7. Jha, S.C. - The Indian Land Reform Studied.
8. Joshi, P.C. - Land Reforms in India.
9. Khusro, A.M. - 1) Economics of Land Reform and Farm Size in India.  
2) An Analysis of Agricultural Land in India by Size of Holding.
10. Krishna, Raj - Some Aspects of Land Reforms and Economic Development in India.
11. Kumar, Dharma - Land and Caste in South India.
12. Kurup, N.K. - Land and Tenancy Reform in Malabar.
13. Lehmann, David - Agrarian Reforms and Agrarian Reformism.
14. Lewis, Arthur - Theory of Economic Growth.
15. Logan, W. - Malabar District Manual.
16. Malaviya, H.D. - Land Reforms in India.
17. Mann, Harold, H. - The Social Framework of Agriculture.

18. Misra, B.R. - Effects of Land Reform in Saurashtra.
19. Mukherjee, Karuna - Land Reforms.
20. Mukherjee, Radhakamal - Economic Problems of Modern India.
21. Namboodiripad, E.M.S - On the Agrarian Question in India.
22. Nanavati, M.D. - The Indian Rural Problem.
23. Nanekar, K.R. - Land Reforms in Vidarbha.
24. NCAER - Techno-Economic Survey of Kerala.
25. Neale, Walter, C. - Economic Change in Rural India.
26. Oommen, M.A. - 1) A Survey of Land Reforms in Kerala.  
2) Land Reforms and Socio-Economic Change in Kerala.
27. Powell, Baden - 1) Manual of Land Revenue Systems.  
2) Land Tenure of British India.
28. Rai, M.S. - Social Change in Malabar.
29. Sankaranarayanan, K.C. - Economic Impact of Land Reforms in Kerala (Unpublished Thesis).
30. Sen, Bhowani - Indian Land Systems and Land Reforms.
31. Sen, Sunil - Agrarian Struggles in Bengal.
32. Shelvankar, K.S. - Problem of India.
33. Shea, T. - Travancore-Cochin Land Tenure Reform.
34. Singh, Dool - A Study of Land Reforms in Rajasthan.

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| 35. | Singh, Tarlok    | - Poverty and Social Change in India.                                     |
| 36. | Sinha, J.N.      | - Agrarian Reform and Employment in Densely Populated Agrarian Economies. |
| 37. | Sonachalam, K.S. | - Land Reforms in Tamil Nadu.   |
| 38. | Thorner, Daniel  | - Agrarian Prospect in India.   |
| 39. | Varghese, T.K    | - Agrarian Change and Economic Consequences.                              |
| 40. | Warrier, K.V.K.  | - Kerala Shows the Way : Implementation of Land Reforms.                  |

1.13.3 The Third chapter presents the Historical Background. In this chapter an attempt is made to highlight the most common tenures of Kerala. Though the tenures that existed in the erst-while princely states of Travancore and Cochin and the British Malabar had many common characteristics, they differed from one another in details and in many local peculiarities. The major tenures among them are Pandaravaka, Sircar Devaswam Vaka, Sree Pandaravaka, Sreepadam Vaka, Kandukrishni, Karam Ozhivu, Puravaka, Jenmom, Kanam, Kuzhikanam, Kuzhikana Pattam, Pattam, Panayam, Karanna, Pankuvaram, Mulgeni, Chalgeni and Vaidageni.

1.13.4 Eminent authorities like Logan and Baden-Powell were of the opinion that the British civil servants completely misunderstood the customary land relations in vogue for centuries. They tried to introduce British ideas and concepts of land right into the region, and started interpreting and enforcing those alien

ideas through their judicial machinery. The jenmi was considered as the possessor of Roman Dominium and all other groups connected with land and agriculture were pushed down to the position of tenants. The Kanamdars were considered as mere mortgagees and Kuzhikanamdars and Verumpattamdars as tenants-at-will, all of whom could be evicted at the will and pleasure of the Jenmi. Thus the Britishers had done great injustice to the cultivators of Kerala, especially Malabar.

1.13.5 Chapter Four deals with the early efforts at land reforms prior to the unification of the state. Here it is pointed out that a satisfactory system of tenure is a sine-qua-non of an efficient agricultural industry. But the tenure systems of Kerala were oppressive and regressive. This was partly due to the faulty definitions of the local tenures by the British and partly due to the development of absenteeism in land holding. The British, by faulty definitions, reduced the superior tenures like Kanam and cognate tenures almost to the level of actual mortgages and Verumpattam to mere year-to-year tenancy. Consequently the system began to show implications of tyranny by hierarchy of authority, freezing the individual into a caste system which he was unable to challenge. As time passed, the enlightened rulers realised the need for assuring to the individual cultivator a portion of the benefits accruing from husbandry. This led to the enactment of land reform legislations.

1.13.5.1 The Royal Edict of 1829, the Pattam Proclamation of 1865, the Janmi Kudiyan Proclamation of 1867, the Royal Proclamations of 1886, 1910, and 1922, the Prevention of Eviction Proceedings Act 1949 (all Travancore), the Royal Writ of 1863, the Land Revenue Settlement of 1899 to 1905, the Devaswam Proclamation of 1901, the Tenancy Act of 1914, the Proclamation of 1937, the Verumpattamdars Act of 1943, the Devaswam Verumpattam Settlement of 1943, the Verumpattamdars Act of 1943, the Verumpattamdars (Amendment) Act of 1944, the Proclamations of 1947 and 1949 (all Cochin) the Kandukrishi Proclamation of 1948, the Stay of Eviction Proceedings Act of 1950, the Prevention of Eviction of Kudikidappukars Act 1953, the Verumpattamdars Act of 1954, the Land Tax Act of 1955, the Edavagai Rights Acquisition Act of 1955, the Compensation for Tenants Improvements Act of 1956 (all Travancore-Cochin), the Malabar Compensation for Tenants Improvements Act of 1887, the Act -I of 1900, the Malabar Tenancy Act of 1930, the Malabar Tenancy (Amendment) Act of 1945, 1951 and 1954 and the Madras Cultivating Tenants (Payment of Fair Rent) Act of 1956 (all Malabar) are discussed in this chapter.

1.13.6 Chapter Five presents land reform measures after the unification of the state. The major ones in this category are the Kerala Land Tax Act of 1957, the Kerala Agrarian Relations Bill of 1957, the Janmikaram Payment Abolition Bill, the

Conservancy Act, the Agriculturists Debt Relief Act of 1958, the Kerala Agrarian Reforms Act of 1960, Ryotwari Tenants and Kudikidappukars Protection Act of 1962, the Tenants and Kudikidappukars Protection Act of 1963, the Kerala Land Reforms Act of 1963 and the Kerala Land Reforms (Amendment) Acts of 1966, 1968, 1969, 1971, 1972, 1974, 1976, 1978, 1979 and 1980.

1.13.7 Chapter Six discusses land reforms in Kerala in the Perspective of National Land Reform Policy. The evolution of National Land Reform Policy is discussed at length. References are made to the Directive Principles of the State Policy and the guidelines presented in the various Five Year Plan documents. The Directive Principles enshrined in the Constitution found expression in the Five Year Plan documents. The Plan documents recommended the abolition of intermediaries between the state and the tiller, tenancy reforms to reduce rents and give tenants an opportunity to acquire permanent rights over land by payments of fixed compensation, subject to landlord's right to resume certain area for his personal cultivation and fixation of ceiling on holdings. The Kerala Land Reforms Act (1963) and the various amendments to it embodied the provisions of the National Land Reforms Policy guidelines which found verbal expression in the Five Year Plan documents.

1.13.8 Chapter Seven illustrates the salient features of land reform measures.



1.13.9 The main aspect of any reform programme is its implementation. Chapter Eight discusses the various aspects connected with the implementation of the Kerala Land Reforms Act (1963) and its amendments. Our study in this respect reveals that the reorganisation of a feudalistic land tenure system must rest on a sound foundation of law and policy. In addition it must be carefully planned and it should have an adequate structure of organisation to carry out the planning. Therefore, a large and widespread organisation comprehending many skills and diverse functions to carry out the work must be created. This organisation must have trained and disciplined manpower for the specific functions it is to perform. The democratically - oriented tenure reform programme will have to utilise the services of many more people than one required in a revolutionary or totalitarian scheme. Again, before any work can be commenced, the government officials must be made aware of their responsibilities and duties in the land reform programme. If needed, they must be given training and they must be oriented in the general features of the new legislation. Exemplary punishment must be given if an official is found neglecting his duties.

1.13.9.1 The Kerala Land Reforms Act (1963) came into force on 1-4-1964. A Land Board with the first Member, Board of Revenue, as the sole member was constituted and 15 Land Tribunals were set up with effect from the above date for the implementation of the provisions of the Act. The number of Land Tribunals was enhanced later to expedite the implementation.

1.13.9.2 One of the most important objectives of land reform policy is the introduction of measures designed to confer security of tenure on the one hand and regulation of rent on the other. Section 13 of the Kerala Land Reforms Act confers fixity of tenure on all tenants in respect of their holdings and stipulates that no land from the holdings shall be resumed except as provided in Sections 14 to 22. As such, there is no need to secure an order from any Court or the Land Tribunal for securing fixity of tenure.

1.13.9.3 Our enquiry reveals that around 90 per cent of the leased-in land under all types of tenure got fixity of tenure either through mutual agreement of the superior right-holders and the tenants or through the sanction of the Land Tribunal.

1.13.9.4 The Land Tribunals have been empowered to determine fair rent. But our study in this matter reveals that fixation of fair rent has been effected in the case of very few. Strangely enough, no action has been taken to avail of this important provision of the Act.

1.13.9.5 Section 73 of the Kerala Land Reforms Act allows certain concessions to the tenants in discharging arrears of rent. According to this section, arrears of rent which fall due on or after 15-2-1961 and outstanding at the commencement of the Act (1-4-1964) shall be fully discharged by paying 75 per cent of the

arrears of rent within a period of six months from the commencement of the Act. But strangely enough, no action has been taken in the case of more than 70 per cent.

1.13.9.6 The implementation of the ceiling provision has lagged behind. Consequently the distribution of surplus land did not make any headway. Details regarding the implementation of the other provisions are given in this chapter.

1.13.10 The obstacles which stand in the way of implementation are explained in the Ninth Chapter. The obstacles can broadly be classified as administrative and socio-political. Lack of correct and upto date records is a very significant obstacle. General ignorance and illiteracy of the tenants, their weak economic position and lack of organisation coupled with the bureaucratic redtapism culminated in slowing the speed of implementation.

1.13.11 The second part of the thesis is devoted to discussing the economic impact of the reform measures. A personal survey was conducted to evaluate the impact of land reform measures. The survey revealed that the tenancy reforms helped to improve the economic status of the tenants. The early reform measures initiated in the Travancore area had a salutary effect in the expansion of cultivation. The security offered attracted foreign capital and made inroads into commercial investment. The tenancy legislations with their emphasis on tenant security and regulation of

rent coupled with the increasing trade in agricultural products increased the value of land steadily. The tenancy reforms strengthened the position of the tenants. They stopped the eviction of tenants for the creation of new ones with enhanced rates of rent and the forcing of old tenants themselves to pay higher rents on pain of eviction. The reform measures also affected investment in land and thereby productivity of land. On the social side, the reform narrowed the traditional class distinctions.

#### 1.14.0 Conclusion

1.14.1 What matters is the capacity of reforms to insure the widest possible diffusion of opportunities in line with the distribution of potential talent.

The study pin points the following factors :

1.14.2 In an over-populated country, to achieve increased labour productivity, it is essential to allocate the means of production to their most effective uses. The ultimate analysis necessitates the inclusion of the price of utilisation of not only labour and capital, but also of land where profit is the main indicator of performance and efficiency.

1.14.3 The once existed tenurial relations and the much less than optimal combination of inputs led towards a small rate of

increase of agricultural productivity. In the interest of production efficiency and social justice, best results would be achieved when those who manage the land also own it and vice versa. Labour intensity has increased as the tenant's share in the final produce increased. Ownership provides what people generally want - security - and what agriculture needs - the incentive. Of course, it has not transformed subsistence peasants or farm workers into efficient modern farmers, but it has the necessary foundation for any real change of the structure. The legislative provisions of conferring property rights should be associated with credit and financial help, so that the poor cultivating class may buy land and the necessary supplies.

1.14.4 As to the question of ceiling, test should not be whether large self-cultivated holdings are efficiently managed, but rather whether as a result of ceiling regulation and redistribution, the aggregate efficiency is likely to be jeopardised. It is clear that the small farms are worked more intensively than the large farms. Ceiling law should be followed up either by fresh legislation to prevent absentee landlordism or by abuse of tenancy rights. Land records must be made upto date, so as to ensure that ceiling legislations are not circumvented through bogus transactions and speculative investment in land is eliminated. As to the redistribution clause, landlessness is to be relieved under two sets of conditions, viz., welfare and equity

on the one hand and production and productivity on the other. The capacity of the reforms must be to ensure widest possible diffusion of opportunities in line with the distribution of potential talent. Even though the reform proposals lacked adequate measures for bringing about the needed changes in the human factor, they increased the self-confidence and effectiveness of middle-class and middle-caste farmers in political life.

## CHAPTER - II

### LITERATURE REVIEW

"Theories are launched, data collected and the literature on the 'new' problem expands"

- Gunnar Myrdal,  
Asian Drama, Vol.1

2.1 In this chapter, we present a broad survey of agrarian studies.

2.2.0 Enquiries into the land problem were originally initiated by those concerned directly with the formulation of land and revenue policies. These enquiries on land policy were conducted with an appeal on the one hand to the principles of western economic theory and on the other to the facts relating to the Indian society in general and agrarian system in particular as they were perceived by the British administrators.<sup>1</sup>

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1. Erich Stokes, The English Utilitarians and India, Clarinton Press, Oxford, 1959 and Gupta, Sulekh. C. Agrarian Relations and Early British Rule in India, Bombay 1963.

### 2.3.0 The Contribution of British Rule

2.3.1 The contribution of British rule to development of enquiry into the land question was three-fold:

- 1) Questions relating to the character of the indigenous land and revenue systems and their compatibility with economic and social progress were posed for the first time.
- 2) These questions marked the beginnings of an intellectual effort at the level of both theorising and empirical investigations.
- 3) These questions also created the need for precise and authentic data regarding the institutional framework.

2.3.2 The outstanding contributions by Baden Powell on the Land Systems of British India (1892), and the Indian Village Community (1896) and by Henry. S. Maine on the Early History of Institutions (1875) and the Village Communities in the East and the West (1876) and by numerous other scholar administrators were products of the intellectual ferment associated with early British rule. Similarly, the Settlement Reports and Gazetteers for various provinces constituted repositories of valuable empirical material collected through painstaking field work and investigation under the guidance of competent administrators.<sup>2</sup>

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2. Joshi, P.C., Land Reforms in India, Allied Publishers, Bombay 1975, p.8.



2.3.3 In 1928, the Royal Commission on Agriculture was appointed to make recommendations for the improvement of agriculture and to promote the welfare and prosperity of the rural population. But the scope of the commission's enquiry was, however, circumscribed by its terms of reference which directed the commission not to make recommendations regarding the existing systems of land ownership or of assessment of land revenue and irrigation charges.

2.3.4 The official reports of the Famine Commission (1898 and 1901), of the Deccan Riots Commission (1876), of the Bengal Land Revenue Commission (1938), of the Censuses of India and of the Provincial Censuses from 1881, of the Punjab Board of Economic Enquiry, of the Central and Provincial Banking Enquiry Committee (1929), the Gazetteers and Settlement Reports etc., contained a wealth of data and rich insights on various aspects of the agrarian structure in different regions of India.

#### 2.4.0 Contribution of Indian Nationalists

2.4.1 Land problem and land policy were proposed as crucial problem areas for intellectual enquiry by Indian nationalists from an early period. This concern for the agrarian structure and its effects on economic progress was a very important part of the institutional approach upheld by the early nationalists. The most important name in this connection is that of Ranade.

Ranade tried to relate the backwardness of Indian agriculture to the economic basis of the institutional structure, viz., the retrograde systems of land relations in India, under which the state had become the super landlord leaving the landlords and tenants without any incentives or resources for agricultural development. Ranade also emphasised the link between agricultural regeneration and industrialisation. He saw the two way relationship between institutional structure and economic backwardness. He held the view that it is not only the former which caused the latter but the latter also in turn reinforced the former.

2.4.2 R.C. Dutt attributed agricultural backwardness to the British created 'institutional framework of agricultural production', including land tenure, to the existing revenue system, marketing structure etc. Dutt contributed insights into the interconnections and interactions between different elements of the institutional framework. He also indicated the scope as well as limits of a land policy in tackling the evils of the institutional framework.<sup>3</sup>

2.4.3 Among the radical nationalists contributing to the understanding of the Indian agrarian situation, the most outstanding was Jawaharlal Nehru. For an adequate view of Nehru's

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3. Joshi P.C., Land Reforms in India, Op.cit., p.12.

contributions one has to refer to his autobiography (1936), to his presidential addresses during the pre-independence period and the 'Discovery of India' (1946).

#### 2.5.0 Contribution of Marxists

2.5.1 The contribution of the Marxists on the agrarian question is to be mainly found in the political thesis of the Communist Party of India. But among individual contributions, the most important are the Agrarian Problem in India (1937) by Z.A. Ahmed, India Today (1940) by R. Palme Dutt and the Problem of India (1940) by K.S. Shelvankar. The memorandum submitted by the Bengal Kisan Sabha to the Indian Farming Enquiry Commission in 1946 is also an important contribution to Marxist analysis of the agrarian problem. It analysed on the basis of the Marxian approach the Bengal agrarian situation in the later British period. All the Marxist analyses drew upon the penetrating and perceptive analysis of the agrarian problem offered in the political thesis called the Revolutionary Movement in the Colonies and Semi Colonies by the Communist International in 1928.

2.6.0 The leaders of Indian nationalism contributed penetrating insights into the nature of this problem. Again the views and counter views among political leaders in different phases of the nationalist movement helped to focus attention on different facets of this problem.

## 2.7.0 Individual Contribution

2.7.1 Harold. H. Mann (Land and Labour in a Deccan Village, 1917) and M.L. Darling (Punjab Peasant in Prosperity and Debt, 1925) contributed deep insights into Indian agriculture and its institutional framework. Darling analysed the inter relation of the credit and land system and showed a remarkable perception of the inter-connections of social and economic life in the Punjab. Similarly, Harold Mann showed deep understanding of the agricultural situation in India in its manifold connections with the social institutional framework.

2.7.2 Radhakamal Mukherjee, P.C. Mahalanobis, N.K. Bose, D.N. Majumdar, D.R. Gadgil, D.P. Mukherjee, V.K.R.V. Rao, G.S. Ghurye etc., had done outstanding work with reference to land policies.

2.7.3 Mukherjee's studies on the agrarian problem - Land Problems of India (1935), Democracies of the East (1923), Fields and Farmers of Oudh (1929), Economic Problems of Modern India (1939) and Border Lands of Economics (1925) are all significant contributions to the land problem. These studies are significant for viewing the land problem as a multi-disciplinary problem.

2.7.4 P.C. Mahalanobis made important contributions to agrarian study by providing data on land holdings on the basis of

the National Sample Survey. Gadgil contributed to the development of new techniques and methods of village studies through initiation of field investigations.

2.7.5 The Trends of Agricultural Population in the Ganges Valley by B.N. Ganguly (1938), the Indian Rural <sup>Problems</sup> by M.D. Nanavati and J.J. Anjaria (1945), Poverty and Social Change in India by Tarlok Singh (1945) and Agricultural Labour Conditions in Northern India by A.M. Lorenzo (1947) were significant works having a bearing on the agrarian problem.

#### 2.8.0 Contribution of Indian Society of Agricultural Economics

2.8.1 The Indian Society of Agricultural Economics sponsored a number of studies on the agrarian problem. Mention in particular may be made of :

- a) Land systems in Bihar and land problems of Gujarat,
- b) Problems of Land Tenure and Population in West Bengal,
- c) The Economics of Estate Farming,
- d) Problems of Small Farmers - Report of an enquiry into the problems of low income farmers in Kodinar Taluka.

#### 2.9.0 Independence and After

2.9.1 The land question emerged as an important area of economic research after independence. The anti-colonial awakening

was transformed into an urge for rapid economic development and social progress. The national leaders were in search of new paths to prosperity for the people through an effective use of the newly won state power. Since the peasantry constituted a major anti-colonial force in the period of the nationalist struggle, land reforms for the emancipation of the peasantry from feudal burdens became a necessary part of the process of national planning for economic development. So land reforms came to be recognised as a fundamental condition for economic development.

2.9.2 Immediately after independence publications such as *Measures for the Economic Development of Underdeveloped countries* (1951) and *Defects in Agrarian Structure as Obstacles to Economic Development* (1951) (both by U.N), *Theory of Economic Growth* (1954) by Arthur Lewis, *Economic Theory and Underdeveloped Regions* (1954) by Gunnar Myrdal, *Political Economy of Growth* (1957) by Paul. A. Baron discussed the role of the agrarian structure as a factor in economic development and posed important questions for enquiry and investigation. The agrarian upheavals in different parts of the country including the famous Telengana Revolt made land reforms an issue of urgent discussion, deliberation and action at the highest political and governmental level. In 1949, the Congress Agrarian Reforms Committee, appointed by the President of the Indian National Congress, released its report. This report presented an analysis of the agrarian problem in India and also a programme of land reforms within the parliamentary democratic framework.

2.9.3 In 1948, the Communist Party of India adopted a new political thesis which put forward the slogan of 'land to the tiller'. This basic thesis was further elaborated in a major policy document called 'On the Agrarian Question in India'<sup>4</sup> in the same year.

2.9.4 A number of valuable studies on land reforms appeared in the fifties, sixties and early seventies. Surendra J. Patel's 'Agricultural Labourers in Modern India and Pakistan (1952), Daniel Thorner's Agrarian Prospect in India (1956) and Land and Labour in India (1961), C.H. Shah's Problems of small Farmers - Report on an Enquiry into the Problems of Low Income Farmers in Kodinar Taluka (1956), the Presidential address on Land Reforms to Indian Society of Agricultural Economics by D.R. Gadgil (1954) and On Agrarian Structure and Economic Development by M.L. Dantwala (1961), Karuna Mukherjee's Land Reforms (1952), Baljit Singh's Next Step in Village India (1960), P.C. Joshi's Agrarian Class Structure and Economic Change in Utter Pradesh (1955), Land Reforms in India (1961) and Land Reforms and Agrarian Change in India and Pakistan Since 1947 (1971), Baudhayan Chatopadhyaya's Agricultural Labour, Enterprise and Land Reforms in India (1959), A.M. Khusro's An Analysis of Agricultural Land in India by Size of Holding and Tenure (1961) and the Economics of Land Reform and Farm Size (1973), Raj Krishna's Some Aspects of Land Reforms

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4. Communist Party of India, On the Agrarian Question in India, Peoples Publishing House, Bombay, 1949.

and Economic Development in India (1951), Dandekar's Economic Theory and Agrarian Reform (1962), S.C. Gupta's India's Agrarian Structure (1966), Tarlok Singh's Poverty and Social Change (1969), K.N. Raj's Ownership and Distribution of Land (1970), B.S. Minha's Rural Poverty, Land Distribution and Development (1970), G.Parthasarathy's Implications of Green Revolution and Policy Alternatives (1972), J.N. Sinha's Agrarian Reform and Employment in Densely Populated Agrarian Economies (1973) and Amit Bhaduri's A Study in Agricultural Backwardness under Semi-feudalism (1973) are worth mentioning in this context.

2.9.5 An important feature of the land studies during this period was the crucial role played in it by distinguished scholars from outside India. Among them, Daniel Thorner was virtually the pioneer of a new method of agrarian study among economists. Wolf Ladejinsky is another expert who has done significant contributions to this area.

2.9.6 The Research Programmes Committee of the Planning Commission entrusted eminent scholars with evaluating land reforms and their implementation by offering financial assistance for this purpose. This programme of research resulted in a spurt of land reforms evaluation studies. Important among them are A.M. Khusro's Economic and Social Effects of Jagirdari Abolition In Hyderabad (1958), Dandekar and Khudanpur's Working of Bombay



Tenancy Act, 1948 (1957), Kolhatkar and Mahabal's An Enquiry into the Effects of the Working of the Tenancy Legislation in the Baroda District of Bombay State (1958), B.R. Misra's Effects of Land Reforms in Saurashtra (1961), Sarveshwara Rao's The Economic and Social Effects of Zamindari Abolition in Andhra (1963), Basu and Battacharya's A Study on Implementation of Land Reforms in West Bengal (1963), Baljit Singh and S.D. Misra's A Study of Land Reforms in Uttar Pradesh (1964), G. Parthasarathy and D. Prasada Rao's Implementation of Land Reforms in Andhra Pradesh (1969), Dool Singh's Study of Land Reforms in Rajasthan (1964), K.R. Nanekar's Land Reforms in Vidarbha (1966), K.S. Sonachalam's Land Reforms in Tamil Nadu (1970), M.V. Desai's Tenancy Abolition and the Emerging Pattern in Gujarat (1971), N.C. Dutta's Land Problems and Land Reforms in Assam (1968) and M.L. Dantwala and C.H. Shah's On Land Reforms (1971).

2.9.7 In 1969, the Union Government appointed the National Commission on Agriculture for making analyses and policy recommendations on all important aspects of Indian agriculture including land reforms. The working Group on Land Reforms appointed by the Commission prepared a report on the imposition of ceilings on land holdings. The All-India Rural Credit Survey, the Debt and Investment Survey, the National Sample Survey on Land Holdings, The Chapters on Land Reforms in the reports of various Five Year Plans, the two reports On Progress of Land Reforms

(1963) and the Implementation of Land Reforms (1966) were the other important contributions to agrarian studies.

2.9.8 Some important contributions made by political leaders and activists merit consideration. Important among them are E.M.S. Namboodiripad's *On the Agrarian Question in India* (1952), and *Economics and Politics of the Socialist Pattern* (1966), H.D. Malaviya's *Land Reforms in India* (1954), Bhowani Sen's *Indian Land System and Land Reforms* (1955) and *Evolution of Agrarian Relations in India* (1962), Charan Singh's *Abolition of Zamindari* (1947), *Co-operative Farming X-rayed* (1961), and *Agrarian Revolution in Uttar Pradesh* (1957), P. Sundarayya's *Telengana People's Struggle and Its Lessons* (1972), Sunil Sen's *Agrarian Struggles in Bengal* (1972), Vinoba Bhave's *Boodan to Gramdan* (1957) and Jayaprakash Narayan's *The Land Grabbers* (1970) and *Face to Face* (1971).

2.9.9 The list of studies mentioned above with reference to land reform in India is not exhaustive. Those who are interested in knowing more about the literature on this subject may refer *Land Problems in India Trends and Perspectives* by P.C. Joshi.

#### 2.10.0 Studies with reference to Kerala

2.10.1 With reference to Kerala, we came across a number of studies relating to the land question. *Agrarian Question in*

Kerala by E.M.S. Namboodiripad (1948), Land Reforms in Travancore - Cochin by Billia (1952), Land Reform in Travancore - Cochin by V.R. Pillai (1953), Travancore - Cochin Land Tenure Reform by T. Shea (1954), Land and Tenancy Reform in Malabar by N.K. Kurup (1955), Land Reform in India and Kerala by K.M. Ayyat (1959), Land Tribunals and Land Reform Legislation, Kerala and Bombay by G.A. Rao (1959), Survey of Land Reforms in Kerala (1966-67) by Bureau of Economics and Statistics, Tiller gets Land in Kerala by K.T. Jacob (1970), Tenancy Relations, Land Reform and Agricultural Production by P.K. Gopalakrishnan (1970), Kerala Land Reforms, Valuable Model to Emulate by N. Gopinathan Nair (1970), Agrarian change and Economic Consequences of Land Tenures in Kerala, 1850-1960 by T.C. Varghese (1970), Economic Impact of Land Reform in Kerala by K.C. Sankaranarayanan (1970), Kerala shows the way: Implementation of Land Reforms by K.V.K. Warriar (1970), Land Reforms and Socio-Economic Change in Kerala by M.A. Oommen (1971), Agrarian Tension in Kerala, an Analysis by T.K. Oommen (1971), Green Revolution and Agrarian Conflict by T.K. Oommen (1971), Poverty, Unemployment and Development Policy Published by the Centre for Development Studies (1975) are some of the major works in this respect.

The present study attempts to supplement the previous studies.

## CHAPTER - III

### TENURE SYSTEMS IN KERALA

"Kerala is one of the few areas of India where, for a long time, the relationship between landlords and those who functioned under them resembled that prevalent under feudalism in Europe."

- Varghese, T.C.

Agrarian Change and  
Economic Consequences.

#### 3.1.0 Kerala - General Features

3.1.1 Kerala situated at the southern tip of the Indian peninsula had been isolated to a considerable extent from the vicissitudes of cultural and political changes that transformed social values elsewhere. No other part of India presents such a bewildering variety of land tenures as Kerala. "They are almost unique in respect of their complexity and multiplicity of incidence."<sup>1</sup> According to Dr. P.J. Thomas, the narrow strip

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1. Oommen, M.A., Land Reforms and Socio-Economic Change in Kerala, Christian Literature Society, Madras, 1971, p.10.

of country between Gokarnam and Cape.Comarin presents nearly all the characteristics of a separate economic system."<sup>2</sup>

3.1.2 The state of Kerala was carved out of political units each of which had separate identity, namely, the princely states of Travancore and Cochin and Malabar District of British India. The following observation from Maclean's Manual of Administration on Madras Presidency is instructive. 'The characteristic of whole of Kerala was the presence of a slightly developed personal and individual land property, the absence of a Government tax on land, the absence of concentrated village system such as obtained in the Carnatic and the existence of a military tenure similar to the feudal systems of Europe.' Before unification, Travancore, Cochin and Malabar possessed strongly contrasted agrarian structures because of the difference in political status. There existed a variety of land tenure arrangements. By land tenure, we mean all those arrangements by which farmers or others hold or control land and which condition its use and occupancy. Malabar became an area of absentee landlordism and remained so upto the end of the 19th century as a result of the British policy of conferring ownership on superior right holders. Travancore pursued an independent land policy as a native state. In 1865, its ruler, through a major land reform policy, distributed state land representing 2/3 of the area to small owners

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2. Pillai, Narayana, P.K. (Ed), Kerala in Early Days' Kerala Studies, 1955, p.28.

and thereby established a system of peasant proprietorship. Cochin had a mixed system including peasant proprietorship and absentee landlordism.

3.1.3 In this chapter, an attempt is made to list and explain the most common tenures of Kerala. Though the tenures which existed in the erstwhile princely states of Travancore, Cochin and British Malabar, prior to the unification of State on linguistic basis, had many common characteristics, they differed from one another in details and in many local peculiarities. The following paragraphs analyse the most common tenure systems in Travancore, Cochin and Malabar.

### 3.2.0 Prior to Land Reform

#### 3.2.1 Travancore

Travancore formed an irregular triangle with its apex Cape-Comerin between 8°4' and 10°22' north latitude and between 76°13' and 77°38' east longitude and had an area of 7,625 Sq. Miles. It occupied in area the 19th place among the Indian princely States and in population the third place. The Western Ghats formed a continuous mountain chain of varying altitude from North to South, isolating Travancore from the Madras Presidency on the East. It is bounded on the North by the State of Cochin and the British District of Coimbatore. Land was the most prized species of wealth in Travancore. The recorded total

area in 1936 (1112 ME) was 48,80,000 acres. The total area under occupation was 25,47,682 acres of which 5,98,896 acres were wet land and rest dry or garden lands.

Nowhere else in India had the sub-division of land been carried to such an extent as in Travancore. The distribution of land as it existed was mainly the result of social customs, laws of inheritance and the legislative enactments made from time to time. According to the returns of the Economic Census, the area cultivated was 16,50,000 acres and the number of cultivators numbered 62,98,887. In short, 38 per cent of the holdings were below the size of one acre. Between 2/3 and 1/2 of the numbers were less than 40 cents and nearly 2/3 were more than 60 cents of the total number of holdings, more than 87 per cent were below 5 acres and as such 95 per cent were below 10 acres.

The tenure system that existed here can be grouped under three heads. (1) Pandaravaka, (2) Jenmom land and (3) Others.  
(Annexure - 1)

#### 3.2.1.1 Pandaravaka Lands

Pandaravaka lands were also known as Sirkar lands. This formed more than 75 per cent of the total area, while, in Cochin it constituted only one half of the cultivated area. Sirkar tenure represents lands in respect of which the Sirkar is in the position of the landlord. \*This may be said to correspond

directly to the ryotwari system in British India."<sup>3</sup> Sirkar lands originally belonged to the Jannies, but in course of time they came to be vested in the Government by conquest, escheat, accretions by the action of rivers and sea etc. Most of the tenures that arose on this land had their origin in bygone times when the country was split up into petty chiefdoms and when rights and objectives affecting land were created in numerous ways. The Travancore Settlement Report (1911) recorded 177 tenures under wet lands and 135 under garden lands. In case of pandaravaka lands, the tax due to the Sirkar was called pattam (rent) and it represented the share of the produce of the land which the Sirkar was entitled to. They were also subject to different rates of assessment varying from full assessment to absolute exemption from assessment. This peculiarity was due to historical, political and other causes.

The main tenures under Sirkar Lands were,

- a) Pandarapattam,
- b) Inam,
- c) Viruthy,
- d) Thiruppuvarom,
- e) Special Tenures.

#### 3.2.1.1.0 Pandarapattam

Pandarapattam was originally in the nature of a lease without any proprietary or transferable rights. Only this type

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3. Travancore Banking Enquiry Committee Report, Government of Travancore, 1930, Vol.I, p.20.



of lands were assessed at the full rate while the other tenures were treated as privilege tenures having partial assessment.

#### 3.2.1.1.1 Inam

The term 'Inam' in the genuine sense was applied to all lands whether entire villages or detached pieces of lands held either entirely free of assessment or on favourable quit rent. They were grant of land made by ruling Princes or great Janmies either for some service rendered or to be rendered as a mark of Royal favour. Inams were of two kinds - those granted for performance of special services or Service Inams and those granted for the support of individuals or families or Personal Inams. Service Inams were alienable and heritable while Personal Inams were both alienable and heritable. Some personal Inams were rent free. Inams comprised of 'Adima', 'Anubhogam', 'Thiruvallam', 'Thiruvadayalam' etc. An Inam granted by a high caste man to a low caste man was called 'Adima' and that made to a man of the same caste 'Anubhogam'. Grants made by Sirkar to Janmies and others were known as 'Thiruvullam' and 'Thiruvadayalam'.

\*The following were some of the Inams that existed in the State :-

##### 1) 'Anubhoga Viruthi'

These are lands given to the Kudiyans bearing small rent or tax for their maintenance for no service of any description but simply as gift to the goodwill of the kind.

2) 'Manibham'

Manibham were lands granted to those persons who rendered good services to the state.

3) 'Arthamanibham'

Arthamanibham included Inam lands bearing half pattam only, the other half being remitted as compensation for services rendered.

4) 'Gurudakshina' were gifts offered in kinds to Gurus as rewards for educating the Royal youths.

5) 'Danapramanam' were lands given to Brahmins by Rajas and Barons for securing spiritual benefit. Kudiyirippu, Kudijenmom, Rakshabhogam, etc., are still others."<sup>4</sup>

3.2.1.1.2 Viruthi

Viruthi though analogous to service inams were treated differently owing to certain peculiarities in their origin and incidence. These were service grants to which were attached certain obligations in the shape of personal labour and supply of provisions. 'Jeevitham' found in ancient records may be considered as a Viruthi. These tenures had permanency so long as the holder rendered services regularly. It was heritable too.

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4. Aiya, Nagam, Travancore State Manual, Trivandrum, 1906, Chapter XV, p.221.

3.2.1.1.3 'Thiruppuvarom' was the assignment in favour of a third party of a specific portion of revenue payable to the Government by the holder of a specific land. "The Thiruppu holder collects the 'Varom' direct from the holder of land on which it was charged. In case of default, payment was enforced by a Civil Suit."<sup>5</sup>

3.2.1.1.4 'Special Tenures'

Special tenures were tenures in the nature of Inam which received special treatment and were charged special rates of assessment. 'Karathil Chilavu' was yet another tenure which was in effect an assignment of the whole or of a specific portion of the revenue due on land, generally in favour of its holder. As in 'Thiruppuvarom', no definite policy was laid down in regard to it.

3.2.1.1.5 Puramboke lands, Tharisu lands, 'Thanathuchitta' lands, 'Kanippat' lands etc., were also lands owned by Sirkar. Puramboke lands were lands which were used, required or reserved for public purpose or for the communal use of villagers. 'Tharisu lands' were waste lands at the disposal of the Government and were available for registry. These were surveyed, but assessed

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5. Pillai, Velu. T.K., Travancore State Manual, Government Press, 1915, Chapter XV, p.221.

or unassessed. 'Thanathuchitta' lands were surveyed and assessed lands occupied by Palaces and temples and Government Institutions. They were virtually Government lands and the Sirkar was treated as 'Pattadar' though no 'Pattam' was issued. They too were later treated as puramboke lands. Unlike in other districts, a special group of lands known as 'Kani Tharissu' was seen in Trivandrum. These were termed as 'Kanippat' lands. These were found in the hilly tracts which were inhabited only by the Hill tribe known as Kanikkar.

3.2.1.1.6 'Oodukur' was a peculiar system of right found in the Neyyatinkara Taluk of Trivandrum District. It prevailed in almost all classes of lands such as 'Sreepadam', 'Sree Pandaravaka' and 'Kandukrishi'. Under this, garden lands and trees thereon were held by different proposition without any division of the area. The produce was taken in common and shared in various propositions. The pattas were issued as 'Oodukur' pattas. 'Oodukur' enjoyment paved the way for unnecessary and wasteful litigations.

#### 3.2.1.2 Janmom Lands

The 'Janmom' lands comprised 1/5 of the total area. The origins of Janmom rights is still shrouded in obscurity. Whatever be the origin of Janmom lands, it is evident that Janmom lands were regarded as the absolute private property of the owner.

Recent research has proved that bulk of land in Kerala was in the hands of non-brahmins, the Pulayas, Edayas and Ulladas till the 12 th century A.D. As the author of the Cochin State Manual observes, "the probabilities therefore are that the brahmins never enjoyed proprietary right over more than a minor portion of the land and that they obtained this right not by divine favour but more prosaically by gifts, purchase or usurpation from immigrants who settled in the country long before them."<sup>6</sup> Professor Elankulam Kunjan Pillai too has opined similarly.<sup>7</sup>

3.2.1.2.0 The essential difference between a Roman dominus and a Malayalee Janmi was unfortunately not perceived and not understood at the commencement of the British administration. The Janmi, had by the action of civil courts, been virtually converted into a dominus and the result on the workers and cultivators had been and is very deplorable. The peculiarities of Janmom tenure were (i) freedom from taxation, (ii) the above feature ceases the moment the land passes into the hands of others than devaswom or brahmin Janmies for money consideration provided the mere letting out of the lands to a tenant for rent does not vitiate the tenure, (iii) on such alienation, lands become liable to a light tax to Government called Rajabhogam,

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6. Menon, Achutha, C., Cochin State Manual, p.29.

7. Pillai, Elankulam Kunjan, Janmi Systems in Kerala, National Book Stall, Kottayam, 1966.

(iv) the light assessment continues for ever eventhough the Kanom is redeemed, (v) if the Kanomdar dies heirless the land lapses to the Sirkar, Janmi entitled only to michavaram, (vi) if the Kanomdar abandons the land as unfit for cultivation, Sirkar takes it and grants it to anybody who asks for it on full assessment.

3.2.1.2.1 Janmom lands were of three kinds :-

- a) 'Adhikara Ozhivu' and 'Desa Ozhivu' lands,
- b) Devaswam and Brahamaswam land,
- c) Madampimarvaka land.

3.2.1.2.1.1 'Adhikara Ozhivu' and Desa Ozhivu' lands

Lands that were entirely 'freehold' and exempted from payment of any kind of tax to the government under any circumstances came under this category.

3.2.1.2.1.2 Devaswam and Brahamaswam Land

Lands originally exempted from payment of tax but subsequently become liable to it under certain conditions belonged to this section.

3.2.1.2.1.3 Madampimarvaka Lands

These were lands that paid 'Rajabhogam' or a light tax from the very beginning.

3.2.1.2.2 The payments made by the Kudiyaans to the Janmi could be grouped under three heads - Annual, Occasional and Once in twelve years. The annual payments consisted of 'Michavaram' and 'Onakazcha'. Occasional payments were made on various ceremonial occasions such as 'Chorunu', 'Upanayanam', etc. The tenant paid 'Kalasavari' - fee for conducting purificatory ceremonies in the temples - when the Janmi happened to be a Devaswam. The periodical fee was renewable once in twelve years.

3.2.1.2.3 The Janmies created a variety of subordinate tenures under them from a simple lease to outright sale. They were

- a) Kanom,
- b) Verumpattam,
- c) Pattam and Kuzhikanom, and
- d) Otti.

3.2.1.2.3.1 'Kanom'

The most important subordinate tenure that the Janmi created was the Kanapattam tenure. It was a combination of lease and mortgage. It was periodically renewable on payment of a certain percentage of mortgage amount. The Kudiyaan enjoyed the usufructs of the property demised, reserved a portion of it in lieu of interest on his artham, paid another portion as net of residual rent to the Janmi, paid Sirkar assessment if any and paid renewal fees and the produce of the land. Besides

the renewal fees, Kanomdar had to pay to their landlords some perquisites on ceremonial occasions in the Janmies family which were known as the 'Aradiantharam' (6 ceremonies - Chorunu, Upa-nayanam, Samavarthanam, Veli, Pindam and Masam). The document showing this type of tenure were found originally in North Travancore by the names of 'Patta', 'Ola', 'Ulavupattam', 'Ulavu Ola', 'Ubhayapattam' etc., and in south Travancore by the name of Marayapattam. In short, "Kanapattam arose out of contracts pure and simple between the Janmi and Kudiyan ie., Janmi borrowing money from the Kudiyan on the agreement to execute a Kanapattam."<sup>8</sup>

#### 3.2.1.2.3.2 'Verumpattam'

Verumpattam was a simple lease without any debt or money consideration entering into the transaction. This was of two kinds, (i) where the rent was a fixed quantity of grain or money, and (ii) where the proprietor and the cultivator engages to divide the produce of the land in certain fixed proportions at the time of the harvest. This was the most widely prevalent tenure, and it was into this that all other tenures in Travancore tended to merge. These lands were liable to full assessment. The tenants had heritable and transferable rights. Till 1040 ME., they had power only to transfer their 'Nadavukar' right. The compensation was generally  $\frac{1}{4}$  of the 'Kandapattam'. But later

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8. Pillai, Velu, T.K., Op.cit., p.154.



'Nadavukar' was abolished with the view to simplify the accounts and remove one source of oppression to the right holders.

### 3.2.1.2.3.3 'Pattam' and Kuzhikanom'

These resemble Verumpattam, but they conferred on the tenant the right to make improvements on the land for which he was entitled to receive compensation on the expiry of his tenure.

#### 3.2.1.2.3.3.1 Pattams were of many kinds. Main among them were,

- i) Sunchaya pattam,
- ii) Durghasu pattam,
- iii) Vettolivu pattam,
- iv) Karikku pattam,
- v) Vilakku pattam,
- vi) Nadu pattam.

#### 3.2.1.2.3.3.1.1 Sunchaya pattam

All escheated viruthi holdings and those of incompetent viruthikar were leased out under this tenure on a higher pattam till another was appointed. Lands that could not be permanently leased out or where tenure could not easily be settled were treated under this. But the holders remain as mere tenants-at-will.

#### 3.2.1.2.3.3.1.2 Durghasu Pattam

It comprised viruthi lands leased out at a lower pattam for a specified or unspecified period. The period may last upto

10 years. This applied only to wet lands. In case of garden land, they were given on Kandapattam and it was higher than Ayacut pattam or on pattam obtained in the locality. If neither condition were satisfied, gardens were let out to the highest bidder.

#### 3.2.1.2.3.3.1.3 Vettolivu Pattam

This tenure was common to Sirkar as well as Janmom lands. The sirkar used to make a deduction equal to the interest on the amount spent for bringing the waste land under cultivation. In case of Janmom lands, Janmi could redeem them on payment of the amount spent on improvements.

#### 3.2.1.2.3.3.1.4 Karikku Pattam

This included waste lands interrupted by Channel beds, and valleys overgrown with shrubs leased out for cultivation. One-fourth of the assessment was deducted for cultivator's trouble and the rest three-fourth formed the Government demand.

#### 3.2.1.2.3.3.1.5 Vilakku Pattam

It included such lands as were assessed to Sirkar as pattam lands but were formerly given for the maintenance of lights in some temples.

### 3.2.1.2.3.3.1.6 Nadu Pattam

Nadupattam included such temporary leases to third persons of escheated properties pending enquiries into the rights of claimants, if any,

'Nateduppu Pattam', 'Viruthi', 'Nerpathi Pattam', 'Thor-pattam' etc., were some of the other varieties of pattam tenure.

### 3.2.1.2.3.4 'Otti'

The lands under Otti unlike those of the Verumpattam tenure means an usufructuary mortgage. In this transaction, the Janmi borrows some amount on the security of his land and the property is left with the Kudiyan for engagement of its produce as interest for the amount. 'Otti' transactions were of many kinds. Creation of a second mortgage by a Janmi with power to redeem the previous mortgage by paying the 'Otti' amount was termed 'Melotti'. A transaction executed by the mortgager for any additional sum advanced to the mortgager after the first 'Otti' was known by the name 'Purakkadam Chora Otti' or 'Mita Otti', and secure high consideration as possible as outright sales were considered derogatory. Under 'Kayyuru Pathi', the 'Ottikaran' takes on lease on condition of his being entitled to  $\frac{1}{2}$  of the cost of trees reared by him and the other half to the Janmi. 'Chittotti', 'Olavotti', 'Michavara Otti', 'Attotti' etc., were also some of the variants of 'Otti' tenure.

3.2.13 The following were the other important tenures which occupied a position different from 'Janmom' and 'Pandaravaka'.

- i) 'Edavaka'
- ii) 'Sree Pandaravaka'
- iii) 'Sree Padamvaka', and
- iv) 'Kandukrishi.'

#### 3.2.1.3.1 Edavaka

Closely allied to Janmom lands was the tenure called 'Edavakas'. It meant "any tract or area recognised as such in Government accounts, the whole or any portion of which is exempt from the payment of land revenue to Government."<sup>9</sup> There were four such 'Edavakas' (free hold estate) - Edappally, Poonjar, Vanjipuzha and Kilimanoor. The landlords of these Edavakas were called Chiefs. It comprised about 1.23 lakh acres. The Edavaka Chiefs bore some resemblance to the Zamindars in other parts of India as they were the absolute proprietors. These lands could be included under 'Karamozhivu' lands; ie., lands other than Janmom which are tax-free.

#### 3.2.1.3.2 Sree Pandaravaka Lands

These belonged to the temple of Sree Padmanabha Swami, Trivandrum. It came to about 12,360 acres. These lands were

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9. Bureau of Economics and Statistics, Land Reforms Survey in Kerala, 1966-67 Report, Trivandrum, 1968, p.18.

subject to 'Rajabhogam' in addition to the rents. The revenue demand for these lands was not included in the State revenue but was kept separately and managed by the temple authorities. These lands were formerly in the possession of 'Matathil Pillamar' who paid the michavaram to the temple. Subsequently, they had been resumed and given to ryots. Of these, some were given as 'Anubhogam' to persons attached to or connected with the temple but the greater portion was given to the Kudiyans on high 'Pattam' bearing also a 'Rajabhogam' of 1/8 of the 'Pattam'.

#### 3.2.1.3.3 Sreepadamvaka Lands

These belonged to the female members of the Venadu Royal Family and it comprised about 14,600 acres. Originally, the Rani of Attingal had the right to appropriate revenue but later it went to a Trust under the control of Maharaja of Travancore. The female members were given annual sums of money according to a proportion. These lands were found in parts of Thovala, Kalkulam, Vilavancode, Neyyattinkara, Trivandrum, Nedumangad and Chirayankil Taluks. 'Sreepadam' tenures constituted 'Sreepadam Pattam', 'Sreepadam Thanathu', 'Sreepadam Irayili' etc.

#### 3.2.1.3.4 Kandukrishi Lands

These lands were the 'Stanam' properties of the Travancore Maharaja, i.e., home farms of the sovereign. The total extent of this land came to 19,400 acres. The lands were situated

in ten taluks of Travancore - viz., Trivandrum, Chirayankil, Nedumangad, Neyyattinkara, Kalkulam, Kottayam, Agastheeswaram, Ampalapuzha, Ettumanoor, and Changanacherry. They fall under four tenures viz., Kandukrishi, Thanathu, Kandukrishipattam and Karamoshivu. The ryots neither had the property nor the transferable rights. They were no more than tenants-at-will. They could not even sell the occupancy right or transfer it without the previous consent of the Sirkar. As a matter of fact, Sirkar never interfered with their occupancy. The rent was fixed and payable in grain.

### 3.2.2.0 Cochin

3.2.2.1 Broadly speaking, the tenure in the Cochin area fell in the same groupings as in the Travancore area. But there were some tenures which carried different rights and had different incidence.

3.2.2.2 For settlement purposes, the tenure system of Cochin was broadly classified under two heads :-

- i) Pandaravaka and
- ii) Puravaka.

#### 3.2.2.2.1 Pandaravaka

It is synonymous with the Pandaravaka lands of Travancore. The state had the Janmom or proprietary right over them. These were held by ryots directly under the government. Of the

assigned lands, Pandaravaka lands comprised 42 per cent.

#### 3.2.2.2.2 Puravaka

'Puravaka' lands were held by tenants under private Janmies, i.e., private persons had the right of ownership. It is synonymous with the farmers land of Malabar. 'Puravaka' lands accounted for 58 per cent of the assigned lands.

3.2.2.3.0 The major types of tenures under Pandaravaka were,

- i) Kanam,
- ii) Verumpattam,
- iii) Inam.

#### 3.2.2.3.1 Kanam

The 'Pandaravaka' lands comprised of 42 per cent of the assigned lands of which 'Verumpattam' accounted for 36 per cent and 'Kanam' for 6 per cent. 'Kanam' tenure was the same as that of Kanapattam of Travancore. Unlike in Travancore, here there was uniformity in the amount deducted from the Kanam amount. It was fixed at 5 per cent. 'Kanam' was a liability created by the Sirkar, in most cases as a reward to services rendered. These were called 'Pandaravaka Kanam' lands. "In practice, a rent was fixed for the land given over on these tenures and from this the amount fixed as interest was deducted. To the balance of rent or 'Michavaram' 'Puravaka' rates are added and resulting

amount, formed the State demand. A further condition was that once in 12 years properties should be subjected to 'Polichezuthu' or renewal of the lease at which tenant should pay a renewal fee or 'Polichezhuthu Avakasam'.<sup>10</sup>

Later, Jannies began to create 'Kanam' tenure. 'Ubhaya Pattam' another variant of 'Kanam' was a lease in which the landlord received a deposit of money or grant as security or loan from the tenant. The net produce after deducting the cost of seed and cultivation was to be shared equally between landlord and tenant and from the farmers share, tenant was entitled to deduct the interest on 'Kanam' amount. The amount payable to 'Janmi' after these deductions was claimed 'Michavaram'. If, on the contrary, the interest exhausts the 'Janmi's' share of the produce the tenure was termed 'Nerkanam', or 'Nerpalisa'. As 'Kanam' assumed more the nature of a mortgage than that of a lease in later days, 'Panayam', a simple mortgage with or without possession originated. It did not ensure enjoyment for a specified period or for compensation for improvements. 'Otti' also, had the same features of 'Kanam'.

#### 3.2.2.3.2 Verumpattam

The 'Verumpattam' of Cochin was the same as that of the Verumpattam of Travancore. The state raised large sums of money from the 'Verumpattam' tenants. If no period was specified

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10. Cochin Land Revenue Manual, Government of Cochin, 1913,p.xii.



'Verumpattam' was a lease for one year. Customarily, tenant was entitled to 1/3 of the net produce and the landlord 2/3. But in most cases it was not so. Tenants were allowed to continue in undisturbed possession as long as they paid the stipulated rent. In short, they enjoyed permanent occupancy rights. They were entitled to compensation for improvements. Yet another lease which was a modification or evolution of 'Verumpattam' was 'Kuzhikanam'. Rents paid by 'Kanam' tenants were far lower than those paid by 'Verumpattam' tenants. ".... but in case of 'Verumpattam' tenants, in many cases the tenant's share is less now, in varying degrees, than a third of the net produce and in some, it is hardly more than the bare cost of the seed for cultivation; the tenants in such cases being practically labourers on subsistence wages."<sup>11</sup>

#### 3.2.2.3.3 Inams

'Inam' in Cochin were also similar to the type found in Travancore. 'Inam' or 'Anubhogam' was a grant of land made either as a gift or in return for certain services. It was not a mere grant in lieu of wages, as long as the grantees were willing and able to perform those service, the grantor was powerless to revoke the main tenure, whether the services were actually performed or not. There were two kinds of Inams -- viz., (i) Personal Inams, and (ii) Service Inams.

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11. Report of the Agrarian Problems Enquiry Committee, Cochin, Ernakulam, 1949, p.52.

3.2.2.3.3.1 Personal Inams were again divided into (a) Absolute and (b) Conditional Inams.

3.2.2.3.3.1.1 Absolute Personal Inam

The grantor of an absolute personal inam transfers his proprietary rights over the holding completely in favour of the grantee. They should not be interfered by revenue officers. "The lands stood in the same position as the non-inam lands (ie., 'Pandaravaka Verumpattam', 'Pandaravaka Kanam', and 'Puravaka' lands) in respect of succession, sub-division transfer etc."<sup>12</sup> The 'Inamdar' of a conditional personal inam held the land subject to certain conditions -- "Limitation of successors to direct lineal heirs in accordance with the law of inheritance in force, lapse of the grants of failure of such heirs, strict prohibition of alienation, non-recognition of adoption except when it is made under the authority of Theetooram granted."<sup>13</sup> In short, they are inalienable but could be bequeathed to legal heirs.

3.2.2.3.3.1.2 Service Inam

Service Inams were those conferred on the holders for services to be rendered in religious and charitable institutions. They were known by different names according to the caste of the grantors. The grant made to a brahmin ('Santhali

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12. Cochin Land Revenue Manual, op.cit., p.58.

13. Ibid., p.58.

Brahmaswam'), those to a non-brahmin equal or superior to the grantor ('Anubhogam' or 'Sarvothom') etc. Where the grantee was a person of inferior caste, the grant was called 'Adima' or 'Kudima'. The particulars of the service to be rendered were clearly set forth in the title-deeds for the Inams. It was the duty of the 'Divan Peishkar' and his assistants to see that inams were not enjoyed without the conditions of the grant being fulfilled.

3.2.2.3.4 Besides the above mentioned categories of tenures there were puramboke lands, tharisa lands, kole lands and Devaswam lands.

#### 3.2.3.0 Malabar

Malabar, one of the two districts of the Madras Presidency situated on the West Coast of India lies between N.L. 10° 15' and 12° 18' and EL 75° 15'. It is bounded on the north by South Canara and on the south by the Cochin State.

3.2.3.1 The first thing to be observed in Malabar was the extent to which private right of property was recognised. In Major Walker's Report, after noting that the Janmi possessed the entire right on the soil, it is stated "This much is certain that in no country of the world is the nature of this species of property better understood than in Malabar nor its

rights more tenaciously maintained."<sup>14</sup> In the Fifth Report, it is observed; "the lands in general appear to have constituted a clear private property more ancient and probably more perfect than that of UK."<sup>15</sup>

3.2.3.2 From the point of tenures that existed, Malabar presented in its limited area quite a number of instructive and in due sense, unique facts. The land tenures of Malabar were conceived in much wisdom and forethought. The principal object was to secure the inalienable right of the Hindu Proprietor to his land. "As with the Jews under the Mosaic dispensation, it was held to be a religious duty in Malabar not to part with a family estate absolutely."<sup>16</sup> It presented a curious process of landlord development due to the "influence of European ideas embodied in Western terms".<sup>17</sup>

3.2.3.3 Due to the existence of a chain of intermediaries between the original 'Janmi' and the actual cultivator, the Malabar tenurial system was far more complex and highly feudalistic than that of Travancore and Cochin. Janmom right had been the most dominant interest in land. The state never owned or claimed ownership of land except what it had acquired by escheat or land acquisition. The spirit and intention of the

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14. Report of the Malabar Tenancy Committee, 1927-28, <sup>Madras,</sup> Vol. I, p.6.

15. Ibid., p.6.

16. Strange to Pyeroff. Correspondance on the relations of landlord and tenant in Malabar, 1852-56, p.16.

17. Powell, Baden. Land Systems of British India., Book IV, Vol.III, Clarendon Press, London, 1892, p.152.

Malabar Janmi right was just the same as that exhibited in the terms of 'Kani-Atchi', 'Miras', 'Wirga' of other parts. The whole of Malabar was owned by a class of Janmies and of inferior Nayar Kanakkars. The major portion of Janmom lands was concentrated in the hands of a few families - the Janmies of Calicut, Raja of Nilambur, Kavalappara Nair, Raja of Kollengode, and Poomalli Namboodiri. Out of a total cultivated area of 1,229, 216.88 acres in 1920-21, 6,28,921.30 acres were held by 32 Janmies.

3.2.3.4 "The Janmom is a right as absolute as can be had in property; it gives the proprietor the right to alienate it in every possible way and to oust all occupants of it at pleasure, all such at least as have not a lease from the proprietor and unless certain articles of produce are grown upon the land, it is held free from all demands of revenue."<sup>18</sup> This theory that the Janmom signifies absolute property in the soil rests mainly on the basis that a brahmanical government or theocracy existed in Malabar. From the accounts of Buchanan and Hamilton, it is clear that by the time the British had established their ascendancy over Malabar, Janmi system had been perfected. They also realised that the easy way to get land revenue regularly was to strengthen the lords and Janmies. The minutes of the Board of Revenue 1818 stated "in the province of Malabar, the

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18. Sullivan. Report on the Province of Malabar and Canara., Madras, 1841, p.11.

exclusive right of the ryot to the hereditary possession and usufruct of the soil is known by the term Janmom or birthright and originally belonged exclusively to the natives. 'The Janmomkars' were the independent owners of the land."<sup>19</sup> The essential difference between a Roman Dominus and a Malayalee Janmi was unfortunately not perceived or not understood at the commencement of the British Administration.

3.2.3.5 As time passed, because of the development of social rigidities, the Namboodiri Janmies found it difficult to attend and manage their lands. Hence, they granted temporary right of occupancy to the Nayers on their lands. Further, the inflow of machine-made goods dealt a heavy blow to the traditional means of livelihood and of the village artisans who turned to agriculture for earning their living. This together with the population growth brought with it a number of subsidiary tenures. Significant among them are :

- i) Kanam,
- ii) Kushikanam,
- iii) Kuzhikanapattam,
- iv) Pattam,
- v) Panayam,
- vi) Melcharth, and
- vii) Varam.

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19. Report of the Malabar Tenancy Enquiry Committee, Madras, 1927-28, p.23.

### 3.2.3.5.1 Kanam

Kanam was a combination of lease and mortgage which entitles the Janmi landlord to rent and mortgage, which entitles the Kudiyan mortgagee to so much of usufruct as was equal in value to the interest on the sum advanced by him as 'Arthom'. The Janmi and Kudiyan Committee viewed that 'Kanam' tenure had a military origin. The Namboodiris became the lords of the soil, the Nayar concentrating themselves with allotments to be held of the chiefs of feudal or military service tenures. But 'Kanam' is not a mortgage in the sense in which this term is understood and used by English text book writers. "A Janmi who granted a Kanam device was not regarded as a debtor of the Kanam tenant by anybody nor the Kanam tenant regarded as a creditor of the Janmi. A Janmi would consider it a disgrace to mortgage his land. It is considered a great honour for a Janmi to have a large number of Kanam tenants."<sup>20</sup> In fact, the courts regarded Kanam transactions as anomalous mortgages except when no amount is advanced in which case the transaction is regarded as a lease.<sup>21</sup>

3.2.3.5.1.1 "The peculiarity of Kanam or Malabar mortgage was that it was never foreclosed, but was redeemable after the lapse of any number of years ..... There was no such thing as an established division of the produce in shares between Janmakar

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20. Ibid., p.22.

21. Kanna Kurup V. Sankaravarma Raja, ILR.44, M.344.

and tenant".<sup>22</sup> The Board of Revenue (1818) described 'Kanam' as land mortgage prevalent in Malabar which did not admit of, foreclosure and contained within itself an interest principle of self-redemptions. Dr. Buchanan and Mr. Warden, the then Collectors observed that the right of redemption was rarely exercised by the Janmi. Major Walker in his report was emphatic that the Janmi had the absolute proprietary right in the soil but limited the rent to 2/3 of the net produce. In the general report of the Board of Revenue in 1803, 'Janmom' was described as the immediate right of property resembling the freehold tenure under the feudal systems and Kanapattam as a tenure by mortgage. The Kerala Land Reforms Act 1963 defined Kanam as "the transfer for consideration, in money or kind or in both by a landlord of an interest in specific property to another person for the latter's enjoyment, whether described in the documents evidencing the transaction as Kanam or Kanapattam, the incidence of which transfer included (a) right in the transferee to hold the said property liable for the consideration paid by him or due to him; (b) the liability of the transferor to pay the transferee interest on such consideration unless otherwise agreed to by the parties and (c) payment of michavaram or customary dues and renewal on the expiry of any specified period, and in areas in the state other than Malabar, includes such transfer of interest in specific immovable property which is described in the

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22. Travancore Land Revenue Manual, Government of Travancore, Trivandrum, 1915, Vol.IV, p.36.



documents evidencing the transaction as 'Otti', 'Karipanayam' ..... and which has the incidents specified in sub-clause (a) and (b) above and also the following incidents renewal on the expiry of any specified period and payment of customary dues, provided that Kanapattam or any other demise governed by the Travancore Janmi and Kudiyan Act of 1071 or the Kanam Tenancy Act 1955 shall not be deemed to be Kanam."<sup>23</sup>

3.2.3.5.1.2 In short, from the reports and other writings, one fact indisputably emerges, viz., that the Kanamdar in older times was the farmer who was cultivating the land himself or with the help of slaves and agricultural labourers and that he had a very substantial interest in the land. As opined by the Malabar Tenancy Committee, there is no evidence to show that the Janmi was the absolute owner of the soil and the Kanamdar was a mere tenant-at-will. As the Kanamdar was the occupier, he must have been the original owner.<sup>24</sup>

3.2.3.5.1.3 But later, there arose the tendency to abandon the Kanam tenure. Special Commissioner Logan held the view that slowly, Kanam tenure was abandoned in favour of the ordinary lease. For, the ordinary lease was much more profitable to the Janmi than the Kanam tenure, because the profits which under the

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23. Kerala Land Reforms Act, 1963, Chapter-I, Section.22.

24. Report of the Malabar Tenancy Enquiry Committee, Madras, 1927-28, p.12.

Kanam tenure went into the pockets of money lenders found their way under the ordinary lease into the pockets of the Janmies, though the latter have more difficulty in collecting their rents.

3.2.3.5.1.4 The nature and incidence of Kanam differed very much in North and South Malabar. In the former, 'Kanam' was the same as 'Otti'. The transaction was regarded as one between lender and borrower and not between Janmi and Tenant. No rent was payable and no notion of tenancy was attached to it. But not so in the South. There Kanam was emphatically a cultivation lease and transaction was always regarded as one between landlord and tenant. Further, in regard to Kanam, scrupulous adherence to the twelve years' term and the execution of renewal fees every 12 years is the exception and not the rule in the North.

3.3.3.5.2 'Kanam-Kuzhikanam and Kuzhikanapattam'

These two were leases of waste lands for improvements and if not specified, the lease were of 12 years. In the case of Kuzhikanapattam, rent was paid to the landlord. 'Kanam Kuzhikanam' was almost a mortgage of the land given alongwith a lease for 'Kuzhikanam'. The 'Kudiyam' was given the right of occupation and improvement. The Janmi adjusted the interest on the amount advanced by waiving his right for the rent in favour of the 'Kanari' (money-lender). According to Malabar Tenancy

Committee, 'Kuzhikanam' originated from waste lands being given by Jannies to persons, without any money consideration for the purpose of converting them into garden land.

3.2.3.5.3 Kanam-Kuzhikanam meant and include a transfer by a landlord to another .... of garden lands or of other lands or both with the fruit bearing trees .... the incidents of which transfer included (a) a right in the transferee to hold the said lands liable for the consideration is called 'Kanartham' and (b) the liability of the transferor to pay to the transferee interest on the Kanartham unless otherwise agreed to by the parties. "Kuzhikanam means and includes a transfer by a landlord to another of garden lands or of both, with the fruit bearing trees, if any, standing thereon at the time of the transfer, for the enjoyment of those trees .....<sup>25</sup>

#### 3.2.3.5.4 Pattam

This was of different kinds, main sub-division's being ..

- a) 'Kuthakapattam',
- b) 'Verumpattam' and
- c) 'Customary Verumpattam'.

#### 3.2.3.5.4.1 Kuthakapattam

This was a lease of Government land which could not be permanently assigned, that of trees standing on Government

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25. Kerala District Gazetteer - Kozhikode., 1962, p.528.

lands, that of puramboke land on fixed ground for rent for putting up shops in bazaars and that of Government land for temporary occupation in connection with fairs and festivals. These leases were of two kinds--one for definite period and the other, without any prescribed time limit. They were temporary leases where the lessee had only the right of enjoyment. They never carried a guarantee of fixity.

#### 3.2.3.5.4.2 Verumpattam

This was the name given to the ordinary lease. It originated from the ordinary method adopted by owners of lands, of granting leases of portions of lands which the landlords themselves could not cultivate. This is a lease or sublease with or without the security of rent; the rent was often the net produce after deducting the bare cost of the seed and cultivation. The Verumpattandar occupied the lowest but not the least important place in the agricultural hierarchy of Malabar. Generally, there was one intermediary, but often more than one between him and the Janmi. Mr. Thorner in his report on the Zamorins estate gave a table (See Annexure-V) showing common state of affairs regarding these intermediaries.

#### 3.2.3.5.4.3 Customary Verumpattam

It meant land held by a lessee or sub-lessee who before the commencement of the Malabar Tenancy (Amendment) Act 1951, was entitled by the custom of the locality in which land

was situated, to possession of the said land for a definite period and for where continuance thereon after the termination of that period, for a further period, a renewal fee had to be paid to the land-lord.<sup>26</sup>

3.2.3.5.5 'Otti' was a full mortgage with possession as in the Travancore area. The 'Janmi' merely retained his title while the mortgagee took the entire produce. 'Veppu', 'Palisamadaku' were the other names of Otti. The 'Ottidar' had got the right of pre-exemption if landlord wished to part with his right. In *Kumari Anna v. Parkam Koluseri* it is stated that an 'Otti' differed from 'Kanam' only in two respects "first in the right of pre-exemption which the 'Ottidar' possesses in case the 'Janmi' wishes to sell the premises and secondly, in the amount secured which is generally so large as practically to absorb the whole rent".<sup>27</sup> A slightly different kind of 'Otti' was 'Kaivituka Otti'. The land lord in this case, relinquishes the power of transferring the property to a third party and binds himself to borrow any further sum he may require only from the mortgagee. If the latter declined to advance the amount landlord may pay off the mortgage and reassign the property to another.

3.2.3.5.5.1 'Peruvartham' was yet another tenure akin to 'Otti' and could be redeemed on payment of full market value

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26. Ibid., p.528.

27. I.M.H.C.R. 261.

at redemption.

3.2.3.5.5.2 In short, 'Pattam' was determined not by competition but by custom. "When the Kudiyan has to pay the entire share to the Janmi this tenure was called verumpattam where the Kudiyan advances a sum of money to the Janmi less than  $\frac{2}{3}$  its value, he is said to hold on Kanapattam. When pattam is equal to the interest on the sum advanced or when the sum advanced is  $\frac{2}{3}$  the value of the land, the tenure is termed Otti. When a further sum amounting to 20 per cent of the amount, i.e.,  $\frac{2}{3}$  its value is advanced, the 'Otti' is converted into 'Ottikumpuram.' When another 20 per cent is advanced it is converted into 'Nirmudal'.<sup>28</sup>

#### 3.2.3.5.6 'Panayam'

It was a mortgage with or without possession. With possession it was called 'Kaivasapanayam' otherwise it was called 'Thodupanayam'. In the former, unlike 'Kanam', there was no implied covenant for quiet enjoyment for 12 years. Underuthi-panayam was a form of this under which Otti principal and interest were extinguished of the usufruct and the land reverted to the mortgager free from mortgage.

3.2.3.5.7 'Janmom Panayam' was a transaction by which the landlord relinquished even the right to redeem and could not sell the 'Janmom' right to any but the 'Janmom Panayam' holder. This tenure was very rare.

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28. Report of the Land Tenure Committee, Madras, 1885, p.37.

'KethiadaKKam' was described by Major Walker as usufructary mortgage, the mortgage remaining in possession till he made default.

#### 3.2.3.5.8 'Melcharth'

A lease granted to a stranger entitling him to oust the tenant in possession was named 'Melcharth.' "No incident of land tenures in Malabar has been the subject of more opprobrium than the Melcharth."<sup>29</sup> Here, the 'Janni' could either sell his equity of redemption or the reversion absolutely or he might create a sub-mortgage or a second lease, giving the right to the transferee to evict the mortgage or tenant in possession at the end of the tenure or before he made a default.

#### 3.2.3.5.9 'Varem'

It meant an arrangement between the 'Varamdar' and the owner for the cultivation of paddy and sharing of the produce and included the arrangements known as 'Pattavarem', 'Pankuvarem' or 'Pankupattam'. These tenancies were characterised by insecurity and high rent.

3.2.3.5.10 Grants of land used to be made as a reward in the form of perpetual leases. The grant, if made to a brahmin, was called 'Santhathi Brahmaswam', if to a non-brahmin of caste equal to or higher than the grantor, it was called 'Anubhavam',

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29. Report of the Malabar Tenancy Enquiry Committee, 1927-28, Madras p.68.

if to an inferior caste, 'Adima'. 'Janmom Kozhu' was a transfer in perpetuity of the right of cultivation. It has a fixed rent which could not be raised. The landlord could not evict the tenant. The North Malabar, tenants had a life interest and in the South it was heritable but reverts on failure of heirs to the Janmi. Where the tenure was one of service in connection with temples it was called 'Kanakari' or 'Karashima'. It was like the Inams in Cochin and Travancore. 'Irakaranma' and 'Ponnittikaranma' were two other varieties. "The former was perpetual lease subject to the payment of Ira Michavaram to the Janmi and the latter was a complete sale."<sup>30</sup>

3.2.3.5.11 From the above analysis of land tenure in Malabar, it is clear that in general two types of tenures existed. "The first was composed of tenures like 'Kanam', 'Verumpattam' and 'Inam'. The second covered actual land mortgage which emerged as a natural consequence of the extensive ownership rights over land enjoyed by a few Janmies. What the British did was to reduce the superior tenures like 'Kanam' and cognate tenures almost to the level of actual mortgages and verumpattam to mere year to year tenancy."<sup>31</sup> On the whole one could say that in Malabar the higher castes held the higher land interest. This is particularly true in South Malabar. For example 'Kanam'

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30. Pillai, Velu, T.K., Travancore State Manual, Government Press, 1915, Vol.III, Chapter XV, p.18.

31. Iyer, Sundara, A., Treatise on Malabar and Aliya Santhana Law, Madras, 1922.



interests were almost entirely in the hands of Nairs who numbered 22 out of 25 large 'Kanamdars'. Not all the area of South Malabar had a complete caste tenure correspondence. But one could generalise that Namboodiries had the largest holdings of 'Jannom' lands and that Nayars, Tiyyar and Maplas all had minor holdings in different areas of three southern taluks. In North Malabar, the nairs had extensive jannom holdings. There were only very few Namboodiries. There was less differentiation of tenure on the basis of caste.

#### 3.2.4.0 Tenures in Kasargode and Hosdurg

The systems of land tenure that prevailed in the Kasargode and Hosdurg taluks differed in nomenclature from those prevailed in the erstwhile Malabar area. Most important among them are.

- i) Chalgeni,
- ii) Mulgeni,
- iii) Vaidegeni, and
- iv) Vettukanam.

#### 3.2.4.1 Chalgeni

The ordinary lease was known as Chalgeni or Precarious Lease. It was a tenancy-at-will, a lease for a limited term, generally one year. Kerala Land Reforms Act 1963 defines the 'Chalgeni' lease holder as a "Lessee or sub-lessee of specific immovable property situated in the taluk of Hosdurg or

Kasargode who has contracted either expressly or impliedly to hold the same under a lease, whether for a specified period or not. The landlord had a right to raise the rent or evict the tenant on expiry of the term. The leasee was not entitled to get any compensation for improvement.

#### 3.2.4.2 'Mulgeni'

It was a permanent lease. A 'Mulgenidar' could not be evicted except on non payment of rent and that too only after being fully recompensed for permanent improvements, if any. The 'Mulgenidar' was at liberty to mortgage lease or sell his interest subject to rent payment. In short, a mulgeni can be defined as a tenancy in perpetuity at a fixed invariable rent created in favour of a person called mulgenidar.<sup>32</sup> This class of people may, therefore, be considered subordinate landlords rather than tenants especially as though many of them cultivated their lands by hired labourers or slaves, others sub-rented to Chalgenidars or temporary tenants."<sup>33</sup>

#### 3.2.4.3 'Vaidegeni'

A midway between 'Chalgeni' and 'Mulgeni' was 'Vaidegeni' ie., a lease for a specified term of years. The leasee enjoyed the land for a stipulated period on payment of a stipulated rent. He had the right to effect improvements and

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32. Kerala Land Reforms Act, 1963.

33. South Canara Manual, Vol.I, p.130.

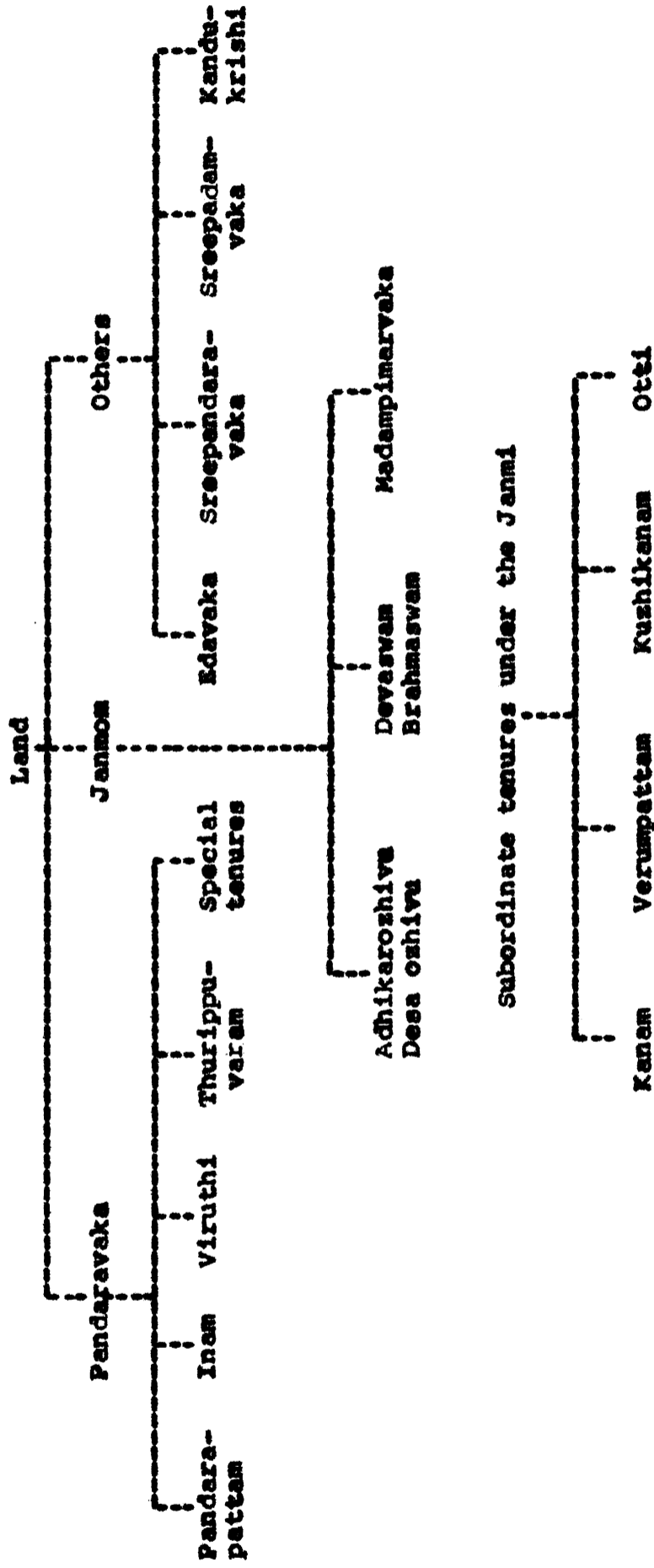
to claim its costs at the expiry of the term. When the Janmi leased out for cultivation purpose alone for a short period with a condition that it would be returned after the expiry of the term, the tenure thus created was termed 'Kozhu'.

#### 3.2.4.4 'Vettukanam'

This was yet another tenure in which land was leased out with a specific purpose of improving the land on condition that at the time of redemption or eviction by the 'Janmi' the expenditure incurred for such improvements could be claimed. 'Arvars' or private mortgages were common here. Money was advanced on land security on condition that either the mortgagee should enter and enjoy the land for a definite period or mortgager should hold it as a tenant of the mortgage during the term. In some cases, lands were only hypothicated.

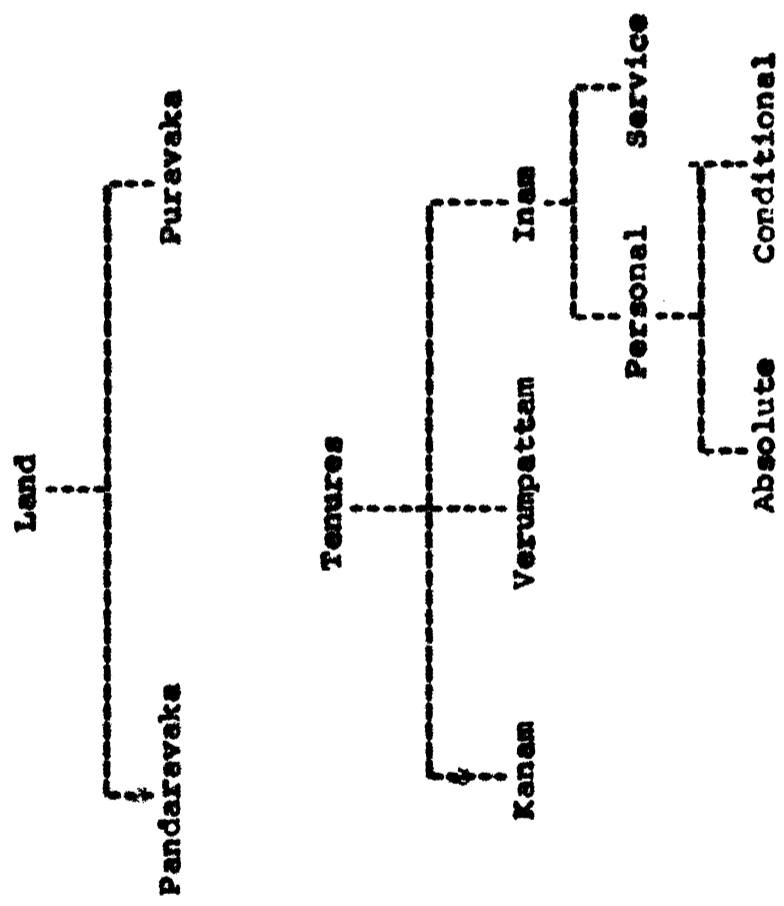
Annexure - I

Types of Tenures in Travancore



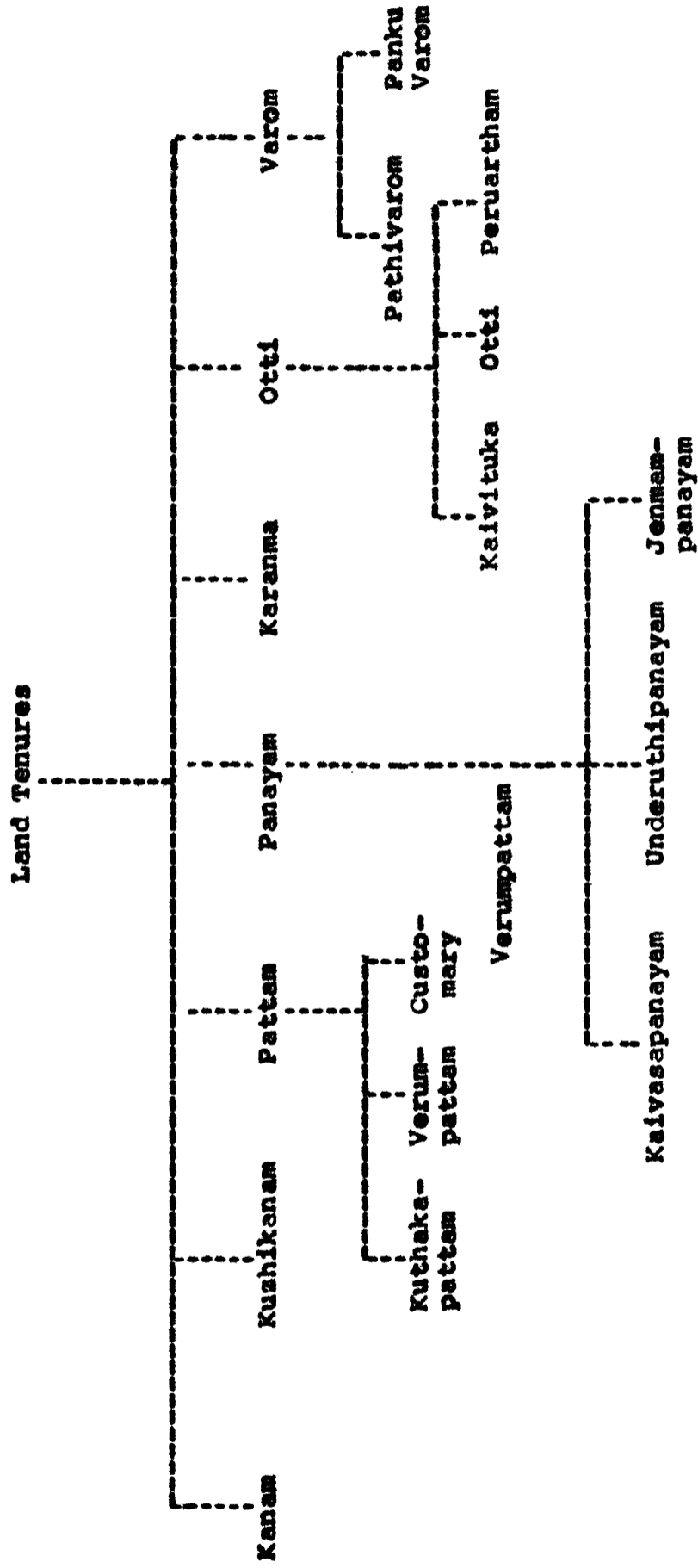
Annexure - II

Types of Tenures in Cochin

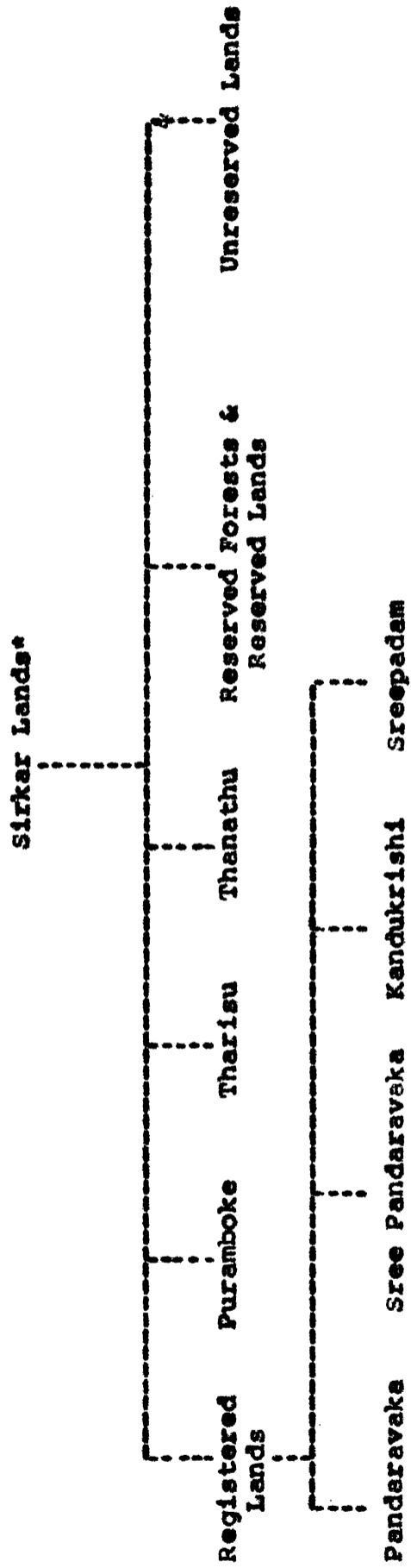


Annexure - III

Types of Tenures in Malabar



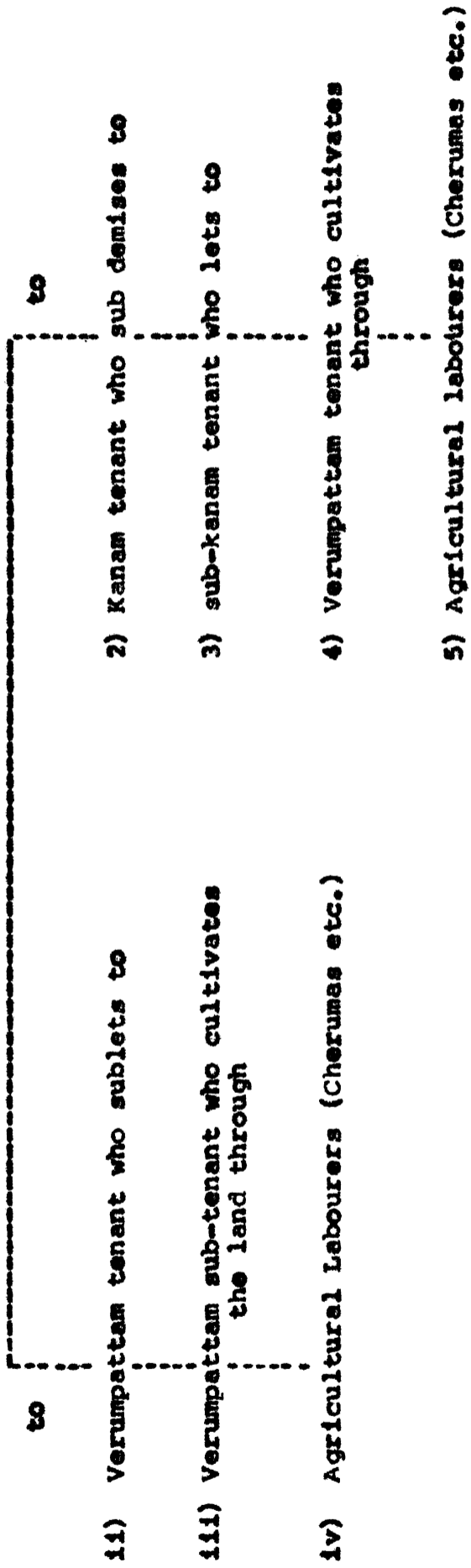
Annexure - IV



\* Sirkar lands originally belonged to the Jannies, but in course of time they came to be vested in the Government by conquest, escheat etc.

Annexure - V

Zamorin Demises





## CHAPTER - IV

### EFFORT AT LAND REFORMS - PRIOR TO UNIFICATION

"A bad land system could formerly work without much evil because it was loosely worked. But when strictly worked, it cannot but develop its evils to their full extent."

- (Report of the Land Tenure Committee, 1885)

4.1.0 The systems of tenures that existed in the three regions prior to their unification were discussed in the last chapter. In the following paragraphs we propose to discuss efforts at land reforms prior to the unification of Kerala.

4.1.1 The disparity between the 'haves' and the 'have-nots' was worse in earlier times than what we have today in Kerala. Then property ownership was considered a sine-qua-non of social and political status. But land remained largely under the ownership of the Brahmins. They leased the lands to the cultivating people called Kudiyans. When agriculture became the chief source of wealth the Brahmins began to control the social and economic institutions.

4.1.2 Prior to the British rule, as has already been stated, the three classes, viz., Janmi, Kanakkar and the actual cultivator, were co-proprietors. Later the English mistook the Janmi for a Landlord of European type and the old customary relation between the three was upset - "the Janmi having thrived at the expense of the other two, the cultivators were grievously rack-rented and they were in debt, that tenures had become precarious and insecure, that the safeguard of compensation for improvements against arbitrary evictions was illusory etc."<sup>1</sup> Faulty definitions of the local tenures by the British together with the development of absenteeism in land holding culminated in an oppressive and regressive tenure system. The British, by faulty definitions reduced the superior tenures like Kanam and cognate tenures almost to the level of actual mortgages and Verumpattam to mere year to year tenancy. Consequently, as Mr. Logan said, the cultivating class was "rapidly degenerating into a state of insolvent cottierism"<sup>2</sup> because of the social tyranny of the Janmi of hierarchy of authority was freezing the individuals.

4.1.3 The natural and economic processes which tends to disintegrate or relax a land monopoly and to bring about a distribution or diffusion of landed property among the rest of the population became extraordinarily inoperative. The Janmi class,

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1. Report of the Malabar Tenancy Committee 1927-28, Madras, Vol.I, p.11.

2. Logan. W., Malabar Special Commissioners' Report, Malabar Land Tenures, 1881-82, Vol.I, Chapter IV, Sec.3, Para. 122. Madras,

a small fraction of the general population, small in number and homogenous as regards ideas and traditions, were close monopolists of land. "The Janmi is not himself a cultivator. He must get his land cultivated by others. Nor is he a capitalist benefitting the land."<sup>3</sup> The pressure of the Jannies to demands was not evenly distributed downwards, it was greatest on the actual cultivators of the worst descriptions of lands, who were least equipped to bear it.

4.1.4 In discussing the early efforts at land reforms, here too, as in the previous chapter, we propose to divide the state into three well distinguished parts, viz., Travancore, Cochin, and Malabar.

#### 4.2.0 Travancore

4.2.1 The erstwhile Travancore State led the other two constituent parts in initiating progressive land reform measures. Here, about 75 per cent of the cultivated land was held by the Sirkar. Even then there was some lacunae which had to be filled up. Landlord-tenant relations were determined by custom. But as population increased and the impact of western civilisation emerged, the situation changed. A sense of insecurity because of the Jannies right of eviction became a major cause of complaint.

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3. Report of the Land Tenure Committee, 1885, Madras, p. 30-31.

On the other side, exorbitant rents were demanded by the Janmies. In order to rectify these evils and to improve the condition of the tiller, Proclamation of 1829 (1005 M.E.) was issued by the Maharaja of Travancore. It commended the Courts to maintain the old established custom. "It enjoined that the tenants pay the Janmi his usual and extraordinary dues and that the Janmi receive the same and let the tenant remain in possession and enjoyment of the property."<sup>4</sup> The enquiries of the Janmi Kudiyan Commission have revealed the fact that most of the Janmies were constantly evicting their tenants, especially in North Travancore. In exchange for the protection afforded, Government was entitled to call upon each and every owner of land to contribute to its support. "Whatever be the terms or effect of the tenure, the tenants entertained the hope that they would not be evicted, so long as they paid the rent regularly. This hope was strengthened by the conduct of the Janmies."<sup>5</sup> In short, this proclamation restored amicable relationship between the two parties for a time. But discontent manifested itself in less than 40 years.

4.2.2 The Pattam Proclamation was issued in 1865 (1040 M.E) enfranchising the Sircar pattam lands. It converted a large body of ryots from the position of mere tenants-at-will to that

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4. Oommen, M.A., Land Reforms and Socio-Economic Change in Kerala., CLS, Madras, 1971, p.20.

5. Pillai, Velu, T.K., Travancore State Manual, Govt. Press, Tvm., 1950, Chapter XV, p.165.

of full proprietors. It has been hailed as the "Magna Carta of Travancore Ryots". By this, the Sirkar surrendered for the benefit of people all optional power over wet, garden or dry lands of Venpattam, Vettolivoopattam, Marayapattam, Olavoo-pattam and Marapattam and all such Durkast pattam, the tax of which was fixed till the next assessment. The ryots were to regard their lands fully as private, heritable, saleable and otherwise transferable. Sales, mortgages etc., were considered valid if effected on stamped Cadjans. It also gave full liberty to lay out labour and capital on lands to the ryots, to any extent they pleased and provision was made for compensation in case the Sirkar resumed the land. This proclamation conferred on the ryot fixity of tenure by checking arbitrary evictions of all kinds and by restricting the demand for exorbitant claims by the Government. Further, several vexatious taxes were abolished and maximum rate of land tax was prescribed. It diffused the ownership on land and land became a commodity of value. This caused a rise in the land transactions leading to great economic consequences. "The policy of conferring permanent rights of occupancy heritable and alienable as Government lands by the Pattam Proclamation of 1040 M.E. has ever since been kept up by Government as is seen from the Proclamation of 1042 M.E., Settlement Proclamation of 1061 M.E., Rent Recovery Regulation of 1068 M.E., Munro Island Proclamation of 1105 M.E., and Edavagai Regulation of 1109 M.E."<sup>6</sup>

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6. Ibid., p.191.

4.2.3 A number of proclamations soon followed. Among these Proclamation of 1042 M.E. (1867) was of far-reaching consequences. The rights and obligations of the landlords and tenants were equitably adjusted to the advantage of both. It was promulgated to guarantee to the tenants of Janmam lands permanency of occupancy rights and to prevent indiscriminate eviction. At the same time, payment of all legitimate dues was ensured. Further Janmies raised rent at the renewal of lease in cases where readjustment was allowed by custom. The Janmi might sue for arrears of rent and prayed for ejection if the tenant withheld payment of twelve years consecutively. (In case of restoration of land by the Janmi, tenant was entitled to get compensation for improvement.) "Those who have read the history of evictions in Ireland .... can understand and appreciate the full import of this priceless boon,"<sup>7</sup> was the comment made by Nagam Aiya regarding this proclamation. Proclamation of 1042 M.E.(1867) left "the tenant complete master of the situation and the Janmi at his mercy lust."<sup>8</sup> He suggested the appointment of a Commission and accordingly, a Commission was appointed in 1060 M.E. (1885) to study and submit a report suggesting measures for the better adjustment of mutual relations between Janmi and tenant. The outcome was the passing of Regulation -I of 1071 M.E.(1896) known as the Travancore Janmi Kudiyan Regulation.

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7. Aiya, Nagam., Travancore State Manual, Trivandrum, 1906, Vol.III, p.115.

8. Ibid., p.318.

4.2.4 On 14th Kumbham 1061 (24th February 1886) the settlement proclamation was issued. It was intended to mitigate the evil that arose due to the incidence of revenue assessment falling unequally on different tenurial categories and on different cultivators under the sametenure. A new survey and settlement was undertaken as the basis of a sound Revenue Administration, adopting acre as the standard unit of measurement. 'Nadavakur' was abolished as a means of both simplifying the accounts and relieving the ryots from the hardships. 'Rajabhogam' on garden lands was fixed at one-eighth. Further all cesses of personal character and those which fell upon any particular profession were abolished. So also cesses falling on ryots already paying the full pattam assessment and 'Kada-pattam' was to be retained. 'Kolulabhom' (Proprietor supplied to the tenant the seed and cattle required and in return received payment in addition to Melveram or Government share of what is called 'Kolulabhom') on Kandukrishi land was not to be levied but was subjected to the payment of pattam in kind. All extra payments outside this pattam was abolished.

4.2.4.1 At the former settlement, the practice, in the case of 'Pandaravaka Otti' and other tenures of cognate nature, was to deduct from the pattam assessment the interest due on the loan, and to the difference, Rajabhogam or Vithari or Muppari according as the land was garden or wet and to take the balance

amount as the demand against the properties. It was further a condition of these tenures in many parts of the country that, on the transfer of any property by sale, it should be subjected to 'Ottivilakkom' by which the mortgage amount was reduced by 1/4th and the Government demand was enhanced by the amount of the interest on the sum reduced. The process being repeated at every transfer, the result was the ultimate extension of the debt and the raising of the government demand to the full pattam.

4.2.4.2 But in practice, as it always happened, the readjustment of the public demand entailed by the process described was almost invariably and successfully evaded by transfers not being reported. And in those few cases which occasionally came before the government; the calculations involved were tedious and the preparation of the annual accounts embracing the change was often delayed and after all the Sirkar gained little from this arrangement. Therefore, to relieve the ryots from the hardships imposed by this Ottivilakkom and to remove the obstacle which it interposes to the free and unrestricted transfer of property and at the same time to simplify the accounts by entirely abolishing the Otta tenure, the Ottivilakkom rules were abolished.

4.2.4.3 By Section 22 of the Proclamation of 1856 it was ordered that properties held on Otta tenure be treated as any favourably assessed lands or inams. They were to be assessed



either with one half of the settlement pattam or the 'Munkaram' whichever was higher. In some taluks, 'Otti' tenures were converted into 'Otti' inams. At the last settlement, personal inams found in the enjoyment of persons other than original grantees were converted into Otti. Similarly, Janmam lands that belonged to Madampimar, alienated for money consideration was merged into Otti. So also Deveswam and Brahmaswam land demised on Irakaranma.

4.2.4.4 The proclamation also dealt with the Inams. Inams were freed from Sirkar interference of any kind and left the holders at perfect liberty to deal with them subject to the payment of 1/8 of the pattam as Rajabhogam plus michavaram if any and no inam was to be subjected to Ottivilakkom. Certain rules were also laid down for the settlement of inams. If what were called 'Kudi-Irippu' or 'Kudi-Jenmom' properties or grants made to Brahmans and others entirely rent-free or other inams of a similar nature on the ground of usage or any existing rule to be exceptionally treated, the settlement officers were at liberty to do so. Regarding 'Kuthakapattam' lands, comprising Palliport farms and Pullienthuruthu tract, tenants were given full property rights subject to the payment of the present assessment which was higher than that of Pandarapattam lands. Lastly, on settlements being effected each landholder was furnished with a pattah and the settlement was declared permanent for 30 years.

4.2.4.5 Viruthy system was one which stood in need of reforms. Owing to failure to adopt it from time to time to attend economic conditions it became less efficient and entailed hardship in its practical working on those subject to its operation. The viruthy holders were a class of tenants who from very early days enjoyed certain lands on light assessment on condition of rendering certain services. The tenure was permanent so long as the service were heritable on payment of succession duty and other dues. Later in 1063 M.E., (1888) the Maharaja ordered that viruthy holders should be exempt from the obligations to render personal services in the course of the tours of members of the Royal family and others. This was a boon to many.

4.2.5 By Royal Proclamation of 1068 M.E., (1893) a substantial measure of reforms relating to the Viruthy system was introduced in view "to lighten the burden of the Viruthy service and reduce its scope as far as compatible with the conditions of the Viruthy tenures and to secure substantial benefits to the Viruthicars"<sup>9</sup> (Later in 1084 M.E., (1909) the Viruthy system as such was abolished). It also abolished the old practice of unrestrained coercive processes and laid down a legal procedure to safeguard the interests of landholders.

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9. Travancore Land Revenue Manual, Travancore, 1915, Vol.IV, p.539.

4.2.6 For implementing faithfully the intention of the Royal Proclamation of 1042, to define clearly the relative rights of Jannies and Kudiyan in Travancore and to make further precision for the speedy realisation of Jannies dues, the Travancore Janmi-Kudiyan Regulation of 1071 M.E., (1896) was passed. This regulation was the outcome of the recommendations made by the Janmi-Kudiyan Commission under the Presidentship of Justice Kunjiraman Nair. This regulation dealt exhaustively with the subject of Kanapattam. According to this, Janmam land meant land (other than Pandaravaka, Sreepandaravaka, Kandukrishi or Sirkar Devaswam land recognised as such in Sirkar accounts) which was either entirely exempted from government tax or if assessed to public revenue was subject to Rajabhogam. Kanam meant occupancy right over Janmam land created for a money consideration and subject to the payment of customary dues and periodical renewal. The payment of renewal fees was the distinguishing feature of Kanam. "The Kanapattam tenants right of permanent occupancy was declared to be a right of permanent occupancy exempt from liability of eviction save as provided in Section 7, but where Jannies were non-brahmins, the Kanapattam tenant must have held the land for at least 25 years."<sup>10</sup> The contracts of Kanapattam was to be in writing and registered. The Kudiyan's right was heritable and transferable, but the transfers were binding on the Janmi only

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10. Pillai, Velu, T.K., Travancore State Manual, Government Press, 1915, Vol.III, Chapter XV, p.172.

with his written consent. The grounds of forfeiture were specified and if evicted, the Kudiyan was liable to get the value of improvements effected by him. Janmi's dues continued to be the first charge on the holding and was to be paid on the due dates. In short, this regulation settled important questions. "It laid down that sales of the Janmies rights are valid and the newly imposed tax was payable by the transferee ..... If the Kudiyan is forced to pay the newly imposed tax, he is allowed by the Courts to deduct it from michavaram payable by him."<sup>11</sup>

4.2.7 After the enactment of this Regulation, things went on smoothly nearly for a decade. But later Janmies and Kudiyans made repeated representations regarding various difficulties they faced in the working of this Regulation. So the government appointed a Committee in 1915 to enquire into the operations of this Regulation. But this Committee submitted a divided report, the representatives of the Janmies taking the minority view and those of the tenants, the majority view. After consideration for a long time, the government published a Bill in 1924. This met with severe opposition from the landlords. Hence it was modified after a round-table conference of all the interests under the Chairmanship of the then Diwan. Subsequently a regulation was introduced in 1933. This was the Janmi-Kudiyan Regulation of 1108 M.E., (1933). This was

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11. Ibid., p.173.

an amendment to the Janmi-Kudiyam Regulation of 1071 M.E., (1896). This cut the Gordian Knot of the Janmi and Kudiyam problem. Under this, the Kudiyam had to pay only a 'Karam', the Janmi karam, to the Janmi, as the Sirkar karam was paid to the Sirkar and the Kudiyam was declared the full owner of the land with all the rights incident to ownership exactly as the holders of the Pandaravaka lands were declared owners by the Pattam Proclamation of 1040 M.E. The government would suo moto collect and pay the 'Janmikaram' in accordance with the entries in the 'Janmikaram' Register. Not only so, the Kudiyam was even prohibited from paying any such 'Janmikaram' to the 'Janmi' and 'Janmi' from collecting any such 'Janmikaram' from the 'Kudiyam'. For Section 40 H declared that no payment of any such 'Janmikaram' made otherwise than to the government "shall be deemed to be a valid discharge of the liability to pay such 'Janmikarams". An interest of 6 per cent was imposed on arrears of Janmikaram.

4.2.7.1 This proclamation elevated the tenants' position and they became practically the owners subject to the payment of Janmi's dues. At least, two new methods of recovery of this dues were devised by this amended regulation; "One being to clothe the Revenue Courts with power to recover the Janmi's dues under the process prescribed by the Revenue Recovery Regulation and the other to constitute the government as the Agency in the matter of collecting the Janmies dues under certain

special provisions contained in Chapter-IV of the Amended Regulations."<sup>12</sup>

4.2.7.2 Under this Regulation, the provision for periodical renewal was omitted and the payment of renewal fees was considered to be a sine qua non if not the sine qua non of Janman lands as defined, that is of irredeemable Kanam demisses.

4.2.7.3 The defect in all prior tenancy regulations has been that they never conceived that cultivator of today who is granted security of tenure on payment of customary rents may become the rentier of tomorrow. The principle underlying this Regulation of 1108 M.E., was that whoever cultivated the land should get security of tenure and value of his improvements and not because he was a Kanamdar or Verumpattamdar. "It is this principle underlying this reform that has to be valued and applied in any future reform of land tenures."<sup>13</sup>

4.2.8 The developments from 1829 showed a tendency to eliminate minor tenures and bring all lands under Pandarapattam. By a Royal Proclamation, ie., Devaswam Proclamation of 1097 M.E. (1922) all Devaswam lands were converted into 'Pandaravaka' tenures. This proclamation brought about an end to the tenurial distinction between 'Pandaravaka' and Sirkar Devaswanvaka lands.

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12. Pillai, Velu, S., Travancore Janmi and Kudiyan Regulation of 1071 (Regulation V of 1071 as amended by Regulation XII of 1108), p.24.

13. Report of the Agrarian Problem Enquiry Committee, Cochin, 1949, p.95.

4.2.9 The Proclamations of 1865 and 1867 mentioned above, which conferred permanent occupancy rights on the tenants of Sirkar and Janmam lands were not applicable to Edevakai lands. Estate Rent Recovery Regulation of 1893 gave permanent occupancy rights to tenants of Kilimanoor and Edapally and those of Poonjar and Vanjipusha got this boon only in 1934.

4.2.10 The diversity of tenure resulted in a complex system of assessment. In 1945, Travancore introduced a radical reform by abolishing the old land tax and substituting in its place a 'basic tax' on land coupled with a tax on agricultural incomes. "This measure at one stroke cut the Gordian Knot of a multiplicity of tenures and the welter of rates and schedules."<sup>14</sup> It brought relief from the pressure of land tax to the ryots and freed the land revenue system from the burden of periodical settlements. In 1949 was passed the Travancore Prevention of Eviction Act with the intention of restricting the eviction of 'Kudikidappukars' from their residential huts.

4.2.11 From the above analysis, it is clear that the ryots' salvation in Travancore stood on the tripod of the security of title with respect to Sirkar lands, Devaswam lands and Janmam lands. Though the ryots had no ownership right in these lands, they enjoyed fixity of tenure. The Rajas undertook a judicious

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14. Pillai, V.R., A Basic Tax on Land., Indian Journal of Agricultural Economics, Vol.V, No.1., p.185-190.

policy in land conducive to the tiller. In short, the bulk of the rural population was "contented and prosperous"<sup>15</sup> as noticed by Buchanan in 1880.

#### 4.3.0 Cochin

4.3.1 Now we propose to go through Cochin Tenancy Legislations. Majority of the tenants in Cochin State were Kanamdars. But they were in no way better than tenants-at-will. The government of Cochin thought it desirable to grant permanent rights to the tenants. The Maharaja of Cochin expressed the view that expediency and substantial justice required the protection of a large class of industrious population against arbitrary eviction. To give effect to his desire, the Maharaja issued the Royal Writ in 1863. This 'Theetooram' (Ordinance) of the Raja in 1863 was the earliest law in Cochin. This prevented the arbitrary eviction of Kanam tenants before a period of 12 years.

4.3.2 But this was of not much importance to the tenants as they had to face eviction soon after the 12 year period. A landlord and tenant Commission was appointed which submitted its report in 1909. It observed "..... In countries like India, where agriculture is the only industry and of other industries some are in their infancy and the rest non-existent

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15. Buchanan F., A Journey from Madras through the Countries of Mysore, Canara and Malabar, 1807, Vol.II, p.369.



and where the cultivated area is but small and ever decreasing fraction of the cultivated area, public expediency requires the tenure conditions to be regulated and controlled by the State. And so in point of fact they are throughout the sub-continent of India with the only exception probably of the district of Malabar and the State of Cochin and we see no reason why the agricultural population of so microscopic a portion of India should be singled out for being denied the benefit of such control."<sup>16</sup> On its recommendations was passed the Cochin Tenancy Act of 1090 M.E., (1914). It gave fixity of tenure to those who took Kanam holdings before 1885 and made better provisions for the payment of compensation for improvements effected by tenant and provided for the speedy realisation of rent and other customary dues. But the Act did not go far enough as a tenancy reform; Panayam holdings lay outside this Act. Hence was passed the Proclamation III of 1112 M.E.(1937). It superceded the Cochin Tenancy Act of 1915 and conferred security of tenure on Kanams which originated between 1885 and 1915. It also restricted the grounds for eviction of the Kanam tenants and limited their renewal fee to 5 per cent of the Kanam amount.

4.3.3 Side by side with this development, the settlement proclamation of 1905 was issued granting the Pandaravaka tenants proprietary rights over the land. But the State collected

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16. Report of the Landlord and Tenant Commission of 1909, Cochin quoted in the Report of the Agrarian Problems Enquiry Committee, 1949, p.72.

the Janmi-bhogan in addition to the regular land tax from those who held Pandaravaka lands under favourable tenures. All items of miscellaneous revenue were abolished and instead provisions were made for the payment of Thirumalkascha @ 6 ps.<sup>17</sup> on every Rupee of land revenue. All tenants of incorporated Devaswam land were given security by the Devaswam Proclamation of 1909.

4.3.4 Another proclamation was issued in 1112 M.E. (1936) to protect the interests of the Kudikidappukars, staying arbitrary evictions of Kudikidappukars from the homestead. It repealed the Proclamation of 1107 M.E. (1931) which kept in abeyance all suits relating to Kanams and Panayams of whatever duration. But the Kudikidappukar who had built their homesteads with the help of the landholders were not benefitted by the proclamation. Hence two more proclamations were issued, one on 14th February 1947 and the other on 12th January 1949 respectively staying all the suits for the eviction of Kudikidappukars in Cochin.

4.3.5 In 1113 M.E (1938) was passed the Cochin Tenancy Act which repealed and re-enacted the provisions of Act II of 1090 M.E. It was passed to define, declare, alter and amend the law relating to landlord and tenant including the law relating to compensation for improvements effected by the tenant. It conferred security of tenure to new Kanams, i.e., those that originated between 1060 and 1090. It included Panayams having the

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17. 6 ps. is equivalent to 1/32 Rupee.

characteristics of a Kanam within the definition of the term Kanam and restricted grounds for eviction. Wilful denial of title of landlord, intentional acts of waste and bonafide requirement of the landlord of the holding for building a house for his residence were the grounds on which a Kanam tenant could be evicted. The landlord was obliged to renew the tenancy after the expiry of a period of twelve years. It provided that the Kanam tenant need not pay as renewal fee any thing more, than 5 per cent of the Kanam amount and of further consideration money, when there is no michavaram payable under the Kanam to be reviewed or it was less than 12½ per cent of the pattam fixed therein.

4.3.6 Verumpattam of Cochin was the same as that of Travancore. The Cochin Verumpattamdar Act of 1943 (1118 M.E) was the result of an agitation for reform. The Act acted as a deterrent to sub-leasee. A verumpattam tenant, accordingly was not to be evicted from his kudiyruppu for any purpose if his land was not a lease of any building of a landlord or of a land in municipal limit. It established the principle that every cultivator should have security of tenure so long as he was a cultivator, irrespective of his previous period of occupancy. The Act, however excluded leases by usufructary mortgages and by persons holding under them. It for the first time threw the responsibility of meeting government dues on the tenant. But in regard to homesteads, fixity of tenure was confined to non-municipal areas

only, and further, Verumpattam tenants of Devaswam lands were left out. Hence the Devaswam Verumpattam (Settlement) Proclamation of 1118 M.E (1943) was passed. It gave the Pattamdars permanent right of occupancy of their holdings. It laid down that they should not be evicted for arrears of rent. It was made applicable to Verumpattamdars holdings under Pattadars. Still, evictions continued and the Cochin Government passed the Proclamation - I which extended the time fixed for pattam payment and Proclamation - II which stayed suits instituted against Verumpattamdars for eviction.

#### 4.4.0 Travancore-Cochin

4.4.1 The Sivaswami Committee of 1947 brought to light certain maladies that still existed in the Cochin land holding system. The unification of Travancore and Cochin intensified the problems. A complete overhauling of the agrarian community was inevitable. The controls to which the peasants had been subjected to represented the very anti-thesis of the political principles the nation wanted to follow. Consequently, a number of legislations were introduced.

4.4.2 By the Kandukrishi Proclamation of 1948, all Kandukrishi lands were transferred to the government of Travancore-Cochin. As per Holdings (Stay of Execution Proceedings) Act 8 of 1950, holdings included Kanapattam but not Varom or Pativarom.

It replaced the Holdings (Stay of Execution Proceedings) Ordinance 2 of 1125 M.E. This Act was amended several times and the last amendment was by the Holdings (Stay of Execution Proceedings) II Amendment Act 6 of 1956.

4.4.3 The Travancore-Cochin Prevention of Eviction of Kudikidappukars Act was passed in 1955. It unified the provisions contained in the Travancore Prevention of Eviction Act, 1949 and the Cochin Proclamation of 1947 and prohibited the eviction of Kudikidappukars from their huts. The Travancore-Cochin Land Tax of 1955 was intended to extend the basic system of tax assessment also to Cochin.

4.4.4 In 1955 was passed the Kanam Tenancy Act. It intended to bring about the Kanamlands in Cochin under the same provision as those of the Janmi-Kuidyan Regulation of Travancore. The Edavagai Rights Acquisition Act of 1955 conferred the government all the edavagai rights over the Edavagais of Edapally, Kilimnoor, Poonjar and Vanjipuzha.

4.4.5 A land mark in the legislations introduced in Travancore-Cochin was the Travancore-Cochin Compensation for Tenant's Improvements Act in 1956. In this Act provision was made for the payment of compensation for tenants improvements in the State of Travancore-Cochin. Formerly this matter was governed in the Cochin area by the Cochin Tenancy Act 2 of 1090 which

was repealed by the Cochin Tenancy Act, 1113 M.E. (1937). But no such statute existed in the Travancore area. The conditions for the payments of compensation are given in Section 3 of the Act. Contracts affecting compensation for improvements were made invalid by this Act.

4.4.6 The above mentioned are some of the important legislations enacted in Travancore-Cochin that influenced the later reform measures.

#### 4.5.0 Malabar

4.5.1 Tenancy legislation in Malabar had a long and chequered history. Before the arrival of the British, the cultivator was protected by custom and social assurance. But the decisions of the British Court giving the Janmi owner the right of eviction at will and the right of taking as much rent as he could left the peasant helpless. Their faulty definition of the tenures reduced the Superior tenures like Kanam and other cognate tenures to mere mortgages and verumpattam to mere tenancy-at-will.

To add to, increasing pressure of population on land led to keen competition for land. Consequently, evictions became rampant and social tensions and clashes between landlord and tenant increased. This, fanned by communal feelings, turned into what is called the Mappilah Rebellion. The common feature to the whole of the existing landlord and tenant relation was that they have

been one and all marked by fanaticism. In this respect, Malabar very much resembled Ireland, the Hindu landlords and the Maplah tenant represented with considerable accuracy the protestant and Roman Catholic filling the same grades in that Island. In both countries, landlord wished to get the full value for his ground, tenant preferred to hold it on easy terms and in many instances, evaded payment or full payment so long as he could. Evictions followed under the regular course of law.

4.5.1.1 The question of land tenure first attracted the serious attention of the government because of the Maplah outbreaks, with respect to contrasts as to land between Hindus and Maplahs which were assigned as the causes of outbreak and position of these castes in relation to each other as landlord and tenant, Government called upon <sup>Mr.</sup> Strange to enquire into. Mr. Strange recognised the frequent injustice done to the tenant or occupant more often Maplah than any other caste and he bore testimony to the fact that a perversion of Justice prevailed in Malabar. He also observed, "the country is notoriously teeming with false deeds and false witnesses, placing the interests of landholders in perpetual risk."<sup>18</sup> Mr. Connolly pointed out that the hardships of Malabar tenant arose from the neglect of two fundamental rules. First was that a tenant on Kanam (or mortgage) should be permitted as occupancy of twelve years in order to

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18. Strange to Pycroft. Correspondance regarding the relation of land and tenant in Malabar 1852-57, Madras, p.14.

permit him to recover his outlay and, that in the event of a more advantageous offer being made to his landlord or Janmi in the interim he should be allowed a preference on offering a similar amount. "To the animosity induced by private interests was added the animosity of religious destination and of bigoted pride."<sup>19</sup> On the recommendation of Mr. Strange, the Sadr Adalat Court issued instructions in 1856 to the Civil Courts defining the main tenures established by usage and precedent.

4.5.1.2 The years followed showed increasing number of evictions, excessive rents and renewal fees. In regard to compensation for improvements the tenants did not at all get adequate amounts. The cumulative effect was the straining of the Janmi tenant relation, and the period saw the outbreak of many social disturbances which once again marred the tranquility of the District.

4.5.1.3 In 1880 the government received anonymous letters threatening 'Bloodshed of a kind unknown in Malabar.'<sup>20</sup> Further the then Collector realised that the strained relationship between the landlords and tenants was the primary cause of disturbance. The government in 1881 appointed Mr. Logan as the Special Commissioner to investigate the question of land tenures and adequacy of compensation allowed for tenant's improvements.

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19. Ibid., p.35-36.

20. Oommen, M.A., Land Reforms and Socio-Economic Change in Kerala, CLS, Madras, 1971, p.32.



He concluded that when British rule began the Janmi was not the sole proprietor of the soil, that the Kenamdar, the Kudiyan, had as stable a right in his holdings as the Janmi had in his and rights were well regulated by custom. Customary relations had been strained in favour of the Janmi. He found that in Malabar there was no such practice as that obtained in European countries, i.e., a sort of partnership between landlord and tenant, the one aiding the other in making the most of the land. Logan's report concluded that the actual cultivator deserved the most careful consideration at the hands of government. He recommended legislation for giving fixity of tenure to actual cultivators of holdings not exceeding 25 acres of wet or dry land or of 5 acres of garden land, and the fixing of rent at 2/3 of the net produce. Tenants should also be entitled to value of improvements at current market rate. In short his logical conclusion lay not in the direction of raising temporary tenants into permanent ones, but in the recognition of some such principles as this, i.e., a landlord should not impoverish his tenants by demanding from them more than a fixed maximum of the net produce of the lands they held. Logan concluded that the British land policy in Malabar was faulty from beginning to end.

4.5.2 But Logan's report was criticised vehemently and so government referred it to a Special Commission presided by Mr. T. Madhava Rao. This Committee adopted much the same views

as Mr. Logan. It was of opinion that occupancy rights should be given to tenants holding land for thirty years or for fifteen years in case of the lands reclaimed by the tenant himself. Its views were subjected to very severe criticism by Sir. Charles Turner, the then Chief Justice of Madras. In the minutes on Malabar Land Tenures, he upheld that the Janmi had always possessed an unqualified and absolute right to the soil and that the tenant could be evicted at his pleasure after the contractual period. He favoured the conferment of security on an actual cultivator holding land of a prescribed maximum extent, whether as Kanam or as simple lease, for a period of fifteen years. In view of his strong recommendations, the government appointed a High Power Committee headed by the Hon'. Mr. Master. It rejected the proposal for permanent occupancy right and provided for the payment of compensation for improvement effected by tenants. The Jannies and the Kanakkar were able to focus the debate on their comparative interests, thereby relegating the cultivators right to the background as a non-issue. In pursuance of these recommendations, the Malabar Compensation for Tenants' Improvement Bill was introduced in the Madras Legislative Council in 1886. The Bill was passed and the Act I of 1887 was issued. This act may be said to be the harbinger of land reforms measures in Malabar.<sup>21</sup> Its provisions were admittedly drawn from the

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21. K.C. Senkaranarayanan, Economic Impact of Land Reforms in Kerala, (unpublished Thesis) 1970, p.40.

Bengal Tenancy Act VIII of 1885. The Act was intended to prevent excessive eviction by providing compensation to tenants in case of eviction. But it failed to serve its avowed purpose as it contained all kinds of loopholes. This was pointed out by the then Collector, Mr. Bradley. The marginal advantages gained by the intermediary Kanakkar through the Compensation Act was devised by the clever manipulation of the Jannies. The intention of the Act "to secure the tenants the full market value of improvements and by doing so, to check the growing practice of eviction", was not fulfilled. The Act did not lay down any precise guidelines for determining the value of improvements and hence, the interpretations given by the Courts considerably differed from the original intention of the Act. The enhancement of rent and renewal fee, the reduction of rent in lieu of the improvements to be made in future, the non-issue of rent receipts and 'Melcharths' were some of the methods adopted to evade the payment of compensation. 'Melcharth' - the Janmi's right to make over by promise at his will to a higher bidder any portion of land which is being enjoyed by a Kanamdar, under him - was the most effective and widespread weapon used against the tenants. Further, it was realised that the major cause of failure was the inadequacy of compensation awarded to the tenants by Courts. Further legislation was necessary to rectify the defects and Act I of 1900 was passed superceding the Act of 1887. It rectified the anomalies. The tenant's entitlement was fixed at the cost of improvement and 75 per cent

of the value increased due to improvement. But in practice even "this sorry remedy"<sup>22</sup> as put by Logan was denied to the actual cultivator. This Act, did not give any occupancy right to tenants but provided for adequate compensation for improvements effected at market rate. In 1915, Mr. Innes, the then Collector presented a report on the working of this Act. He advocated legislation for rack renting, for arbitrary and capricious evictions, for inadequate compensation for improvements, for insecurity of tenure, for decreasing exorbitant renewal fees by conferring occupancy rights on actual cultivators in possession for over fifteen years and other tenure holders who had acquired title forty years ago. Mr. Evans who succeeded him as Collector was against all these and hence, all proposals made by Mr. Innes were dropped.

4.5.3 'Melcharth' was the weapon which helped the proprietors to circumvent the provisions of the Act. So it was necessary to restrict the power of granting 'Melcharths.' Consequently, the Malabar Melcharth Bill was drafted in 1901. But it was shelved. In 1905, the government passed an Estate Land Bill which contained a provision enabling the government to extend its operation to Malabar District, by notification. This provision was passed into law in 1908.

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22. Panikkar, K.N., Agrarian Legislation and Social Classes: A Case of Malabar. Economic and Political Weekly, Vol. XIII, No.21, 1978, p.880-888.

4.5.4 Mr. M. Krishnan Nair introduced a Tenancy Bill in 1924 providing for occupancy rights to Kanam tenants in possession for twenty-five years, excluding the verumpattandar and most of the small Kanakkar from its purview. It embodied provisions for fixing fair rent and renewal fees. But the governor vetoed the Bill, as according to him, it contained "various inconsistencies" and ambiguities. Hence, in 1927 the government appointed the Raghavayya Committee to enquire into and report on the disabilities of the tenants in Malabar and the best means of remedying them. Based on its recommendation, the Malabar Tenancy Act of 1930 was passed.

4.5.4.1 The Malabar Tenancy Act, unfortunately, applied only to certain classes of tenants and was not a consolidating Act. It conferred fixity of tenure on cultivating 'Verumpattandars' subject to their paying fair rent fixed by the Act. Fixity of tenure was conferred on Kanamdars, Kushikanamdars and other intermediaries enabling them to get renewals. Tenant might apply to the court for fixing fair rent which was revisable only once in twenty years. Fair rent in the case of wet lands was  $\frac{2}{3}$  of the net produce. For dry lands converted into wet lands, fair rent fixed was for the first twenty years  $\frac{1}{5}$  of the difference between gross produce and three times the seed and after twenty years, it was raised to  $\frac{1}{5}$  of the difference between gross produce and  $2\frac{1}{2}$  times the seed. For dry lands it was fixed at three times the assessment. A landlord was not to

claim anything more or less than the fair rent from the cultivating Verumpattamdar. It provided that the landlord could call upon the cultivating Verumpattamdar to pay one year's rent in advance and furnish security for the balance.

4.5.4.2 The Act gave the landlord the right to sue for eviction of a cultivating verumpattamdar on certain grounds - viz., wilful denial of landlord's title, committing substantial waste etc. A right to obtain renewal fee for twelve years was conferred on customary 'Verumpattamdars', 'Kanamdars', 'Kuzhikanamdars', and intermediaries subject to the payment of renewal fees fixed but this provision was inapplicable to 'Kanams' where the 'Kanarthom' exceeded 60 per cent in South Malabar and 40 per cent in North Malabar of the value of 'Janmies' rights and to Kanams of dry lands. Regarding Kudiyiruppu, if a tenant or his family had been in occupation of the same for over ten years and if the landlord sued to evict him, the former could claim to purchase the Kudiyiruppu and offer terms. The tenants rights were heritable and alienable. Fugitive cultivation (all kinds of shifting and intermittant cultivation on dry lands) was not defined in the Act. 'Melcharths' as such, were also not considered invalid by the Act. But the right of the 'Melcharthdar' to recover possession was subject to the rights of the tenant to the fixity of tenure under this Act. But the Act proved to be defective. It did not give protection to various types of minor tenures. The actual rent paid was high and the

fixity was illusory. To add to, the great depression of 1929 caused economic collapse. The entire economy was reduced to chaos.

4.5.5 The Malabar Tenancy Committee under the Chairmanship of Kuttikrishna Menon was appointed in 1939 to study on the spot the nature and effects of land tenures prevailing in the Malabar District and in adjacent areas and to suggest legislative measures. The particulars to report were

- i) the origin and nature of the several interests held by the Janmies, intermediaries, tenure holders and cultivating tenants.
- ii) the respective rights of the Janmies and various kinds of tenure holders.
- iii) basis of assessment of rent and to fix rent for dry, garden and wet lands.
- iv) necessity of security and fixity of tenure.
- v) origins and nature of renewal fees etc.

4.5.5.1 The Committee recommended that fixity of tenure, both heritable and alienable should be granted to all classes of tenancies except certain 'Kanams' which were really mortgages. It viewed that 'Kanamdar' was the original owner of the soil and the 'Janmom' was a kind of over-lordship and not as absolute right in the soil. The ground of eviction was restricted. Renewal in their existing form was abolished. It was suggested that fair rent should be fixed by a Rent

Settlement Officer in consultation with advisory assessors. No tenant should be compelled to pay more than the fair rent. It suggested a formula for the determination of fair rent. In case of wet lands, it was  $\frac{1}{3}$  of the net produce to the tenant and  $\frac{2}{3}$  to the 'Janmi'. In case of garden lands, it was  $\frac{2}{3}$  of the gross produce to the 'Janmi' and  $\frac{1}{3}$  to the tenant in case of 'Janmi's' trees and vice versa in case of tenant's trees. The compensation that the Kanamdar was to pay for the grant of option to renew should be similar to that which had been proposed by the Committee with reference to the Kovilakam lease. (ie., Kanamdar should pay as renewal fee  $\frac{1}{4}$  of the difference between the fair rent of the lands comprised in the 'Kanam' and the 'Michavaram' paid by him during the preceding 12 years after deducting the government revenue and interest as 'Kanartham' for these 12 years). It recommended that a time limit of six months as in the decrees for redemption of mortgage might be imposed in decrees for eviction on payment of the value of improvements. For satisfactory reasons, the time limit would be extended.

4.5.5.2 Regarding the elimination of intermediaries, it was suggested that irredeemable bonds for the capitalised value of the rights of intermediaries might be issued to them and interests payable in such bonds might be collected from the cultivator along with the revenue of land and paid over to the bond holders. Fixity of tenure was granted to all 'Kudikidappu'



holders and as to the question of 'Kudiyiruppu', the Committee recommended granting of the right of pre-emption to the landlord, if the tenant transferred the holding. But the right might not be available in cases of transfers by inheritance but should ensure to the landlord in such transactions as usufructury mortgages. In such cases, the right of pre-emption of the entire rights of the transferee in the 'Kudiyiruppu' was recommended. Because of the II World War, the question of implementing these recommendations were postponed.

4.5.6 After the war, these recommendations were examined by Sri N. Raghevendra Rao appointed as Special Officer for this purpose. The proposals were brought forward in the form of an Act in 1951. It abolished the system of renewals and renewal fees, gave fixity of tenure to all cultivating 'Verumpattandars', 'Customary Verumpattandars', 'Kanamdars', and 'Kuzhikanamdars'. It provided for the settlement of fair rents and preparation of record of rights. Later, this Act was amended in 1954 with a view to preventing evictions. It conferred another important right, viz., that the landlord should pay to the cultivating tenant compensation equivalent to one year's net income in case of eviction on the ground that the land was needed for bonafide self-cultivation.

4.6 In short, the land reform laws thus developed in the Travancore, Cochin and Malabar areas differed materially in emphasis and regour of the principal elements that governed the

tenurial right and obligations of the landlord, the intermediary and the cultivating tenant. In 1956, these three regions were unified on linguistic basis and the State of Kerala was born. Slowly, the idea of Socialism and Marxism got its grip on the village folk and it served as the "ideological nucleus" under which the farmers demanded agrarian reforms. The number of measures of agrarian reforms put forward in the succeeding period exceeded the total of all such measures in all the years preceding this period. Land reform as an engine of socio-economic change in the rural society was soon recognised.

Annexure - VI

Recommendations of Various Committees Regarding the Grant of Occupancy Rights

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Proposal Or Legislation	-----	Class of Holdings Proposed to be invested with occupancy rights	-----	-----	-----	-----	-----	-----	-----
-----	-----	Kanams	-----	-----	-----	-----	-----	-----	-----
-----	-----	Verumpattams	-----	-----	-----	-----	-----	-----	-----
Mr. Logen's Scheme 1882	No	Actual cultivators of small holdings - 25 acres of wet or dry and 5 acres of garden land, non-capitalists.	-----	-----	-----	-----	-----	-----	-----
Raja Sir. T. Madhava Rao's Commission 1883	30 years old Kanams	1) Any tenant who has held for 30 years. 2) Any tenant who has reclaimed land & held it for 15 years.	-----	-----	-----	-----	-----	-----	-----
Sir Charles Turner 1883-4	No	Actual cultivator for a holding of certain size.	-----	-----	-----	-----	-----	-----	-----
Mr. Master's Committee 1885	60 years old Kanams	Tenants who have held for 60 years (Proposal made and lost by the vote of the President).	-----	-----	-----	-----	-----	-----	-----
Mr. Innes 1915	40 years old Kanams	Actual ryots of 15 years standing.	-----	-----	-----	-----	-----	-----	-----
Cochin State Regulation 1914	30 years old Kanams	No	-----	-----	-----	-----	-----	-----	-----
Travancore State Proclamation 1867	1. Kanams under Namboodiri Brahmin Janmies. 2. 25 yrs. old Kanams under others.	No	-----	-----	-----	-----	-----	-----	-----
Divan Bahadur M. Krishnan Nair's Bill 1922	25 years old Kanams	No	-----	-----	-----	-----	-----	-----	-----
- do- II Bill 1923-24	All Kanams	6 years old verumpattams under Janmies, Kanamdars etc.	-----	-----	-----	-----	-----	-----	-----
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Source: Report of the Malabar Tenancy Enquiry Committee 1927-28, Vol.I, p.19.	-----	-----	-----	-----	-----	-----	-----	-----	-----

## CHAPTER - V

### LAND REFORM AFTER UNIFICATION

"Unsatisfactory form or conditions of land tenure may constitute a major impediment to development by creating or perpetuating social unrest as well as by hampering the modernisation of agriculture".

- UN Economic Bulletin for Asia and Far East, Vol.VIII, 1957.

5.1 From the previous chapter we have seen that diverse tenure systems existed in Travancore, Cochin and Malabar regions prior to the formation of Kerala. But the formation of Kerala in 1956 unifying these three geographically distinct regions necessitated a uniform policy with reference to land. To accomplish this objective a number of land reform Acts were enacted. The important among them are :

- i) The Kerala Stay of Eviction Proceedings Act (1957),
- ii) The Kerala Agriculturists Debt Relief Act (1958),
- iii) The Kerala Compensation for Tenants Improvements Act, (1958).
- iv) The Kerala Agrarian Relations Bill (1957),
- v) The Kerala Land Tax Act (1957),

- vi) The Janmikaram Payment Abolition Bill (1961),
- vii) The Kerala Conservancy Act (1961),
- viii) The Kerala Relinquishment Act (1961).

5.1.1 The Kerala Stay of Eviction Proceedings Act was passed in 1957 with a view to grant temporary protection to tenants, 'Kudikidappukars' and persons cultivating the lands on minor-tenures. The Holdings (Stay of Eviction Proceedings) Act 1950 was repealed by this Act.

5.1.2 The Kerala Agriculturists Debt Relief Act and Kerala Compensation for Tenants Improvements Act were passed in 1958. The former was a more comprehensive and detailed Act than the Travancore-Cochin Indebted Agriculturists Relief Act (1956). It conferred more substantial relief on agriculturist debtors. Debt means any liability in cash or kind, whether secured or unsecured, due from or incurred by an agriculturist on or before the commencement of this Act, whether payable under a contract or under a decree .... or otherwise and included any debt or balance of debt due at the commencement of this Act. According to this Act, no application for execution of a decree in respect of a debt shall be made against any agriculturist in any court before the expiry of six months from the commencement of this Act. If any debt was repaid in seven-teen equal half-yearly instalments with interest accrued due on the principal debt outstanding at the commencement of this

Act till the date of payment of each instalment at the rate of 5 per cent per annum or the contract rent whichever was less the first instalment being payable before the expiry of six months from the date of commencement of the Act and remaining instalments being payable on or before the date of expiry of a period of six months from the last day on which the previous instalment was due, the whole debt shall be deemed to be discharged. As per the interest charge, not more than one half of the principal shall be deemed payable towards interest. The Madras Agriculturist Relief Act (1938) and Madras Indebted Agriculturist (Repayment of Debts) Act 1955 in force in Malabar and Travancore-Cochin Indebted Agriculturists Relief Act (1956) were repealed by this Act.

5.1.3 Malabar compensation for Tenants Improvement Act (1899) and the Travancore-Cochin Compensation for Tenants Improvement Act (1956) were repealed by the Kerala Compensation for Tenants Improvement Act (1958). It made provision for payment of compensation for improvements made by tenants in the State of Kerala. Compensation was fixed at the rate of fifteen times the net annual yield of trees planted by them and actual value of permanent structures put up by them even if there was a contract to the contrary stipulated in the deed providing lease or Otti. This Act does not apply to tenants holding lands under the government. As per this, a decree in

eviction is to be conditional on payment of compensation. A tenant has the right to remove buildings, works or trees deemed not to be improvement by the court. Further, value of improvement is to be ascertained in the way most favourable to the tenant. The government may prepare for the whole or any part of the state, tables showing maximum and minimum rates of compensation to be awarded.

5.1.4 Further, the Kerala Land Tax Act removed most of the tenure disparities arising from the modus operandi of the different modes of land revenue. Its intention was to extend the basic tax system of assessment to Malabar which up till then was part of the erstwhile Madras State.

5.1.5 The Janmikaram Payment Abolitions Act (1961) repealed the Janmi and Kudiyan Act of 1071 M.E., and provided for the payment of compensation to 'Janmies' in lump sum instead of periodical payments made as per the 1071 M.E., Act.

5.1.6 The Kerala Conservancy Act was enacted to check the encroachment to government lands and the Kerala Relinquishment Act for legalising the relinquishment of lands by owners in favour of the government.

5.2.0 The most revolutionary measure in the field of land reforms the State had ever undertaken was the Kerala Agrarian Relations Bill (1957). This was necessitated because of the

failure of the initial measures. It made clear that only those who contributed their own or their family member's labour to cultivation could qualify as actual tillers and that ownership rights were to be conferred only on them. In providing for fixity of tenure and right of purchase of ownership, no distinction was made between those "who only personally supervise cultivation" and those who by contributing their own or their family member's labour in cultivation were truly tillers. This meant that proposed benefits could accrue to the upper strata of tenants also operating their holdings with hired labour.

5.2.1 Regarding ceiling provision, it was fixed not as individual but as family holdings and was fixed at 15 acres of double crop paddy land or its equivalent in the case of a family of five members - extendable upto 25 acres in the case of larger families at the rate of one acre per additional member. Plantation and cashew estates, private forests and land owned by religious and charitable organisations were exempted. Because of these exemptions, the prospects of agricultural labourers acquiring land was adversely affected as that depended primarily on the extent of surplus land available for distribution. 'Kudikidappukars' were freed from the threat of eviction from their 'Kudikidappu' as they were given fixity of tenure on it.



5.2.2 This Act, in short was basically a programme for reform of tenancy with a view to its abolition. The rest of the agrarian structure was to be left largely untouched. The responsibility for transfer of ownership was not to be left to the initiative of tenants. All of them were to become de-facto owners as from the date on which the rights were vested in the government provision for the constitution of Land Board at the State level with a multitude of local Land Tribunals working under it entrusted with the tasks of implementation including settlement of disputed issues.

5.2.3 However, opposition to the Bill took concrete shape within days of its passing in July 1959 which took the form of a 'liberation struggle' (Vimochana Samaram). Its provisions were pointedly characterised as a threat to ownership in general. The resulting political upheaval led to the removal of the communist regime. A new coalition government headed by the congress party made some changes but the Kerala Agrarian Relations Act passed in 1960 under its guidance left intact the main body of the earlier Bill.

5.3 The most revolutionary piece of land reform measure was introduced in 1960, the Kerala Agrarian Relations Act. It is the first unified legislation in Kerala and embodied the broad principles of land reforms as enunciated in the

Five Year Plans. It sought to confer permanent fixity of tenure on all cultivating tenants other than those holding land under a member of the Armed Forces, Navy etc. It extended fixity of tenure to 'Varomdars' of nilams of paddy cultivation, 'Odacharthdars' and 'Punam' cultivators. Grounds of eviction like waste, denial of title of the landlord etc., which existed in the Malabar Tenancy Act and Cochin Verumpattandars Act were taken away by this.

5.3.1 A novel feature of this Act was that it provided for the establishment of Land Board and Land Tribunals for the implementation of its provisions. It stood for single member tribunal consisting of a Government Official, though the Bill made provision for three members.

5.3.2 The definition of the small holders was broadened and he was defined as one who had rights in less than 10 acres of double crop wet land but possessing only less than 5 acres of land. The Act restricted the power of sub-letting so as to prevent the re-emergence of the landlord-tenant system.

5.3.3 Government lands, lands belonging to local authorities, leases of private forests, those for non-agricultural purposes, tenancies granted by limited owners, lands owned by universities, religious and charitable institutions were all outside the purview of the Act. Plantations, Commercial sites, private forests,

waste lands etc., were exempted from the ceiling provisions. It also included provisions which enable the state to pay an amount equal to the fair rent to the religious, charitable or educational institutions if the tenant purchase the superior interest which was vested in them.

5.3.4 The definition of 'tenant' was wider than that in The Stay of Eviction Proceedings Act and included any person enjoying land who has paid or has agreed to pay rent or any other considerations. It provided for the vesting in government of all rights and interest of the landlord over the land and the assignment of such rights to the tenants. It also provided for giving written receipts of rent giving full details. To add to, provision was also made for compensation to those who surrendered the surplus land to the State.

5.3.5 Though this Act contained provisions for improving the tenurial system of the state, this Act failed to get the assent of the President. Again, many problems stood on its way to implementation. Legal obstacles linked with the rights of property, equality and freedom guaranteed in the constitution stood on the way to implementations. Though laws restricting property rights had been given protection earlier by an amendment of the Constitution, Supreme Court ruled that inclusion of holdings of land not strictly conforming to the

definition of 'estate' as given in the amending Article was open to challenge. Extensive areas in Malabar and some areas in Travancore were outside the purview of this definition. Major provisions of the Act became inoperative to most parts of the State. The Act was declared ultravires of the constitution in 1963. It was replaced by the Kerala Land Reforms Act, 1963 and this Act was included in the Ninth Schedule of the constitution and there made it free from legal scrutiny. It retained most of the provisions of Kerala Agrarian Relations Act 1960 with minor modifications. This Act repealed the Cochin Verumpattamdars Act VIII of 1118 M.E. (1945) Travancore-Cochin Prevention of Eviction of Kudikidappukars Act 1955, Malabar Tenancy Act 1929 and Madras Cultivating Tenants Act 1956. It also provided for the staying of the proceedings of the Proclamation XVI of 1122 M.E. (Cochin), Proclamation VI of 1124 M.E., Kerala Ryotwari Tenants and Kudikidappukars Protection Act 1962.

5.3.6 The Kerala Land Reforms Act (1963) conferred three main benefits on the cultivating tenant - security of tenure, fixation of fair rent and the right to purchase the landlord's rights to become full owners of land. This Act which came into force on 1-4-1964 covered a wider ground. To plug the loopholes and to obviate the difficulties experienced from time to time, the Act was suitably amended.

5.4 The Kerala Land Reforms Act 1963, as amended by Acts, 35 of 1969, 25 of 1971 and 17 of 1972 is more far-reaching. Amendment Act 35 (1969) specified the extent of land which a

'Kudikidappukaran' (hutment dweller) is entitled to purchase. According to Section 72 of the Act, vesting in Government of the rights of landlords and intermediaries in respect of tenanted lands is automatic. It altered the limit and basis of the ceiling once again. Accordingly, the ceiling limit in the case of an adult unmarried person is fixed at five standard acres, and in the case of a family consisting of two or more but not more than five members, ten standard acres and in the case of a family of more than 5 members 10 standard acres increased by one standard acre for each member in excess of five, so that the ceiling area shall not be less than 12 and more than 20 acres in extent. The Amendment Act 25 of 1971 simplified the procedure for the disposal of tenancy cases. Act 17 of 1972 provided for popular participation in the implementation of the Act, especially in the ceiling provisions thereof. Taluk Land Boards with non-official members were constituted to provide for decentralisation of the functions of the Land Board in the implementation of the ceiling Provisions. The Act was again amended in 1974, 1976, 1978, 1979 and 1980 to plug loopholes and to obviate the difficulties experienced from time to time in the enforcement of the provisions. Act 27 of 1979 validated the gifts effected in favour of the major children on account of natural love and affection during the period between 1-1-70 and 5-11-74. This amendment was necessitated due to certain High Court rulings that all voluntary transfers even if by way of gifts on account of natural love and affection in favour

of major children effected after 1-1-'70 are invalid for the purpose of the ceiling provisions of the Act.

As is well known, the Kerala Land Reforms Act was more far-reaching than similar legislations elsewhere in the country.

## CHAPTER - VI

### LAND REFORMS IN KERALA IN THE PERSPECTIVE OF NATIONAL LAND REFORM POLICY

"Agriculture is the foundation of all other productivity. All classes are fed by the farmers. When artisans and merchants increase, they merely stimulate the luxury of the people because they produce useless commodities."

- Shundai, Dazai. Some Economic Theories of Old Japan. Transactions of the Asiatic Society of Japan Series. I, 1896.

6.1 In the last two chapters we have discussed at length the land reform measures that have been undertaken so far in Kerala. It is to be expected that the land reform policy of the state must be in conformity with that of the National Land Reforms Policy. So we propose to discuss the national land reform policy in this chapter.

6.1.1 The genesis of land reform policy in India can be traced back to the Bengal Land Revenue Commission. In its report, the Commission has indicated the need and necessity of radical reforms in land organisation and the technique of

farming. Statesmen like Lord Canning and Lord Lawrance laboured to introduce radical changes in this field. "They knew," to quote R.C. Dutt, "that land in India belonged to the nation and not to the landed class, that every cultivator had a hereditary right to his own holding."<sup>1</sup>

6.1.2 Even years before independence, the Indian National Congress was talking in very general terms over the land question. It argued that 'feudal relics' should go and land should belong to or be owned by the tiller. The party organised a 'no-rent' campaign in 1931. After that, its Election Manifesto of 1946 declared that reform of land system which is so urgently needed in India involves the removal of intermediaries. Economic Programme Committee of the AICC in its Report in 1948 repeated the same objective.

6.1.3 The closing years of the forties were characterised by a spate of legislation aiming at the abolition of intermediary tenures - particularly Jagirdari and Zamindari Systems - and the regulation of tenancy. Independence in 1947 paved the way for a complete re-organisation of the agrarian economy. The controls to which the peasant had been so long accustomed represented the very antithesis of the political principles the nation wanted to follow.

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1. Dutt, R.C. India in the Victorian Age, Kegan Paul, Trench, Trubner and Co., Ltd., London, 1908, p. xi.



6.2 UP Zamindari Abolition Committee Report, the first report on the agrarian question in India after independence, recognised the gravity of the agrarian situation in different parts of India. In unambiguous terms, it said that "if abolition (of zamindari) is held over for a few years, abolition may mean expropriation without compensation and quite possibly bloodshed and violence."<sup>2</sup> In support of immediate land legislation, it quoted Laski, "To the threat of revolution there is historically one answer, viz: the reforms that give hope and exhilaration to those to whom the revolution otherwise makes an irresistible appeal."<sup>3</sup>

6.2.1 The sweep and momentum of land legislation during the early years of independence can be partly attributed to the shock Telengana administered to the political elite and landed interests. A resolution of the Congress Working Committee observed that provision should be made for fixity of tenure to the tillers of soil. A resolution of the annual session of the Congress in October 1951 fixed the minimum wages of landless labourers as tillers included this group of people also. Yet another resolution of the AICC in 1953 spoke of 'land to the tiller' approach and recommended that there should be a maximum size for individual holdings and the surplus should be redistributed among the landless. While

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2. UP Zamindari Abolition Committee Report, Vol.I, p.358.

3. Ibid., p.358.

calling for effective steps to expedite fixation of ceilings, another session of the congress in 1954 spoke of every tenant being assured secure occupation of at least a minimum holding.

6.2.2 Further, the Directive Principles call upon the state to promote the welfare of the people by creating a social order in which justice, social, economic and political will prevail. To quote the same, "the state shall strive to promote the welfare of the people by securing and protecting as efficiently as it may, a social order in which justice, social, economic and political shall inform all the institutions of national life."<sup>4</sup>

6.2.3 At a later stage, the adoption of the socialistic pattern of society at the Avadi Session of the Congress and the adoption of Co-operative farming as a national objective at the Nagpur Session of the Congress made all the more expedient and necessary to undertake and expedite the reform measures.<sup>5</sup>

6.2.4 National Commission on Agriculture too pointed out that the re-ordering of the agrarian structure is an essential pre-condition for the establishment of a prosperous and egalitarian rural society. Land Policy should ensure intensive

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4. Constitution of India, Directive Principles of State Policy.

5. Sankaranarayanan, <sup>KG</sup>pp: cit., p.59.

cultivation of land, generate widespread productive employment and reduce disparity. It should induce changes in property relations and structures of rural economy and society.

6.2.5 Property in land was and is a source of control, power and liberty; and in a democracy a wide diffusion of rights in land or an opportunity to acquire such rights is believed to be an essential force making for individual freedom and creative individualism. The rise of Naxalism and the threat posed by it in the late Sixties was one of the main factors responsible for the sense of urgency with which the ruling elite, revived the question of land reforms during the close of the sixties and the beginning of the seventies. This is fully borne out by the Report on the Current Agrarian Tensions released by the Ministry of Home Affairs in December 1969. The report underlined the unsatisfactory nature of the agrarian structure as the main cause of agrarian tension and called for urgent attention to land reforms in the interests of the rural poor. Prime Minister, Mrs. Indira Gandhi at the Chief Minister's Conference on September 1970 stressed that, "land reform is the most crucial test which our political system must pass in order to survive."<sup>6</sup> At the conference

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6. Gandhi, Indira. 'Inaugural address' at the Chief Ministers' Conference on land reforms, September 1970. Ministry of Food and Agriculture, Government of India, New Delhi.

(November 1969) problems of land reforms were considered at length and the conference recommended a minimum programme for speedy implementation of land reform measures. Since the implementation is to be handled by the State Governments, the consensus at the conference was that there should be a central body for watching the progress and providing guidance to the State Governments. The need for such a committee was also supported by the Planning Commission.

6.2.6 "The dynamic integration and interdependence of legislative and non-legislative forms of action for land reforms can in its totality be identified and characterised as the emerging Indian model of land reforms and agrarian transformation as the basis of Indian experience during the past twenty-five years".<sup>7</sup> This is a model of land reforms not through a single revolutionary leap forward. The national land reforms policy found its expression in a precise manner in the Five Year Plans.

6.2.7 "Measures of land reforms have a special significance, both because they provide the social, economic and institutional framework for agricultural development and because the influence they exert on the life of the majority of the population,"<sup>8</sup> observed the Planning Commission. The national policy springs from this idea.

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7. Joshi, P.C. Land Reforms in India., Allied Publishers, 1975, p.91.

8. Second Five Year Plan. Government of India, Planning Commission, 1956, p.177.

6.3 In setting out the land policy for the period of the First Plan, while proper emphasis was placed on the social aspect it was pointed out that the increase of agricultural production represented the highest priority in planning over the next few years and that agricultural economy had to be diversified and brought to much higher levels of efficiency. The main recommendations on tenancy reforms were reduction of rents, security of tenure and granting of rights to tenants to purchase their holdings.

6.3.1 Most of the work relating to the enactment of laws and acquisition of intermediary areas has however been undertaken during this plan. In its ordinary meaning, the term 'intermediary' implies any person who intervenes between the cultivator and the state. In the context of land reforms in India, it indicates the holder of certain recognised proprietary and semi-proprietary tenures generally of a feudal nature which have their origin in the early settlements of land under the British rule.

6.3.2 The objectives of land reform policy in the Second Plan were two-fold: firstly, to remove such impediments in the way of agricultural production as arise from the character of the agrarian structure, and secondly, to create conditions for evolving as speedily as possible, an agrarian economy and with

high levels of efficiency and productivity. Both the First and Second Plans stressed the need to stimulate depressed agriculture and revitalise the backward rural society. Special emphasis was put on the setting up of a national farm extension and rural community development services and irrigation. The most important factor which affects rural living standards is the agrarian structure. It included land tenure, the legal or customary tenure under which land is owned, the distribution of farm ownership between large estates and peasant farms or among peasant farms of various size, land tenancy, organisation of credit, production and marketing, burdens imposed on rural population etc.

6.3.3 The Third Plan also followed the same pattern. The ideals of setting up 'socialistic pattern of society' and 'eliminating all elements of exploitation and social injustice within the agrarian system' were generally stated. The Third Plan declared that the first condition for securing equality of opportunity and achieving a national minimum is an assurance of gainful employment for everyone who seeks work.<sup>9</sup> In the resolution adopted by the meeting of the All India Congress Committee in Raipur (October 1960) it was pointed out that "it is important to remember that land reforms are the foundations for agricultural growth."<sup>10</sup> The Third Plan stressed

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9. Third Five Year Plan. Government of India, Planning Commission, 1961, p.10.

10. Report of the National Commission on Agriculture, 1976, Part XV., Agrarian Reforms, Government of India, Delhi, 1976, p.36.

that the principles on which the scheme of land reform is based do not merely involve adjustments between the interests of different sections of the population which depend on land, but are part of a wider social and economic outlook which has to be applied in same measure to every part of the economy. With the implementation of such a programme, the vast majority of cultivators would consist of peasant proprietors. The Panel on Land Reforms constituted by the Planning Commission to assist in the study of proposals for the Third Plan, specially stressed the need for completing the land reforms programme with the least delay so as to eliminate any feeling of uncertainty arising from delays in implementation.

6.3.4 The Three Annual Plans which followed the Third did not do much. One of the important tasks of the Fourth Plan was to ensure that land reforms become a reality in the village and the field. In 1966, Land Reforms Implementation Committee of National Development Council was set up to report on the position as regards land reforms implementation. It proposed measures for securing expeditious and effective implementation of land reform legislation. The Fourth Plan reviewed the provisions in the so far existed legislations in regard to the level of ceilings, transfers and exemptions in the light of recent technological developments and social requirements and expeditions to implement the programme of

imposition of ceiling and distribution of surplus land to the landless agricultural workers on a systematic basis. State governments also responded favourably. With a view that the entire range of problems connected with land reforms should be referred to a central body, the Central Land Reforms Committee under the Chairmanship of Union Minister of Agriculture was set up during this plan (1970).

6.3.5 The Fifth Plan (1974-79) emphasised that "priority be accorded to the removal of gaps between policy, legislation and implementation."<sup>11</sup> It formulated its assessment of land reforms enacted hitherto in the following words :- "A broad assessment of the programme of land reforms adopted since independence is that the laws for the abolition of intermediary tenures have been implemented fairly efficiently whilst in the fields of tenancy reforms and ceiling on holdings legislation has fallen short of the desired objectives, and implementation of the enacted laws has been inadequate."<sup>12</sup> The Plans recommended that immediate legislative measures must be undertaken for plugging the loopholes in the existing tenancy laws to ensure complete security of tenure, conferment of ownership rights on the tenant and share-cropper according to a time-bound programme. The issue of 'personal cultivation' should be re-examined and the element of 'Supervision' involved

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11. Ibid., p.45.

12. Draft Fifth Plan, 1973. Vol.II, p.43.



in personal cultivation should be exercised by the land owner by being a resident of the same village or adjacent village. High priority should be given to a comprehensive programme of preparation and maintenance of records of tenancy. Cadastral survey of tribal areas must be accorded due importance. Leasing of lands should be permitted only in such rare cases, as specified disabilities or services in the defence services. The Plan recommended that distribution of surplus lands must be accompanied by the timely supply of inputs in adequate quantities and investment support for removing the legal impediments in the way of implementation of land reforms. Civil Courts should not be involved, instead suitable Land Reforms Tribunals should be constituted in the nature of special itinerant courts. It also insisted on the existence of effective organisation of tenants and landless labourer for better implementation.

6.3.6 During Sixth Plan Period (1978-83), the idea is to implement the basic policy, i.e., equitable distribution of land resources through programmes of land reforms vigorously so that there is a meeting ground between policy and performance. The objective is to complete the process of land reforms. The ceiling legislation will be enforced more vigorously. Attention will be directed towards bringing about changes designed to eliminate legal and procedural

bottle-necks and circumvention of the ceiling law. Priority in allotment of surplus land will be given to the landless belonging to Scheduled Castes and Scheduled Tribes, and they will be assisted in a variety of ways so that land allotted to them become a source of gainful employment. Tenancy reform is equally significant. The states where rent exceeds the accepted national limit (ie., 1/5 to 1/4) of the gross produce will be scaled down through legislation. The indefinite right of resumption is to be extinguished. The updating of land records is also a crucial element. For more efficient and modern farming operations, consolidation is to be accepted as a key programme in future years, with priority for the irrigated tracts; setting up of village committees is also considered vital.

6.4 Kerala happens to be the only state in India where political pressure based on mass organisation and support has been a major factor forcing the pace of land reforms and where such reforms has consequently received sustained attention. The pressure of genuine land reforms in the state created over two decades an atmosphere in which many landlords sold lands to tenants often at low prices fearing de-facto confiscation by the state. The militancy of agrarian movement and the real threat of official land reforms combined to create a parallel and un-official land reform.

6.4.1 Prior to the introduction of land reforms, the land tenure of Kerala revealed an extremely unsatisfactory condition with regard to the relation between landlord and tenants. Relations became more strained with increasing sub-infeudation. A great gulf was created between landlords and tenants. The growth of middlemen lowered the economic status of the 'haves-nots supplemented by the rapidly increasing population is symptomatic of a serious threat to social and economic stability. Table 6.1 shows the distribution of agricultural population under different groups in Kerala in 1951.

Table - 6.1

The Distribution of Agricultural Population Under Different Groups in Kerala in 1951

No.	Categories	Males	Females	Total
1.	Total Population	6,681,901	6,867,217	13,549,118
2.	All Agricultural Classes	3,558,676	3,710,411	7,269,087
3.	Cultivators of land wholly or mainly owned and their dependants	1,265,274	1,301,352	2,566,625
4.	Cultivators of land wholly or mainly unowned and their dependants	813,282	824,882	1,638,165
5.	Cultivating labourers and their dependants	1,388,254	1,468,510	2,856,764
6.	Non-cultivating owners of land and agricultural rent receivers and their dependants	91,865	115,667	207,532

Source: Derived from the Census of India, Paper No.1, 1960, Table B-1.

6.4.2 From Table 6.1, it is clear that before the Planning Period 207,532 people were directing the fortunes of 4,449,192 people, i.e., less than 2 per cent of the people were directing the fortunes of more than 34 per cent of the population. Soon people began to question increasingly the inevitability of perpetuating these differences. Under this system, to use Lenin's phraseology, "The landlord is like a usurer who takes advantage of poverty of a neighbouring peasant and acquires his labour almost for nothing."<sup>13</sup> Moreover, the growing indebtedness of the small holder was making him owner of phantom-property, a vampire property. Behind the scenes capitalist owner and moneylenders were achieving between them the agrarian concentration foreseen by Marx.

6.4.3 Any effort to reduce the traditional inequalities must consist of the introduction of land reforms which would strike at the old oppressive landlordism and give the farmer greater incentive. Keeping this in mind, the Kerala Land Reforms Bill 1957, The Kerala Land Reforms Act 1960 and the Kerala Land Reforms Act 1963 were passed to achieve equality of opportunity for the formerly depressed rural mass by affording protection to the tenants and providing them facilities and incentives to purchase the land and become owners and by forcing the absentee owners through the implementation of

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13. Sankaranarayanan, K.C., Economic Impact of Land Reforms in Kerala, (Unpublished Thesis), 1970, p.66.

ceiling and re-distribution of rents etc., to make a choice either to take personal cultivation or sell the land to genuine cultivator. Further amendments were made to the 1963 Act in order to achieve the main objective of creation of peasant proprietorship.

6.4.4 In general, the provisions of the Kerala Land Reforms Act with reference to national guidelines are as follows. The ceiling law in Kerala conforms to general policy guidelines laid down by the Government of India. Deviations are indicated below :

- 1) Under Kerala Land Reforms Act, Ceiling for an ordinary family of less than five members is 15 acres. No family is entitled to hold more than 20 acres, while as per the national guidelines as much as 54 acres would be permissible (vide Section 81).
- 2) As per the national guidelines, plantations of tea, coffee, rubber, cardamom and cocoa are exempted. But Kerala Land Reforms Act exempted above plantation crops only for the actual planted area and such other lands as are required for ancillary purposes and necessary for its maintenance.
- 3) As per national guidelines, lands held by religious, charitable or educational institutions of public nature public trusts, Agricultural Universities etc., are eligible for blanket exemptions from the Ceiling Law. But Kerala Land Reforms Act provides exemption to the lands held by the above institutions, universities etc., only

if the entire income from the above lands is appropriated for the purposes of the institution. It also provides that previous Government sanction should be obtained by a religious, charitable or educational institutions of a public nature, public trust or university, if it acquires any land after the commencement of the Kerala Land Reforms Act, (Sec.81(i) of the Act).

- 4) As per the national guidelines, no exemptions should be given to the lands given as gallantry awards. But Kerala Land Reforms Act provides exemption for the lands granted to defence personnel for gallantry. (Sec.81(i) of the Act).
- 5) To safeguard the interests of the public at large and to protect the commercial and industrial advancement of the state, the Government has taken the powers to themselves to exempt any land they consider necessary for the development of commerce, industry and plantation (Sec.81(3) of the Act).
- 6) As per the national guidelines, compensation payable for the surplus land should be fixed below the market value of the property. But the rates of compensations provided in the Kerala Land Reforms Act is very nominal and at flat rates ranging from Rs.100/- to Rs.3,000/- per acre, according to the classification of the land and locality. The Kerala Land Reforms Act also provides that no landholder is eligible to get more than Rs.Two lakhs as compensation. There is also a scaling down in the compensation after One lakh.

**6.4.5**            Regarding benami transactions no legal measures appear to be necessary in this state in view of the specific provisions concerning the ceiling on holdings, contained in the

Kerala Land Reforms Act. Under it, all voluntary transfers of land made with a view to defeat the ceiling provisions of the Act after 18-12-1957 have been declared null and void.<sup>14</sup> (Vide Section 84 of the Act). The Act also prohibits creation of tenancies after 1-4-1964 (Section 74). Thus the scope for benami transactions in land with a view to defeat the ceiling provisions has been rendered almost impossible.

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14. Gift Validation Act.

## CHAPTER - VII

### SALIENT FEATURES

**"The acceptance of the principle of democracy in the political sphere releases forces demanding a break from the dominant institutional patterns favouring the 'haves' in the economic sphere."**

**- Joshi. P.C.  
Land Reforms in India.**

**7.1           The Kerala Land Reforms Act (1963) which came into force on 1-4-1964 was amended in 1966, 1968, 1969, 1971, 1972, 1974, 1976, 1978, 1979 and 1980. The amendments, however, did not materially change the basic structure of the 1963 Act. In the following paragraphs, we propose to explain the salient features of the Kerala Land Reforms Act, 1963.**

**7.2           In conformity with the national objectives on land reforms, the Kerala Land Reforms Act aimed at achieving the following objects.**

- 1) Abolition of intermediaries between the State and the tiller,**
- 2) Conferment of security of tenure on cultivating tenants.**



- 3) Regulation of rent,
- 4) Fixation of ceiling on holdings, and
- 5) Distribution of surplus land.

#### 7.2.1 Abolition of Intermediaries

The Act enables the government to compulsorily vest the rights of landlords and intermediaries in the cultivating tenant. It also states that no tenancy shall be created in respect of any land in future.<sup>1</sup>

#### 7.2.2 Security of Tenure

Section 13 of the Act confers security of tenure on the tenants. The Section states that notwithstanding anything to the contrary contained in any law, custom, usage or contract, or in any decree or order of court, every tenant shall have fixity of tenure in respect of his holding, and no land from the holding shall be resumed except as provided in Sections 14 to 22. Section 13A, 13B, 13C and 13D were added to the parent Act by the Kerala Land Reforms (Amendment) Act 1969.

7.2.2.1 Section 13A which was inserted states that notwithstanding anything to the contrary contained in any law, or in

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1. Explanation : An exception is made in the case of a minor, a widow, an unmarried woman, a person subject to any physical or mental disability or a serving member of the Armed Forces.

any contract, custom or usage or in any judgment, decree or order of Court, where any person has been dispossessed of the land in his occupation on or after the 1st day of April 1964, such person shall, if he would have been a tenant under this Act as amended by the Kerala Land Reforms (Amendment) Act 1969, at the time of such dispossession, be entitled to the provisions of this section to restoration of possession of the land.

7.2.2.2 Section 13B restored the possession of holdings sold for arrears of rent. The section states that notwithstanding anything to the contrary contained in any law, or in any judgment, decree or order of court, where any holding has been sold in execution of any decree for arrears of rent, and the tenant has been dispossessed of the holding after the first day of April 1964 and before the commencement of the Kerala Land Reforms (Amendment) Act 1969, such sale shall stand set aside and such tenant shall be entitled to restoration of possession of the holding subject to the provision of this section. Section 13C cancelled certain sales for arrears of rent. Section states that notwithstanding anything to the contrary contained in any law, or in any judgment, decree or order of court, where any holding has been sold in execution of any decree for arrears of rent accrued due, before the first day of May 1968, or any portion of such arrears, but the tenant has not been dispossessed,

such tenant may within six months of the commencement of the Kerala Land Reforms (Amendment) Act 1969, deposit in court an amount equal to the amount which he is liable to pay under Section 73 and apply to the court for setting aside the sale. Section 13D cancels certain sales or damages. The Section states that notwithstanding anything to the contrary, contained in any law, or in any judgment, decree or order of court, where any holding has been sold after the first day of April 1964 and before the commencement of the Kerala Land Reforms (Amendment) Act 1969 for recovery of damages for committing waste on the holding, but the tenant has not been dispossessed, such tenant may, within six months from such commencements deposit in court an amount equal to the purchase money together with interest at the rate of 6 per cent per annum and apply to the court for setting aside the sale.

7.2.2.3 Security of tenure granted to the tenants is subject to the landlord's right of resumption. The condition under which the landlords can resume land are stipulated under Section 14 to 19.

7.2.2.3.1 Section 14 states that a trustee or owner of a place of public religious worship may resume from a tenant the whole or any portion of his holding when the same is needed for the purpose of extending the place of public religious worship and the collector of the District certifies that the form is needed.

Section 15 states that a landlord (other than 'Sthani' or the trustee or owner of a place of public religious worship who is not in possession of any land other than 'Nilam' or is in possession of less than two acres in extent of such land) and who needs the holding for the purpose of constructing a building bonafide for his own residence or for that of any member of his family may resume from his tenant,

- 1) an extent of land not exceeding 20 cents where resumption is sought on behalf of one person,
- 2) an extent of land not exceeding 50 cents where resumption is sought on behalf of two or more persons,

A proviso to this Section states that by such resumption the total extent of land other than nilam in the possession of the landlord shall not be raised above two acres and extent of land in the possession of tenant shall not be reduced below 50 cents.

7.2.2.3.2 Section 16 states that a landlord (other than a 'Sthani' or the trustee or owner of a place of public religious worship) who requires the holding bonafide for cultivation by himself or any member of his family, may resume from his tenant, who is in possession of land exceeding the ceiling area, the whole or portion of the holding, subject to the conditions that by such resumption the total extent of land in the possession of the landlord is not raised above the ceiling area and the total

extent of land in the possession of the cultivating tenant is not reduced below the ceiling area.

7.2.2.3.3 Section 17 states that without prejudice to the right of resumption under Section 16, a small holder (other than a 'Sthani' or the trustee or owner of a place of public religious worship) may resume from his tenant a portion of the holding not exceeding one half or provided that, by such resumption, the total extent of land in the possession of the small holder shall not be raised above (2½ standard acres or 5 acres) in extent, whichever is greater.<sup>2</sup>

7.2.2.3.4 Section 18 mentions general conditions and restrictions applicable to resumption under Section 14 through 17. Section 18 states that resumption of land under Sections 14 through 17 shall also be subject to the following conditions and restrictions, viz., in respect of tenancies subsisting at the commencement of this Act, no application for resumption shall be made after a period of one year <sup>of</sup> such commencement: (provided that where the landlord is (1) a minor or (2) a person of unsound mind or (3) a member of the Armed Forces or seaman and the tenant is entitled to fixity of tenure; or (4) a legal representative of such member or seaman, was the landlord of the land in respect of which resumption is claimed, the application for resumption may be made within six months from the

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2. Explanation : Act 35 of 1969 substituted the words 4 standard acres or 4 acres.

commencement of the Act provided further that in the case of a landlord referred to in clause 3 or clause 4 of the foregoing proviso the application for resumption may be made after the expiry of the said period of six months and before the date notified under Section 72, if such landlord was prevented by sufficient cause from making the application within the period of six months).

1) The right of resumption in respect of a holding shall be exercised only once, at the order of the Land Tribunal allowing resumption shall be given effect to only at the end of an agricultural year,

2) No Kudiyirippu shall be resumed,

3) No land in the possession of a tenant who is a member of scheduled caste or scheduled tribe shall be resumed.

7.2.2.3.5 Section 19 states that a landlord may resume from a tenant any holding or part of a holding comprising agricultural lands of the description specified in sub-clause 3 of clause 44 of Section 2, if such holding or part is in the opinion of Land Board absolutely necessary for the purpose of the plantation.

7.2.2.3.6 A tenant from whom land is resumed under the provision of the Act shall be entitled to compensation for improvements belonging to him or a solatium of an amount equal to the value of the gross produce from the land resumed for a period of two years whichever is greater. (Section 20)

7.2.2.3.7 The procedure for resumption is explained in Section 22. Section 23 stipulates tenants' right to sue for restoration of possession of land in case the person who resumed the land fails without reasonable excuse to use the land for the purpose for which it was resumed.

7.2.2.4 The Act gave the tenants the right of purchase of the superior interests in their holdings. Section 53 of the Act states that a cultivating tenant entitled to fixity of tenure under Section 13, shall be entitled to purchase the right, title and interest of the landowner and the intermediaries, if any, in respect of the land comprised in his holding. Section 54 of the Act states that a cultivating tenant entitled to purchase the right, title and interest of the landowner and the intermediaries under Section 53 may apply to the Land Tribunal for the purchase of such right, title and interest. The purchase price was fixed at sixteen times the fair rent plus the value of permanent structures and half the value of timber trees belonging to the landlord. Section 55 states that the price payable by the cultivating tenant for the purchase of the right, title and interest of the landowner and the intermediaries, if any, shall be (i) the aggregate of sixteen times the fair rent in respect of the holding or part thereof to which the purchase relates; (ii) the value of structures, wells and embankments, of a permanent nature belonging to the landowner or the intermediaries if any, and (iii) one half of the value of timber trees belonging

to the landowner or the intermediaries, if any, where the rent is payable in kind, the money value of the rent is to be computed at the average of the prices of the commodity for the six years immediately preceding the year of determination of the purchase price. The purchase price payable by the cultivating tenant is to be determined by the Land Tribunal. The procedure with reference to it is explained in Section 57 of the Act.

7.2.2.4.1 The purchase price determined under Section 57 by the Land Tribunal is to be payable in sixteen equal annual instalments. Where the purchase price is less than Rs.160 the number of instalments will be so fixed by the Land Tribunal that the amount payable in each instalment shall not be less than Rs.10. The cultivating tenant is given the option to make the payment in lump sum in which case he need only pay 75 per cent of the purchase price.

7.2.2.4.2 Once the purchase price is fixed under Section 57 by the Land Tribunal the tenant may deposit the amount with the Land Tribunal to the credit of the Land Board. Where the purchase price is proposed to be paid in a lump, the entire amount is to be paid within one year from the date on which the order of the Land Tribunal under Section 57 has become final. Where the purchase price is proposed to be made in instalments, the first instalment thereof is to be paid within six months from



the date on which the order of the Land Tribunal became final. The Land Tribunal may, on application by the cultivating tenant before the expiry of the said period extend the period for making such deposit. However, the period so extended will not exceed three months.

7.2.2.4.3 On the deposit of the purchase price in a lump or of the first instalment of such price, the Land Board will issue a certificate of purchase to the cultivating tenant and there upon the right, title and interest of the landlord and the intermediaries if any, shall vest in the cultivating tenant free from all encumbrances with effect from the date of the application under Section 54. The certificate of purchase shall be conclusive to the purchase by the tenant of the right, title and interest of the landowner and intermediary, if any, over the holding or portions thereof.

7.2.2.4.4 If a cultivating tenant fails to deposit the purchase price in lump or the first instalment thereof, on or before the due date the order of the Land Tribunal under Section 57 shall stand cancelled and the cultivating tenant shall continue as cultivating tenant. In case the tenant defaults the second or any subsequent instalments of the purchase price, the amount of such instalment shall bear interest at the rate of 4½ per cent per annum, from that date till the date of deposit of that instalment.

7.2.2.4.5 Where a cultivating tenant does not apply for the purchase of the right, title and interest in respect of his holding to be vested in the government under sub section (9) of Section 66, the tenant holding directly under the religious, charitable or educational institution of a public nature shall continue as tenant under the Government.

7.2.2.5 Again, at any time after the expiry of the period under clause (1) of Section 18 for applying for resumption of land, or where any appeal has been preferred from the orders of the Land Tribunal under Section 22, after the disposal of the appeal, the government may by notification in the Gazette, declare that the right, title and interest of the landowners and intermediaries in respect of holdings, which have not been purchased by cultivating tenants, shall vest in the cultivating tenants free from all encumbrances, and different areas in the state (Section 72) upon the issue of a notification under subsection 1, the right title and interest of the landowners and the intermediaries in respect of holdings to which the declaration applies shall vest in the cultivating tenants of such holdings free from all encumbrances, and the provisions of Section 55 through 64 shall, as far as may be, apply in regard to the purchase price payable by the cultivating tenants, the distribution of the purchase price among the landowners and the intermediaries, the payment or recovery of purchase price and discharge of encumbrances, as if the cultivating tenants had

applied for the purchase of the right, title and interest of the landowners and intermediaries.

7.2.2.5.1 Section 72C states that notwithstanding anything contained in sub-section (3) of Section 72B, (or Section 72 bb) the Land Tribunal may subject to such rules as may be made by the government in this behalf, at any time after the vesting of the right, title and interest of the landowners and intermediaries in the government under Section 72, assign such right, title and interest to the cultivating tenants entitled thereto, and the cultivating tenants shall be bound to accept such assignment. The cultivating tenant shall be liable to pay purchase price to the government on the assignment to him of the right, title and interest of the landowner and the intermediaries if any (Section 72D). The purchase price shall be the aggregate of sixteen times the fair rent of the holding plus the value of structures, wells and embankments of a permanent nature and one-half of the value of timber trees which belong to the landowner at the time of vesting in the government.

7.2.2.6 The Act also granted fixity of tenure to 'Kudikidappukars'. Section 75 of the Act states that no 'Kudikidappukaren' shall be liable to be evicted from his 'Kudikidappu' except on the following grounds, viz :

- 1) That he has alienated his right of 'Kudikidappu' to a person other than (a) a member of his family or (b) a person who has no other homestead or any land in possession, either as owner or as tenant, on which he could erect a homestead and whose annual income does not exceed Rs. 2,000;
- 2) That he has rented or leased out his entire 'Kudikidappu' to another person for a period for not less than two years;
- 3) That he has ceased to reside in the 'Kudikidappu' continuously for a period of two years; or
- 4) That he has another 'Kudikidappu' or has obtained ownership and possession of land which is fit for erecting a homestead within a distance of five kilometers from his Kudikidappu.

7.2.2.6.1 Provision is also made in the Act to shift the 'Kudikidappu' if the owner genuinely requires the land for constructing a building for his own residence or for the residence of any member of his family including major sons and daughters or for purposes in connection with a town planning scheme approved by the competent authority or for any industrial purpose. In such case, the owner is to pay the 'Kudikidappukaran' the price of the homestead erected by the 'Kudikidappukaran'. The owners also should provide new site fit for erecting a homestead within a distance of one mile from the existing 'Kudikidappu'. The holder should transfer ownership and possession of the new site to the 'Kudikidappukaran' and also pay the reasonable cost

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3. Explanation : The Kudikidappukaran is not liable to be evicted on the ground mentioned in sub clause 4, if the extent of the land over which he has obtained ownership and possession is not more than three cents if it is in a city or major municipality or five cents if it is in any other municipality or ten cents if it is in a panchayat area or township.

of shifting the 'Kudikidappu' to the new site. In Cheekutty V. Land Tribunal, Alangadu,<sup>4</sup> it was held that the landlord has to prove that he bonafidely requires the very site in which the Kudikidappu is situated for purpose of construction.

7.2.2.7 Section 80A empowers the Kudikidappukaran to purchase his kudikidappu and the lands adjoining thereof.

#### 7.2.3.0 Regulation of Rent

7.2.3.1 Except in Malabar, fair rents were not fixed in Kerala before the Agrarian Relations Act provided for it. The Act required the Land Tribunal to determine the fair rents within the maximum and minimum rent laid down in the Act for various crops and different types of land. Rents were to range between a specified maximum and minimum of gross produce. It was 1/6 of the gross produce in regard to the first crop of single crop of nilam converted into double crop nilam by tenant's labour and to minimum of 1/20 of gross produce in regard to nilams in Wynaad Taluk converted by tenants labour. For crops like Coconut, Arecanut etc., separate maximum and minimum rents were fixed. Fair rents should not be liable to alteration except upon the application of the cultivating tenants for the reduction of fair rent. Rent could be paid either in cash or in kind and arrears of rent carried interest at 6 per cent per annum or at

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4. 1975, Kerala Law Times, 628.

the contract rate whichever was less. Land Reforms Act 1963 watered down the provisions of the Agrarian Relations Act. Fair rent was sought to be fixed in the Act, omitting the maximum and minimum ranges specified. Rent was raised for almost all types of crops and land.

7.2.3.2 An amendment effected in 1969 changed these provisions. Accordingly, fair rent shall be (a) in case of nilams 50 per cent of the contract rent or 75 per cent of the fair rent determined under any law in force immediately before the 21st January 1961, or the rent calculated at the rates specified in Schedule III applicable to the class of lands comprised in the holding, whichever is less. (Please See Appendix-I for Schedule III) (b) in case of other lands, 75 per cent of the contract rent, or the fair rent determined under any law in force immediately before 21st January 1961, or the rent calculated at the rate specified in Schedule III, applicable to the class of lands comprised in the holding, whichever is less.

7.2.3.3 The tenant may by notice send to the landlord by registered post opt to pay (1) in the case of any nilam, 50 per cent of the contract rent or 75 per cent of the fair rent determined under any law in force immediately before 21st January 1961, or the rent calculated at the rates specified in Schedule III applicable to the class of land comprised in the holding (2) in the case of other lands, 75 per cent of the contract rent determined under any law in force immediately before 21st January 1961,

SCHEDULE - III

Class of land	Rate of fair rent
i. Nilams - 1) Land converted into nilam by tenants labour not falling under items (v), (vi) and (vii)	1/8 of the gross paddy produce.
ii) Other nilam not falling under items (v), (vi) and (vii)	1/4 of the gross paddy produce.
iii) Kole land	1/6 of the gross paddy produce.
iv) Land not being Karinilam cultivated on the Kaipad system	1/8th of the gross paddy produce.   For the districts of   Cannanore, Ernakulam,   Alleppey and Kottayam.   No such land in other   districts.
v) Karinilam	1/9th of gross produce   For the districts of   Kottayam, Alleppey   and Ernakulam. No   such land in other   districts.
a) Converted into wet by tenants' labour b) Other Karinilam	1/20 of the gross paddy produce. 1/12 of the gross paddy produce.
vi) Nilam in the North Wymad and South Wymad Taluks	
a) Converted by tenant's labour b) Other nilam	1/6 of the gross paddy produce. 1/8 of the gross paddy produce.
vii) Nilam in the Devicolam, Peermade and Udumbanchola taluks and the Attappady valley	
a) Converted by tenants labour b) Other wet land	Aggregate of rent fixed as for nilams and 1/8 of the gross annual income derived from fishing in such manner as may be prescribed.
viii) Nilam where fishing is carried on for part of the year by a varandar	Rent that would have been payable had the land been used for paddy cultivation.
ix) Nilam not used for paddy cultivation (but not cultivated with sugar-cane)	

## 2. Garden -

- |      |  |                                       |
|------|--|---------------------------------------|
| i)   | Coconut trees in respect of which the landlord is bound to pay compensation under the Kerala Compensation for Tenant's Improvement Act, 1958.      | 1/10 of the gross coconut produce.    |
| ii)  | Coconut trees in respect of which the landlord is not bound to pay compensation under the Kerala Compensation for Tenant's Improvement Act, 1958   | 1/3 of the gross coconut produce.     |
| iii) | Arecanut trees in respect of which the landlord is bound to pay compensation under the Kerala Compensation for Tenant's Improvements Act, 1958     | 1/10 of the gross arecanut produce.   |
| iv)  | Arecanut trees in respect of which the landlord is not bound to pay compensation under the Kerala Compensation for Tenant's Improvements Act, 1958 | 1/4 of the gross produce of arecanut. |
| v)   | Pepper vines in respect of which the landlord is bound to pay compensation under the Kerala Compensation for Tenant's Improvements Act, 1958.      | 1/8 of the gross pepper produce.      |
| vi)  | Pepper vines in respect of which the landlord is not bound to pay compensation under the Kerala Compensation for Tenant's Improvements Act, 1958.  | 1/4 of the gross pepper produce.      |
- 
- |    |  |  |
|----|--|--|
| 3. | Dry Land   | 1/8 of the grossproduce  |
|    | a) Cultivated with groundnut or other crops notified by the government | Rs. per acre.  |
|    | b) In other cases  | 1/8 of the gross produce of the crop grown on the land or Rs.4 per acre whichever is higher. |
| 4. | Palliyal land  | Rs. 3 per acre.  |
| 5. | Land under PUNAM OR KUMBI cultivation                                  | 1/4 of the gross sugar-cane produce.   |
| 6. | Land under Sugar-cane cultivation                                      | Contract rent.   |
| 7. | Land not falling under any of the above items                          |  |



or the rent calculated at the rates specified in Schedule III applicable to the class of lands comprised in the holding and where the tenant has so opted such rent shall be deemed to be the fair rent.

7.2.3.4 The cultivating tenant or any landlord may apply, in such form as may be prescribed, to the Land Tribunal for determining the fair rent in respect of a holding on receipt of an application under subsection (4). The Land Tribunal shall issue notice to all persons interested and after enquiry, determine by an order the fair rent in respect of holding.

7.2.3.5 Section 33 states that notwithstanding anything contained in the foregoing sections, it shall be competent for the landlord and tenant to agree as to what shall be the fair rent payable in respect of the holding and where such an agreement is signed by the landlord and the tenant is filed with the Land Tribunal, the Land Tribunal shall pass orders determining such agreed rent as the fair rent in respect of the holding provided that the agreed rent does not exceed the fair rent under Section 27 in respect of the holding.

7.2.3.6 The order determining the fair rent takes effect from the beginning of the agricultural year in which the tenant or the landlord filed their application for such determination or the agreement under Section 33, and any amount paid by the tenant

in excess of the rent determined to the landlord till the date of determination is to be adjusted towards the payment of future rent or the purchase price payable under Section 55.

7.2.3.7 Where in a case the rent payable in respect of a holding has not been determined by the Land Tribunal, either under Section 31 or Section 33, the landlord shall be entitled to receive (a) in the case of nilams 50 per cent of the contract rent or 75 per cent of the fair rent (b) in the case of other lands, 75 per cent of the contract rent or the fair rent determined under any law in force immediately before 21st January 1961.

7.2.3.8 Rent can be paid either in cash or in kind. Arrears of rent carry an interest at the rate of 6% per annum. A tenant is entitled to remission of rent where there has been a damage to, or a failure of crops owing to causes beyond the control of the tenant (Section 38). The failure or damage can be a general one or may pertain only to a part of the holdings.<sup>5</sup>

7.2.3.9 The Act also invalidated claims of dues other than rent payable to the landlord. Section 40 of the Act states that notwithstanding any contract to the contrary expressed or implied, no tenant shall be liable to pay to his landlord any customary dues or renewal fees or anything more or anything less than the rent payable under this Act.

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5. Ammini V. Tahsildar, 1967. KLT 1146.

7.2.3.10 \*Three things are noteworthy about this Section (Section dealing with fixation of rent). First, the task of determining rent was transferred from the market to an officer specifically appointed to determine rents. Second, this officer should try to do what the market should have done--determine rents in accordance with what the land would bear, since "substantial" tenants implies some degree of independence in bargaining on the part of the tenant and "prices" and the letting value of land "could only mean that the officer was to guess the market relationships which would have existed if the market had worked as it should. There would have been no problem if he found it. The whole purpose of appointing the officer was to reach a different letting value - a rent that would encourage the cultivator to improve the land - and to remove the defects resulting from previous Rent Laws and from the creeping price of rents in the form of extractions.<sup>6</sup>

7.2.3.11 Till the enactment of Rent Laws the rental market was free and enhancement of rent was left to contracts between the landlords and the tenants. But the Kerala Land Reforms Act 1963 brought the problem of rent determination and security of tenure together in a more consistent whole.

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6. Sankaranarayanan, K.C., Economic Impact of Land Reforms in Kerala (Unpublished Thesis), p.50-51.

#### **7.2.4.0 Fixation of Ceiling on Holdings**

**7.2.4.1 Recommendation of the Land Policy Committee (1949) of Travancore, 'Restriction on Possession and Ownership of Land Bill' introduced by the Praja Socialist Ministry in 1954 bear testimony to the fact that the need for ceiling on holdings was recognised in Kerala even before the Planning Commission recommended it. The Land Reforms Act (1963) embodied provisions regarding ceiling on holdings. It laid down that no family or adult unmarried person shall own or hold more than 12 standard acres subject to a minimum of 15 acres and maximum of 36 acres in extent. The amendment of 1969 altered the limit and basis of the ceiling once again. Section 82 of the Act deals with the ceiling provision. This Section states that the ceiling area of land shall be (a) in the case of an adult unmarried person or a family consisting of a sole surviving member 5 standard acres, so however that the ceiling area shall not be less than 6 and more than 7½ acres in extent; (b) in the case of a family consisting of two or more, but not more than 5 members, 10 standard acres, so however that the ceiling area shall not be less than 12 and more than 15 acres in extent; (c) in the case of a family consisting of more than 5 members, 10 standard acres increased by 1 standard acre for each member in excess of five, so however that the ceiling area shall not be less than 12 and more than 20 acres in extent and (d) in the case of any other person, other than a joint family, ten standard acres, so however that the ceiling area shall not be less**

than 12 and more than 15 acres in extent.

7.2.4.2 Section 85 states that where a family or an adult unmarried person owns or holds land in excess of the ceiling area on the date notified under sub-section (1) of Section 83 such excess land shall be surrendered by the person who is competent to do so within such time and to such authority as may be prescribed. Persons surrendering land are entitled to get compensation. (Section 88)

7.2.4.3.0 Exemptions to Ceiling Provision

7.2.4.3.1 The Act exempted plantations, pepper and arecanut garden as on 1-4-1964 which were 5 acres or more in contiguous extent and cashew 10 acres or more, Kayal Padasekarams of Kuttanadu, lands owned by religious and charitable institutions. Several exemptions given in the Act such as for Kayal lands were left out by the Kerala Land Reforms (Amendment) Act 1969.

7.2.4.4 Voluntary Transfers to be Null and Void

The Act nullified all voluntary transfers effected after the date of publication of the Kerala Land Reforms Bill (1963) in the Gazette, otherwise than

- 1) by way of partition, or
- 2) on account of natural love and affection or,

- 3) in favour of a person who was a tenant of the holding before the 27th July 1960 and continued to be so till the date of transfer, or
- 4) in favour of a religious, charitable or educational institution of a public nature solely for the purposes of the institution.

Clause (2) was omitted with effect from 16-8-1968 by Act 17 of 1972 and clause (4) was omitted by Section 15(1)(c) of Act 17 of 1972. But the Gift Validation Act of 1979 validated transfer effected on account of natural love and affection.

#### 7.2.5.0 Distribution of Surplus Land

7.2.5.1 Distribution of land to the landless agriculturists was one of the important objectives of land reforms policy. Hence, the Act contained provisions regarding redistribution of land vested in the government under Section 86 or Section 87 as specified below :

- 1) The lands in which there are 'Kudikidappukars' shall be assigned to such 'Kudikidappukars'.
- 2) The remaining lands shall be assigned to,
  - a) landless agricultural labourers and
  - b) small holders and other landlords who are not entitled to resume any land. It is specifically stated that 87½ per cent of the area of the lands referred to in clause (2) available for assignment in a taluk shall be assigned to landless agricultural labourers of which one-half shall be assigned to the landless agricultural labourers belonging to Scheduled Castes, Scheduled Tribes and such other socially and economically backward classes of citizens as may be specified in the behalf by the government by notification in the Gazette .

7.3 The Act created Land Boards and Land Tribunals and vested with them the responsibility of implementing the various provisions in the Act. The Land Board was vested with the entire jurisdiction of the State and Land Tribunals were subjected to its control. By Section 24 of Act 17 of 1972 the government was empowered to constitute Land Reforms Review Board consisting of (a) the Minister of State in charge of land reforms (who shall be the chairman) (b) the member or members as the case may be of the Land Board and (c) six-man-official member nominated by the Government.

7.4 The Act with all its progressive features did not hurt the small holders. (Persons holding or owning below 5 acres of double crop wet land or its equivalent one acre of double crop wet land is considered equivalent to one acre of coconut garden or one and a half acres of single crop wet land). It has been recognised in the Kerala Land Reform Programmes that special protection has to be given to landlords who own small holdings, as otherwise these programmes might, while conferring benefits to one section of the society, cause undue hardships to another section of the society which is in no way better placed in the economy of the country than the section which is benefitted. In accordance with this policy, the small holders have been given reasonable protection so that the interests of the tenants do not suffer while the tenants of big landlords are given the option

to pay fair rent or contract rent whichever is less, the tenants of small landholders do not enjoy this concession as it is considered that a small benefit should accrue to the landholders. Again in areas where the tenants enjoyed security of tenure under any law in force prior to 21-1-1964, which the cultivating tenants of big landholders can purchase the landlord's rights, the cultivating tenants of small landholders can do so only after allowing the small landholder to resume a portion of the land if he chooses. These are two essential benefits conferred on the small landholders.

7.5           The Act retained certain conditions for eviction such as gross neglect and mis-management on the part of the tenant or for the landlord's direct operation of the land for himself.



## CHAPTER - VIII

### IMPLEMENTATION OF LAND REFORM MEASURES

"Land reforms research in India has in recent years been virtually identified with the study of problems thrown up by the land legislation and its implementation."

- Joshi, P.C.

Land Reforms in India.

8.1 The main aspect of any reform programme is its implementation. In order to appreciate the extent of implementation of land reform measures in Kerala, we must have some idea about the extent of implementation of land reform measures in other States.

8.2 An intelligent observer notices that most of the states were content with mere passing of legislative measures to impose ceiling, to regulate rent and security of tenure. The following revelation of the Panel of Land Reforms stand as a testimony to this. They wrote that "We noticed during our tours that the regulation of rents has not generally been effective ..... In many states, the recommendations made in the

First Plan have not been implemented or have been only partially implemented."<sup>1</sup> They add that "in spite of a legislation on the statute book, in the fields the old practice still obtains. Tenancies continued to be governed by customs or agreement. Old rents still continue to be paid and accepted, though law has scaled them down in many areas and the receipt of high rent is illegal."<sup>2</sup>

8.3 Thus in states like Andhra Pradesh, Gujarat and Uttar Pradesh legislations were enacted as early as 1960, but nothing has been done beyond taking some preliminary steps. In Bihar, Madras, Madhya Pradesh and Maharashtra, State Governments have merely enforced the legislation. But no progress has been achieved with regard to actual implementation.

8.4 Kerala happens to be the only state in India where political pressure based on mass organisation and support has been a major factor forcing the pace of land reforms and where such reforms have consequently received sustained attention.

8.5 Security of tenure, fixation of fair rent and provision for hutment dwellers are the three legs of the tripod on which stood the Kerala Land Reforms Act.

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1. Government of India, Report of the Panel on Land Reforms, Planning Commission, 1959., p.35.

2. Ibid., p.37.

### 8.5.1 Security of Tenure

8.5.1.1 The chapter on 'Early efforts at land reforms' indicated the various measures (in the form of proclamations, Theetcorams and Enactments) undertaken by the enlightened Rajas of Travancore and Cochin and Madras Government to grant security of tenure to the tillers of the soil. But all these left out several category of tenants from their purview. They also permitted eviction on flimsy grounds. Above all, the operation of these measures were limited to particular areas. Hence, it became necessary to enact a comprehensive legislation relating to tenancy and agrarian reforms. Such comprehensive legislation was passed in 1960 as the Kerala Agrarian Relations Act. But this Act too excluded the 'hutment dwellers' from the category of tenants and so they could be evicted by the land owners. But this Act did not yield anything as it was declared ultra vires to the constitution by the High Court of Kerala.

8.5.1.2 It was therefore only in 1964, seven years after the formation of Kerala State, that it became possible on the basis of another legislation (The Kerala Land Reforms Act, 1963) to start implementing land reforms. This Act was amended in 1966, 1968, 1969, 1971, 1972, 1974, 1976, 1978, 1979 and 1980. Our discussion on implementation of land reforms is mainly based on the 1963 Act.

**8.5.1.3** Section 13 of the Kerala Land Reforms Act (1963) deals with the fixity of tenure. It states, 'Every tenant shall have fixity of tenure in respect of his holding and no land from the holding shall be resumed except as provided in Section 14 to 22'. If the tenant was given the right to cultivate under the document, then he is entitled to fixity of tenure. A decree for eviction of a tenant before commencement of the Act is not executable. The word tenant is used to include quondam tenants also. On the other hand, a holder or occupier of a residential building in a mortgaged property is not a tenant entitled to fixity. So also tenant of a holding owned by or belonging to a Government controlled company cannot claim fixity of tenure.

**8.5.1.3.1** Kerala Land Reforms (Amendment) Act 1969 inserted four more sections after Section 13, i.e., Section 13-A, 13-B, 13-C and 13-D. Section 13-A deals with the restoration of possession of those persons evicted on or after April 1st, 1964 and Section 13-B deals with restoration of possession of certain holdings sold for arrears of rent. There is no requirement in any of the clauses that an offer of readiness to comply with any order for deposit of costs must be expressed or incorporated in the petition for restoration. Sections 13-C and 13-D deal with cancellation of certain sales for arrears of rent and for damages respectively.

**8.5.1.4** Provisions regarding security of tenure came into force on the 1st day of April 1964 by notification number 4408/n/64 Rev. dated 25-3-1964 published in K.G.Ex.No.59 dated 25-3-1964. The three new sections inserted to section 13 of the parent Act by the Kerala Land Reforms (Amendment) Act 1969 came into force on 1-1-1970. The other amendments to the parent Act, namely, the Kerala Prevention of Eviction Act 1966 came into force on 11-11-1966, the Kerala Stay of Eviction Proceedings Act 1967 came into force on 30-7-1967, the Kerala Stay of Eviction Proceedings (Amendment) Act 1967 came into force as 12-2-1969, the Kerala Land Reforms (Amendment) Ordinance 1971 was given effect from 1-1-1970, the Kerala Land Reforms (Amendment) Ordinance 1972 came into force on 2-11-1972 (This Act has repealed ordinance V of 1972), the Kerala Land Reforms (Amendment) Act 1973 have got effect from 16-12-1972 (This Act has repealed Ordinance X of 1972), The Kerala Land Reforms (Amendment) Act 1973 got effect from on 16-12-1972 (this Act has repealed ordinance XI of 1972), the Kerala Land Reforms (Amendment) Ordinance 1974 came into force on 11-6-1974, the Kerala Land Reforms (Amendment) Act 1974 repealed ordinance VI of 1974, the Kerala Land Reforms (Amendment) Ordinance 1975 (Ordinance 20 of 1975) came into force on 11-12-1975 the Kerala Land Reforms (Amendment) Act 1976 came into force on 25-3-1976 (this Act has repealed ordinance 20 of 1975), the Kanam Tenancy Abolition Act 1976 got effect from

1-1-1970, the Kerala Land Reforms (Amendment) Ordinance 17 of 1977 came into force on 1-10-1977, the Kerala Land Reforms (Amendment) Act 1978 got effect from 1-10-1977 (this Act repealed ordinance 17 of 1977).

8.5.1.5 In order to save the constitutional inhibitions the principal Act (Kerala Land Reforms Act, 1963) and its subsequent amendments were added to the IX Schedule of the Constitution of India.

8.5.1.6 The cultivating tenants are entitled to purchase the rights of landlords on their holdings by Section 53 of the Kerala Land Reforms Act. It states : "A cultivating tenant (including the holder of a Kudiyiruppu and holder of a Karaima) entitled to fixity of tenure under Section 13 shall be entitled to purchase the right, title and interest of the landowner and the intermediaries, if any, in respect of the land comprised in his holding." The tenant entitled to the purchase may apply to the Land Tribunal "accompanied by a statement agreeing to the exercise of the right of resumption by the small holder."<sup>3</sup> The price payable by the cultivating tenant shall be the aggregate of "(i) Sixteen times the fair rent in respect of the holding or part thereof to which the purchase relates; (ii) the value of structures, wells and embankments of a permanent nature belonging to the landowner.. and; (iii) one-half of the value of timber trees belonging to the landowners or ....."

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3. Section 45 of Act 35,1969.

Later a proviso was inserted by Section 46 of Act 35 of 1969 i.e., if the calculated money value of the clauses (ii) and (iii) exceeds that of clause (i), thus, "such aggregate value shall, for the purpose of calculating the purchase price, be limited to 16 times such fair rent." The purchase price paid by the cultivating tenant shall be paid to the landowner or apportioned among the landowner and the intermediaries as the case may be. The tenant has the option to pay the purchase price either in lump or in instalments. If it is paid in lump, he need pay only 75 per cent of the purchase price. Provided that where the purchase price is less than Rs.160, the number of instalments is so fixed that the amount payable in each instalment shall not be less than Rs.10/-. The cultivating tenant shall deposit with the Land Tribunal to the credit of the Land Board the purchase price determined under Section 57. In case of failure to deposit the purchase price in lump or the first instalment thereof, on or before the due date, the order of the Land Tribunal under Section 57 stand cancelled and the cultivating tenant shall continue as cultivating tenant. If the second or subsequent instalments of the purchase price is not deposited on the due date, the amount of such instalment shall bear interest at the rate of  $4\frac{1}{2}$  per cent per annum from that date till the date of deposit of that instalment. Later, Act 35 of 1969 interpreted this section in another way. i.e., Purchase Prices payable shall bear interest at the rate of  $4\frac{1}{2}$  per cent per annum from the date on

which the right, title and interest of the landowners and the intermediaries vested in the tenant. The payment of purchase price or the value of encumbrance, maintenance or alimony to the landowner or intermediary shall be a full discharge of the liability for payment of purchase price and no further claims for payment shall lie. Provisions regarding tenants right to purchase landlord's right came into force on 1-4-1964 by notification No. 4408/N/64 Rev. dated 25-3-1964.

8.5.1.7 The survey conducted by the Bureau of Economics and Statistics found out that very few tenants tried to make use of this provision. Indifference, aversion to litigation, financial incapacity to meet the expenses connected with the purchase, voluntary choice to continue as a tenant in case where rent is very low etc., are the factors which deflected the tenants from utilising this provision of the Act. Section 72 of the Act (1963) indicated the vesting of landlords rights in government. But later in the Amendment Act 35 of 1969 it vested landlords rights in tenants itself even if he has not applied for the same since the Act itself has provided special machinery for protecting the rights. The civil court has no jurisdiction to entertain any suit for declaration of title to lands taken over by the government under the Act. The affected person must take recourse to the special machinery provided for protecting his rights. So also a mortgagee who has obtained a decree against



a mortgager cannot proceed against the property which has already been vested in Government. Section 72 of 1969 Act deals with the compensation to landlords for vesting of their rights in Government. But it is argued in *Kunhikomman V. State of Kerala*<sup>4</sup> that the scheme evolved is not a piece of colourable legislation beyond the competence of the legislature. The Amendment Act of 1969 included in Section 72A to 72S, additional provisions like compensation to landlords for vesting of their rights in Government, cultivating tenant right to assignment, right of landlord to apply for assignment and compensation etc. It was Act 17 of 1972 (Section 72 BB) which gave the landlord right to apply for assignment and compensation. The Act (Section 72 EE) also provided for constitution of village committee for each village. Section 72 H (1969 Act) states that the Land Tribunal shall pay to the landowner and each of the intermediaries of a holding 50 per cent of the compensation payable to them. "If the compensation is to be paid in a lump then it shall be paid within a period of one year, and if in instalments, then it shall be paid in eight equal annual instalments. If the compensation is not paid on the due date, the amount in default shall bear interest at the rate of four per cent per annum" (The provisions were made in the Act 15 of 1976). Section 72 of the Act came into force on 1-1-70 by Notification No. 2/70 LRD dated 1-1-1970.

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4. 1962, Kerala Law Journal, 59.

8.5.1.8 The districts of Ernakulam, Kozhikode, Alleppey and Trichur are ahead of other districts in the purchase of landlords rights by the tenants. All the purchase effected are arranged between the parties concerned and not under the provisions of the Act. These direct purchases may be attributed to the Act as they might have been mostly prompted by the legal rights and liabilities laid down in the Act, ie., tenants have taken advantage of the provision of the Act indirectly. Even then, Trivandrum and Quilon districts had a very poor performance.

#### 8.5.1.9.0 Resumption of Leased Out Land

8.5.1.9.1 It is to be noted that the question of security of tenure is however interlinked with the question of landlords' right to resume land for personal cultivation. The nature and extent of restrictions on the right of resumption, therefore constitute the core of the problem of security of tenure. Sections 11 to 17 and Section 21 deal with this.

8.5.1.9.2 The conditions under which and the purposes for which the landlord can resume leased out land are :-

- 1) If the holding is needed for extending a place of public religious worship which has leased out the holding (Section-14)

- ii) For constructing a building bonafide for the landlords own residence or for that of any member of his family, if the landlord is in possession of land less than 5 standard acres (Section 15)
- iii) For personal cultivation from tenant possessing more than the ceiling area (Section 16).
- iv) If the landlord is a small holder possessing not more than 4 standard acres of land (Section 17). The legal representatives of a deceased landlord are not entitled to resumption before partition. A person obtaining a superior lease is not entitled to apply for resumption.

8.5.1.9.3 Section 18 deals with general conditions and restrictions applicable to resumption under Sections 14, 15, 16 and 17. They are : in respect of tenancies subsisting at the commencement of the Act no application for resumption shall be made after a period of one year from such commencement, the right of resumption in respect of a holding shall be exercised only once (and the order of Land Tribunal allowing resumption shall be given effect to only at the end of an agricultural year) and thirdly, no Kudiyruppu shall be resumed. No land in the possession of <sup>a</sup>tenant who is a member of a Scheduled Caste or Scheduled Tribe shall be resumed (Amendment Act 1969). Sections 14 through 19 came into force on 1-4-1964 by Notification No.4408/N/64 Rev. dated 25-3-1964.

8.5.1.9.4 If there are more than one landlord, the landlords mentioned below and in their order of priority shall be entitled to resumption :-

- a) small holder.
- b) any person other than a small holder, entitled to fixity of tenure in respect of the holding immediately before 21st January, 1961 under any law then in force.
- c) Kanamdar not falling under (a) or (b).
- d) landowner, not being a small holder.

8.5.1.9.5 Landlords who are small holders seem to have made the best use of this provision. This class alone has achieved resumption with the help of the Tribunal. Landlords who have more than the ceiling area have resumed more area but they have done it by mutual negotiation.

#### 8.5.2.0 Fixation of Fair Rent

##### 8.5.2.1 Contract Rent

Rent is a periodical payment for use of another's property. The payment may be made either in cash or in kind, according to the terms of the contract. Pattams, Rajabhogam, Michavaram etc., are the different words used to denote the terms 'rent' in the agreements (implied or expressed) creating the landlord tenant relationship. Several methods of renting land existed in Kerala. The most popular among them was 1/3 share method under which the landlord received one-third of the grain produced. Besides the practice of making certain customary

payments over and above the contract rent was widely prevalent in the State. Customary dues are any thing other than rent, michavaram or renewal fees (i) payable in cash or in kind by a tenant to his landlord or (ii) allowed to be taken by the landlord from the holding periodically or on the happening of any event or on the occasions of any festival and includes 'Onakashcha', 'Ulsavakoppu', 'Perunnalkashcha', 'Aradiyantharam' etc. The cost of meeting this obligation is generally nominal in comparison with the contract rent. Where customary dues cost substantially it must have been taken into account in fixing the rent and the rent would be very low. (There may of course be exceptions to this general rule. Further, available evidence points out the fact that in case of temples and landlords in general, the produce had to be conveyed to the landlord by the tenant. He had to bear the incidental charges).

8.5.2.2 In short, there were no basic principles to fix the quantum of rent to be paid to the landlords. Because of the need for land by the poor landless persons for personal cultivation for their livelihood, they were forced to accept land at exorbitant rent. Taking advantage of this, landlords used to fix higher and higher rates of rent and to unduly exploit the tenants, i.e., tenants were rack-rented. By rack rent is meant a rent which cuts into returns of a tenant and which makes it impossible

for him to pay after meeting cultivation expenses unless he forgoes the remuneration due to him for his own labour. Sometimes rack-rent compels him to go out of pocket in respect of cultivation expenses even after treating his own labour free. On some occasions, he may get returns for his own labour and cultivation expenses but no profit for managing the farm. Accumulation of arrears of rent was thus a common phenomenon. Such accumulation ultimately would cause the eviction of tenants from the lands and the recovery of arrears of rent through civil courts by sale of lands and other properties belonging to the tenants. The fear of eviction affected the tenants' security and retarded agricultural production and prosperity of the country. This pitiable condition was remedied by allowing the tenants a right to claim fixation of a reasonable rent- fair rent in respect of the tenanted lands irrespective of the terms of contract. (However there were certain tenancies where no contract rent was payable. This was the case with many of the Kudiyiruppu tenancies; there were at least a few such cases under other types of tenancies).

8.5.2.3 A survey conducted by the Bureau of Economics and Statistics, Trivandrum, in 1966 revealed that customary dues are paid only for 9 per cent of the total area for which contract rent is payable. This must be due to the discontinuance of such payments by the vast majority of tenants after the introduction

of land reform measures. The average amount of customary dues paid per acre was Rs.7/- which is about 5 per cent of the average amount of rent per acre.

#### 8.5.2.4 Fair Rent

Fair rents are as important as fixity of tenure itself. But except in Malabar, fair rents were not fixed in Kerala before the Agrarian Relations Act provided for it. The Act required the Land Tribunals to determine the fair rents within the maximum and minimum rent laid down in the Act for the various crops and different types of land. According to the Act, fair rents should not be liable to alteration except upon the application of the cultivating tenants for the reduction of fair rent. Rent could be paid either in cash or in kind at the option of the tenant and he would be entitled to a receipt. Arrears of rent would carry interest at six per cent per annum or at the contract rate, whichever was less.

8.5.2.4.1 The Land Reforms Act (1963) considerably watered down the provisions of the Agrarian Relations Act. The fair rent in respect of a holding shall be the rent payable by the cultivating tenant to his landlord. The fair rent in the case of wet land (Nilam) is 50 per cent of the contract rent or 75 per cent of the fair rent determined under any law in force immediately before 21-1-1961 or the rent calculated at the rate specified in

Schedule III of the Act, applicable to the class of lands comprised in holding (whichever is less). In the case of other lands, 75 per cent of the contract rent or fair rent determined under any law in force immediately before 21-1-1971 or the rent calculated at the rates specified in Schedule III of the Act applicable to the class of the land comprised in the holding (whichever is less).

8.5.2.4.2 Section 31 provides that the cultivating tenant or any landlord may apply in the form prescribed, to the Land Tribunal for determination of fair rent in respect of a holding. The rent court has the jurisdiction and duty to decide as to the existence or otherwise of the relationship of landlord and tenant. Where the application was one for fixation of fair rent, making of an order of injunction would not in any way conduce the implementation of the provisions of the Act or the rules. Even if the property changes hands the fair rent fixed will be binding on all parties. The tenant has the right to claim interest as 'munpattam' amount on the agreement as to the rate of interest before the fixation of fair rent.

8.5.2.4.3 Provision has also been made to enable the landlord and tenant to agree as to what shall be the fair rent payable in respect of the holding, provided that the agreed rent shall not exceed the fair rent under Section 27 of 1964 Act. The Land



Tribunal is bound to accept the agreement. But special Land Tribunals have not been given the jurisdiction to accept the agreement. Therefore, provisions in Section 33 would seem to be futile unless Land Tribunals are authorised to determine the fair rent as provided in Section 33 of the Act.

8.5.2.4.4 Even if the cultivating tenants have not filed application for fixing fair rent, Land Tribunals are bound to fix the rent as the purchase price or the compensation payable to the landowner by the cultivating tenants are to be calculated as the basis of fair rent. In case of abnormal situations (failure of crops etc.), the tenant shall be entitled to a remission of rent payable by him in proportion to the extent of damage (or failure). Provision regarding fixation of fair rent came into force on 1-4-1964 by Notification No.4408/N/64 Rev dated 25-3-1964.

8.5.2.5 According to the Land Reforms Survey, 1966-67 (conducted by Bureau of Economics and Statistics), fixation of fair rent had been effected in the case of 2.2 per cent of the leased in plots covering 2.9 per cent of the area leased in. In case of 95.8 per cent of the leased in area, no action has been taken. The state of affairs is not different even today. (Table - 8.1)

8.5.2.6 As to the discharge of arrears of rent, Section 73 of the Act (Act 35 of 1969) is devoted to this. It states: "the landlord of a tenant specified in column (i) of the table

Table - 8.1

Fixation of Fair Rent

Type of Land	No. of cases (000)	Total area (000 acre)	Rent Fixed		Pending with land Tribunal		Satisfied with con- tract rent		Reason for no action		Not Fixed		
			No. of cases	Area %	No. of cases	Area %	No. of cases	Area %	Indiffer- ence	Others			
Single Crop Paddy Land	440.4	377.2	4.8	5.3	84	0.7	3.6	34.8	30.5	35.3	38.3	24.4	22.3
Double Crop Paddy Land	522.3	330.7	5.7	8.1	142	1.5	1.0	45.3	47.8	8.8	6.3	38.7	36.8
Total Paddy Land	962.7	707.9	5.3	6.6	120	1.1	2.4	40.5	38.6	20.9	23.3	32.2	29.1
Other Land	1803.2	12013.6	0.5	0.7	85	0.6	0.7	54.9	49.7	21.2	22.0	22.7	26.9
All Lands	2765.9	19215.5	2.2	2.9	113	0.8	1.3	49.9	45.6	21.1	22.5	26.0	27.7

Source: Bureau of Economics and Statistics, Trivandrum, 1966.

Table - 8.2Discharge of Arrears of Rent

Class of Tenant (1)	Amount of rent to be paid for discharge (2)
Tenant possessing not more than 5 acres of land in the aggregate, whether as owner, mortgagee, lessee, or otherwise.	One years rent or the actual amount in arrears, whichever is less.
Tenant possessing more than 5 acres but not more than 10 acres of land in the aggregate whether as owner, mortgagee, lessee, or otherwise.	Two years rent or the actual amount in arrears, whichever is less.
Tenant possessing more than 10 acres of land in the aggregate, whether as owner, mortgagee, lessee, or otherwise.	Three year's rent or the actual amount in arrears, whichever is less.

Note : Provided that where the tenant is in possession of more than 15 acres of land in the aggregate, whether as owner mortgagee, lessee or otherwise and the landlord is a small holder, the tenant shall be liable to pay the actual amount is arrears.

Source: Section 73 of the Act 35 of 1969.

(Table - 8.2) shall be entitled to recover towards arrears of rent accrued due before the 1st day of May 1968 and outstanding at, the commencement of Kerala Land Reforms (Amendment) Act, 1969, only the amount specified in the corresponding entry in column (2) of the table - 8.2.

8.5.2.7 No intermediary was liable to pay to his landlord anything in excess of what he is entitled to receive as rent payable for the year immediately preceding the commencement of the 1969 Act and which has accrued due before such commencement. Rent in arrears only constitutes a debt and excepting perhaps to the extent to which it is a charge on the land, is not an interest therein. The effect of Section 73 is not merely to deprive the landlord of the charge conferred on him by Section 42 but to wipe off the debt itself and this debt not being an interest in the land the section cannot have protection of Art 31-A and violate Article 19(5) of the Constitution.

#### 8.5.3.0 Provision to Hutment Dwellers

8.5.3.1 Hutment Dwellers (Kudikidappukars) are mostly agricultural labourers. They reside in huts erected by them on other's land with the permission of the land owners. They are generally landless. Except the right of residence they had no other rights over the land. They lived there at the will and pleasure of the landlord and were liable to be evicted at any time. The right was heritable but not alienable.

8.5.3.2 The Act is very liberal in the settlement of Kudikidappu and has conferred several right on them. For example:

Section 75 of the Act deals with the rights of Kudikidappukars. Under the 1963 Act, 'Kudikidappukaran' was not liable to be evicted from 'Kudiyiruppu' except on four conditions (alienation of the right to other person, leasing or renting the 'Kudikidappu' to another person, ceasing to reside in it for a continuous period of 2 years, he has another 'Kudiyiruppu'). Shifting was also allowed. But purchase of 'Kudikidappu' etc., were not allowed. But the Amendment Act 1969 enlarged the provisions. A Kudikidappukaran is defined as a person who has neither a homestead nor any land exceeding in extent three cents in any city or major municipality or five cents in any other municipalities or 10 cents in any other area or Township, in possession either as owner or as tenant on which he could erect a homestead. The benefits of the provision are available only to those 'Kudikidappukars, to whom permission for occupation was granted but subsequently withdrawn by the landowners. Provisions of the Act relating to Kudikidappu applies to agricultural and non-agricultural land situated in Municipal areas too. Further, if the homestead is one constructed by person other than Kudikidappukaran, and in order to get the benefits, the cost of hut should not exceed Rs.750 at the time of construction and have yielded a monthly rent exceeding Rs.5/-. Provision relating to hutment dwellers came into force on 1-4-1964 by Notification No. 4408/N/64.Rev. Dated 25-3-1964.

8.5.3.3 By the Amendment Act 1969, a 'Kudikidappukaran' was not liable to pay more than 25 rupees, yearly as rent in respect of this Kudikidappu if it is situated within the limits of any city. (A Kudikidappukaran who was not liable to pay any rent need not pay rent from the commencement of the Act.)

8.5.3.4 Section 80 deals with the register of 'Kudikidappukars'. Under Section 80(A)-(1), a 'Kudikidappukaran' was entitled to purchase the 'Kudikidappu' occupied by him or the lands adjoining thereto. A 'Kudikidappukaran' is entitled to purchase an extent of 3 cents of land comprised in a city .... 5 cents in other municipality or 10 cents in a panchayat area. But if the land available for purchase is less than the extent stated above, he is entitled to purchase only the available land. But where the 'Kudikidappukaran', occupies  $3\frac{1}{2}$  cents bordering a paddy field, he is entitled to purchase the adjoining paddy field to make the extent of 10 cents. If there are more than one 'Kudikidappukaran' in the lands held by the person he is liable to sell only to the extent shown in the table. (Table-8.3)

8.5.3.5 The 'Kudikidappukaran' has to deposit the purchase price with the Land Tribunal within a period of 6 months from the date on which the order becomes final. The price payable by him is 25 percent of the market value of the lands and the improvements thereon belonging to the land owner. But if the

Table - 8.3Details showing extent of land held by the owner and extent of land to be sold to the Kudikidappukaran

Extent of Land held by the owner	Extent of land to be sold to the Kudikidappukaran		
	City of major Municipality	Other Muni- cipality	Panchayat or Township
a) 1 acre	3 cents	5 cents	10 cents
b) 1 acre or more but 2 acres	6 cents	10 cents	20 cents
c) 2 acres or more but 3 acres	9 cents	15 cents	30 cents
d) 3 acres or more but 4 acres	12 cents	20 cents	40 cents
e) 4 acres or more but 5 acres	15 cents	25 cents	50 cents
f) 5 acres	3 cents to each Kudi- kidappuka- ran	5 cents to each Ku- dikidappu- karan	10 cents to each Kudikida- ppukaran

Source: Kerala Land Reforms (Amendment) Act 1969.

land owner or his family holds land in excess of ceiling limit, he is liable to remit only 1/8 of the market value of the land and improvements other than those belonging to the 'Kudikidappukaran.' Half of the purchase price payable by the 'Kudikidappukaran' will be met from the 'Kudikidappukaran' Benefit Funds constituted under the Section 109 of the Act. The amount to be met by the fund shall be made available to the Tribunal in twelve equal instalments for payment to the persons. However, the land Tribunal has no jurisdiction to entertain an application for purchase of 'Kudikidappu' in respect of land belonging to a Banking Company in liquidation. Filing of mutual consent statement by the parties are being allowed in purchasing the 'Kudikidappu' also, as in the case of tenancy.

8.5.3.6 Even though, the 'Kudikidappukaran' has fixity of occupation and the right to purchase the Kudikidappu they are liable to be shifted under certain circumstances. Section 75 deals with this. Sub-section 2 of Section 75 provides that the 'Kudikidappukaran' may be requested to shift to a new site belonging to the landowner under three grounds :-

- a) if the landowner requires the said land for the purpose of constructing building.
  - b) if that land is required in connection with Town Planning Scheme; or
  - c) if it is required for any industrial purpose.
- All these grounds should be on bonafied requests. Shifting of a 'Kudikidappu' is not the same thing as eviction. Further, the application to shifting has to be decided in a quasi-judicial way.



**8.5.3.7** The shifting can be caused only subject to four conditions :-

- a) Landlord should pay the price of the homestead erected.
- b) New site offered should be within a distance of one mile from the existing one and for erecting one.
- c) Extent of new site should be the extent of the land that he is entitled to purchase had he not been shifted.
- d) Landlord should transfer ownership and possession of the new site and pay a reasonable cost of shifting.

**8.5.3.8** It is imperative that there must be clear finding that the conditions have been satisfied before an order requiring the 'Kudikidappukaran' to shift is passed. However an order allowing purchase of 'Kudikidappu' having become final before amendment of Section 5 by Act 15 of 1976 subsequent application for shifting is not maintainable.

**8.5.3.9** To conclude, there are no authentic figures available regarding the number of tenants who hold property under landlords or the number of 'Kudikidappukars'. But it is roughly estimated that there will be at least 25 lakhs of tenants and 4 lakhs of 'Kudikidappukars' in the state. The success of any land reforms programme lies in its effective implementation. For the implementation of this policy, Special Land Tribunals were constituted throughout the state. The following table

Table - 8.4

Table showing receipts, disposal and balance of applications for the fixation of fair rent, purchase of landlord's right, purchase of Kudikidappu since 1-1-'70 to 30-4-'73

Particulars	Receipt	Disposal up to 1973 April			Balance	% of Disposal
		Allowed	Rejected	Total		
1	2	3	4	5	6	7
Application for fixation of fair rent	6,241	1,179	3,494	4,673	1,568	74.87%
Application for purchase of landlords right	5,77,565	1,74,588	70,586	2,45,174	3,32,391	42.44%
Application for purchase of Kudikidappu	3,13,672	1,88,606	1,09,885	2,98,491	15,181	95.16%
Application for the shifting of Kudikidappu-kars	2,648	431	1,695	1,695	953	64.00%
	9,00,126	3,64,084	1,85,229	5,50,003	3,50,093	61.06%

197(a)

Source: Figures based on the periodical review of the work of the Land Tribunals by the Land Board.

(Table - 8.4) shows the receipts, disposal and balance of applications for the fixation of fair rent, purchase of landlords right, purchase of Kudikidappu etc., since 1-1-1970 to 30-4-1973 by various Land Tribunals in the state.

#### 8.6.0 Ceiling on Land Holdings

8.6.1 The ceiling law in Kerala state conforms to the general policy guidelines laid down by the Government of India and the Planning Commission. The ceiling provided in our law is considerably less than the limits indicated as all India pattern. When compared with other states, the extent now prescribed under the Kerala Land Reforms Act is the lowest in India.

8.6.2 A ceiling legislation was passed into law only in 1961 when the Agrarian Relations Act was enacted. According to it, the ceiling on holdings was fixed at 15 acres of double-crop paddy lands or its equivalents, ie., 22½ acres of single crop or 15 acres of garden land or 30 acres of parambu. Exemption was given to government lands, private forests, plantations etc. All transfers of land made prior to July 27, 1960 was validated. However, the ceiling provisions of this Act were not implemented. The Land Reforms Act, 1963 opened the ceiling question once again. The Act laid down that no family or adult unmarried person shall own or hold more than 12 standard acres subject to a minimum of 15 acres and a maximum of 36 acres.

This Act gave more exemptions. Transfers effected after 18-12-1957 were disregarded.

8.6.3 The amendment of 1969 altered the limit and basis of ceiling once again. Section 82 states that the ceiling area of the land shall be 5 standard acres (but not less than six or more than  $7\frac{1}{2}$  ordinary acres) in the case of a single person, ten standard acres (but not less than 12 or more than 15 ordinary acres in the case of a family, meaning husband, wife and their unmarried minor children or such of them as exist) of two or more persons, with one standard acre added for each in excess of five (but not less than 12 or more than 20 ordinary acres) and in the case of any person other than a joint family ten standard acres but not less than 12 or more than 15 ordinary acres. Section 81 contains exemptions. The exemptions granted are in accordance with the national guidelines. Tea, Coffee, Cocoa, Rubber, Cardamom etc., plantations are exempted provided it was a plantation on 1-4-1964. Lands held by Bhoodan Yagna Committee, co-operative Societies, Central and State Governments, Local Bodies, those held by Educational and Charitable Institutions, religious institutions also were exempted. Private forests as on 1-4-1964 and lands purchased by the Kerala Financial Corporation, those held by Industrial or Commercial undertakings or set apart for the same were also exempted. Besides, government has got powers to exempt any land from ceiling provisions as public interest. Several exemptions given in the

parent Act (1963 Act) such as for Kayal lands were left out under section 83 with effect from such date as may be notified by the government, the date has been notified as 1st January 1970. No person shall be entitled to own or held or to possess under a mortgage lands in aggregate in excess of the ceiling area. Section 88 provides that the compensation payable for the land so vested in government shall be an amount calculated at the rates specified in Schedule IV (it varies from Rs.100/- to Rs.3,000/- per acre. There is scaling down in compensation after Rupees One Lakh and the maximum is fixed at Rupees Two Lakhs. The compensation is paid in negotiable bonds redeemable after the expiry of sixteen years, carrying an interest of 4½ per cent per annum).

**8.6.4** The ceiling provisions came into force with effect from 1-1-1970. The fixing of ceiling and the provisions relating to it formed part of and constitute agrarian reforms and therefore, such provisions would have the protection of Article 31-A of the Constitution.

**8.6.5** Section 84 of Act 1 of 1964 related to exemption of voluntary transfers. It renders invalid all voluntary transfers (save those exempted) after the date of publication of the Kerala Land Reforms Bill 1963 of land held in excess of ceiling area and sub-section (2), transfers after the 1st July of 1969.

Section 84 (1) reads: "..... all voluntary transfers effected after the date of publication of the Kerala Land Reforms Bill 1963, in the Gazette, otherwise than -

- i) by way of partition or
- ii) on account of natural love and affection; or
- iii) in favour of a person who was a tenant of the holding before the 27th July 1960, and continued to be so till the date of transfer; or
- iv) in favour of a religious, charitable or educational institutions of a public nature solely for the purpose of the institutions.

by a family or any member thereof or by an adult unmarried person owning or holding land in excess of the ceiling area, shall be deemed to be transfer calculated to defeat the provisions of this Act shall be invalid."

8.6.5.1 In short, under the above provision, gifts in favour of any person are protected.

8.6.5.2 Amendment Act 35 of 1969 did not make any change with regard to gifts. By the Amendment Act 17 of 1972 the exemption given to transfers on account of natural love and affection was omitted with retrospective effect from 16-8-1968 except gifts in favour of children of the donor or grandchildren of deceased children of the donor. The exemption of transfer in favour of religious, charitable or educational institutions of a public nature was also omitted with effect from 2-11-1972 by Act 17 of 1972.

8.6.5.3 In the judgment dated 5-11-1974, the Kerala High Court has held that the consequences arising from the transferor's liability to surrender his excess lands, the extent and identity of which are to be determined under Section 85 (5) (c) on the basis of the state of affairs existing on 1-1-1970 cannot be avoided by any mode of transfer even of the categories exempted under Section 84. Therefore, transfers by way of gift in favour of children or children of pre-deceased children made by a person on or after 1-1-1970 have become invalid although the intention in exempting such transfers was to allow such gifts made even after 1-1-1970. In order to overcome the difficulty caused by the above judgment, an amendment, Act 27 of 1979, was passed.

8.6.5.4 By this amendment a new Section, Section 6-C was inserted in the Parent Act. According to it, "any person in occupation at the commencement of the Kerala Land Reforms (Amendment) Act, 1969, of the land of another person as the basis of a lease deed executed after the 1st day of April 1964 shall be deemed to be a tenant if;

- a) He (including any member of his family) did not own or hold land in excess of 4 acres in extent on the date of execution of the lease deed, and
- b) he or any member of his family, has made substantial improvements on the land."

The value of such improvements shall be deemed to be substantial improvements if the value of such improvements is more than 50 per cent of the value of the land on the date of execution of the lease deed.

**8.6.5.5** Amendment of Section 84 was the most significant amendment : it related to the gift deeds. It reads: Section 1(A) : "Notwithstanding anything contained in sub-section (1) or in any judgment, decree, or order of any Court or other authority, any voluntary transfer effected by means of a gift deed executed during the period commencing on the 1st of January, 1970 and ending with the 5th day of November, 1974, by a person owning or holding land in excess of the ceiling area in favour of his son or daughter or the son or daughter of his pre-deceased son or daughter shall be deemed to be or ever to have been invalid --

- a) if the extent of the land comprised in the gift does not exceed the ceiling area specified in clause (a) of sub-section (1) of Section 82, and
- b) if the extent of the land comprised in the gift exceeds the ceiling area specified in the said clause, to the extent of that ceiling area.,

Provided that nothing contained in this sub-section shall apply --

- a) to a transfer in favour of a person who was an unmarried minor on the 1st day of January 1970.



- b) in respect of any land which has been assigned on registry under Section 96 before the commencement of the Kerala Land Reforms (Amendment) Act, 1979.

Section 85 was also consequently amended, its sub-section (10) person entitled to the restoration of the ownership of possession or both of any land, by virtue of the provisions of sub-section (1A) of Section 84 may apply to the Land Board or Taluk Land Board as the case may be, within 60 days from the commencement of this Act, for such restoration. On receipt of the application the Land Board or Taluk Land Board gives the applicant or any such person likely to be affected an opportunity of being heard and after such enquiry as it deems necessary, by order restore the ownership or possession or both as the case may be.

8.6.6 A transitory provision was also included, i.e., Purchase price and compensation price or annuity payable in respect of a holding must be determined on the basis of contract rent calculated without deducting the interest, tax or cess referred to in the said explanation, the Land Tribunal by an application made by the cultivating tenant to whom such right, title and interest have been assigned or by his successor, in interest within a period of one year from the commencement of the Act....redetermine the purchase price and compensation or annuity payable in respect

of such holding on the basis of contract rent calculated after deducting such interest, tax or cess." Further, no order shall be passed under sub-section (1) without giving the person affected an opportunity of being heard. Any amount paid to a land owner or intermediary as compensation in excess of the amount payable under such order shall be refunded by the landowner and the intermediary, if any, to the government within the prescribed time and in case of default of payment, the amount shall be recoverable under the provisions of the Kerala Revenue Recovery Act, 1968 as if it were an arrear of public revenue due on land. Similarly, any amount paid by the cultivating tenant in excess of the amount payable by him under the said order shall be refunded within the prescribed period.

**8.6.7** Priorities in the distribution of Surplus Land was also specified :

- i) The surplus lands in which there are 'Kudikidappukars' shall be assigned to them.
- ii) The remaining lands shall be assigned to landless agricultural labourers and small holders and other landlords not entitled to resume any land.
- iii) 87½ per cent of the area shall be assigned to landless agricultural labourers of which ¼ shall be assigned to landless agricultural labourers of the Scheduled Caste, the Scheduled Tribes and such other socially and economically backward class of citizens.

**8.6.7.1** The maximum extent that can be assigned to a person is one acre. Where a person possesses any land only so much

land that will make the extent of land in his possession one acre shall be assigned to him.

8.6.7.2 The estimated extent of surplus land in the state is 1.5 lakh acres. 60,630 ceiling returns were filed upto 30-6-'78. Out of this, 56,528 cases were disposed of, ordering surrender of 19,278 acres of land. The extent taken over is 66,687 acres and that distributed is 42,833 acres benefitting 65,174 persons (24,210 are Scheduled Castes, 4,525 are Scheduled Tribes, 36,436 others and 2 Societies and Institutions). An extent of 12,178 acres has been reserved for public purposes. Stay orders of the High Court account for the delay in the take over and distribution of surplus land. An extent of 35,752 acres of land is covered by stay against taking possession and another extent of 3,350 acres is covered by stay against assignment.

#### 8.7.0 Present Position

8.7.1 Upto November 1980 the Land Tribunals received a total number of 36.41 lakh application for the settlement of tenancy claim. Out of this 36.28 lakh (99.64 per cent) cases were disposed of. This shows that 13,000 cases are pending disposal. Out of the disposed cases 24.52 lakh (67.58 per cent) cases were allowed and 7.50 lakh cases were rejected (32.42 per cent). The remaining 4.26 lakh cases came under other disposal.

The total number of certificates of purchase issues as on 30-11-1980 was 24.26 lakhs.

8.7.2 Under the 'Kudikidappu' category the land Tribunals received 4.38 lakh applications upto 30th November, 1980 and out of this 4.34 lakh cases (99.06 per cent) were disposed of. Out of the disposed cases 2.63 (61.75 per cent) were allowed and 1.50 lakh cases were rejected. The number of applications pending disposal was only 4101. The number of certificates of purchase issued amount to 254237, i.e., 94.8 per cent of the total allowed cases. The details of the receipt and disposals of applications regarding tenancy and 'Kudikidappu' cases are shown in Table 8.5.

8.7.3 With reference to the ceiling provision 65,541 applications were received till 30th November 1980 and out of which 62467 (95.3 per cent) were disposed of. The total extent of land ordered for surrender amount to 1.52 lakh acres while the net extent of land ordered for surrender was 1.14 lakh acres. The difference of 37,989 acres was due to intervention of the High Court. The total extent of land taken over was only 79,492 acres. Out of this 3,494 acres were recovered on orders of High Court and so the effective area taken over by the government was only 75,998 acres, i.e., only 66.42 per cent of net extent ordered for surrender.

Table - 8.5Disposal of Cases Relating to Tenancy and Kudikidappu

Sl. No.	Item	Tenancy as on 30-11-1980	Kudikidappu as on 30-11-1980
1.	Total number of application received	3640978	438185
2.	Disposal of cases		
	i) Allowed	2452121	268063
	ii) Rejected	750265	146991
	iii) Other disposals	425697	19030
	Total	3628083	434084
3.	Balance to be disposed of	12895	4101
4.	Number of certificates of purchase issued	2426438	254237

Source: Land Board, Kerala, quoted in Economic Review, 1980, Government of Kerala, Trivandrum, p.159.

**8.7.4** However, the surplus land distributed was only 50,150 acres (66 per cent) which was much less than the actual area taken over (75,997 acres). The balance extent taken over pending distribution is 25,848 acres which comprised 2,875 acres covered by stay against assignment, 5,669 acres undistributed due to gift, vested forest etc., 14,949 acres reserved for public purposes and the rest, i.e., almost 2,355 acres, available for redistribution. The tardy progress in the implementation of ceiling provision is due to procedural delays. The Gift Validation Act which was passed in 1976 also reduced the availability of surplus land for distribution.

**8.7.5** Upto November 30, 1980 a total of 50,150 acres of land were distributed among 79,142 beneficiaries. Out of these beneficiaries 30,906 belonged to the Scheduled Caste community and 5,268 to the Scheduled Tribe community. The Scheduled Caste category got a total of 17,568 acres and the Scheduled Tribe 4,395 acres of land. They constituted 45.70 per cent of the total beneficiaries and became owners of 43.79 per cent of total area distributed.

The details of the ceiling provision are furnished in Table - 8.6.

Table - 8.6Distribution of Surplus Land

Sl. No.	Item	Unit	As on 30-11-1980
(1)	(2)	(3)	(4)
1.	Total Ceiling returns filed	-No-	65541
2.	Total Ceiling returns decided	"	62467
3.	Balance to be decided	"	3074
4.	Area ordered to be surrendered	Acres	152406
5.	Area reduced on orders of High Court	"	37989
6.	Net extent of land ordered for surrender	"	114417
7.	Extent of land taken over	"	79492
8.	Area reconveyed on orders of High Court	"	3494
9.	Net Extent taken over	"	75998
10.	Balance extent to be taken over	"	38419
	i) Covered by stay against taking possession	"	22662
	ii) Not to be taken over by gift, dispute, vested forest etc.	"	13515
	iii) Extent available for taking over	"	2242
11.	Surplus land distributed	"	50150

(Contd.)

(1)	(2)	(3)	(4)
12.	Balance extent taken over pending distribution	Acres	25848
	i) Covered by stay against assignment	"	2875
	ii) Not distributed due to gift, vested forest etc.	"	5669
	iii) Reserved for public purposes	"	14949
	iv) Available for distribution	"	2355

Source : Land Board, Kerala.

8.7.6 The balance extent of surplus land available for redistribution in the state as on November 1980 is estimated at 2,351 acres. Among the districts, Alleppey is having the major share of the undistributed area (821 acres) followed by Idukki (377 acres), Cannanore (322 acres) and Kottayam (165 acres).

8.7.7 The district-wise details of undistributed surplus land (available for redistribution) are given in Table - 8.7.



Table - 8.7The District-wise Data on Undistributed Surplus Land Available for Redistribution

Serial Number	District	Balance extent of surplus land available for redistribution (Acres)
1.	Cannanore	322
2.	Wynad	40
3.	Kozhikode	138
4.	Malappuram	108
5.	Palghat	93
6.	Trichur	136
7.	Ernakulam	29
8.	Kottayam	165
9.	Idukki	377
10.	Alleppey	821
11.	Quilon	116
12.	Trivandrum	12
	<b>Total</b>	<b>2357</b>

Source: Land Board, Kerala, Quoted in Economic Review, 1980, Government of Kerala, Trivandrum, p.52.

8.7.8 The total area of Poramboke land available for assignment till the end of November 1980 was estimated at 4,39,927 acres. Out of this 4,12,572 acres were distributed. This comes to 93.78 per cent of the total assignable area. 4,78,652 families were benefited by the distribution of 'Poramboke' land. Out of this 88,509 (18.49 per cent) families belonged to Scheduled Castes and Scheduled Tribes, the weakest section in the society. The total area assigned to Scheduled Castes and Scheduled Tribes together amounted to 61,538 acres or 14.92 per cent of the total area assigned. The balance area to be distributed was 27,355 acres. This amounts to 6.22 per cent of the total area available for assignment.

8.7.9 With respect to the distribution of arable forest assumed through the Kerala Arable Forest Land Assignment Rules, the total extent of land assigned upto November 1980 totalled 11,693 acres. Out of this an area of 4,789 acres (41 per cent) were assigned to 4,034 beneficiaries belonging to Scheduled Castes and Scheduled Tribes.

8.7.10 On the basis of the Kannan Devan Hills (Resumption of Land) Act, 70,522 acres of land was vested in government by 30-11-1980. But out of this only 785 acres (1.11 per cent) were assigned.

Other details with reference to the implementation of Kerala Land Reforms Act are given in Tables 8.8 and 8.9.

Table - 8.8

## Implementation of KLR Act - District-wise Progress as on 31-11-1980

District	Tenancy				Rudikidappa			
	Applications filed	Total disposals allowed	Cases allowed	Certificates of purchase issued	Applications filed	Total disposals allowed	Cases allowed	Certificates of purchase issued
1. Trivandrum	24193	24071	6832	6826	34914	34634	18309	11757
2. Ouzhion	80080	79847	51131	50833	22898	22635	10342	10198
3. Alleppey	81233	81067	34772	34679	113319	111845	77411	76873
4. Kottayam	132497	132042	81416	81045	32595	32327	20530	19770
5. Idukki	8174	8126	4543	4311	1442	1430	683	660
6. Ernakulam	118401	181140	102655	101647	101775	100822	59366	56456
7. Trichur	394676	391821	275246	268210	54589	54295	37961	36346
8. Palghat	548598	546230	396459	391412	639	639	237	189
9. Malappuram	590959	587027	418294	412914	23363	23177	17073	16615
10. Kozhikode	708111	707174	451523	447194	34748	34486	17416	16686
11. Wynad	131072	130412	75503	74578	1272	1263	621	416
12. Cannanore	759984	759126	553847	552789	16631	16531	8384	8271
<b>Total</b>	<b>3640978</b>	<b>3628083</b>	<b>2452121</b>	<b>2426438</b>	<b>438185</b>	<b>434084</b>	<b>268063</b>	<b>254237</b>

Source : Land Board, Kerala.

Table - 8.2

## Implementation of Ceiling Provisions - District-wise Progress as on 30-11-1980

District (1)	Net extent of land ordered for surrender (2)	Net extent of land taken over (3)	Extent of Land Distributed		Number of families benefited					
			Scheduled Castes (4)	Others (5)	Scheduled Castes (6)	Others (7)	Scheduled Tribes (8)	Total (9)		
1. Cannanore	39718	30600	3570	2207	10806	16583	3869	2420	9972	16261
2. Wynad	4433	3232	315	1307	950	2572	570	1707	1617	3894
3. Kozhikode	4072	2555	724	69	731	1545	1801	211	2130	4142
4. Malappuram	10288	6104	2325	6	2777	5108	3251	7	3751	7009
5. Palghat	19871	11726	4081	769	4568	9418	5587	895	6616	12498
6. Trichur	5754	3538	1049	..	1704	2753	4089	..	7313	11402
7. Ernakulam	3015	1277	621	3	345	969	2434	11	1403	3848
8. Kottayam	5144	3940	1250	..	1946	3196	2027	..	2956	4983
9. Idukki	8283	5555	1055	14	1689	2759	1146	17	1811	2974
10. Alleppey	8956	5059	1656	..	1765	3421	2530	..	2346	4876
11. Quilon	3487	1808	734	..	711	1445	1952	..	1924	3876
12. Trivandrum	1397	603	188	..	194	382	1650	..	1729	3379
<b>Total</b>	<b>114418</b>	<b>77997</b>	<b>17568</b>	<b>4395</b>	<b>28186</b>	<b>50151</b>	<b>30906</b>	<b>5268</b>	<b>42968</b>	<b>79142</b>

Source : Land Board, Kerala.

## CHAPTER -IX

### INHIBITING FACTORS AFFECTING IMPLEMENTATION

"One is lost in the labyrinth of laws and wonders whether the laws are for men or men for laws."

- Patel, G.A.

Indian Land Problem and  
Legislation.

9.1.0 In the last chapter, we have discussed at length the extent of implementation of land reform proposals in Kerala. In this chapter, we propose to discuss the factors which inhibited implementation of some of the provisions of the Land Reforms Act.

9.1.1 Why have land reforms been too slow? When an ideal is not attained it is common for critics to look for bad guys. Not surprisingly bad guys are present in sufficient numbers to support the devil theory of corrupt officials, oppulent landlords, conniving money lenders and hordes of innocents. It is closer to truth to admit that economic and social changes are slower by democratic procedure than we should like them to

occur. (A dictatorship lends itself more readily than any other form of government to the quick introduction of revolutionary ideas together with new ideas in the air). Further, agrarian reconstruction constitutes such a critical factor in the overall strategy of national development that adverse repercussions of half-hearted land reforms extend even beyond narrow economic sphere, into the realms of health, housing, education and culture.

9.2 The main obstacles to implementation of land reforms may be categorised as administrative, socio-political and economic.

9.3 Under administrative factors the incomplete records of tenancy rights is the first one. Systematic land records were not at all available for large areas. Implementation of the provision could have been easy had there been accurate record of rights. Such accurate and correct records will provide the government with statistics for settlement purposes. (If the government had better knowledge of the crowding on land, it might lead to remedies in the development of sources of capital, of agricultural methods, of colonisation and so on). Such complete records assist not only the government but also the people who are concerned with the implementation of reform proposals. Such perfect records will prevent and simplify litigation. It will also obviate all expenses and trouble and fraud involved in registration. The tenants whose names are not

entered in the record sometimes found it difficult to prove their tenancy or their title to restoration in case where they have been illegally ejected. In certain cases tenants have voluntarily surrendered their land under the influence of the land owners.

9.3.1 Again some of the tenancy laws were in conflict with other enactments. This results in confusion in the minds of lower revenue officials. In order to escape many constraints of tenancy regulations the tenants are often termed as "servants", and are given land on lease, at a very exorbitant rent which is not less than 60% of the gross produce. A.M. Khusro,<sup>1</sup> pointed out that "what appears on paper as owner cultivation is a particular exploitative variety of tenancy." They still continue to change tenants from plot to plot to defeat tenancy laws. Even assuming for a moment that tenant becomes the landlord, the question is whether he will stick to the position till the end and pursue the profession of agriculture. He cannot do so unless a reasonable standard of living is assured and contingencies such as marriage, illness, oldage etc., are adequately provided for. In order to overcome this, he is apt to think in terms of black marketing of tenancy. The law does not provide for such contingencies by way of safety valves. This leads to evasion of the provisions of the Act. No heads

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1. Khusro, A.M., An Analysis of Agricultural Land in India by Size of Holdings and Tenure, Monograph of the Institute of Economic Growth, Delhi, 1964, p.54.

rolled with the abolition of feudal system in India; on the other hand they were treated royally and were successful in retaining extensive areas of cultivated land under the guise of home farms. They were given huge amounts of money as compensation. (In UP it was reported that six million acres were held by large Zamindars as unlet house farms.) It is these exfeudals that now constitute the very powerful "gentlemen farmers" in the erstwhile feudal areas. They have phenomenal economic and social power as well as control of the machinery.

9.3.2 Further the level of ceiling on land holdings was liberal with the result that there are many families having large holdings. There is a gap between the legal and actual positions regarding the land. The family holdings indicated are smaller than they are in reality because one family consists of 2 to 3 land holders as per land records. Land is divided amongst all the family members including minors to escape land ceiling legislation. To add to, many large land holders made benami transfer of land to evade the provisions of the Act in respect of ceiling. The conservative politicians and landlords resisted the new trend of "land to the tiller" programme with delaying actions while taking advantage of the urgent desire of the farmer to obtain land by selling land to tenants prior to reforms. By the time the reform was enforced, area of land to be affected by it had been drastically reduced i.e., inadequate administrative efficiency of the time offered



ample chance for landlords to register land under their ownership in various disguised forms. Not only the measures were not framed in one lot thereby giving ample warning to the affected land holders to make necessary adjustments but their implementation also could not be ensured because of (i) the machinery was corrupt and (ii) the prospective beneficiary was himself expected to move to get his statutory right. The government failed to issue land pass book to real cultivators and the smaller among them are left at the mercy of revenue administration.

9.3.3 Financing is not assumed to be the 'key' to agrarian reform. A question like 'can the country afford to carry out a reform' ? is never asked. The question is largely rhetorical and can't be answered in financial terms. We can't be indifferent to the problems of financing.

9.3.4 Then there is the problem of synchronising the implementation of land reform schemes with the development of credit and marketing co-operatives. A legislative reform even when it is accompanied by sound financial and administrative support is ineffective unless a sufficiently vigorous effort of creating alternative institutions which would supply the needs of the newly emancipated people are set up. In the absence it may even strengthen the very people from whose unchecked action

the dependent people are emancipated. Not only that, the newly sponsored co-operatives invariably tend to be dominated by landlords, traders, and moneylenders. Political and administrative system stems from a number of historical sources and often being superimposed, an existing feudal system of land revenue and administration stood as obstacles to effective implementation.

9.3.5 Again the negative attitude of the government officials at State, District or Block or Village levels also hindered the smooth implementation. Enforcement Officer behaved as if reforms are not meant to be enforced and with the same impunity as that enjoyed by those whom they are supported by police and they do not seek the assistance of the peasants in implementing measures that affect them so directly. And yet they are the authentic experts who know 'who is who' in the village, who owns what and who is entitled to what the nature of reforms is dear to them.

9.4 Next in line comes the socio-political obstacles. The Task Force on Progress of Land Reforms noted that 'no tangible progress can be expected in the field of land reforms in the absence of requisite political will' and it concluded that sad truth is that this crucial factor has been wanting as demonstrated by the large gaps between policy and legislation and between law and its implementation. In no sphere of public activity in our country has the hiatus between precept and practice, between

policy pronouncements and actual execution been as great as in the domain of land reforms. The conclusion was that a certain degree of politicization of the poor peasantry on militant lines is a prerequisite for any successful legislative administrative action.

9.4.1 Good example of central government's importance in rural matters is land reforms. Despite the enthusiastic support from top leaders it was not implemented by state governments. The dilemma posed by the limited power of the central government despite its more enlightened approaches to the nations' agricultural problem is more than just a constitutional issue.<sup>2</sup> The problem is compounded as it is not just Government Officials and large landowners who have a vested interest in the status quo, most rural people the very poorest excluded have some political interest which could be adversely affected by change.

9.4.2 The political workers of all ideological lines were hesitant to discuss issues on land reforms in the villages for fear of inviting the wrath and hostility of the powerful interest groups in rural areas. In the absence of a firm direction from the political elite or on account of the ambivalence of the political leadership, the administration itself is inclined

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2. Indian constitution's definition of agriculture as a 'state' subject deprives Delhi of the authority it enjoys in Industrial Policy.

to take the line of least resistance. In short, in our political milieu vague and complicated measures generously packed with loopholes naturally became the rule, and so do evasions resulting from great delays in legislative enactments.

9.4.3 The net outcome is uncertainty as to the future intentions of the government in regard to land reforms to come as well as in regard to the willingness or ability of government to translate into action those intentions which are already embodied in legislation. This uncertainty in its turn has created a situation in which neither the land owner nor the tenants are in a mood to concentrate on the task of augmenting agricultural productivity and capital formation. To conclude, land reforms achieved in far less revolutionary, in fact, non-revolutionary situations than in India require much more support of educational campaigns and political mobilisation on the principles of land reforms. (Even land reforms achieved through revolutionary upheavels have depended for their success on vigorous ideological and political movements remoulding men's age old ideas about property). Except in Japan, peasants do not yet know that they can be bearers and recipients of political gifts. The idea that we support those who support us has yet to take root. More important is the role of the articulate and politically powerful pre-reform group.

9.4.4 The general, it is seen that main obstacles to effective implementation is the general ignorance and illiteracy of the peasant, their weak economic position and lack of organisation. Illiteracy stood as an obstacle to the diffusion of knowledge on the need for and benefits of reform measures. The peasants behaved as if any change in their conditions depended upon somebody else. Little effort is made to explain to the peasants the ABCs of the enactments or to propagate the idea that they are the beneficiaries. It should be recognised by now that "the peasants" as Furtado has observed in Brazil, "are much more susceptible to revolutionary influences of the Marxist-Leninist kind than the urban classes, although the latter, according to Orthodox Marxism should be the spearhead of the revolutionary movement."<sup>3</sup>

9.4.5 Above all, the fundamental obstacles to the taking up of improvements by the peasants was not technical or narrowly agricultural. It was rather a question of the very foundations of village economy and society. The crucial obstacle to rural progress was the social one - the institutional framework of Indian agriculture. Further the peasants fear was that little or none of the benefits of their extra exertions would accrue

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3. Huntington, Samuel. P., Political Order in Changing Society, New Haven, Yale University Press, 1968, p.269.

to themselves. Any fresh gains were likely to be taken away from them by landlords, money lender or some petty local official. Thus there is the absence of a solid base at the village level to support it. All ideas about agrarian reforms originate in the urban classes and the villagers' reactions to them are seldom obtained and laws are passed without the confidence that those for whom they are meant want them and welcome them. Hence, it has been imperative that at the village level there should be an organisation deriving its authority from the village community and charged with the main responsibility for undertaking programmes of village development.

9.4.6 In addition to these, ideas of land reforms are themselves fast undergoing a change. What appears to be a matter of substantial reform today become insufficient tomorrow and in the absence of a clear conception about the final goal of our land reform measures, changes in the law are bound to be made with a view to satisfy the immediate progress. Again, in an attempt to balance meticulously the interest of owners and tenants, the provision of law in a number of states has become so complex that the bulk of the peasantry find it difficult to understand it. After the enactment of law it was generally left to the tenants and landlords to take advantage of all the provisions of the new legislation and no organised effort was made to make the tenants understand the law and

ensure that they take advantage of it.<sup>5</sup>

9.4.7 In short, the success of efforts to foster agricultural development is by no means assured by the enunciation of appropriate policies. The final outcome depends as much upon hard work and vigorous response to economic opportunities on the part of individual farm operators, and upon purposeful government action to create and strengthen institutions required to develop and support the use of productive technologies.

9.5. Kerala Land Reforms have been widely discussed as a model for the other Indian States, the most comprehensive and far-reaching reforms of their kind in contemporary India. Its implementation replicated much of the experience in other parts of the sub-continent—delays, legal set backs, irregularities, practical-technical difficulties and vascillations in political will. Reforms were being formulated such that the abolition of tenancy perse as a legal form would have a class differentiated impact. Most of the areas leased in was cultivated by tenant operators with holdings larger than the medium holding size, a significant number of whom owned land as well. Landlords also leased in land. Relatively few tenants with large operational holdings controlled a disproportionate

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5. Sankaranarayanan, K.C., op.cit., p. 70-71.

share of the area leased in by tenants. Though the reforms were frequently branded as "Communistic" by opponents and "Revolutionary" by supporters, in fact the legislation self-consciously followed the recommendations of the 1949 Congress Agrarian Reforms Committee Report as well as central directives on land reforms. The conceptualisation was explicitly anti-feudal and pro-capitalist, and not socialist.

9.5.0 The general aspects of administrative and the latent resistance against social changes by vested interests associated with the administrative machinery were revealed here also. The vested interest was successful in getting these reforms declared as unconstitutional by the court, so as to make them remain non-implemented. Thus though the executive was for the reforms the judiciary of the government was miles away from them.

9.5.1 Secondly, the landlord being both socially and economically more powerful has been able to take advantage of the illiteracy and ignorance of their tenants regarding the law and their inability to approach the court. Not only that, even where a tenant is wrongfully evicted, it is difficult to prove this as the village records are incomplete. The tenant is a small illequipped farmer, rackrented and otherwise exploited by the landowner. Though most of the tenants who benefited



were those most in need of benefits the poor peasants and agricultural labourers. In short, reforms do not establish land to the tiller, only land to the immediate proprietor and much like the abolition of intermediaries elsewhere, do little for the acute problems of the numerically dominant poor peasant and agricultural labour classes, too little land and too little work.

9.5.2 Thirdly, unlike other states where the ceiling stood alone as the only measure to redistribute physical land area, in Kerala the ceiling is part of the same legislation which abolished landlordism and tenancy. Thus, a great deal of land in large holdings, being tenanted was redistributed but was not subjected to the ceiling per se. "Thus land re-distribution in Kerala was primarily via a ceiling reform and consequently favoured those with a stronger traditional claim on the land - the tenants - than that of agricultural labourers."<sup>6</sup>

9.5.3 Given the powers of intervention of the courts and the legal complication of land control and land legislation, effective ceiling - redistributive measure must ensure that much more land is declared surplus than is necessary to meet the redistribution goals of the reforms and that the jurisdiction of the court is effectively minimised. There are many slips

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6. Abolition of Landlordism in Kerala, A Redistribution of Privilege, Herring, Ronald., Economic & Political Weekly, 1980, Vol.XV, No.26, p.A 59 to A 68,

between the cup and the lip. There are two major shortcomings in our land redistribution programme. Firstly, the pace of taking possession of surplus land and redistributing it among the landless had not been satisfactory. Further, quite a few cases of reported allotment are said to exist only on paper, the allottees having not been put in possession of the land. Secondly, this programme has not been accompanied by effective measures to upgrade the conditions of production. Further, due to the incapacity of the land to provide the allottee with an income higher than what he used to earn through wage employment and the absence of any means of subsistence for the allottee and his family till they can harvest the produce led to the inability of the new class of peasant proprietors to retain possession of their estates.

9.5.4 Further, the small size of the farm unit resulted in defective organisation and management and obsolete method of production. Consequently, the volume of production remained stationary. The smallness is an obstacle to adopt new technology in so far as it limits the possibilities for accumulating capital required for the implementation of new techniques and other improvements which help to raise efficiency in the use of available resources, thereby yielding a higher farm income. But the land reform measures contained no provision to change the existing farm size or shape, land use, organisation and management and hence volume of production.

9.5.5 Certain factors have fundamental significance while considering land reforms. Village life as is understood in the Indian context is alien to the spirit and temperament of the Malayalees. There are no village communities in Kerala as we find in the rest of our country. The extent to which subdivision and fragmentation of lands have been affected is such that no legislative enactment can be expected to gain popular support. To add to, is the highly individualistic outlook of the Malayalees. No method of reorganisation will go down with a peasant community if it denies two conceptions, both basic to the psychology of our rural society—principle of ownership and principle of equal inheritance. A policy which succeeded in a society still in the course of emancipation from feudal serfdom might be completely unsuited to a society such as ours in which the right of ownership has long been valued and fully exercised.

9.5.6 Further, the state itself is in the hands of social groups which have an interest in preserving the traditional social chasms. Breaking these social chasms and creating a psychological, ideological, social and political situation propitious to economic development become a matter of paramount importance.

9.5.7 Again, the group of 'owner farmer' or the 'family farmer' is relatively small, politically unimportant and

economically vulnerable group consisting of individuals who want to go up the ladder to become capitalist farmer or non-cultivating land owner or moneylender-cum-trader but who are in reality losing their grip and are being pushed down to the status of tenants and finally of landless labourers. The labour class here is restive and hence created a menacing social situation, mainly because agriculture, a seasonal occupation was the only means of support in the village. The only remedy to this is the diversification of rural economy.

9.5.8 The essential conditions for development like credit, an effective price policy, regulated markets, co-operative farming, irrigation facilities, agricultural education, well-equipped transport and communication systems are still lacking. All these contributed to make agriculture a subsistent and stagnant industry.

PART - II

## CHAPTER - X

### ECONOMIC IMPACT OF LAND REFORMS

"In other words, planning with the idea of anchoring these farmers to their holdings, to put the waste labour of the world on to the waste land by means of waste capital and thus convert this trinity of waste into a unity of production."

- Report of the Land Policy Committee,  
Travancore-Cochin 1949-50.

10.1 In the first part of the thesis, we have discussed the different aspects of land reform measures such as objectives of land policy, tenure systems existed in Kerala, efforts at land reforms in Kerala, the land reforms in Kerala in the perspective of national land reform policy, salient features of land reform measures embodied in different land reform legislations, implementation of land reform proposals and inhibiting factors on the way of implementation of land reform proposals. A comprehensive survey of literature with reference to land reforms has also been presented in this part. In the II part of the thesis, we propose to discuss the impact of land reforms in Kerala. Discussion on this aspect is divided into two Chapters.

Chapter Ten (1st Chapter under Part II) discusses the impact of reform measures at the macro-level and chapter eleven presents the results of the empirical survey conducted in two villages one in Kottayam district and the other in Palghat district.

10.2 Economic impact of land reforms essentially relates to the effects on productivity, income, employment and investment. A defective tenure system stands in the way of investment and thereby productivity, income and employment. This is because in such a case, the tenant has little incentive to increase his investment on land and thereby increase his output since a large share of any such increase will accrue to the land owner. Again, a high share of the produce taken by the landlord leaves the tenant with a mere subsistence minimum with no margin for investment. Consequently, the tenant remains in a vicious circle of poverty.

### 10.3.0 Early Impact of/Land Reforms

10.3.1 The immediate effect of the tenancy reform was the improvement of the status of tenants, compensation to the tenants for improvements made by them on the landlord's property, the restrictions placed upon the landlord on his power to evict the tenants gave greater security to the tenants. According to H.V. Connolly,<sup>1</sup> This legislation (compensation in case of eviction) was enough for improving the condition of the tenants.

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1. Connolly. H.V, to Pycroft, T, Correspondance on Moplah Outbreaks of Malabar, 1853-59.

10.3.2 In Travancore, the early measures undertaken had a salutary effect in the expansion of cultivation. The security offered in the state attracted foreign capital and gave an impetus to commercial investment. "Consequently, plantations developed in Travancore. The opening up of plantations resulted in the utilisation of almost the whole of the arable areas in the highland regions of Travancore. The flow of foreign capital into plantations opened up new opportunities for agricultural and non-agricultural economic expansion."<sup>2</sup> In addition, these tenancy reforms led to the reclamation of swampy areas around the Vembanadu backwaters for the cultivation of rice. Again, it resulted in the development of Kule cultivation in Cochin. In Malabar, these legislations resulted in a rush to reclaim the waste lands. "Consequently much of the waste lands in Malabar were turned into plantation gardens which in recent years turned to be one of the most important sectors of Kerala's economy."<sup>3</sup>

10.3.3 The tenancy reform measures with its emphasis on tenants' security and regulation of rent coupled with increase in trade in agricultural produce and the rise in agricultural prices in the latter half of the 19th century increased the value of land steadily. By the beginning of the 20th century, land became a

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2. Sankaranarayanan, K.C., *Economic Impact of Land Reforms in Kerala*, p.102.

3. *Ibid.*, op.cit., p.4.



valuable security against which anybody could advance loans. This can be seen from the Report of the Travancore-Cochin Banking Enquiry Commission of 1956. The Commission stated that out of the total advances made by the Banks incorporated in the State in 1955, 26.9 per cent was granted against real estates. Since land became a valuable commodity against which loans can be granted, the banking companies developed in the state. The number of banking and insurance companies went up from 38 in 1922-23 to 163 in 1948-1949.<sup>4</sup>

10.3.4 In Cochin also there was a rapid growth of banks and financial institutions during this period. But Malabar lagged behind in this respect because land reform measures were undertaken in this region only at a later period.

#### 10.3.5.0 Impact on Landlords

10.3.5.1 The agrarian reforms had a profound effect on the economic status of the landlords. Prior to these reforms, they were owners of large landed properties. These lands were mostly cultivated by their tenants. After the reform measures the landlords' right of ownership was placed on the same footing as that of the occupants. Land cultivated through tenants became the property of the tenants and the landlords were given only limited area of land for self cultivation. They were made

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4. op.cit., p.5.

liable to full assessment. The stipulation that land must be self cultivated meant that they were required to take personal interest in cultivation something which was quite alien to the landlords - especially the brahmin landlords. This forced the landlord's attitude towards land to change.

#### 10.3.6.0 Impact on Tenants

10.3.6.1 The immediate effect of the tenancy reforms was the improvement of the status of the tenants. The tenants became owners. It was established that the absolute proprietary right in land is on the person who carries on its cultivation.<sup>5</sup> Consequently, the structure of ownership and operational holdings significantly altered. This can be seen from Tables 10.1, 10.2, 10.3 and 10.4.

10.3.6.2 Table 10.1 shows that nearly 45 per cent of the agrarian households of Kerala was tenants in 1966-67. It ranged from just 2 per cent in Trivandrum district to 86.7 per cent in Kozhikode, 78.8 per cent in Palghat and 73.7 per cent in Trichur. It is clear from this table that tenancy was widespread in the Malabar region of the state and low in the Travancore regions of the states. The reason of this was already stated.

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5. Lekkamani V. Puchaya Naicker., 6 M.H.C.R. 208.

Table - 10.1

**District-wise % Distribution of Agrarian Households Classified  
By Type of Land Relations (1966-67)**

District	Total	Owners cultivators	Tenants	Kudiki- dappa	Land- lords
Trivandrum	100	88.5	2.0	8.2	1.3
Quilon	100	87.6	4.4	6.2	1.8
Alleppey	100	56.6	14.6	26.7	2.1
Kottayam	100	50.0	34.6	14.1	1.3
Ernakulam	100	35.7	43.5	17.7	3.1
Trichur	100	6.3	73.7	16.6	3.4
Palghat	100	12.5	78.8	6.4	2.3
Kozhikode	100	7.2	86.7	4.0	2.1
Cannanore	100	24.1	58.1	13.9	3.9
State	100	40.6	44.9	12.2	2.3

Source : Government of Kerala, Land Reforms Survey, 1966-67  
Report, Bureau of Economics and Statistics (Trivandrum  
1967) p.50.

10.3.6.3 Table 10.2 shows the position regarding the structure of ownership eighteen months after the implementation of the Land Reform (Amendment) Act 1969. From 1st January 1970, landlordism in Kerala stands abolished and all rights of the landlords, stand vested in the government. The tenant got full benefits of ownership from that day. They are bound to accept

Table - 10.2

District-wise Distribution of Number of Operational Holdings  
and area according to Tenure (1971 June)

District Total	% of holdings			% of area			
	Wholly owned	Parti-ally owned	Wholly leased in	Total	Owred	Leased in	
Trivandrum	100	97.6	1.8	0.6	100	98.4	1.6
Quilon	100	98.3	1.1	0.6	100	98.0	2.0
Alleppey	100	98.1	1.1	0.6	100	97.4	2.6
Kottayam	100	99.0	0.8	0.2	100	99.3	0.7
Idukki	100	95.3	2.8	1.9	100	88.5	11.5
Ernakulam	100	95.4	2.6	2.0	100	96.0	4.0
Trichur	100	80.9	6.6	12.5	100	78.3	21.7
Palghat	100	61.1	11.2	27.7	100	67.1	32.9
Malappuram	100	52.2	9.6	37.9	100	58.1	41.9
Kozhikode	100	97.5	0.3	2.2	100	96.2	3.8
Cannanore	100	84.6	3.2	12.2	100	88.2	11.8
State	100	88.4	3.4	8.2	100	86.8	13.2

Source : Government of Kerala, The Third Decennial World Census of Agriculture 1970-71. Report of Kerala State, Vol.I, Bureau of Economics and Statistics (Government of Kerala), Trivandrum, 1973, p.213.

the assignment and pay to the government the purchase price fixed as provided in the Act. In case a tenant does not apply for assignment, the Land Tribunal (the implementation agency) will initiate action suo motu and assign the land to them.

10.3.6.3.1 Table 10.2 shows considerable reduction in tenancy and a corresponding increase in ownership rights. The percentage of tenants came down from 44.0 in 1966-67 (Table 10.1) to 8.2 in 1971 and percentage of owners went up from 40.6 to 88.4 during the same period. (One important fact to be noted in Table 10.2 is that a high percentage of tenancy still exists in economically and educationally backward districts such as Malappuram and Palghat.) This corroborates our argument that ignorance and weak economic position of the tenants often stand in the way of implementation of land reform measures.

10.3.6.4 The reform measures stopped the eviction of old tenants for the creation of new ones with enhanced rates of rent, the forcing of old tenants themselves to pay higher rents on fear of being evicted. No new tenancy has been created after the reform measures were introduced. In several cases, the issues were settled between the landlords and tenants mutually and they were often not reported.

#### 10.3.7.0 Changes in the distribution of Holdings

10.3.7.1 The structure of distribution of cultivated holdings is of equal importance as the abolition of landlordism. Table 10.3

Table - 10.3

% of Households operational holdings and area by different category of holdings as revealed by the NSS  
8th, 16th and 26th rounds

	% of households operational units			% of area			Average size of holdings in acre		
	8th round (53-54)%	16th round (59-60)%	26th round (70-71)%	8th (53-54)	16th (59-60)	26th (70-71)	8th (53-54)	16th (59-60)	26th (70-71)
Marginal holdings	55.6	59.4	67.9	8.1	11.33	17.34	0.43	0.43	0.31
Small holdings	32.4	31.7	27.3	24.7	30.45	47.46	2.29	2.14	2.12
Medium holdings	6.5	5.1	3.6	14.9	15.69	20.10	6.93	6.89	6.75
Large holdings	5.5	3.8	1.2	52.3	42.53	15.10	39.50	25.60	15.00
All holdings	100.0	100.0	100.0	100.0	100.0	100.00	2.99	2.24	1.22

Source : The 8th round data for Kerala is based on estimates provided by the Bureau of Economics and Statistics arrived by combining the Travancore-Cochin data with those of Malabar. The geographical coverage is slightly different as the data covers part of South Travancore now under Tamil Nadu. But this data is capable of indicating the broad lines of change.

Note : The operational holdings in the table do not take into account the households operating on land. There are some problems of comparability because of the change in the concept of operational holding used in the 8th and other rounds. While in the 8th round all holdings of the sample household whether put to agricultural use or not is included under operational holdings. Only holdings put wholly or partly to agricultural production were considered in the latter rounds. Hence 1953-54 figures would be slightly less than what is given in the table.

shows that the percentage of area falling under the marginal holdings has more than doubled over the years 1953-54 through 1970-71. The proportion of marginal holdings in 1970-71 was as high as 67.9 per cent of total holdings and area 17.3 per cent; the corresponding percentage for India as a whole being only 20 and 1.75 respectively. The average size of holdings also has significantly declined. Another important fact to be noted in the table is that the area falling in the category of large holdings as well as percentage of households operating large holdings declined considerably over the period 1953-54 through 1970-71.

10.3.7.2 Table 10.4 indicates the changes in the inequalities in the distribution of ownership holdings. In 1959-60, nearly one-third of the rural households did not own any land. The percentage of households neither owning nor operating land was also very high. But the 1970-71 data show a significant reduction in the percentage of households neither owning nor operating land. (This is mainly due to the assignment of land to Kudikidappukars).

10.3.7.3 By 1980, the Land Tribunals settled 99.64 per cent of the tenancy claims, 99.06 per cent of the Kudikidappu cases and 95.3 per cent of the ceiling applications. From this it

Table - 10.4

**% Distribution of Households Owning no Land as well as Households Neither Owning Nor Operating Land (Rural)**

	1959-60	1970-71	1976-77
% of households owning no land	17.47	15.74	10.25
% of households neither owning nor operating land	31.94	10.25	6.70
% of households neither owning nor operating land			Not available

Source: The National Sample Survey, 16th round, July 1960-June 1961. Tables with notes on same aspects of land holdings in rural India (Government of India, New Delhi, 1970) p.3, MSS 26th round, July 1971-September 1972, Table on land holdings for all States.



can be safely said that the evils of tenancy, which were rampant in Kerala for a very long period, have been satisfactorily removed by land reform measures.

#### 10.3.8.0 Impact on Productivity

10.3.8.1 The most striking and potentially the most serious of all the trends in the rural tenancy of Kerala in the period following the implementation of land reform has been in agricultural production itself. Until the 1970's, the area under cultivation as well as the output of crops were growing at a reasonably rapid rate; consequently, there was an increase of nearly 25 per cent in the gross income from land (estimated at constant prices) between 1960-61 and 1970-71.<sup>6</sup> Thereafter, there has been no increase in either net or gross area sown. Production continued to rise (though at a slower rate) till 1974-75, but there has been a significant decline in output in some of the major crops (See table 10.5). Since then, with the result that the income from agriculture towards the end of the decade was lower (when estimated at constant prices) than at the beginning.

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6. A Quarter Century of agricultural Development in Kerala. An Over view, Background paper prepared for the formulation of the Five Year Plan - 1978-83, State Planning Board, Government of Kerala, October, 1977.

Table - 10.2

## Output of Major Crops (in 1000 Tonnes)

Year	Rice	Pulses	Sugarcane	Pepper	Ginger(dry)	Cardamom	Banana, other plantations	Cashewnut	Tapioca
1952-53	722.38 (100.00)	13.67 (100.00)	29.47 (100.00)	22.63 (100.00)	10.18 (100.00)	1.23 (100.00)	208.74 (100.00)	54.75 (100.00)	1514.36
1955-56	817.54 (11.317)	17.30 (126.8)	34.70 (117.7)	25.91 (114.5)	10.45 (102.7)	1.23 (100.00)	292.10 (139.9)	56.93 (104.0)	1671.32 (110.4)
1960-61	974.51 (134.90)	17.83 (125.4)	38.25 (129.8)	26.28 (116.1)	9.85 (96.8)	1.28 (104.1)	308.74 (147.9)	73.32 (133.9)	1573.48 (103.9)
1965-66	1068.80 (147.96)	17.10 (125.4)	41.70 (141.5)	23.56 (104.1)	11.32 (111.2)	1.41 (114.6)	334.60 (160.3)	92.93 (169.7)	2313.48 (152.8)
1970-71	1196.75 (165.67)	15.92 (116.7)	48.59 (164.9)	22.47 (99.3)	12.94 (127.1)	1.32 (107.3)	376.72 (180.5)	108.44 (198.1)	4194.42 (277.0)
1975-76	1309.70 (181.3)	12.31 (93.90)	45.24 (153.5)	26.16 (115.6)	25.67 (252.2)	1.67 (135.8)	365.13 (174.9)	161.39 (294.8)	5559.30 (367.1)
1979-80	1282.61 (177.55)	16.11 (118.1)	37.49 (127.21)	20.87 (92.22)	32.22 (316.50)	2.97 (241.46)	622.06 (298.00)	83.69 (152.86)	4223.64 (278.9)

(Figures given in Brackets are in indices with 1952-53 as base). The Figures are quinquennial averages except for 1952-53 and 1955-56, for 1952 annual figures and for 1955-56 triennial average (Index given in brackets, Base 1952-53)

Source: 1. Kerala Planning Board and Bureau of Economics and Statistics, Kerala Statistics for Planning (Serial No.1 - Agriculture (1972, p.20-21)

2. Bureau of Economics and Statistics, Kerala "Statistics for Planning"1977, p.123.124.

3. Bureau of Economics and Statistics, Kerala. "Report on the timely reporting survey of Agricultural Statistics in Kerala,"1976-77, p.29-31.

4. Government of Kerala, Economic Review, 1980., opcit., p.34.

10.3.8.2 This decline in agricultural output and income is attributable to a considerable measure to a sharp fall in the production of coconuts (from nearly 3758 million nuts in 1970-71 to around 3184 million nuts in 1979-80). However, there has been decline in production in other crops also : for instance, output of rice has fallen from 1.30 million tons in 1975-76 to 1.28 million tons in 1979-80., and the output of tapioca from 5.5 million tons in 1975-76 to 4.2 million tons in 1979-80, cashewnuts from 1.61 million tons in 1975-76 to 0.84 million tons in 1979-80. There have been perceptible increase in the production of Coffee, Tea, Rubber, Cardamom and Bananas including plantains.

10.3.8.3 The impact of the overall decline in agricultural output in the course of the 1970's has been less in the northern district (particularly in Cannanore and Kozhikode) than in the southern districts (such as Alleppey and Quilon), because (1) the extension of net sown area in the course of the 1960's was much greater in the northern districts and (2) not only were the southern districts more affected by Coconut disease but the relative share of coconut in the total cropped area was also greater in many of these districts.

10.3.8.4 The table 10.6 also shows that in all districts south of Trichur, where the percentage increase in net area sown was much lower, increase in cropping intensity (as reflected

Table - 10.6

Net Sown Area and Gross Cropped Area, District-wise, 1957-58 to 1973-74 and Gross Area Under Rice and Coconut, 1963-64 and 1973-74 (in 000 Hectares)

District	Net area Sown		Gross Cropped Area		Area under Rice		Area under Coconut		
	1957-58	1973-74	1957-58	1973-74	1963-64	1973-74	1963-64	1973-74	
Cannanore	214.2 (100.00)	275.4 (128.5)	316.7 (147.9)	312.1 (124.1)	350.0 (124.1)	95.7 (30.7)	98.1 (28.0)	67.2 (21.5)	91.2 (26.1)
Kozhikode and Palghat (including Malappuram)	523.1 (100.00)	583.0 (111.5)	668.7 (127.8)	693.1 (108.7)	879.5 (131.5)	305.9 (44.1)	339.4 (38.6)	134.8 (19.4)	190.9 (21.7)
Trichur	129.1 (100.00)	134.6 (104.3)	138.6 (107.4)	202.5 (108.2)	247.8 (132.4)	108.5 (53.6)	109.9 (44.4)	35.5 (17.5)	56.9 (23.0)
Ernakulam and Kottayam (including Idukki, Alleppey)	461.9 (100.00)	501.0 (108.5)	533.3 (115.5)	668.5 (111.1)	666.5 (132.0)	124.2 (22.1)	133.4 (20.00)	111.1 (19.8)	142.1 (21.3)
Alleppey	157.9 (100.00)	160.0 (101.3)	162.0 (103.2)	220.2 (111.7)	240.0 (121.8)	82.3 (37.4)	92.0 (38.3)	69.1 (31.4)	79.9 (33.8)
Quilon	205.8 (100.00)	217.9 (109.9)	229.6 (111.6)	277.0 (116.5)	371.4 (156.2)	49.6 (17.9)	51.2 (13.8)	70.4 (25.4)	106.8 (28.8)
Trivandrum	147.3 (100.00)	150.1 (101.9)	152.2 (103.3)	196.1 (100.6)	244.3 (125.2)	38.8 (19.8)	39.8 (16.3)	56.9 (29.0)	77.0 (31.5)
Kerala State	1839.0 (100.00)	2022.0 (110.0)	2020.0 (119.7)	2211.0 (100.0)	3000.0 (135.7)	805.1 (32.7)	874.7 (29.2)	545.0 (22.1)	744.8 (24.8)

Source : The district of Malappuram was carved out of Kozhikode and Palghat district in 1969, likewise, the district of Idukki was carved out of Ernakulam and Kottayam district in 1972. (2) The figures shown in brackets in the case of area sown and total cropped area are index number with 1957-58 as the base year, the figures shown in brackets in the case of area under rice and area under coconut are the percentages they form of total cropped area in the respective years.

in a higher rate of increase of gross cropped area) was considerably greater.

10.3.8.5 It is also probable that the decline in the rate of growth of output in agriculture after 1970-71 was due to a combination of circumstances, the non-availability of land for further extension of cultivation even in the northern districts (after the rapid increase in net sown area which took place there between 1957-58 and 1973-74) and the difficulties everywhere in raising the yield per unit of cropped area on land that was either heavily dependant on rainfall alone or could not be easily reached by reservoirbased surface irrigation. Neither of these can be traced to Land Reforms as such, though greater attention paid to the location and type of irrigation projects undertaken during this period as well as to other related aspects of planning in the agricultural sector could have arrested the decline.<sup>7</sup>

10.3.8.6 Some other factors contributing to the declining trend in agricultural output are the sharp decline in the price of paddy, rise in the price of nutrients and rise in the wages of field labour.

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7. Centre for Development Studies, Notes on Possibilities of Decentralised Development in Kerala, February 1980.

10.3.8.7 The reform measures also helped to change the land use pattern in Kerala. This has significance as it has resulted in the substitution of higher value crops like Coconut for rice. The change in the cropping pattern also might have helped to contribute a change in the value added per unit of land. Table 10.7 indicates changes in the land use pattern for a period of nearly three decades.

10.3.8.7.1 Table 10.7 is self-explanatory. But few striking features deserve mention. The net area sown which formed 46.6 per cent of the total geographical area in 1952-53 had gone upto 56.6 per cent in 1979-80,<sup>8</sup> recording an increase of about 23.9 per cent during the said period. At the same time, area sown more than once has increased from 3,14,000 hectares in 1952-53, to 6,80,000 hectares in 1979-80 accounting an increase of 119.7 per cent. The proportion of fallow lands was as high as 6.4 per cent in 1952-53. But it is reduced to 1.8 per cent in 1979-80. A higher proportion of total area devoted to cultivation becomes all the more significant in view of the fact that forests cover about 27.8 per cent of the total area of the state compared to the all India average of 22.7 per cent. Barren and uncultivable land which stood at 5.6 per cent in 1952-53 has come down to 1.9 per cent in 1979-80 accounting for a decrease of nearly 195 per cent. There has also been significant decrease in the area under permanent pastures and

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8. Government of Kerala, Economic Review, 1980., Table 4.5, p.33.

Table - 10.7

## Land - Use Pattern : 1952-53 to 1978-79 (Area in 1000 Hectares)

Sl. No.	Classification of Area	1952-53		1955-56		1960-61		1965-66		1970-71		1975-76		1979-80	
		Area	Percent	Area	Percent	Area	Percent	Area	Percent	Area	Percent	Area	Percent	Area	Percent
1.	Total Geographical area	3809	100.0	3858	100.0	3858	100.0	3858	100.0	3858	100.0	3885	100.0	3885	100.0
2.	Forests	945	24.8	1018	26.5	1056	27.4	1055	27.43	1055	27.42	1082	27.83	1082	27.8
3.	Land put to non-agricultural use	206	5.4	203	5.4	205	5.3	228	5.93	275	7.15	259	6.67	263	6.8
4.	Barren and uncultivable land	213	5.6	201	5.4	151	3.9	110	2.86	72	1.87	78	2.02	75	1.9
5.	Permanent pastures	57	1.5	49	1.2	45	1.2	28	0.73	28	0.72	19	0.51	6	0.2
6.	Cultivable waste	183	4.8	177	4.0	144	3.7	108	2.81	80	2.08	113	2.92	123	3.2
7.	Current fallow	46	1.2	63	1.5	67	1.7	32	0.86	24	0.62	37	0.94	43	1.1
8.	Fallow other than current fallow	198	5.2	84	2.9	62	1.6	32	0.81	23	0.60	23	0.59	27	0.7
9.	Net area sown	1775	46.6	1808	48.1	1924	49.9	2064	53.37	2169	56.10	2189	56.35	2200	56.6
10.	Land put under miscellaneous trees not included in net area sown	186	4.9	206	5.2	204	5.3	200	5.20	132	3.43	84	2.17	67	1.7
11.	Area sown more than once	314	8.2	370	9.1	425	11.0	487	12.66	761	19.78	792	20.38	680	17.5
12.	Gross cropped area	2089	54.9	2178	57.2	2349	60.9	2551	66.33	2933	76.26	2981	76.73	2880	74.1
13.	Intensity of cropping	1.177	-	1.205	-	1.221	-	1.235	-	1.352	-	1.362	-	1.309	-

Source : 1) Agricultural Statistics in Kerala - Bureau of Economics and Statistics, 1970.

2) Basic Structures Relating to Kerala Tenancy - Bureau of Economics and Statistics, 1975.

3) Statistics for Planning 1980 - Bureau of Economics and Statistics.

grazing lands and cultivable waste. The former two which stood at 1.5 per cent in 1952-53 had declined to 0.2 per cent in 1979-80 and the latter one from 4.8 per cent to 3.2 per cent during the same period.

10.3.8.8 Further, during the period under consideration there was more thrust towards intensive than extensive cultivation, mainly because of the limited availability of arable land. During 1965-66 and 1970-71 there has been a remarkable addition to area sown more than once. During this period of five years, it increased by about 56 per cent whereas in all other periods till 1975-76 it was only about 15 per cent. After 1975-76 there has been a decline in the area sown more than once. Accordingly, area sown more than once declined from 7,92,000 hectares in 1975-76 to 680 hectares in 1979-80.

#### 10.3.9.0 Impact on Employment and Income

10.3.9.1 Regarding employment, an increased use of labour would be a consequence of more intensive and productive use of land when the cultivating farmer had title to the land and when as a result of improved techniques and investments in land consequent upon the acquisition of title by the cultivating farmer, productivity also would rise. Economic analysis suggests that the reduction in under-employment in the countryside would occur mostly, if not exclusively, among the cultivating farmers and not among the landless labourers, (so also in many other Indian



States . The relatively large increase in cultivators in Gujarat and Maharashtra is at least partly due to Bombay Tenancy Act. The increase in cultivators and decrease in labourers in Rajasthan and Madhya Pradesh may be due to the programme of settlement of landless labourers. The extremely large increase in labourers in UP resulted from the prohibition of leasing). It is true that even the smallest owners (of paddy land) employ labourers some of the time, the vast majority of employment is provided by the medium land owners, i.e., those having over 2 hectares and the large land holders, i.e., having over more than 4 hectares (of wet land). The small holders operate on their own holdings and because of the inadequate income which they earn from their own holdings, also hire themselves out as wage labour. The condition of their equilibrium for choice of work either on their own farm or as wage labourer may be written as -

MP - WP (1-a)

MP - Marginal product of the farm upto which the market attract workers.

W - Market wage rate.

P - Probability of finding a job.

a - Proportion of expected wage set against the disutility of outside employment.

10.3.9.2 During peak period, probability of getting a job is high but disutility of outside employment may weigh heavily because of the work needs on one's own land. In contrast,

disutility is less during the trough, but  $P$  is low. For one reason or another differential may persist in all seasons,  $MP$  less than  $W$ . (This suggests, on many small holdings the  $MP$  of labour is lower than the going wage rate and the landless labourer is better placed for earning income from wage than the small holders).

10.3.9.3 A significant change of the redistribution is the possible increase in employment in agriculture resulting from more investment. A redistribution of land and capital resources from the large to the small and marginal farms may raise total output and employment owing to the larger availability of labour per unit of land and capital among smaller farms. Though in the long run output and employment may slow down owing to reduction in savings as small farmers consume away a large proportion of their earnings, this decline may be more than compensated by improvement in capital - output ratio. Such a growth process ensures that gains of development accrue to the poorer sections.

10.3.9.4 The principle of diminishing marginal utility of income for an individual and the assumption of all individuals being capable of similar satisfactions or dis-satisfactions built up a rationale for the transfer of income from the rich to the poor, the idea being that transfer will lead to the satisfaction of the more intense wants of the poor at the expense

of the less intensive wants of the rich, thereby enabling the community as a unit to enjoy a larger measure of welfare. (However, in the case of transfer of land from large landholders to landless, it is not possible to make any move without some people becoming better off at the expense of some others who become worse off i.e., it is zero-sum game). Since conventional developmental theory treats personal income distribution as a marginal issue and generally as an extraneous problem in the growth process, such a reallocation is sought on the grounds of social justice also. It is in the nature of a capital levy on a few landlords which is distributed among peasants. Thus it acts as a release mechanism for development.

#### 10.3.10.0 Impact on Investment and Capital Formation

10.3.10.1 The overall increase in investment depends in the short run on how much the increase in investment exceeds the diminution of private investment. In the long run, it would also depend on tenant's marginal propensity to invest as and when revenue plus compensation payments taper off. On the whole, in the short run, the total volume of investment is more likely to fall than to increase. But as tenancy provisions are successfully implemented, there will be a good opportunity as well as incentive among the new class of cultivators to reorganise the farm and to invest in capital formation even at a small margin of saving. Even allowing for a difference in

the price level of investment goods and services between the two years an increase in real investment seems to be indisputable

10.3.10.2 The assurance of fixity of tenure provided by the law brought about sizable capital formation in agriculture. It had the effect of encouraging investments such as improved wells and tube sets. Successful irrigation required both capital investment and increased production expenditure. Both required credit for which land is a suitable security. The overall effect on the access to irrigation water and land to irrigate was positive. For the middle strata of cultivators access to credit, fertiliser and water has probably increased and for the lower strata, it did not hinder access because without these legislations these groups would not have any access. Only when land reforms were stringently implemented would village hierarchies be sufficiently upset to allow penetration of credit to lower strata. It would alter the status of cultivators. The purchase of land accounted for not so minor a place in the total capital expenditure on farm business. If the purchases takes place at the cost of non-cultivators, it is a favourable trend. But if they are made from medium and small cultivators they have to be discouraged. Investments in the form of planting of perennial trees and construction of farm houses and residential houses were also made.

10.3.10.3 The impact of legislation on agricultural practices, viz., use of high yielding variety of seeds, has been very little in respect of lands purchased or lands resumed by tenants. The small size of holding is one of the inhibiting factors in the wide-spread adoption of high yielding varieties. It seems that its adoption is positively correlated to the increase in the size of the holding. Table 10.8 shows that area under High Yielding Variety is more under larger size holdings. Similar is the case with fertilizers and pesticides. This is so mainly because their efficiency and utility are conditioned by the availability of certain infrastructural facilities like irrigation and capital. Ability to command capital is directly related to size of operational holdings, under the prevailing systems of property relation and institutional arrangements.

#### 10.3.11.0 Social Impact

10.3.11.1 Prior to the reform measures, the village was organised around two institutions, the family with its dependants and the caste. Every man was born into a certain status in a society and family. The family whether matriarchal or patriarchal was composed of three or more generations living together and augmented by other relatives, who though not forming part of the household, shared the family budget and the whole course of his life was determined by such a status. In short, status,

Table - 10.8

## Distribution of Area Under Improved Agricultural Practices

Size of holding (area)	% Paddy area under HYV	% of cropped area treated with fertili- sers	% of cropped area treated with pesti- cides
0.04 - 0.25	21.5	9.0	1.9
0.25 - 0.50	25.9	22.2	6.3
0.50 - 1.00	26.6	33.1	14.0
1.00 - 2.00	27.1	20.0	17.2
2.00 - 3.00	32.3	41.5	20.4
3.00 - 4.00	21.5	43.7	24.0
4.00 - 5.00	33.1	49.3	22.0
5.00 - 10.00	31.4	47.3	22.5
10.00 - 20.00	40.1	45.5	19.8
20.00 - 30.00	52.0	45.0	19.5
30.00 - 40.00	46.8	60.0	26.8
40.00 - 50.00	24.4	46.5	32.5
50.00 & above	27.5	50.7	43.0

Source : III Decennial World Census of Agriculture - 1970-71.,  
Report for Kerala State, Vol.I, 1973.

custom, religion, family, locality, and birth determined a man's means of livelihood or his activities.

10.3.11.2 This social structure has operated against economic development mainly in two ways: first by sustaining a range of rigidities to the free flow of men and resources obstructing the full exploitation of productive techniques and second by focussing the efforts and aspirations of men in greater measure on goals and values other than those increasing material welfare.

10.3.11.3 Till the beginning of the 20th century, the Jannies (being the high caste) dominated over the entire people. Every class and society being tied to land as semi-labourer or as tenant, most of them were not allowed to leave their traditional occupations and land.

10.3.11.4 The land reform measures smashed this social order. Today neither status nor custom, religion nor family, locality nor birth determines a man's means of livelihood. Today nobody is tied to land. The reform measures also broke the joint family system, and this has considerably reduced the social influence of the Jannies.

10.3.4.5 Robert d' A Shaw has extended the case for redistribution of land in general to secure social and distributive justice or to reduce disparities. In his words "larger farmers

have received the benefits of the Green Revolution at almost no cost to themselves. It is only reasonable then that the larger farmers should share some of the benefits with their poorer neighbours."<sup>9</sup>

10.3.11.6 In considering the question of redistribution of land, it is necessary to draw a distinction between the distribution of land as homestead and land as a means of production. While the former is a moral issue, the latter is an economic issue where optimum utilisation of resources, productivity etc., form the dominant criteria.

10.3.11.7 What is taking place now is the sharing of power between old and new leadership. Locating the tillers is conceptually problematic and establishing their exact numbers is extremely difficult. Even then, it is estimated that by the beginning of February 1980 more than 2.4 million tenanted lands have become the property of their former tenants.

#### 10.3.12.0 Impact on Welfare

10.3.12.1 Rational decision making must rest on whether or not the existing land tenure systems is capable of yielding maximum welfare. A genuine reform is conventionally a zero-sum game - some classes benefit at the expense of others. In a welfare

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9. Jobs and Agricultural Development, Overseas Development Council, 1970, p.60-62.



orientation, a larger number of people will benefit through a rise in the basic level of living through income distribution than will suffer an income loss. In economic terms, the anticipatory demand of former tenants is converted into effective demand. For example tenants leisure is represented by Z and his income Y. Y represents the monetised value of the farm produce. The tenants' utility function U1. Then

$$U_1 = F(YZ)$$

He allocates his time between leisure and work so that rate of substitution of work for leisure will be equal to the rate of return on labour. Income of the tenant is then represented as

$$Y = P(I-X) F(N_1, L) + W(N-N_1)$$

Where P = price of produce from self farming.

X = % required as rent payment.

N = total labour output.

L = land rented for self cultivation.

W = wage rate for hired labour.

10.3.12.2 A reorganisation of the land system involved the most drastic change of the property structure and an attack on established interests. It is more a traumatic disturbance when the target of attack is not the class of functionless landlord but the class of peasant landowners with deep-seated

attachment to land. The question of combining legislations with peasant organisation and mobilisation of non-peasant support is a very significant issue. The government is attempting to alleviate the major problems of the labourers qua rural worker's not as aspiring peasant proprietors. The remarkably high rural wage rate in terms of level as well as rate of increase which the agricultural workers in Kerala has managed to get in recent times compared to their counterparts elsewhere is an example of this.

## CHAPTER - XI

### RESULT OF THE EMPIRICAL STUDY

"History showed that when a country solved the land problem, its difficulties reduced and other questions began to solve themselves."

- Nehru while addressing UP  
Congress Committee at Kanpur  
(1949)

11.0 In the last chapter, we have discussed at length the economic impact of land reforms at the macro-level. In this chapter, we propose to discuss the impacts at the local level.

11.1 In order to assess the economic impact at the local level surveys were conducted in two villages. The villages surveyed are Ambalappara II and Kumarakam. Village Ambalappara II is situated in the Ottappalam taluk of Palghat district. It consists of four Desoms - Melur, Kadambur, Aravacaud and Chunangadu. It has a total area of 7,237.40 acres. According to the 1971 census, it had a population of 13,917 people. Out of this 6,179 were men, 7738 were women and the rest were children. Cultivating families number about 1630.

11.2 Kumarakam Village is situated in the Kottayam taluk of Kottayam district. For administrative convenience, this village is divided into four Karas - Vadakkum Bhagom (Northern part), Thekkum Bhagom (Southern part), Kizhakkum Bhagom (Eastern part) and Patinjarum Bhagom (Western part). According to the 1971 census, the village had a population of 18,748 people. Out of this, 9,283 were men, 9,465 women and the rest children. Cultivating families come to about 500. The rationale for selecting these two villages for the study is that they belong to the two 'Granaries' of Kerala, viz: Palghat and Kuttanadu.

#### 11.3.0 Effect on Income Distribution

11.3.1 In order to evaluate the effects of land reforms on the distribution of income from land, the co-efficients of variation in the distribution of holdings are calculated. Agricultural holdings are divided into ownership holdings and operational holdings. (See Tables 11.1 and 11.2). According to Table 11.1, 60 per cent of the surveyed holdings in Ambalappara II consisted of ownership holdings and 40 per cent to operational holdings. Nearly 50 per cent of the ownership holdings are in the size group of less than 5 acres. Holdings (ownership) below one acre alone constitute 16.7 per cent of the total number of ownership holdings. 13.3 per cent of the total ownership holdings belong to the size group of above nine

Table - 11.1

## Ownership Holdings and Operational Holdings in Ambalappara II

Size of holding (acres)	Number of ownership holdings	Number of oper- ational holdings
Below 1 acre	10	4
1.00 - 2.00	8	3
2.00 - 3.00	6	6
3.00 - 4.00	2	4
4.00 - 5.00	4	10
5.00 - 6.00	10	3
6.00 - 7.00	1	5
7.00 - 8.00	6	1
8.00 - 9.00	5	2
Above 9 acres	8	2
<b>Total</b>	<b>60</b>	<b>40</b>

acres. On the other hand, 67.5 per cent of the operational holdings are in the size group of less than 5 acres and 10 per cent alone constitute holdings below one acre. Five per cent of the total surveyed operational holdings belong to the size group of above 9 acres.

Table - 11.2

## Operational Holdings and Ownership Holdings in Kumarakam

Size of holdings (Acres)	Number of ownership holdings	Number of opera- tional holdings
Below 1 acre	10	6
1.00 - 2.00	6	6
2.00 - 3.00	4	3
3.00 - 4.00	4	10
4.00 - 5.00	6	3
5.00 - 6.00	8	4
6.00 - 7.00	2	2
7.00 - 8.00	5	5
8.00 - 9.00	7	1
Above 9 acres	6	2
<b>Total</b>	<b>58</b>	<b>42</b>

11.3.2 According to Table 11.2, 58 per cent of the surveyed holdings in Kumarakam village consisted of ownership holdings and the remaining operational holdings. In this village, ownership holdings of less than 5 acres came to about 52 per cent

while operational holdings under the same category came to about 66.7 per cent. Ownership and operational holdings of less than one acre constitute 17.2 percent and 14.3 per cent respectively of the total surveyed holdings. More than ten per cent (10.3 per cent) of the ownership holdings belong to the size group of above 9 acres while that of operational holdings come to about 4.2 per cent.

11.3.3 The worked out co-efficients of variation before and after the implementation of land reform measures show considerably decline in the case of both ownership and operational holdings, before and after 1970. So, it can be concluded that the implementation of reforms has reduced considerable the inequality of distribution of income from land. The conclusion applies equally to both the surveyed villages (Table - 11.3).

Table - 11.3

Co-efficients of Variation of Ownership and Operational Holdings in Both Villages

Village	Co-efficients of Variation			
	Before 1970		After 1970	
	Ownership Holdings	Operational Holdings	Ownership Holdings	Operational Holdings
1. Ambalappara II	73	65	67	55
2. Kumarakan	202	145	200	138

11.3.4 Table 11.3 shows that the co-efficients of variation of both ownership and operational holdings in Ambalappara II village declined from 73 and 65 (before 1970) to 67 and 55 respectively and that of Kumarakam village declined from 202 and 145 to 200 and 138 respectively after 1970.

11.3.5 Of the two villages, it is in Ambalappara II that distribution of income is less unequal than in Kumarakam. This is illustrated in Figure 11.1.

11.4.0 The survey also reveals that the economic position (in respect of annual income earned) of the people has improved as a result of the introduction of land reform measures. (Table 11.4 and 11.5)

11.4.1 Table 11.4 shows the annual income earned by people of Ambalappara II village before and after 1970. It is clear from table 11.4 that 38 per cent of the surveyed families had an annual income of below Rs.1,000 before the year 1970. Fifty seven per cent had between Rs.1,000 and Rs.9,000 and 5 per cent above Rs.9,000. But the scene after 1970 is different. The surveyed families with an annual income less than Rs.1,000 came to about 23 per cent only, whereas families with more than Rs.9,000 annual income went up to about 13 per cent. This shows that after 1970, the annual income of the majority of the surveyed families has gone up.



Fig: 11.1

SCALE

x axis = y axis  
= 10 = 1.5 cms

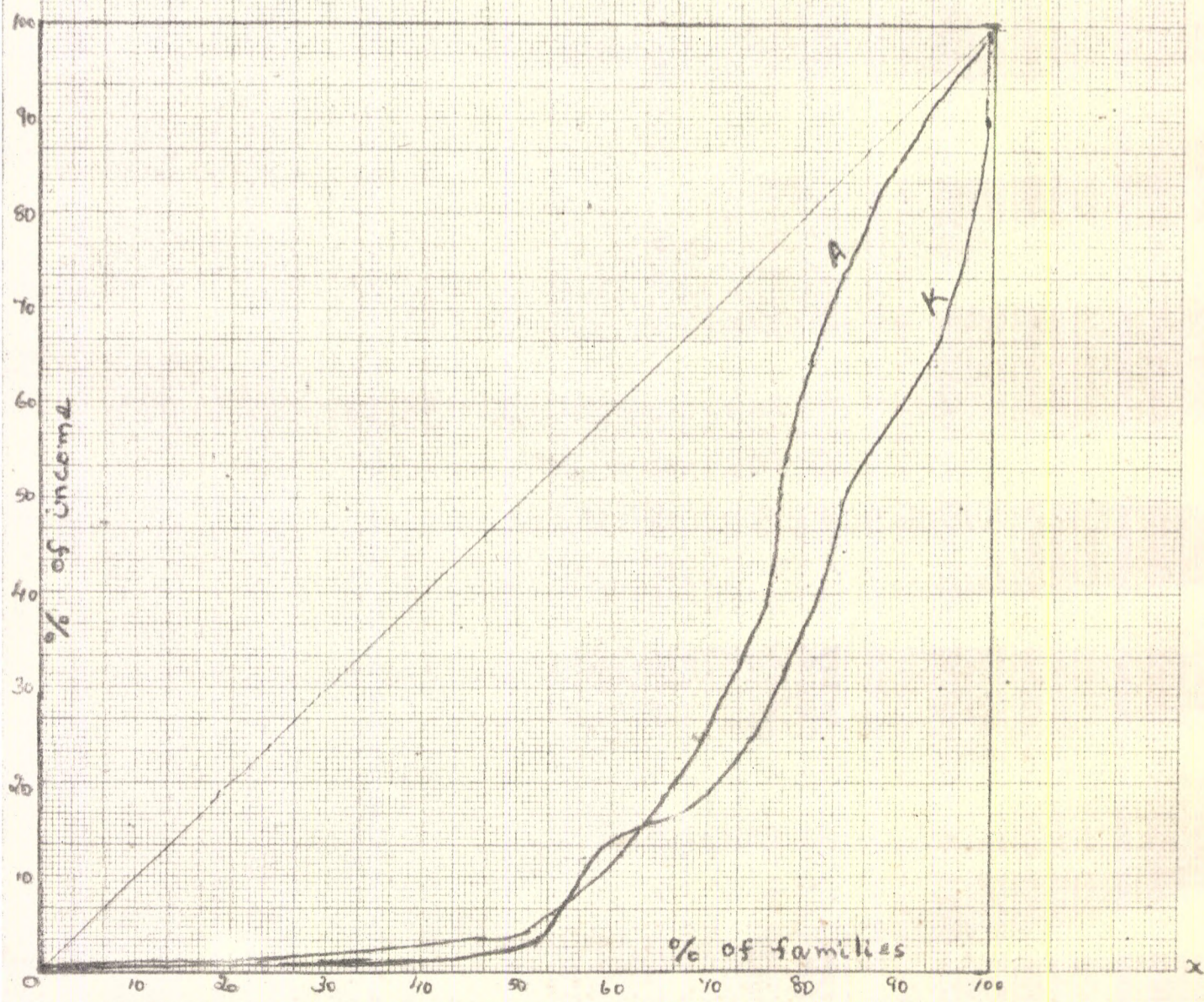


Table - 11.4

**Annual Income Earned by People of Ambalappara II Village  
Before and After 1970**

Income (Rs.)	Number of People	
	Before 1970	After 1970
Below 1,000	38	23
1,000 - 2,000	12	28
2,000 - 3,000	15	10
3,000 - 4,000	5	6
4,000 - 5,000	10	2
5,000 - 6,000	3	6
6,000 - 7,000	7	3
7,000 - 8,000	2	3
8,000 - 9,000	3	6
Above 9000	5	13
<b>Total</b>	<b>100</b>	<b>100</b>

11.4.2 Table 11.5 explains the case of Kumarakam Village. Here too, though the improvement is not very prominent, there is a clear sign of improved economic position of the families after the implementation of land reform measures. Families with less than Rs.1,000 as annual income declined from 47 per cent to

Table - 11.5**Annual Income Earned by People of Kumarakam Village Before and After 1970**

Income (Rs.)	Number of People	
	Before 1970	After 1970
Below 1,000	47	40
1,000 - 2,000	5	12
2,000 - 3,000	10	5
3,000 - 4,000	10	10
4,000 - 5,000	8	8
5,000 - 6,000	5	5
6,000 - 7,000	4	4
7,000 - 8,000	3	10
8,000 - 9,000	4	4
Above 9,000	4	2
<b>Total</b>	<b>100</b>	<b>100</b>

40 per cent after the year 1970. Forty nine per cent belonged to the income range of Rs.1,000 to Rs.9,000, before 1970. This rose to 58 per cent after 1970. But families belonging to more than Rs.9,000 income range declined from 4 per cent to 2 per cent. This shows that annual income of the majority of the surveyed families has gone up.

11.4.3 The succeeding table (Table 11.6) shows the co-efficients of variation of the annual income earned by the surveyed families before and after 1970. In Ambalappara II village the co-efficient of variation declined from 0.1 to 0.09. So also in Kumarakam, it declined from 0.0996 to 0.0534. It is a clear proof to the fact that the economic position of the sample population improved. The annual income distribution of both the surveyed village after 1970 is graphically represented using the Histogram. (Figures 11.2 and 11.3)

Table - 11.6

Co-efficient of Variation of Annual Income Earned Before and After 1970

Village	C.V-before 1970	C.V. after 1970
Ambalappara II	0.1	0.09
Kumarakam	0.0996	0.0534

#### 11.5.0 Capital Formation

11.5.1 As a result of the improved economic position due to the abolition of intermediaries and tenancy system, sizable capital formation and improved agricultural practices resulted.

Fig: 11.2

SCALE

x-axis =  
Rs. 1000 = 1 cm

y-axis :  
1 = 0.5 cm

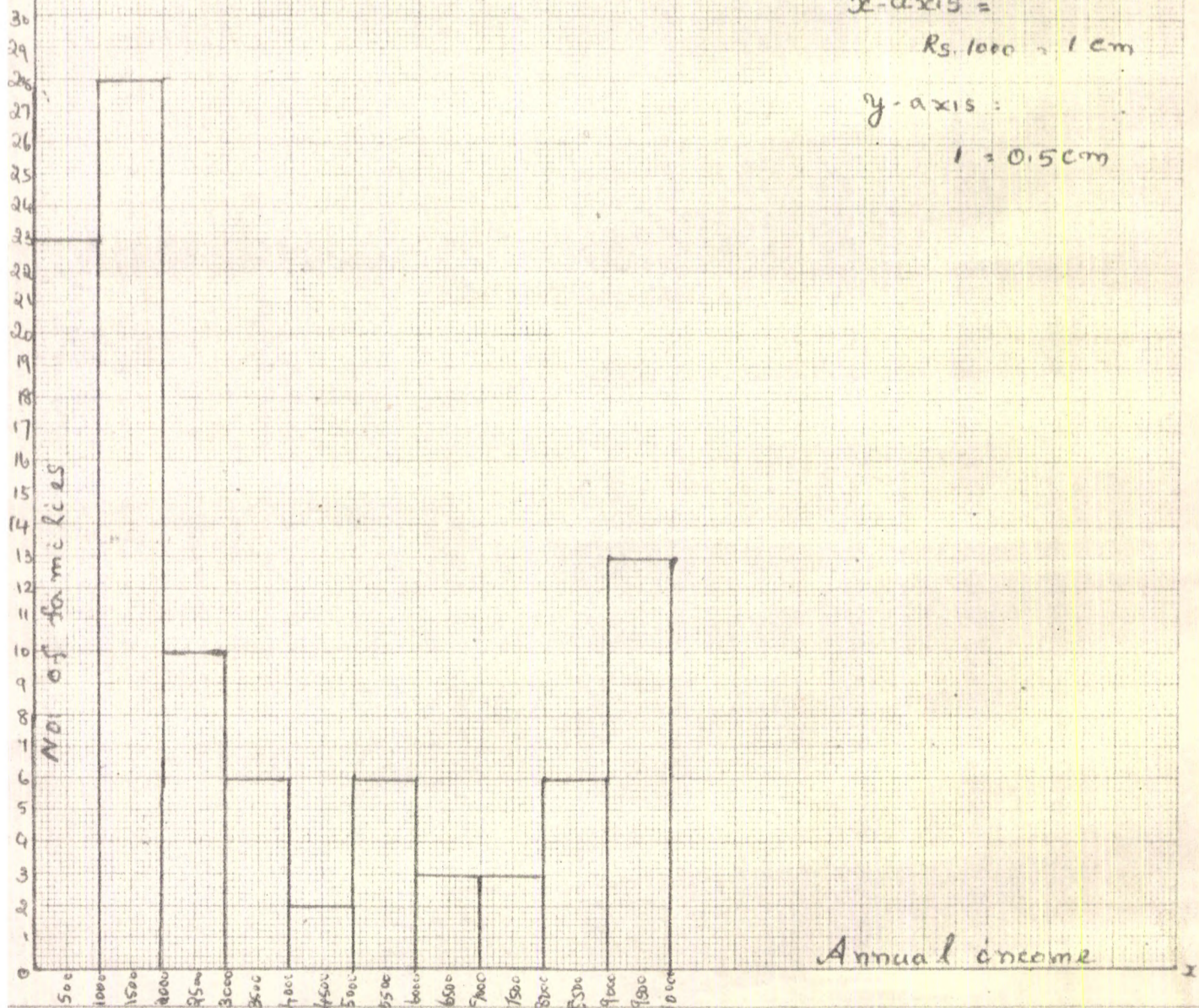
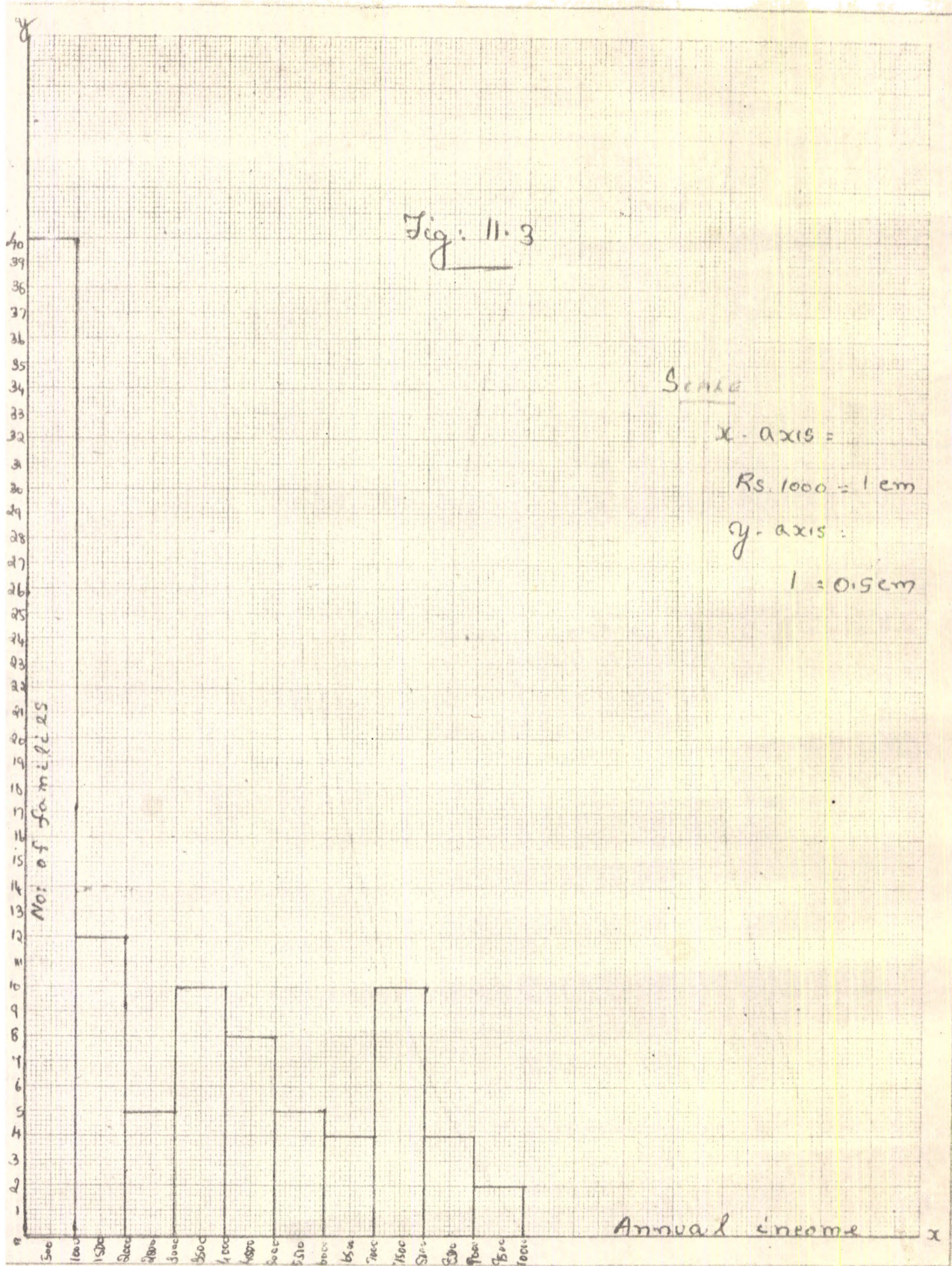


Fig: 11.3



Scale

x-axis =

Rs. 1000 = 1 cm

y-axis =

1 = 0.5 cm

(Tables 11.7 and 11.8). The assurance of fixity of tenure brought about sizable capital formation. Survey reveals that lands which were either purchased by the tenants or for which fixity was obtained have been better developed than land resumed. Area improved under 'land resumed' category is only 129 acres while that of the other two come to 315 and 320 acres respectively, in the case of Ambalappara II village. Corresponding figures for Kumarakam village are 82,142 and 315 acres respectively. Average cost of permanent improvements made (per acre) in the case of 'ownership purchased' lands is Rs.1,040, that of 'fixity obtained' category is Rs.978 and that of 'land resumed' category only Rs.520. In Kumarakam, these are Rs.842, Rs.314 and Rs.412 respectively. Table 11.7 also gives an account of 'planting of perennial trees, construction of farm houses and construction of residential buildings.' All these point to the fact that the land reform implementation gave the necessary psychological as well as economic push for the beneficiaries to undertake capital investments in their farms and homesteads.

11.5.2 The condition relating to adoption of improved agricultural practices is given in Table 11.8. Here also it can be seen that it is not the 'land resumed' category that uses improved agricultural practices in the form of improved seeds, chemical fertilizers and pesticides, but the other two categories. In the village of Ambalappara, percentage of people using

Table - 11.7

Expenditure As Different Items

Village	Type of Land	Area improved (acres)	Average cost of permanent improvements (per acre)	Planting of permanent trees	Construction of farm houses	Construction of residential buildings
			(Rs.)			
Ambalappara II	Land Resumed	120	520	41	50	27
	Ownership purchased by tenants	315	1040	62	22	72
	Fixity of tenure obtained	320	978	82	64	-
Kunarakam	Land Resumed	82	412	22	16	-
	Ownership purchased by tenants	142	842	18	4	20
	Fixity of tenure obtained	315	314	24	2	25
						271



Table - 11.8

Condition of Improved Agricultural Practices

Village	Type of Land	Percentage of people using					
		Improved Seeds	Fertilisers	Pesticides	Intensi- fied	Started afresh	Intensi- fied
	Land Resumed	5	-	10	2	22	12
Ambaleppera II	Ownership purchased by tenants	72	3	42	40	56	18
	Fixity of tenure obtained	84	14	60	30	74	12
	Land Resumed	8	12	20	-	12	4
Kumarakam	Ownership purchased by tenants	64	12	36	32	42	18
	Fixity of tenure obtained	88	10	52	35	54	30

improved seeds, fertilisers and pesticides under 'land resumed' category came to 5 per cent + 0 per cent, 19 per cent + 2 per cent, 22 per cent + 12 per cent. Corresponding figures in the 'ownership purchased by tenants' category came to 72 per cent + 3 per cent, 43 per cent + 40 per cent, 56 per cent + 8 per cent and that in the 'fixity of tenure obtained' category came to 84 per cent + 14 per cent, 60 per cent + 30 per cent, 74 per cent + 12 per cent respectively. (The first figures represented the percentage of people who intensified their use and the second figures denoted the percentage of people who started afresh).

11.5.3 In the second village also, 'land resumed' category lagged behind the other two. While only 20 per cent used improved seeds in the 'land resumed' category, 79 per cent in the 'ownership purchased by tenants' category used improved seeds and about cent percent in the 'fixity of tenure obtained' category. Similarly only 20 per cent in the 1st category used chemical fertilisers, 68 per cent and 87 per cent respectively used chemical fertilisers in the 2nd and 3rd categories respectively. So also 16 percent, 60 per cent and 84 per cent used pesticides in the three categories.

11.5.4 In short, once ownership is obtained, the tenant is encouraged to put forth his best. Ownership provides security to people and incentive to produce more.

11.6 The surplus land acquired through ceiling provisions is so insignificant in both the surveyed villages. In the state level also success in this line is very marginal.

11.7 Table 11.9(a) and 11.9(b) reveal the fact that it is the middle peasants who benefited more as a result of land reforms. The relative winners and losers consequent on land reform measures in both villages together is given in Table 11.9(a). It is clear that the middle class farmers benefited more than the large holders or hutment dwellers. Area gained by them was 17.8 per cent of the total area possessed while landlords and rich peasants gained only 5.2 per cent and 12 per cent respectively. Area lost is also less in the case of middle class farmers. It is only 1.3 per cent while it is 3.6 per cent and 3 per cent respectively to the other two classes. Table 11.9(b) shows the effects on the respondents by various agrarian classes. Majority of the landlords considered land reforms a good measure. It was the middle peasants that had benefited more. Almost half of the landlords surveyed considered themselves to have been adversely affected.

Table - 11.9(a)

## Relative Winners and Losers in Kerala's Land Reforms

Sl. No.	Surveyed Villages (Ambalappara II & Kumarakam)	By Classes			
		Land lord	Rich peasant	Middle peasant	Poor peasant
1.	Area gained via land reforms as % of total area possessed	5.2	12	17.8	11.3
2.	Area lost via land reform as % of total area possessed	3.6	3	1.3	0.0

Table - 11.9(b)Perceptions of Effects of Land Reforms in Respondents  
by class

Sl. No.	Class	Percentage Reporting		
		Land Reforms a 'good measure'	Having benefited	Having been affected adversely
1.	Landlord	50	25	35
2.	Rich Peasant	55.2	19.3	22.5
3.	Middle Peasant	78.7	35	9.3
4.	Poor Peasant	58.3	20	5.2

## CHAPTER - XII

### CONCLUSION

"Questions of institutional policy for the coming years in relation to land call for a blending of empirical depth on the one hand and creative theorising on the other."

- Land Reforms in India

Joshi, P.C.

12.1 This chapter offers general inferences that can be drawn from this study.

#### 12.2 Impact of Early Tenancy Reform Measures

12.2.0 In erstwhile Travancore, the early measures undertaken had a salutary effect on the expansion of cultivation. The security offered in the State attracted foreign capital and gave an impetus to a growing scope for commercial investment. Consequently, plantations developed in Travancore. The opening up of plantations resulted in the utilisation of almost the whole of the arable areas in the highland regions of Travancore. It also opened up new opportunities for agricultural and non-agricultural economic expansion. In addition, these reforms

led to the reclamation of swampy areas around the Vembanadu Backwaters for the cultivation of rice. Again, it resulted in the development of Kole cultivation in Cochin. In Malabar, these legislations resulted in the reclamation of waste lands. Consequently, much of the waste lands in Malabar became plantations which in recent years turned out to be one of the most important sectors of Kerala economy.

12.2.1 The tenancy reform measures with their emphasis on tenant's security and regulation of rent coupled with increase in trade in agricultural produce and the rise in agricultural prices in the latter half of the 19th century increased the value of land steadily. By the beginning of the 20th century, land became a valuable security against which anybody could advance loans. This can be seen from the Report of the Travancore Cochin Banking Enquiry Commission 1956. The Commission stated that out of the total advances made by the Banks incorporated in the State in 1955, 26.9 per cent was granted against real estates. Since land became a valuable commodity against which loans could be granted, the banking companies developed in the state. The number of banking and insurance companies went up from 38 in 1922-23 to 163 in 1948-49.

12.2.2 In Cochin also, there was a rapid growth of banks and financial institutions during this period. But Malabar lagged

behind in this respect because land reform measures were undertaken in this region only at a later period.

### 12.3 Impact of Later Reform Measures

#### 12.3.0 Impact on Landlords

12.3.0.1 The agrarian reforms had<sup>a</sup> pronounced effect on the economic status of the landlords. Prior to these reforms, they were owners of large landed properties which were mostly cultivated by their tenants. After the reform measures, the landlord's right of ownership was placed on the same footing as that of the occupants. Land cultivated through tenants became the property of the tenants and the landlords were given only limited area of land for self-cultivation. They were made liable to full assessment. The stipulation that land must be self-cultivated meant that landlords were required to take personal interest in cultivation, something which was quite alien to the landlords especially the Brahmin landlords. This made the landlords change their attitude to land.

#### 12.3.1 Impact on Tenants

12.3.1.1 The immediate effect of the tenancy reforms was the improvement of the status of tenants who became owners. It was established that the absolute proprietary right in land is on the person who carried on its cultivation. Consequently, the structure of ownership and operational holdings significantly altered.

12.3.1.2 Upto November 1980, the Land Tribunals disposed of 99.64 per cent of the total applications received for settlement of tenancy claim (Para 8.7.1) 99.06 per cent of the total applications received under the 'Kudikidappu' category were disposed of and in 94.8 per cent of the total allowed cases purchase certificates were issued (Para 8.7.2). Eviction of old tenants for the creation of new ones with enhanced rents and the forcing of old tenants themselves to pay higher rents were stopped by the reform. No new tenancy was created after the introduction of reform measures.

### 12.3.2 Change in the Distribution of Holdings

12.3.2.1 The average size of holdings has significantly declined. Similarly, the area falling in the category of large holdings as well as percentage of households operating large holdings went down. Percentage of households neither owning nor operating land also showed a significant reduction, mainly due to the assignment of land to Kudikidappukars. Out of the total applications received with reference to the ceiling provisions, 95.3 per cent was disposed of (Para 8.7.3).

### 12.3.3 Impact on Production

12.3.3.1 The most striking trend in the rural tenancy was in agricultural production. There was an increase of nearly 25



per cent in the gross income from land between 1960-61 and 1970-71. Though production continued to rise till 1974-75, output in some of the major crops showed a decline. But there was perceptible increase in the production of Coffee, Tea, Rubber, Cardamom and Bananas. In all districts south of Trichur, increase in cropping intensity was considerably greater.

12.3.3.2 The reform measures also changed the land-use pattern as a result of which higher value crops like coconut were substituted for rice. The change in the cropping pattern helped to contribute to a change in the value added per unit of land. The net area sown had gone upto 55.6 per cent in 1979-80 from 46.6 per cent in 1952-53 (Table 10.7). Further, due to the limited availability of arable land, there was a greater thrust towards intensive than extensive cultivation.

#### 12.3.4 Impact on Employment and Income

12.3.4.1 When the cultivator had title to the land, a more intensive and productive use of land resulted in an increased use of labour. A redistribution of land and capital resources from the large to the small and marginal farms raised total output and employment owing to the larger availability of labour per unit of land and capital among smaller farms. Such a growth

process ensured that gains of development accrue to the poorer sections. Transfer of income from the rich to the poor was built upon the rationale of diminishing marginal utility of income; the idea that transfers led to the satisfaction of more intense wants of the poor. Thus it acted as a release mechanism for development.

#### 12.3.5 Impact on Investment and Capital Formation

12.3.5.1 An effective tenure system which assured fixity of tenure and equitable rental arrangements gave the tenants the necessary incentive to invest more in his farm and to increase production. It also brought sizable capital formation in agriculture (Para 10.3.9.2).

#### 12.3.6 Social Impact

12.3.6.1 Reform measures smashed the once existed social order where status, custom, religion and birth determined a man's means of livelihood and his activities. The system of joint family was broken and consequently, the social influence of jannies was reduced. (Para 10.3.10.4) What is now taking place is the sharing of power between the old and new leadership. A reorganisation of land system involved the most drastic change of property structure and an attack on established interests. By February 1980, more than 2.4 million tenanted

lands became the property of their former tenants. (Para 10.3.10.7)

#### 12.3.7 Impact on Welfare

12.3.7.1 A genuine reform can be a positive game. In a welfare orientation, a larger number of people benefited through a rise in the basic level of living through income distribution. Upto November 1980, a total of 50,150 acres of land were distributed among 79,142 beneficiaries. The Scheduled Caste category constituted 45.70 per cent of the total beneficiaries; i.e., they became owners of 43.79 per cent of the total area distributed (Para 8.7.5).

#### 12.4 Some Discrepancies That Exist After the Reform Measures

12.4.1 In fact, reforms have not completely succeeded in eradicating oral tenancies and benami ownerships. The register containing authentic particulars about land such as ownership and tenancy, rent and revenue are not updated. This has helped many large landholders to make benami transfer and bogus claims of land to evade the ceiling provisions. Redistribution of land achieved was very meagre. But in comparison with the limited achievement in this, the performance in regard to legalisation of titles is far more promising.

## 12.5 Recommendations

12.5.1 It is necessary to point out what land reforms by themselves can and cannot do. The relationship in land is one manifestation of the total institutional setting. Relationship which determines access to other inputs such as capital is important. When a change is to be introduced in land ownership, the implications for other types of relationship cannot be ignored. Secondly, the land-use pattern and technology are mutually interacting. Any misalignment between them causes contrary expectations. Further, supportive organisations and policies may enhance or negate the intended effects. In short, the land relationship should be viewed as part and parcel of the agrarian system.

12.5.2 If there are marked inequities in land ownership or land-use pattern, land reforms can be a potent force for change. But it should be emphasised that if the pressures on land remain unabated and productivity does not increase, land reform will prove only a short-term palliative. In the long run, the success of land reform depends on the existence of an active population control programme, on the contribution of land to raising the level of productivity of the beneficiaries and on the mobilisation of productivity gains to increase opportunities for on-farm and off-farm investment.

12.5.3 A comprehensive employment programme must accompany the nationalised pattern of land holding. The creation of additional opportunities is a must to guarantee lasting success for land reform. An effective employment programme and a population policy are important pre-requisites for success. But these programmes cannot thrive unless productivity of agriculture is raised concurrently so as to reduce poverty. Thus the implementation of land reform is a key component of institutional change because broad-based agricultural development cannot proceed without it.

**SCHEDULE - I**

**RIGHTS ON LANDS AND CROPS CULTIVATED**

**No.I Identification Particulars :**

- 1) District
- 2) Taluk
- 3) Panchayat/Municipal Corporation Ward No.
- 4) House No.
- 5) Family holding size group
- 6) Order of selection
- 7) Family type  
Leased out land (Lost 1 others-2)

**No.II Classificatory Particulars**

- 1) Name of head of family
- 2) No. of members
- 3) Ownership holdings
  1. Number
  2. Area (cents)
- 4) Operational holdings
  1. Number
  2. Area (cents)
- 5) Principal means of livelihood
  1. Cultivator
  2. Labourer
  3. Others
- 6) Annual income
- 7) Caste
  1. Scheduled caste
  2. Scheduled tribe
  3. Others

**No. XII Demographic characteristics of house hold members:**

**Relation to head**

**Age**

**Sex**

**Marital status (code 1)**

**Educational status (code 2)**

**Earners status (code 3)**

**Employment status (code 4)**

**Whether holding any land**

**Area possessed**

**Code 1 (Marital status) 1. Never married. 2. Married.**

**3. Widowed/Divorced/Separated.**

**Code 2 (Educational status) 1. Illiterate 2. Literate below SSL**

**3. SSLC 4. Graduate & above.**

**Code 3 (Earner status) 1. Earner. 2. Earning dependent.**

**3. Non-earning dependent.**

**Code 4 (Employment status) 1. Mainly employed as 1. Cultivator.**

**2. Agricultural labourer, partly employed**

**3. Cultivator 4. Agricultural labourer**

**5. Others.**

**No.IV Details of rights of family members on lands possessed on the date of survey**

Particulars of acquisition of rights on land	Sl.No. of member in block 3		Sl. No. of member in block 3		Sl.No. member block :
	Plot No.	Total land possessed	Plot No.	Total land possessed	Plot T No. 1 P es
1) Location of land					
1. Same Village					
2. Others					
2) Survey No.					
3) Type of land					
1. Wet					
2. Dry					
4) Area					
5) Year of acquisition of right					
6) Right possessed/ acquired (code 1)					
7) Method of acquisition (code) 2)					
8) How acquired (code 3)					
9) From whom acquired (code 4)					
10) Purpose (code 5)					
11) Amount spent					
12) Whether right disputed					
1) Yes      2) No					



**Code 1 (Right acquired or possessed) 1 Ownership and possession**  
2. Ownership alone 3. Possession alone 4. Kudikidappu.

**Code 2 (Method of acquisition) 1. Inherited 2. Partition of**  
inherited 3. Gift 4. Purchase 5. Lease 6. Share  
cropping 7. Mortgage 8. Kudikidappu 9. Others.

**Code 3 (How acquired) 1. Settlement between parties involved**  
2. Through land tribunal 3. Through civil courts 4. Others

**Code 4 (From whom acquired) 1. Relatives 2. Tenants 3. Landlord**  
4. Devaswan 5. Church 6. Other religious or charitable  
trusts 7. Others.

**Code 5 (Purpose of acquisition) 1. Construction of residential house**  
2. Personal cultivation 3. Acquisition of tenant's right  
4. Acquisition of landlord's right 5. Kudikidappu 6. Others

**No.V Details of rights on lands alienated by family members during  
the period from 1-4-1964 to**

Particulars of alienated land	Sl.No. of member in block 3		Sl.No. of member in block 3		Sl.No. of member in block 3	
	Plot No.	Total	Plot No.	Total	Plot No.	Total

**1) Location of land**

1. Same Village

2. Others

**2) Survey No.**

**3) Type of land**

1. Wet

2. Dry

- 4) Area
- 5) Year of alienation
- 6) Right alienated  
code I
- 7) Method of alienation  
Code II
- 8) How alienated  
code III
- 9) To whom alienated  
code IV
- 10) Purpose  
code V
- 11) Amount received  
if any.

Code I (Right alienated) 1. Ownership and possession. 2. Ownership alone. 3. Possession alone. 4. Kudikidappu.

Code II (Method of alienation) 1. Sale. 2. Partition. 3. Gift. 4. Mortgage. 5. Surrender to the tenant. 6. Resumption by owner. 7. Evicted by owner. 8. Others.

Code III (How alienated) 1. Settlement between parties involved. 2. Through land tribunal. 3. Through civil courts. 4. Others.

Code IV (To whom alienated) 1. Relatives within the family. 2. Outside the family 3. Tenant 4. Landlord. 5. Others.

Code V (Purpose of alienation) 1. For money 2. Right acquired by tenant 3. Right acquired by land lord 4. Kudikidappu 5. Others.

**No.VI Details of Kudikidappu Right in the Lands by Family  
on the date of survey**

**Code**

- 1) **Duration of Kudikidappu**
  1. 5 yrs.    2. 5-10 yrs.    3. 10-20 yrs.
  4. 20 yrs. and above
- 2) **Whether registered as Kudikidappu**
  1. Yes
  2. No
- 3) **If yes**
  1. Year of registration
  2. Area under Kudikidappu
  3. Value of rent payable
- 4) **Whether possessed any other land**
  1. Yes    2. No
- 5) **If yes, type of land and area**                      **Wet**                      **Dry**                      **Total**
- 6) **Whether the land owner had attempted to evict the Kudikidappu**
  1. Yes    2. No
- 7) **If yes, on what grounds**
  1. settlement    2. through land tribunal
  3. through civil courts    4. Other means
- 8) **Whether Kudikidappu was shifted from its original location**
  1. Yes    2. No

- 9) Whether Kudikidappukaran has purchased his Kudikidappu
- 10) Right possessed by Kudikidappukaran  
 1. Owner 2. Registered Kudikidappu  
 3. Others
- 11) Was there any dispute between the Kudikidappukaran and landlord  
 1. Yes 2. No
- 12) Have you planted any perennial trees since obtaining ownership of Kudikidappu  
 1. Yes 2. No
- 13) If yes, give the number and type
- | Type | Coconut | Arecanut | Jack | Mango |
|------|---------|----------|------|-------|
|------|---------|----------|------|-------|

**No.VII Details of Crops Cultivated in the Holdings of Family Members**

- 1) Plot No.
- 2) Name of village
- 3) Survey No.
- 4) Area of Plot
- 5) Patch No.
- 6) Area of patch
- 7) 1. Wet 2. Dry
- 8) 1. Irrigated  
 2. Un-irrigated
- |  | Season Code |
|--|-------------|
|--|-------------|
- 9) Paddy
- |  | Area | Code |
|--|------|------|
|--|------|------|

**10) Other crops**

**Area**

**Code**

**11) Plantations**

**Area**

**12) Mixed crops**

**13) Other dry land**

**14) Private forests**

**15) Uncultivable waste**

**16) Site occupied by Dwelling,  
Houses**

**17) Lands comprised of mills,  
factories or workshop**

**Season Code : Paddy: 1. Virippu 2. Mundakan 3. Punched**

**4. Virippu and Mundakan**

**5. Virippu and Punched**

**6. Mundakan and Punched**

**7. Virippu, Mundakan and Punched**

**Other Crops: 1. Coconut 2. Arecanut 3. Cashew**

**4. Pepper 5. Sugarcane 7. Others**

**Plantation Crops: 1. Tea 2. Coffee 3. Cocoa**

**4. Rubber 5. Cinnamon 6. Cardamom**

SCHEDULE - II

**No. I Identification Particulars**

- 1) District
- 2) Taluk
- 3) Panchayat/Municipality/  
Corporation Ward No.
- 4) House No.
- 5) Family holding size group
- 6) Order of selection
- 7) Family type  
(leased out land lost-1/others-2)

**No. II Classificatory Particulars**

- 1) Name of head of family
- 2) No. of members
- 3) Ownership holdings  
1. No. 2. Area
- 4) Operational holdings  
1. No. 2. Area
- 5) Principal means of livelihood  
(cultivator-1, agricultural labour-2,  
others-3)
- 6) Annual income
- 7) Caste  
(Scheduled caste-1, Sch.tribe-2, others-3)

**No.III Details of fixity of tenure and purchase of landlord's right as lands held by the family members during the period from 1-4-1964**

1) Sl. No. of family members as in No.III Sch.I

2) Sl.No. of plot as in No.IV Sch.I

3) Area (Cents)

4) Year of lease

5) Type of tenancy

(1. oral 2. documentary)

6) Tenancy status

(1. Intermediary tenant 2. tenant  
3. Sub-tenant)

7) Type of tenure (code 1)

8) Type of Janmi (code 2)

9) How obtained (code 3)

10) Fixity of tenure

1) Year of settlement

ii) If not settled whether eligible

1. Yes 2. No

iii) If yes, condition (code 4)

11) a. Purchase of landlord's right

i) Year of purchase

ii) How purchased through

1. LT 2. Others

**b. Payment of compensation**

**i) No. of instalments**

**ii) Amount per instalment**

**iii) Reason for no action (code 5)**

**12) Dispute regarding trees**

**i) Whether dispute arose**

**1. Yes    2. No**

**ii) If yes action taken for settlement  
(code 6)**

**Codes : 1) Type of tenure : 1. Kanam    2. Kuzhikanam**

**3. Kanam Kuzhikanam    4. Verumpattan**

**5. Mulgeni    6. Chalgeni    7. Vaidageni**

**8. Kudiyiruppa    9. Deemed tenancy**

**10. Others (specify)**

**2) Type of Janni : 1. Government    2. Devaswam**

**3. Other religious (charitable/  
educational institutions)**

**4. Other institutions    5. Small holder**

**6. Range holder**

**3) Fixity of tenure (how obtained) 1. through LR act**

**2. not questioned    3. pending dispute**

**4) If eligible for fixity of tenure condition : 1. right**

**already purchased    2. pending with LR**

**3. no action taken**



5) Reason for no action : 1. ignorance of law 2. fear of  
landlord 3. desirous of main-  
taining good relations with landlord

6) Action for settlement of dispute : 1. taken to LT  
2. taken to civil court  
3. not taken to any event

No.IV Contract rent, fair rent fixed, arrears of rent and  
compensation received for interests on land alienated  
during the period from 1-4-64

1) Sl.No. of family member as in No.III Sch.I

2) Sl.No. of plot as in No.V Sch.I

3) Area of plot (cents)

4) Year of lease

5) Type of tenure (code 1)

6) Type of landlord

(1. small holder 2. others)

7) Value of contract rent (Rs.)

i) Rent

ii) Customary payments

iii) Total

8) To whom paid (code 2)

9) Share value (Rs.)

i) Landlord

ii) Intermediary

10) Arrears of rent (if any) outstanding (Rs.)

11) Whether settled 1. Yes 2. No

- 12) If not settled action taken (code 3)
- 13) If no action (code 4)
- 14) Fair rent fixed
  - i) Year
  - ii) Value (Rs.)
- 15) If fair rent not fixed, reason (code 5)
- 16) Remission of rent if any
  - i) occasion (code 6)
  - ii) year
  - iii) how made (code 7)
- 17) Compensation received for rights on lands alienated (Rs.)
- 18) How obtained (code 8)

Codes :

- 1) Type of tenure : 0. Kudikidappu 1. Kanam 2. Kushikanam  
 3. Kanam Kushikanam 4. Verumpattam 5. Mulgeni  
 6. Chalgeni 7. Vaidegeni 8. Kudiyirappu 9. Deemed  
 tenancy 10. Others
- 2) To whom paid : 1. Landlord 2. Intermediary 3. Partly  
 to landlord and partly to intermediary
- 3) Arrears of rent, if not settled action taken :
  1. Applied in Land Tribunal 2. Civil  
 Court 3. Direct negotiation
  4. No action
- 4) If no action, why : 1. Lack of finance 2. Ignorance  
 of law 3. To avoid litigation  
 4. Indifference

- 5) Reason for not fixing fair rent : 1. Cultivator satisfied with contract rent 2. Others
- 6) Occasion : How obtained : 1. Flood 2. Drought 3. Others
- 7) How made : 1. Through LF 2. Claimed but not obtained  
3. Not claimed
- 8) How obtained: 1. From the tenant 2. Through LF 3. Civil court 4. Others

**No. V Capital formation in the holdings since 1-4-'64**

**1) Irrigation facilities made since 1-4-'64**

Sl.No.	Item	No. constructed Since 1-4-64	Total cost incurred(₹)	No. existing on the date of survey
1.	New Wells constructed			
2.	Old wells renovated			
3.	New tanks constructed			
4.	Old tanks renovated			
5.	Other irrigation facilities (specify)			

Sl.No.	Item	Electric	Diesel	Total	No.existing on date of survey	Electric	Diesel	Total
1.	No. installed since 1-4-'64							
2.	Capacity (H.P)							
3.	Cost including accesseries							
4.	Cost of pump houses							

5. Cost of laying out channels for distribution
6. Cost of other devices (water wheels etc.)

iii) Land improvements made since 1-4-'64

Sl.No.	Item	Length of bunds and walls	Area covered (cents)	Cost incurred (Rs.)
1.	Bunds and walls constructed			
2.	Bunds and walls repaired			
3.	Terracing and levelling of land	X		
4.	Drainage improvements made	X		
5.	Others (specify)	X		

IV) Purchase of farm machinery and equipment

Sl.No.	Machinery/equipment	No. purchased since 1-4-'64	Cost incurred (Rs.)	No. existing on date of survey
1.	Tractors			
2.	Power tillers			
3.	Other tillers			
4.	Sprayers (power)			
5.	Sprayers (annual)			
6.	Dusters (power)			
7.	Dusters (manual)			
8.	Treshers			
9.	Others (specify)			

V) Construction of farm houses

Sl.No.	Item	No.constructed since 1-4-'64	Area in Sq.ft.	Expenditure (Rs.)
1.	Cattle Shed			
2.	Threshing floor			
3.	Store house			
4.	Pump house			
5.	Smoke house			
6.	Others			

VI) Construction of residential buildings

Sl.No.	Item	No. constructed since 1-4-'64	Area in Sq. ft.	Expenditure (Rs.)
1.	New buildings constructed			
2.	Old buildings repaired			
3.	Addition to old buildings			
4.	Others (construction and repair charges)			

No. VI Adoption of improved agricultural practices:

1) Paddy

1)	Improved seeds	Virippu	Mundakan	Puncha
a)	Whether using high yielding variety seeds (1 Yes 2 No)			
b)	Area covered during 79-80			
c)	Year of first use			
d)	Whether discontinued since first use (code)			

- |  | Vrippu | Mundakan | Puncha |
|--|--------|----------|--------|
| 2) Chemical fertilisers                                    |        |          |        |
| a) Whether using chemical fertilisers (1 Yes 2 No)         |        |          |        |
| b) Area covered during '79-80                              |        |          |        |
| c) Value of fertilisers used during 79-80                  |        |          |        |
| d) Year of first use                                       |        |          |        |
| e) Whether discontinued since first use (code)             |        |          |        |
| 3) Plant protection chemicals                              | "      | "        | "      |
| a) Whether using plant protection chemicals ( 1 Yes 2 No)  |        |          |        |
| b) Area covered during 79-80                               |        |          |        |
| c) Value of chemicals used                                 |        |          |        |
| d) Year of first use                                       |        |          |        |
| e) Whether discontinued since first use (code)             |        |          |        |
| 4) Nursery and Transplanting                               | "      | "        | "      |
| a) Whether adopting nursery and transplanting (1 Yes 2 No) |        |          |        |
| b) Area covered during 79-80                               |        |          |        |
| c) Year of first use                                       |        |          |        |
| d) Whether discontinued since first use (code)             |        |          |        |
| 5) Weeding   | "      | "        | "      |
| a) Whether adopting weeding ( 1 Yes 2 No)                  |        |          |        |
| b) Area covered  |        |          |        |
| c) Year of first use                                       |        |          |        |
| d) Whether discontinued since first use (code)             |        |          |        |

- |  | Virippu | Mundakan | Puncha |
|--|---------|----------|--------|
| 6) Lime application  |         |          |        |
| a) Whether using lime application (1 Yes 2 No)   |         |          |        |
| b) Area covered  |         |          |        |
| c) Year of first use   |         |          |        |
| d) Whether discontinued since first use (code)   |         |          |        |
| 7) Interculture  | "       | "        | "      |
| a) Whether adopting interculture (1 Yes 2 No)  |         |          |        |
| b) Area covered  |         |          |        |
| c) Year of first adoption  |         |          |        |
| d) Whether discontinued since first adoption (code)  |         |          |        |
| ii) Perennial crops  |         |          |        |
| 1. Chemical fertilisers  | "       | "        | "      |
| a) Whether using chemical fertilisers for perennial crops (1 Yes 2 No)                             |         |          |        |
| b) Area covered  |         |          |        |
| c) Value (cost)  |         |          |        |
| d) Year of first use   |         |          |        |
| e) Whether discontinued since first use (code)   |         |          |        |
| 2. Plant protection chemicals  | "       | "        | "      |
| a) Whether using plant protection chemicals (1 Yes 2 No)   |         |          |        |
| b) Area covered  |         |          |        |
| -----  |         |          |        |
| Whether discontinued since first use (code)-1 Yes, discontinued and started again 2, continuing 3, |         |          |        |

- c) Value (cost)
- d) Year of first use
- e) Whether discontinued since first use (code)

**No. VII Area of land brought under fresh cultivation since 1-4-'64**

1) Seasonal crops (pure)	Area cultivated during '79-'80 (cents)	Whether discon- tinued since start (code)
1. Paddy Virippu		
2. do Mundakan		
3. do Puncha		
4. Tapioca (i)		
5. do (ii)		
6. do (iii)		
7. Vegetables (i)		
8. do (ii)		
9. do (iii)		
10. Banana		
11. Plantain		
12. Others (i)		
13. do (ii)		

ii) Perennial Crops (pure)	Area cultivated (cents)	No. of trees planted
1. Coconut		
2. Arecanut		
3. Mango		
4. Jack		
5. Cashew		



- 6. Pepper
- 7. Nutmeg
- 8. Cloves
- 9. Cocoa
- 10. Others (specify)
- 11.
- 12.
- 13.

ii) Mixed Crops	No./area
a) Perennial	No.
1. Coconut	No.
2. Arecanut	No.
3. Mango	No.
4. Jack	No.
5. Cashew	No.
6. Pepper	No.
7. Nutmeg	No.
8. Cloves	No.
9. Cocoa	No.
10. Others (specify)	No.
11.	No.
12.	No.
b) Seasonal (specify)	
13.	Cents
14.	Cents
15.	Cents

- 16. Cents
- 17. Cents
- 18. Area cultivated with mixed crops

**No. VIII Livestock and poultry possessed on the date of survey**

Name	No. as on the date of survey
1. Cows in milk	
2. Cows (dry)	
3. Calves	
4. Buffaloes in milk	
5. Buffaloes (dry)	
6. Calves	
7. Goats in milk	
8. Goats (dry)	
9. Young ones	
10. Bulls and bullocks	
11. He buffaloes	
12) He goats	
13) Cocks and hens	
14) Ducks	
15) Chickens and duckling	
16)	
17)	
18)	

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## GLOSSARY

1. Anubhogam - A Favourable Tenure That was Prevalant in the Janmom Lands of Kerala.
2. Brahaswamvaka - Belonging to Brahmins.
3. Brahmins - The priestly caste in the four caste classification of Hinduism.
4. Chalgeni - Tenancy-at-will prevailing in South Canara.
5. Court of Adalat - Court of Justice established by the British in India.
6. Devaswom - Literally means belonging to the Deity; in usage 'Pertaining to Hindu Temple.'
7. Devaswamvaka - Belonging to Hindu Temple.
8. Edavakais - Name given to the free hold estates owned by the four former chieftains of Travancore: viz., Poonjar, Vanjipuzha, Edapally and Kilimanoor.
9. Inam - Land granted free of land revenue of persons holding particular offices or performing services.
10. Inamdar - Holder of an Inam.
11. Janmakolu - A service tenure usually granted by a Janmi.
11. Janmi - Superior caste landowner in Kerala who claimed to have enjoyed allodium in the soil and got the claim partially recognised by the British.
12. Janmikaram - The commuted value of the rent fixed by the State for the lands covered by the Travancore Janmi-Kudiyan Act of 1896 and Travancore-Cochin Kanom Tenancy Act of 1955. The rent is collected by the State and paid to the concerned Janmies.



14. **Janmom** - The allodial property right claimed by the Janmi and partially recognised by the British Government in India.
15. **Janmom Attipper** - The last stage in the sale of Janmom land in the earlier times.
16. **Janmom Panayam** - Mortgaging Janmom Right.
17. **Kandukrishi** - Farm lands of the Ruler of Travancore.
18. **Karamozhivu** - Land enjoyed free of land revenue.
19. **Karayma** - A tenure almost similar to karamkari which means a service tenure granted by Local Chieftains.
20. **Kanom** - A customary tenure interpreted by British Courts as possessing the characteristics of both lease and mortgage.
21. **Kanomdar** - The holder of Kanom tenure.
22. **Kanom-Kushikanom** - A lease which has the characteristics of Kanom and Kuzhikanom.
23. **Keividuga Otti** - One of the initial stages in the transfer of Janmom right in the earlier times.
24. **Kudijanmom** - Free-hold right enjoyed by members belonging to lower castes through grants from the original land owners.
25. **Kudikidappu** - Occupying a hutment erected of anothers' land generally by a landless person.
26. **Kddikidappukaran** - A person having a Kudikidappu.
27. **Kudiyam** - Usually the holder of Janmikaom land , but sometimes used for a Kanom tenant also.

28. **Kulikanapattam** - A Kuzhikanom lease which involves payment of rent by the tenant.
29. **Kuthakapattam** - Lease of land from the State for a specified period.
30. **Kuttikanom** - Lease of forests mainly for felling trees.
31. **Kuzhikanom (Kulikanom)** - Lease of waste land (or land which could be improved) in favour of a cultivator who has to make improvements in the land.
32. **Kuzhikanomdar** - Tenant holding a Kuzhikanom.
33. **Madampi** - A Non-Brahmin chief.
34. **Madampimarvaka** - Belonging to Madampis.
35. **Melcharths** - Lease (with possession) secured by a third person by paying a larger sum to the owner than what was paid by the tenant who was holding the land.
36. **Melkanom** - Kanom lease secured by a third person through the same method as in the case of Melcharth.
37. **Maplahs** - Muslims of Malabar.
38. **Mulgenidars** - The principal tenants of south Canara.
39. **Mulwargadars** - Supposed to be the original land-owners of South Canara.
40. **Ooranma Devaswamvaka**- Belonging to private temples.
41. **Otti** - Mortgaging Land.

- 42. Ottikupuram - Transfer of further right in Jannom after mortgage.
- 43. Panayam - Mortgage.
- 44. Pandarapattam - See Pandaravakapattam.
- 45. Pandaravaka - Belonging to the State.
- 46. Pandaravaka Kanam (Pandaravaka Kanapattam) - Favourable tenure of Government sort lands which have the characteristics of Kanam.
- 47. Pandaravaga Otti - Favourable tenure of Government sort lands having the characteristics of mortgage.
- 48. Pandaravaka Pattam (Pandarapattam) - Non-favourable tenure of Government sort lands on which full rate of land revenue is charged.
- 49. Pandaravaka Verumpattam - Same as above.
- 50. Patta - The title deed of ryotwari land issued to the peasant by the State.
- 51. Pattadar - Holder of a Patta.
- 52. Pattam - Rent or tenancy.
- 53. Puramboke - Land earmarked for the community use by the State.
- 54. Rajabhogam - Share that is due to the King; light revenue assessment of land under the control of certain Jannies.
- 55. Rajas - Former rulers of Chieftaincies.
- 56. Sadr Adalat - Final Court of Appeal established by the British in Madras Presidency.

57. Sree Padmanabha Swamy - The Family Deity of the former Rulers of Travancore.
58. Sreepadom - Title of a branch family of the former Rulers of Travancore.
59. Sreepadomvake - Belonging to Sreepadom Palace.
60. Tiruppuvarom - Land revenue disbursed by the State to private parties (Generally to Hindu Temples).
61. Todu Panayam - Hypothecation of land.
62. Verumpattam - Tenancy-at-will.
63. Verumpattandar - Tenants leasing-in land on tenancy-at-will.
64. Viruthi - Service tenure of Travancore.
- ~~65. Viruthi~~ - Persons enjoying Viruthi Tenure.
66. Zamorin - The most powerful Ruler of Malabar whose capital was at Calicut.

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