CHAPTER V

TENANCY LEGISLATION

Land reform was one of the objectives declared by the Indian National Movement to mobilise the rural population in the main stream of the freedom struggle. "Land to the tiller" is the slogan of land reforms, but the tenant who cultivates the land by the sweat of his brow or aspirations of life, sharing either the crop or paying a fixed rent to the landlord was unlikely to achieve this goal. Resistance was bound to face for any such attempts in a feudalistic society like India. That is why the agrarian relations based on land ownership, land control and use of land continue with slight change in almost all Indian states even today. The success of the tenancy reform is the result of an increase in the awareness of the tenants brought by the tenancy movement. Thus wherever powerful tenancy movements were organised, backed by political ideology, the slogan "land to the tiller" was realised.

Pre-independence and post-independence period marked agrarian discontent in various parts of India. Many provinces of British India passed tenancy legislation which resulted in temporary relief to certain classes of the peasantry. Our constitution itself proclaims the significance of land reform through the inclusion of the four corner stones-justice, liberty, equality and fraternity in the preamble of the Indian constitution and land reform acts had become imperative on the part of the state governments. The first five year plan recommended security of tenure for tenants subject to the landlord’s rights to resume a limited area for personal cultivation. It was also suggested that there was advantage in the government establishing direct contact with tenants or the abolition of intermediaries and also recommended that the rent should not exceed one-fourth or one-fifth of the produce.

Politically, economically and socially the peasantry were very weak to recognise their rights and also to insist on the rights. Various tenancy laws passed by the states contain loopholes and these loopholes were exploited by the landowners with the help of the bureaucrats. Hence, it was noted that the tenancy legislation implemented during the first five year plan failed miserably. Damle who studied the tenancy legislation in South Canara District, expressed that

"the avowed purpose of such tenancy legislation had been to give protection to tenants against from their lease-holdings. But the inherent weakness of these tenancy legislation was the provision that provided the landlords with power to resume their leased out lands for personal cultivation, which had a detrimental effect on the actual existence of tenants".

The post war period had resulted in abnormal rise in the prices of the agricultural products and this eventually led to hoarding and black marketing. Rack-renting, indebtedness and large scale of eviction were the peculiar features of the period. This created crisis in the agrarian structure resulting in powerful conflicts. Under the leadership of the Communist Party, the workers and the peasants started militant agitations in many parts of the district.

The government appointed Raghavendra Rao as the special officer\(^1\) to investigate the land tenure system in the ryotwari areas of the Madras Presidency in 1946. He studied the land tenure system of the ryotwari areas and recommended that\(^2\) the conditions of the small peasants proprietors should be improved by ensuring fair rent and freedom of eviction.

As per the recommendation of the committee and the pressure from the agrarian classes, the government resorted to certain measures to protect the tenants from eviction, which was the powerful weapon in the hand of the landlords. Thus the government introduced Madras Ryot and Tenants Protection Act of 1946\(^3\). This act was to provide a temporary protection of certain classes of tenants and ryots in the province of Madras. The Communists were actively engaged in organising the tenants for bargaining their rights with the landlords in various parts of Madras state, particularly in Malabar, Tanjore and in parts of South Canara. The Madras Tenants and Ryots

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1. G. O. No. 403, Revenue, Madras Government, dt. 22\(^{nd}\) June, 1946.


Protection Act\(^{(1)}\) was enforced in 1949. The act contained the following provisions. No tenant of any private land in an estate shall be liable to be evicted by his landlord in pursuance decree or order for eviction and no holding of a ryot shall be liable to be sold or brought to sale in pursuance of a decree of order or other proceedings, for recovery of rent. In 1950 the Government enacted the Madras Agriculturists Relief (Amendment) Act\(^{(2)}\). It provided that no creditor should be required to refund any sum which has been paid to or realised by him before the commencement of the Act.

The Madras Estates Land (Reduction of rent) Act of 1951 provided that\(^{(3)}\), the amount of rent paid by a ryot before the commencement of this act of fasli 1357 or for any subsequent fasli, was in excess of the rent should be adjusted towards the rent payable by him to the holder for any subsequent fasli. The Madras Indebted Agriculturists (Temporary Relief) Act of 1954, provided\(^{(4)}\) Temporary relief to indebted agriculturists. The agriculturists, who had borrowed or added to their debts during the years of drought and may, if freed for a time from the pressure of creditor, be enabled to rehabilitate themselves.

On 27\(^{th}\) February 1954, the South Canara Cultivating Tenants Protection Act had received the assent of the President of India. It was originally intended to provide protection from eviction to the cultivating tenants in the district. It was to be in force for a year. The major defect of the Act was

that, it did not contain any specific provision to prevent the landlord from evicting the tenants. The Act provided the provision that the tenant could deposit the rent in the Civil Court or if the rent be payable in kind, its market value on the date of deposit. This provision was important to help the tenants to gain documentary evidence instead of the receipt of rent from the landlords, who were not ready to issue receipts. The prominent demerit of the Act was that it did not even specify the maximum rent payable by the tenant.

The Madras Cultivating Tenants Protection Act, 1955 received the assent of the President on 24th September 1955. It incorporated the main provision of the South Kanara Cultivating Tenants Protection Act 1954, that the tenant could deposit rent in the Civil Court. The Act provided protection from eviction to cultivating tenants in certain areas of the state of Madras. No cultivating tenants shall be evicted from his holding or any part there of, during the continuance of this Act or at the instance of his landlord, whether in execution of a decree or order of a court or other wise. Receipt for payment of revenue was legally enforceable by the tenants. The salient features of the Act were that the landlord could not evict the tenant cultivating land, but he could get only half the extent of the land under tenancy leased for self-cultivation leaving the remaining half to the tenant. The Act ended in failure because the Government did not take any measure to prevent eviction. The tenant was not required to return the land to the landlord who had over 13 acres of wet land or an income tax payee. Rent could not constitute over 33-40 percent of the crop share.
Further, the South Canara Cultivating Tenants Protection Act was repealed through the introduction of the Madras Cultivating Tenants Protection (Amendment) Act of 1956\(^{(1)}\). Notwithstanding such repeal, all proceedings taken under the South Canara Cultivating Tenants Protection Act and which were pending on the date of coming into force of the act should be disposed of by the court before such proceedings were pending as if that Act had not been passed.

The Act gave right to the landlords to resume land for personal cultivation. The personal cultivation was so easily defined in the act as it could be easily misused by the landlords. The Act also contained the provision that the landlord could evict his tenant, in case the tenants neglected land or took to any activity which could destroy the fertility of the soil.

The Madras cultivating Tenants (Payment of Fair Rent) Act 1956\(^{(2)}\) was passed and came into force on the 1\(^{st}\) October 1956. According to the provisions of the act fair rent was determined as

1. In the case of wet land, 40 per cent of the normal gross produce or its value in money.

2. In the case of wet land where the irrigation was supplemented by lifting water 35 per cent of the normal gross produce or its value in money.

3. In the case of any other class of land 33-1/3 per cent of the normal gross produce or its value in money.

Notwithstanding any neglect or failure on the part of the cultivating

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tenant to raise any crop, the land owner should be entitled to collect fair rent. The fair rent in respect of any land might be paid either in cash or in kind or partly in cash and partly in kind in accordance with the terms of the contract between the landowner and the cultivating tenants.

Even though these acts were introduced to protect the tenants from eviction or of fair rent, they did not provide a safeguard to the tenants. Vast majority of the Chalageni tenants did not have any documentary evidence to prove their tenancy right. Thus the tenants did not get legal protection from eviction. Indebtedness and eviction continued in South Canara District. The landlords made use of the loopholes in the acts for their vested interest.

Land Legislation after the formation of the Linguistic states

As a part of the reorganisation of the states, new linguistic states came into existence and on 1st November 1956. Kasaragod which existed as a part of South Canara District was amalgamated with Kerala State and South Canara or Dakshina Kannada District became a part of the Karnataka or Mysore state. After the formation of these states, Kerala and Karnataka enacted their own land reforms acts according to the political conditions prevailed in each states. Thus, there emerged differences in the nature of the land reforms and its implementation in each States. So in order to understand the tenancy legislation of the district, it is necessary to study the tenancy legislation of these two states and to make a comparative study of the nature of the tenancy legislation and its impact up on the agrarian relations.
Land Reforms in Karnataka

Till independence there was no specific laws in land leasing practices. However after independence it might have received a set back with the introduction of the Madras Prevention of Ejectment Act of 1954. As stated above, the Madras Cultivating Tenants Protection Act of 1955, prohibited eviction of tenants in South Canara District for one year. This Act was amended in 1956 extending the period of stay of eviction from one year to three years also making the act applicable all over the state except in areas where Malabar Tenancy Act of 1929 was in force.

This amendment also conferred on the landlord the right to resume for personal cultivation half the extent of the land leased to a tenant provided that the extent of land held by him on 1st October 1956 did not exceed 13.3 acres of wet land or its equivalent on the basis that one acre of wet land was equal to 1½ acres of garden land or 3 acres of dry land. The right of resumption was subject to the further condition that it should be limited to such an extent as would, along with the extent already held by the landlord either as owner or as tenant or both, would makeup an extent of five acres of wet land. The payment of Fair Rent Act of 1956 attempted to rationalize the rent payable to the landlords.

The second stage of the peasant struggle started in the district after the formation of the Dakshina Kannada District. In this stage the Raitha Sanghas under the leadership of the Communists and the Praja Socialist Party

2. Ibid, p. 11.
3. Joshi G. V. Dasina Kannada Jilleta Raith Horattar (Mangalore University, 1989, p. 13.)
(PSP) were in the forefront of the peasant agitations.

The large scale evictions of tenants were an important feature of the agrarian structure of the district during the period between 1951 and 1957. Thus the number of the tenants in Dakshina Kannada District was sharply declined\(^\text{1}\) from 589017 in 1951 to 490571 in 1957. During the short period around one lakh of tenants were evicted. Though the Raitha Sangha resorted to agitations against this eviction in several parts of the district, it failed miserably to resist the large scale eviction. It was easy for the landlords in the district to establish their right of resumption because they were residing in the very villages in which their leased out lands were situated. For the same reason it was easy for them to get the support of revenue and police departments for evicting their tenants.

Kondady movement\(^\text{2}\) was an important agitation against eviction. The peasants under the leadership of Baikadi Sheenappa Shetty, U.S. Nayak and Devis Luis of P.S.P led the struggle. In November 1956 the peasants began agitation against eviction of Gowramma, a poor tenant in Kondady of Udipi taluk, by the landlord. This agitation continued for 17 days and thousands of peasants participated in the agitation. At last the landlord was forced to hand over the land to the tenant Gowramma. This Kondady agitation paved the way to create a new enthusiasm among the agitating peasantry against landlordism.

The State Government of Mysore appointed the Mysore Tenancy

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2. Joshi G. V. Dasina Kannada Jilleta Raith Horattar (Mangalore University, 1989, p. 16.)
Agricultural Land Laws Committee on 10th May 1957. The committee was authorised to examine the existing laws and practices in regard to the land tenancy in several areas of the state and consistent with recommendation of the Planning Commission suggested suitable measures for regulating land tenures(1). It also authorised to examine whether it was feasible to have a common tenancy law in the new state of Mysore.

The measures suggested(2) towards the end shall cover the matters like, fixity of rent, security of tenure, right of resumption of land by landlords for personal cultivation, right of purchase by tenants and payment of compensation to landlords, ceiling extent of landholding, fixing the extent of basic or economic and family holdings and specifying the areas to which they apply, prohibition of land ownership as a source of income by persons who were not themselves cultivators or by those who did not reside either in the village in which the land was situated or on the farms, matters relating to the assumption and management or acquisition of lands by government, acquisition of land from persons who own the land in a village but who were neither agriculturists nor residents of the village and restraint on alienation of land in favour of non-agriculturists.

B. D. Jatti(3) was the chairman of the committee consisting of eleven members and the committee submitted its report on 10th September 1957. The committee expressed the opinion that the agricultural economy of the state largely approaches the ideal of peasant proprietorship. The major

2. Ibid, p. 1,2.
3. Ibid, , p. 42.
recommendations of the committee were\(^{(1)}\)

1. Small holders owing not more than a family holding may also be allowed to lease out land.

2. Small holding (owning not more than a family holding) whose total income from all sources including the rent of the land in question does not exceed Rs 1200 would have the benefit of this exemption.

3. In the case of existing leases a limited right of resumption to the owner, the lease continuing in respect of the resumable area as long as the right of resumption subsists.

4. All leases to be made in future should be in writing and a copy should be filed with the prescribed authority unless registered under the Indian Registration Act.

5. The owner who owns less than a basic holding may resume the entire area for personal cultivation. A person who holds land exceeding a basic holding but less than a family holding should be permitted to resume for personal cultivation one-half of the area held by the tenant but in no event less than a basic holding.

6. The leases should run indefinitely and terminable only if the owner requires the land for personal cultivation and the usual conditions for the resumption of land for personal cultivation were fulfilled.

7. The fair rent in respect of all lands, other than lands with assured irrigation might be fixed at one-fifth of the gross produce, the landlord paying the assessment and other government dues.

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\(^{(1)}\) Report Of The Mysore Tenancy Agricultural Land Laws Committee, (Bangalore, 1958), p. 46, 47, 51, 57, 63, 65
8. The ownership of all non-resumable area might vest in government from a notified date subject to government paying compensation to the owner. Tenants will acquire ownership rights on payment of the compensation paid by government. The Government should take over the responsibility to pay compensation and recovering the same from tenants in installments.

9. The government pay the compensation in a lump sum immediately in the case of persons from whom less than a basic holding had been taken over.

Even though the Jatti Committee had submitted its report in a short period, Government delayed the tenancy legislation in order to safeguard the interest of the land owning class who continued eviction. Thus, the peasant organisations started agitations against eviction and for the speedy enactment of a land reform act. The peasants under the leadership of P. S. P. in the district organised meetings to condemn the delay and the indirect support given by the Government for the eviction of the tenants. Kashimale Shakar Poojari of Vittal was the tenant of Laxman Sen. The tenant was evicted by the landlord and a case was charged against him. It was reported that the police co-operated with the landlord in harassing the tenant. Many such incidents of eviction with the support of the police were reported from the district.

In 1958 the Raitha Sangha started campaign for the immediate enactment of the land reform legislation. As a part of this the Sangha organised jathas in each districts and these jathas marched to Bangalore. In South Canara
District M.H. Krishnappa, Janardana Nayak and Veerppa Saliya took leadership of the march.

The meeting of the peasants were organised in Upptage village of Udipi taluk on 20th November 1958. They discussed the draw backs of the Jatti Committee Report and formulated their suggestions and submitted to the government in April 1959. Puttur, Vittla, Belthagadi and Udipi became the centers of the peasant activists.

The eviction and atrocities resulted in the peasant agitations including meetings and rallies. They repeated the demand for land to the tiller and speedy enactment of the tenancy legislation. In many places the agitations resulted in open clashes between the landlord and the peasantry. Criminal acts like burning of the tenant houses, forcible harvest of the tenants crops and the use of goonda elements against the tenants were common during this period. These happenings became important matters of discussion and criticism during the meetings and rallies.

The proposed Land Reform Act exempted the tea, coffee, coconut and arecanut plantations. So the peasantry decided to oppose the proposal and organised mass propaganda to include the plantation areas in the scope of the tenancy legislation.

In April 1959 the peasants organised rallies at Puttur, Belthagady, Udipi and Vittal. In Puttur, K. Monappa Shetty took the leadership and in Belthagady, P. M. Rajendra was the leader. P. Sheena Naik and B. N. Ramayya Setty presided over the rallies in Udipi and Vittal respectively. In all these rallies the peasants demanded the reduction of rent, prohibition of eviction and the
immediate enactment of the progressive land reform law. It urged the peasants to unite and agitate for land reform act.

Following the recommendation of the Jatti Committee a bill was formulated in 1961, known as the Karnataka Land Reforms Act, 1961. The Bill became an Act in 1965 following the president's assent to it. The major provisions of the Karnataka land reforms Act 1961 were as follows (1).

1. For the first time leasing out land was banned, though certain types of landlords, like those serving in the defense forces and in the merchant navy, legal minors, ie, persons under 18 years of age, unmarried women, widows, persons suffering from physical or mental disability and small holders were exempted from this ban.

2. Since direct sale of land found to be unfavourable to the tenants interests, the Act stipulated that the transfer of ownership should be effected by first vesting the land in the government and then returning to the tenant.

3. The Act determined the rent payable under leases in the numerous cases where leasing was exempted. The rent, was determined at 25 percent for land with assured irrigation and 20 percent for unirrigated land.

4. The Act provided for resumption of land only in very special circumstances, such as when it was required for non-agricultural purpose, on bonafide personal cultivation by the land owners, when the tenant did not pay rent, caused damage to it, sublet it unauthorisedly or failed to

cultivate it for over two years.

5. The ceiling for each family of 5 members was fixed at 27 standard acre which was extremely liberal both in terms of the ceiling fixed concessions given and exemptions provided. The Act made provision for each additional family member and was allowed 6 standard acre up to a maximum of 54 standard acres for the entire family. The term 'standard acre' referred to 1 acre of first class irrigated land which was adjudged to be equivalent to about 8 acre of dry land in an area with rainfall of less than 25 inches a year.

6. The tenant could secure ownership over non-resumable land by filing declarations to the Tribunals constituted under the Act. The tenants dispossessed of land before the 10th September 1957, could, within one year of the commencement of the Act, apply to the Tribunal for the restoration of their tenancies. But there was an overriding provision that Tribunal should not restore tenancies if on the appointed day the land was used for non-agricultural purpose, or if it was leased out to some other tenants or if it was satisfied that eviction or surrender had taken place in accordance with the law.

The Land Reform Act, 1961 had its own loopholes. The landowner could resume up to half of the extent of leased land as per the records but, practically any extent of land for personal cultivation. The landlord seeking resumption had to apply to the tribunal in theory, the tribunal was required to enquire in to all cases for surrender of land by the tenant to the landlords to
ensure that no coercion had been used and of the surrendered land the landlord got only the extent he would have obtained in the event of resumption and the balance went to the government.

The landowner of all non-resumable land was conferred on the persons cultivating it as tenants by a notification from the state government declaring that with effect from a prescribed date all the land specified stood vested in the government. Thereafter, the cultivating tenants were registered as owners of the land. But in practice, generally the officials belonging to the tribunal took part on the side of the landlords and in many cases the tenants lost their land.

Struggle against eviction continued during this period also. In 1961 a militant struggle was held at Narikambo in Bantwal taluk. It was a struggle against eviction organised by the Raitha Sangha. Narikambo Venkitta Rao was the landlord and his goondas murdered a peasant. Thus the open clashes between the goondas of landlords and the peasants were common in the district.

In 1968 at Amagali in Coondapoor taluk the Raitha Sangha organised a struggle against eviction under the leadership of B. Ramachandra Rao and Karkkada. This struggle turned as direct fight between the landlord and the peasants. As a part of the struggle the Sangha organised a public meeting at Basarur. When the meeting was going on the goondas of the landlord attacked and it turned in to direct fighting.

The 1961 Act created discontent among the tenants of this district and started agitations demanding for new land reforms for the protection of the
tenants. Between 1965-1971 peasants unions were formed in Udipi, Mulki, Coondapura and other places of Dakshina Kannada District. It was not easy for the poor peasants to resist successfully the efforts of landlords to evict them because of the widespread landlordism, the support of the revenue and police departments to the landlords and the fundamental defects of the Madras Legislations and subsequently the 1961 Act.

In the assembly election in 1967 some Communist and peasant leaders, including B. V. Kakkillaya, became the members in the Legislative Assembly of Karnataka. They tried to present their slogan that ploughing men should be the owner of the land or 'land to the tiller' in the legislative assembly. It is stated that during the 1967 election the Congress Socialists fought a powerful election campaign in which they pointed out that the 1961 Act was passed by the Congress Party only to strengthen the position of the land owning class. Peasant rallies were conducted on 20th September 1970 at Mangalore and Bantwal and demanded the amendment of the Act of 1961. Mammoth peasants conferences were organised on 26th February 1972 in Bhadragiri village of Udipi taluk and they demanded abolishment of landlordism in the district(1).

The problems of the tenants in the District had been highlighted by the Socialist leaders on the floor of the Karnataka Legislative Assembly during the early 1970's. Thus, it witnessed so many debates prior to the enactment of the Karnataka Land Reform (Amendment) Act, 1974. Some of those debates were as follows.

H. V. Koujalgi, the then Minister for Revenue stated that in the Karnataka

State Assembly, in order to avoid delay in granting land to the landless tenants, local consultative committees had been formed and they had been requested to dispose all land within the four months. This was against the question raised by the A R Badari Narayana the M L A of Shimoga\(^1\).

To the question of M. Nagappa, MLA from Raichur, H. V. Koujalgi, the Minister for Revenue answered that the government had granted 141,085 acres of land during the period from 1962-1969 in the Karnataka State and in South Canara it was 68.37 acres\(^2\). H. V. Patil, the member of Karnataka Legislative Assembly had criticised the government, during the six years they had been able to distribute only 141,085 acres and still there was about 15-20 lakhs areas of land available for distribution. He expressed that the officers were deliberately delaying the grant of lands. Thus it shows the inefficiency of the government and the betrayal of the government to deceive the people\(^3\).

The Governor of Mysore in his address to the State Assembly on 25\(^{th}\) March 1972 had stated that a national policy providing for lower ceiling on agricultural holdings had been enunciated, based on the recommendations on the Central Land Reforms Committee. In the light of these recommendations, the land reform laws in the state was proposed to be amended suitably. The work of bringing up the record of rights up to-date and the issue of patta books will be speeded up. It was also proposed to lower the ceiling for the grant of land under unauthorised occupation to eligible persons. So that the

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encroachments would be eliminated from excess arrears which could then became available for distribution to land less persons and poor farmers(1).

Answering to the question of Mallikarjun Kharze, MLA from Gurmitkal, the then Chief Minister, D Devaraj Urs stated that between first January 1971 to 12th January 1972, 157 murders had occurred in the Karnataka State connected with the land disputes(2).

P. A. Pawasha MLA from Uchagaon raised the question to the Karnataka State Legislative Assembly that whether there were any instance of eviction of tenants on the ground of non-payment of rent and surrender of lands after the coming into force of the Mysore Land Reforms Act, 1961. The then, Revenue Minister N Hutchamasthy answered, yes, to the question and also remarked that for non-payment of rent 113 acres of land were evicted and as a result of voluntary surrender there was 19037 acres of land(3).

M. S. Krishnan MLA, from Malleswaram constituency, criticised the government for its failure to tackle the problems of agricultural workers by non-fixation of a minimum living wage, giving them sites and materials for the construction of house(4).

C. M. Arumugham, MLA from Kolar gold fields criticised that the government had miserably failed to cater to the needs of the agriculturists and landless persons in the state. The Revenue Department had virtually lost its importance and it was turned as a department of collection. He also expressed

2. Karnataka Legislative Assembly debated Vol. 8th, 28th November 1972, p. 72.
the opinion that the Revenue Minister would destroy the agrarian structure, not by introducing land reforms to benefit one and all living in rural areas\(^{(1)}\).

C M Arumugham also remarked that every day the meeting was going on but, there was no progress in drafting the Land Reform (Amendment) Bill. There was so much delay and the committee’s works had not been progressed. There were vested interests and they wanted to prevent the bill being passed. He stated, that this was the reason while the land reform bill had not been able to get through and the Government was not able to place it before the house\(^{(2)}\).

The failure of the Government in implementing the Land Reform Act was criticised in the Karnataka Legislative Assembly on 26\(^{th}\) April 1973 by Damodar Moolky, M.L.A. of Moodabidri constituency, though they had been promising land reforms for many decades\(^{(3)}\). He appealed to the Government to give protection to all the tenants and he further brought to the notice of the Assembly that the peasants were being exploited by the rich landlords who were also acting as money lenders. Hence\(^{(4)}\) he requested the government to make arrangements to give loans to the peasants at comparatively low rate of interest. Thus these discussions and peasants agitations acquired significance in the district and eventually led to the enactment of a tenant oriented, land legislation.

The Karnataka Land Reform Act 1974, was formed bearing the common

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2. Ibid, p. 205.
guidelines put forward by the Chief Minister's conference\(^{(1)}\) of 1973, which held detailed discussions on the common guidelines with regard to the ceiling limit, unit of ceiling application, exemption and the way in which surplus land would be distributed. A comprehensive bill was drafted and referred to a Joint Select Committee of Karnataka Legislature under the chairmanship of the then Revenue Minister Kudidal Manjappa in 1971. The Committee organised a workshop at Mysore and a seminar in Mysore University with a view to eliciting inputs. Taking in to consideration, the recommendation of the committee, the Government of Karnataka passed the Land Reforms (Amendment) Act in 1973 and this received the assent of the President in March 1974. The Karnataka Land Reform Act, 1961 was comprehensively amended and brought in to force with effective from first March 1974.

It is important to mention one of the aspects of the Joint Select Committee. It was composed of radicals among the Congress (I) members, Communists and Socialist Party legislators and even the academic component of the university seminar consisted of radical academicians\(^{(2)}\). As a result certain radical provisions were included in the proposed legislation. For example, the land ceiling limit was proposed to 10 standard acre\(^{(3)}\), practically no exemptions to special categories were provided to institutions such as religious and educational institutions and plantations and orchards from the ceiling provisions. Even those with an annual income of Rs. 12,000 from non-agricultural sources and living 16 km away from the site of the land cultivated were

3. The Chief Ministers Conference in 1973 put forward the guideline that the ceiling limit with in the range of 10 to 18 acre for land with assured irrigation and capable of yielding atleast two crops a year.
not to be allowed to own and cultivate land.

But even before the bill went through the legislative process, the radical provisions included were dropped. This was because of interference and pressure of the land owning bureaucrats such as big land owners, sugar factories, coffee planters and religious and educational institutions. Thus the basic theme of the land ceiling was changed and non-agricultural income, and distance criteria were dropped to safeguard the interest of the privileged class. Even though the ceiling limit was retained at 10 standard acre for a family with five members, a provision of 2 standard acre for every member in excess of five, but in no case was the ceiling area to exceed 20 standard acre. In the case of religious and educational institutions, the ceiling fixed was 20 standard acre and 50 standard acre in the case of sugar factories. Various types of plantations were exempted from the provision of the ceiling on land holding.

The major provisions of the Karnataka Land Reforms (Amendment) Act, 1974 are following:

1) All lands held by or in the possession of tenants were vested with the State Government.

2) A soldier or a seaman was entitled to resume land to the extent of the ceiling area whether his tenant is a protected tenant or not. The Act removed the provision in the 1961 Act that enabled the small landlords, widows and minors to create tenancy.

3) Dwelling units occupied by agricultural labourers were taken over by the Government and handed to the occupant.

4) Ceiling area for the individual was 10 units. In the case of a family consisting of more than 5 members, the ceiling area shall be 10 units plus an additional extent of two units for every member in excess of 5, so however that the ceiling area shall not exceed 20 units in aggregate.

5) All lands held by a person in excess was of the ceiling area, were to be taken over by the Government and compensation paid to the land loser.

6) Acquisition of agricultural land by persons earning an annual income over Rs. 1200, sources other than agriculture was prohibited by the Act.

7) The Act defined tenant as belonging to the category of permanent and protected tenancies or ordinary tenants provided, they cultivate lands personally.

8) A Tribunal was constituted in each Taluk, by the Government through notification, for the purpose of the Act. Assistant Commissioner of the Revenue Subdivision, having the jurisdiction over the taluk or an Assistant Commissioner specially appointed for the purpose of this Act was the Chairman of the Tribunal. Four others were nominated by the State Government, of whom at least one shall be a member of the State Legislature. The Tahsildar shall be the Secretary of the Tribunal. No legal practioner shall be allowed to appear
in any proceedings before the Tribunal.

9) The Act prevented, for a period of fifteen years from the date of acquiring occupancy rights, any transfer of land by sale, gift, exchange or assignment. Any such transfer could be declared null and void by the Tahsildar who was empowered to issue a declaration forfeiting the land to the Government.

10) The rent recovery suits filed on or after 2nd October 1965 and still pending were to be decided in terms of the 1974 Act which fixed rent at ten times the aggregate of the assessment on the leased land. This rate was much lower than that fixed by the 1961 Act. The Act made provision for helping the tenants who were in arrears of rent in terms of the 1961 Act.

11) The Act provided compensation to the landlord, while taking his land. The owners of dry land could receive 200 times of the land revenue and the owners of irrigated land could receive 150 times land revenue plus 150 times of the truncated water rate applicable to the class of land involved.

12) The tenants could file declarations or applications before the Tribunals and the last date was originally 31st December, 1974. Later it was extended up to June 30, 1979. It permitted informal tenants to file declarations for getting ownership rights. The Act intended to enable the sub-tenants also to claim occupancy rights.

13) Every person who was deemed to have land in excess of the ceiling limit was expected under law to file a declaration before the
specified time limit, failing which was liable to penalty. The Tribunal would determine the surplus land on the basis of an examination of the records direct the landowner to surrender the surplus. Under the provision of the Act, the surplus land vesting with the Government was to be transferred to the dispossessed and displaced tenants, landless agricultural labourers and released bonded labourers subject to the condition that 50 per cent of such land should be granted to persons belonging to Scheduled Castes and Scheduled Tribes.

In order to facilitate speedy implementation of the Reform Act, land tribunals were formed one in each taluk and 176 tribunals were setup in the entire state. Speedy disposal of cases by the tribunals had resulted in a flow of writ petitions before the High Court of Karnataka, about 50,000 being filed. The High Court had no power to interfere to decide the cases, thus it simply recommended the cases to the tribunals along with its observations. Thus an observation\(^1\) was made by the High Court in W. P. No. 28441/1981 that the disposal of the case by the tribunal was unsatisfactory. This observation is one of the examples of the credibility of the land tribunals.

A few peasant leaders were the members of the Land Tribunals. Important among them\(^2\) were B. V. Kakkilaya from Bantwal, Baikady Sheenappa Shetty from Udupi, Ammembala Balappa from Bantwal, Veerappa Moily from

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Karkala and Bhaskar Shetty from Kapu.

The observation made by the High Court and the criticism leveled against the land tribunals had resulted in the amendment of the act and made the provision of appeal in 1986. Land Reforms Appellate Authorities were formed(1) at least one in each district. The appeal lay to a two member Appellate Authority consisting of a Civil Judge and an officer of the rank of Deputy Commissioner constituted under section 116A. By using this opportunity several landlords approached the High Court with writ petitions.

The confirmation of occupancy right (section 38) in favour of agricultural labourers in the house he had constructed on the land of others (he had no land of his own and constituted house in the place of the landlord) came into effect from 1st January 1979. Thus agricultural labourers were permitted to enjoy not exceeding 5 cent of land. But the land tribunal was the competent authority to decide the case. It is stated that out of 25937 applications for the occupancy right over houses of agricultural labourers 25492 applications were disposed(2) in Karnataka state and 15530 applications were disposed of in favour of the applicants and 9974 applications were rejected. Thus 33 per cent applications were rejected by the Land Tribunals as on 31st August 1987.

The official records of the Karnataka Government, states that Karnataka had a prominent position as one of the few states that took the land reforms and policies seriously(3), not only by enacting appropriate law, but also by implementing it with great vigor and transparency. The implementation of

2. Ibid, p. 128.
the land reform Act reveals that in Karnataka State as a whole, 59.7 per cent applications were granted\(^{(1)}\) occupancy right. The maximum number of occupancy right was granted in Uttara Karnataka District (81.8 percent) and Dakshina Kannada District (77.7 per cent). At the same time the achievement was very poor in Kodagu District (2.9 per cent), Gulbarga District (18.0 percent) and Raichur District (22.0 per cent) of the Karnataka state.

The above facts reveal that, even though the official arguments about the advantages of the tenancy legislation are high in practice, the state was able to achieve very little. There were many factors for the poor implementation of the land reforms in Karnataka as a whole and Dakshina Kannada in particular.

The achievement of the land legislation and land ceiling in Dakshina Kannada District had contributed very little in changing existing agrarian relations. Gopal Iyer, while observing the land legislation in Karnataka expressed that in Dakshina Kannada District whatever land had been declared surplus was dry land of the worst quality and very difficult to put under cultivation. This opinion reveals the pitiable condition of the tenancy after the post-land reform period in the district. Moreover, the land acquired and distributed under the land ceiling Act was of low quality.

The success of the land reform was the result of an increase in the awareness of tenants brought about by the peasant movement. Dakshina Kannada District occupies the second place in the implementation of land

1. Abdul Aziz And Sudhir A. Krishna (ed), Land Reforms In India, Karnataka, (New Delhi, 1977), p. 84.
legislation in Karnataka State due to the emergence of the Raitha Sangha. The Raitha-Sanghas backed by the leftist parties (CPI (M) and CPI) had contributed much in this direction. They tried to mobilise the rural peasantry including the tenants and agricultural labourers. They tried to educate the weaker section and engaged agitation against the challenge of the landlords. It resulted in violent clashes between the peasants and the landlords who were supported by the police. The forceful eviction was a common feature in Dakshina Kannada District. The peasantry under the leadership of the Raitha Sangha resisted the forceful eviction and burning of houses, physical violence such as assaults and even murders. These incidents reached their climax especially after the implementation of the 1974 Act.

In some parts of Dakshina Kannada District the landlords acted cunningly and behaved generously and helped their tenants to file declaration\(^1\) for occupancy rights before the land tribunals. In many cases these landlords managed to make mutual agreement and take half of the tenanted land. In such cases the pretension was it for self cultivation and retains the unclaimed land in his land. Thus the landlord employed diplomatic strategy to prevent involvement of the tenants with the Raitha Sanghas and there by to avoid the spread of communism in his village. This new technique was adopted by the landlords in many parts of the district with some success. On the other hand the Raitha Sanghas and the communists failed to adopt a new strategy against these landlords.

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The enactment of the Act 1974 also paved the way for open clashes between the peasants and the landlords in many parts of the district. The Raitha Sanghas played an active role in organising and fighting against the atrocities caused by the landlords. Certain examples of these sort of agitations were worth mentioning.

A large meeting of the peasants was held\(^1\) at Karnataka on 5\(^{th}\) May 1974. Some landlords secured injunctions from courts against the tenants from cultivating leased lands. The large numbers of peasants were not in a position to enter in to a legal fighting because of their ignorance and backward financial condition.

The Raitha Sangha took this issue to create public awareness. The leaders like B. V. Kakkillaya, S. V. Velankar, M. Ramappa and V. V. Upadhyaya (All belonged to CPI), strongly criticised this\(^2\) practice of the landlords. Even then the atrocities of the landlords continued including the burning of houses. The landlords burned the houses of the poor peasants named Mahabala Hegde and Koraga Poojary. So the leaders also demanded an enquiry in to the cases of burning of the peasant houses.

The report of Aruna reveals that the landlords even used the natural calamities as an opportunity to evict the tenants\(^3\). When in 1974, the flood affected some parts of the district, the peasants were forced to vacate their lands and houses and had gone to temporary shelters. When they returned after the flood, the landlords prevented them from rebuilding houses on their

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land. Thus the landlords indulged in inhuman activities for eviction. Raitha Sangha organised meetings in various parts of the district to condemn the activity of the landlords. This would not make any change in the attitude of the landlords.

Aruna’s report also reveals that the police had given support to the landlords for eviction of the tenants and thus the tenants were tortured with the atrocities of the police on one hand and the landlords on the other. Aruna reports that(1) Thukara Moily of Durga village of Karkala taluk had given a complaint to the District Police Superintendent. In it, he stated that when his landlord, D. Ananth Bhat tried to evict him the police officers of Karkala did not give protection to him, even though he had got an injunction from the Munsiff Court. Infuriated police officers of Karkala called the tenant to the police station on 26th September 1974 and threatened to arrest him if he complained, against the landlord. After that on 1st October the landlord’s goondas, accompanied by some policeman, entered the land of the tenant and destroyed the crops. This incident shows that the landlords were backed by the police for eviction even against the court order.

In October 1974, the landlord of Byrampally village of Udipi taluk prevented the harvesting of the crops of his tenant named Perke, Padmanabha Naik. All the cultivations were done by the tenant and he was threatened with eviction. But the Raitha Sangha and the Communist Party had given assistance(2) to Padmanabha Naik, the tenant. Around 80 volunteers of the Sangha went to assist him under the leadership of B. K. Krishnayya Shetty and

harvested the crops.

In Anjaru village of Udupi taluk Aranthabettu Namu Naik and Paddu Naik were threatened by their landlord from harvesting the crops in October 1974. But the Raitha Sangha of Udupi taluk decided to assist the tenants for harvest. Thus 300 volunteers of the sangham went to harvest. When the harvesting was started the police interfered and at last the police was forced to settle the matter.

A meeting of the Raitha Sangha was organised at Athrady and Badagabettu village of Udupi taluk in October 1975. It was presided over by N. Krishnamurthi Achar at Athrady meeting and Narayana Bhat at Badagabettu meeting. They discussed the harassment of the poor peasants by the landlords with the support of the police and decided to organise the peasants against this and also urged the government to take steps against the harassment.

The landlord had control over the ignorant peasants and in many cases they were misled by the landlords. The landlords had given false promises and the innocent peasants believed it and abstained from filing declaration to the tribunals. Instances of exploitation of the blind faith was reported from the district. There were also an instances of the production of improper declarations by the tenants under the influence of the landlords(1). In short vested interests of the landlords had misguided the tenants in filing their declarations.

The Raitha Sangha of Bantwal decided to help the farmers in view of the above in filing the declarations incorrectly. So they made suitable arrangements at the Bantwal taluk Raitha Sangha Office. Similar arrangements
were also made in Vittal, Mangalore, Udipi and Karkala taluks.

The peasant’s organised meetings in different parts of the district to create awareness in the effective implementation of the land reform act. The meeting urged the peasants to file their declaration and make use of the reform favourable to them. Such a meeting was held\(^1\) on 18\(^{th}\) July 1974 at Kankady of Mangalore taluk. Ramappa Suvara presided over the meeting and Simpson Soans was the Speaker. Another meeting was held\(^2\) at Kodavee at Bajal village of Mangalore taluk on 21\(^{st}\) July 1974. It was presided over by P. M. N. Murthy. He also presided over a meeting of the peasants held at Ullal. On 6\(^{th}\) September 1975 a meeting of peasants was held at Irvathur village of Karkala taluk. It was presided over by B. Sreenivasa Rao and B. Viswanatha Naik, the secretary of the Bantwal Raitha Sangha, was the important speaker. These meetings urged the peasants the need for their unity and motivated them to file declarations without fail.

However, the disposals of the petitions by land tribunals were in favour of the tenants. According to the official statistical reports\(^3\) by August 1987, 99.9 per cent applications had been disposed by the land tribunals and in 136880 out of 176237, i.e. 77.7\% cases, the tribunal judgments had been in favour of the tenants. It was an illusory image of the success of the tenancy legislation, but far away from reality. In 1957 there were actually 490571 tenants in the district\(^4\), but by 1987, the beneficiaries under the tenancy law

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2. Ibid, p. 2.
4. Ibid, p. 84.
were only 136880 and hence the real success of the implementation of the
tenancy law in Dakshina Kannada District was as low as 27.2 percent only.
Damle explains two reasons\(^{(1)}\) for the rapid decrease. Firstly, the tenants
should be able to purchase the leased-in-land from the landlord and was
then converted into land holders. A few mulageni tenants were able to
purchase land and the number was limited. But the vast majority of the
tenants belonged to the Chalageni or tenants-at-will. The economic
conditions of the tenants were weak, so they were not in a position to
purchase the land. The second assumption is important and valid, that the
tenants had been evicted in large scale from the leased holdings. As opined
by a scholar\(^{(2)}\) the problem of tenancy was not only significant in Karnataka
state but also the potentialities of agrarian social change were sabotaged by
the tactics of power politics and bureaucratic lethargy. Thus, the actual rate
of the implementation of tenancy legislation in Dakshina Kannada District
was very poor.

The implementation of the act failed to eliminate the inequality
existing in the agrarian structure. The officials of the implementing agency
utterly failed to recover the surplus land nor its proper distribution for
fulfilling the objectives put forward by the national movement and the ob-
jectives of the five year plans. Out of 2178 declarations received\(^{(3)}\) under
land ceiling provisions of the Act, 2171 (ie 99.7%) declarations were disposed

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1. C. B. Damle, "Impact Of Tenency Legislation And Changing Agrarian Relations; A Case Study Of
2. Ibid, p. 84.
3. Abdul Aziz And Sudhir A. Krishna (ed), Land Reforms In India, Karnataka, (New Delhi,
of by 31st August 1987. Of these, only in 26 cases (ie 1.2%) was surplus land determined. On the other hand the process of land redistribution has also been fairly slow, since out of the 3,248 acre determined as surplus land in the district, only 636 acre. (19.6%) has been redistributed. Thus the recovery of surplus land from the land owners and the redistribution to the tenant was also a failure.

One of the reasons for this was that the landlords were not ready to file their declaration honestly. The land tribunals relied primarily on the cases filed by the landowners. Very little administrative efforts were taken to identify land concealed by large landowners. The main reason for the failure was due to the absence of pressure from the needy. This exposes the inherent weakness of the left oriented peasant organisations in the district.

While examining the response of the Act, 1974, majority of the tribunal decisions were taken in favor of the tenants (77.67%). It is important to note the fact that a large number of marginal holdings measure below an acre, through the redistribution of surplus land. According to the official report, in 1980-81 of 1,61,271 holdings in the district 86,639 (53.7%) holdings were less than one hectar. This kind of increase in tiny holdings was due to the population growth and the partition of land holdings of the beneficiaries of land reforms. Since the holdings are not economically viable, majority of these marginal holders have taken up wage labour in agricultural or non-agricultural sector.

In the Karnataka State some of the large landowners in possession of

over 50 acres have been netted with in the ceiling surplus cases, indicating partial effectiveness in implementation. The common method of circumvention adopted by the ceiling surplus owners were declaring minor sons as major sons, setting up collusive tenancy, conversion of agricultural land in to non-agricultural land and plantation, partition of land and diverse on paper, contracting more than one marriage on paper and so on. The pending cases are related with the large owners.

These aspects reveal that the landowners are helped by implementing authority and hence prevented the proper implementation of the act. Only 57.56 per cent of the area declared surplus had been taken in to possession in the Karnataka State and there is a considerable gap between the area taken in to possession and distributed\(^1\); 26.28 per cent of the area taken in to possession is yet to be distributed. At the state level, 1.42 lakh acres remain under litigation, constituting 52 per cent of the area declared as surplus.

Through the Amendment Act, 1986, provision of appeal was granted. This resulted in a flow of appeal by the landlords. The chief intention behind the filing of appeal was to prolong the decision and gain verdict in favour of them against the poor and illiterate peasants. They used threat, force and all sorts of harassment against the tenants for eviction. On the contrary the peasant has no means to fight the legal battle against the landlords who were economically rich and politically influential.

From the early period itself the land of the district was concentrated in the hands of the high castes especially, the Brahmin, Bunts and the Jains.

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This kind of caste based structure of the agrarian relations continued during the British period. It was accelerated particularly during the economic depression of 1929-34 and the second world war, 1939-45\(^{1}\). The caste supremacy over the land monopoly remained as such on the eve of the implementation of the land reforms. Two main reasons were attributed to this\(^{2}\), one was that prior to the implementation of the land reform legislation, the landlords resorted to large scale eviction of tenants, who came primarily from the middle castes. And, secondly after the eviction of tenants the land brought in to market and large parts of the buyers belonged to the upper castes.

To retain the monopoly over the land, the landlords resorted to all tactics including the use of superstitious beliefs of the poor peasants. Basically the peasants were illiterate\(^{3}\) and lived with all sort of superstitions. They also spread rumors and misgivings about land reforms in such a way that the tenants were sacred and cared more for their survival than for land. The land owned class propagated that the land reform act was against the interest of the peasants, they were protected by the land lords. Doctors, bureaucrats, lawyers, upper class traders, businessman, bank employers etc belonged to landlord class or the elite class. The poor tenants had to depend occasionally on these elite class for getting modern sophisticated services. It was therefore quite natural that many had developed a second thought before claiming

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3. POLI, A Commemorative Value For Canara, (ed), Published By District Commissioner, D K District, Mangalore, p. 94.
occupancy right over their tenanted land. In many cases the tenancy records were forcibly taken and destroyed by the landlords. Under these circumstances, several tenants did not show much interest in acquiring occupancy rights on payment of a price to the government, but preferred to continue as tenants provided they were assured of their tenurial security and regulated rent.

The major objective of land reform legislation was the eradication of the economic and social inequalities which prevailed for centuries. But the land reform legislation in the Dakshina Kannada District failed to achieve this. The Act, 1974 included many progressive provisions for re-structuring the agrarian relations. But it became unfruitful when the implementing official’s attitude was hostile. The foul play of the power politics with the landed aristocracy caused the failure of effective implementation. The peasant organisations especially leftist Raitha Sanghas backed by the Communist movements failed to use adequate pressure for effective implementation of the reform.

The Act, 1974 was intended to enable the tenants to acquire ownership rights. But as stated earlier, between 1951 to 1957, 98444 tenants were evicted. The numbers of tenants were sharply declined(1) from 490571 in 1957 to 70591 in 1974. However, it did not make any effective provision for rehabilitating those tenants who were already dispossessed of land before 24th March 1974.

The Act, 1974 did not make any provision for helping agricultural labourers. But in a special section of the Act in January 1979, provided the

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1. Joshi G. V. Dasina Kannada Jilleta Raith Horattar (Mangalore University, 1989, p. 12.)
provision that an agricultural labour residing in a dwelling house in a land not belonging to the dwelling house and the adjacent site around it, which was limited to one twenty an acre. Since this provision was made as late as January 1979, the time limit for filing declaration was too short. Thus many agricultural labourers failed to take advantages of it.

Thus the Land Reform Act, 1974 failed to confer benefits to a large number of agricultural labourers. In many parts of the district they remained as unorganized. Up to 1987 they have filed only\(^1\) 14306 applications for dwelling sites. This was a very small number comparing with the number of tenants. Of these 14306 applications 33 per cent were rejected by the tribunals.

Land reform in Kasaragod

On account of various agitations and representations of the people of Kasaragod taluk, the Malabar Tenancy Committee proposed the extension of the legislation to include\(^2\) all the villages, south of Chandragiri river and two villages, Badiadka and Bandadukka. Thus even though Kasaragod formed a part of South Canara District, all the later tenancy acts introduced in Malabar covered Kasaragod taluk also.

The Malabar Tenancy Committee submitted its report in December, 1940. Among the three leftist members of the committee, E. M. S. Namboodiripad, Mohamed Abdul Rahiman Seheb and E. Kannan had appended their dissenting minutes\(^3\). E. M. S. Namboobiripad focused the evils of landlordism and demanded its abolition. The committee did not propose the

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reduction of the existing rent rates. The interests of the landlords and Mulagenidar were represented in the committee, but the interests of the chalagenidar was not adequately represented as far as the Kasaragod taluk was concerned. Though the committee consisted of majority of Congress-men, the report was not satisfactory even to the Congress. When the final report was submitted, the Congress Ministry was not in office, because it resigned with the out break of the second world war in 1939.

The 1940's marked militant peasant unrest backed by the Communists in Malabar and Kasaragod. A tenancy subcommittee was constituted by the Kerala Pradesh Congress Committee (K.P.C.C.) in April 1947, to suggest(1) the amendments in the Tenancy Act of 1929. The KPCC sub committee recommended that a tenant who had been ousted from or had surrendered possession of his holding, since 14th July 1937 (date of assumption of office by the first Congress Ministry in Madras) shall, on application, be granted re-delivery of possession subject to certain limitation and arrears of rent accrued prior to the particular date (2 years before the commencement of 1946 Tenants Protection Act) to be wiped off.

As per the recommendations(2) of the sub committee the KPCC drafted a tenancy bill in August 1948, in response to the wishes of the Malabar Kisan Congress. Thus due to the development of unrest among the peasantry, the drafted proposal of the tenancy bill by the K. P. C. C. and on the basis of the recommendations of the tenancy committee of 1940, the Malabar Tenancy Act 1929 was further amended in 1951.

2. Ibid, p. 113.
The Malabar Tenancy (Amendment) Act 1951 made it extendable to 52 villages of South Canara but due to the opposition of the landlords of South Canara, it was reduced\(^1\) to 33 villages. The tenants criticised that the act supported the major interests of the landlords. The act fixed the fair rent at 5:5 between the tenants and landlords. The original amendment bill introduced in 1950 provided, for security of the tenure to the cultivators. But due to the pressure of the landlord class, it held forth only qualified fixity when it finally enacted the legislation. In effect the new amendment served only as an invitation to the landlords to get their tenants evicted on various pretexts\(^2\).

Massive agitation was launched against the implementation of the act by the Malabar peasants. In May 1952 the Malabar Karshaka Sangham organised a conference at Kottayam taluk. Similar types of conferences were held in different taluks of Malabar and Kasaragod as a protest against the Act. The legislators of Malabar and South Canara met the Chief Minister of Madras on 13\(^{th}\) May 1952. The Malabar Kudiyan special conference at Calicut was convened by the Kisan Sangham, presided over by K. P. R. Gopalan. It gave a call to observe 15\(^{th}\) January 1953 as Token Satyagraha Day. It also resolved to take out a Kisan Jatha to Malabar to present a massive petition.

The government decided to amend\(^3\) the Malabar Tenancy (Amendment) Act, 1951 in 1954. The Act contained provisions for\(^4\) the fixation of fair

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2. Ibid, p. 119.
rent, qualified fixity of tenure, curbing the landlord's right to eviction, protecting the rights of homestead tenants and abolition of the practice of depositing one year’s rent as advance by the verumpattam tenants or the chalageni tenants.

The MLA's of Malabar belonging to the Communist Party and the Praja Socialist Party joined together in appealing the government of Madras for effecting(1) a thorough amendment to the Tenancy Act 1951. Because of the powerful opposition the government of Madras was forced to suspend certain provisions of the act.

The 11th All India Conference of the Kisan Sabha was held(2) in Kannur, at Kayyur Nagar from April 23rd to 27th of 1953. It was presided over by Indulal Yajnik, the president of the Kisan Sabha. It marked a revived spirit of the peasantry of Malabar and Kasaragod. A special conference of the Malabar Kisan Sabha was held at Calicut. A delegation consisting of K. P. R. Gopalan, K. A. Keraleeyan and C. M. K. Nambisan went to Madras to submit a memorandum(3) to the government which was signed by one a half lakh peasants.

In 1956, the Malabar Karshaka Sangham was reorganized as Kerala Karshaka Sangham and its first state conference was held at Shornur in December, 1956. The conference passed important resolutions such as(4) demanding ceiling on land holding, distribution of waste land to the land less, stoppage of all evictions and cancellation of all agricultural debts etc.

Legislations after the formation of Kerala State.

With the formation of Kerala State and the amalgamation of Kasaragod taluk with the Kerala State, the peasant struggles and land reforms in Kasaragod taluk and Malabar entered into a new phase.

Because of the new trend developed in the political scenario of Kerala caused by the peasants and workers agitations the Communist ministry was elevated to power in the first general election in Kerala in 1957. E M S Namboodiripad was elected as the Chief Minister and he assumed office on 5th April 1957. With in a few days after assuming office, on 11th April 1957, through an ordinance (later enacted as Kerala stay of Eviction Proceedings Act of 1957) stayed all eviction and allied proceedings against all categories of tenants and preventing courts from accepting fresh eviction suits.

The second conference of the Kerala Karshaka Sangham was held(1) at Kaladi on 19th and 20th October 1957. The then Chief Minister E. M. S. Namboodiripad, Revenue Minister K. R. Gouri, Law Minister V. R. Krishna Aiyer, A. K. Gopalan and others attended the conference. This conference appealed to the government to enact a progressive agrarian law in Kerala at the earliest.

With in two months of the Kaladi conference the government of Kerala introduced the Agrarian Relations Bill on 18th December 1957 in the Kerala Legislative Assembly. The main object of the bill was the implementation through constitutional means, the basic slogan of the peasant organisation and

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also the national movement that was "land to the tiller". The Bill was intended to achieve the abolition of the tenancy system, introduction of ceiling in land holding and distribution of the surplus land and enjoyment of the right of ownership over the house stead’s by hut-dwellers. One of the important provision of the Bill was the fixity of tenure to all types of tenants including crop-sharers, fugitive cultivators and hut dwellers. The ceiling of ownership in land was proposed to 15 acre per family. The tenants were given right to purchase ownership by paying an amount not more than sixteen times, of the fair rent payable to the landlord.

The introduction of the Kerala Agrarian Relations Bill (KARB) resulted in unprecedented opposition from the landed aristocracy with the support of the communal forces. The KARB and the Kerala Education Act introduced by the first Kerala Government were highly progressive. The orthodox section of the Kerala Population could not tolerate the progressive reforms and the existence of the communist government. The government declared

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its police policy and made it clear that the government would not use the police to suppress the workers and peasants agitation and would not use police to protect the lands of the landlords. This was a new turn in the history of Kerala. This infuriated the aristocrats and communal forces to turn against the government.

A rapid political polarization emerged in Kerala. The Communist Party and peasants started to mobilise the people to protect the new bill introduced in the legislature. The Congress Party and the Praja Socialist Party

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(PSP) with the support of the landed aristocracy and the communal forces started counter mobilisation against the KARB. This resulted in conflicts in the political scene of Kerala.

On 29th March, the Kayyur Martyrs day in 1958 a mass demonstration was organised(1) at Thiruvananthapuram. A. K. Gopalan, E. M. S. Namboodiripad, A. Prasad Rao, K. A. Keeraleyan, A. V. Kunhambu and others attended in the demonstration in order to mobilise people to support the KARB was the objective. In May 1958 a special conference of the Kerala Karshaka Sangham was organised at Moovattupuzha. The conference discussed the bill and suggested certain amendments. When the bill was in the select committee the Kerala Karshaka Sangham organised conference of its representatives in each district to discuss the draft bill and prepare amendment.

The Nair Service Society (NSS) under the leadership of Mannath Padmanambhan requested the government to consider the faults and injustice of the bill. A meeting(2) of the Yoga Kshema Sabha at Kottayam in February 1958 demanded the right to resume for self-cultivation of lands with in ceiling limit fixed and to compensation at the market price for the lands taken over.

A conference of the Bishops was held at Bangalore in December 1958. The conference discussed the material and spiritual methods to overthrow the ministry. The Congress Party and the Praja Socialist Party (PSP) organised joint agitations(3) involving protest marches, meetings, hartals and satyagrahas.

2. Ibid, p. 119.
It was important to mention the trend inside the Congress Party on land reform legislation. The Nagapur session of the Congress held in January 1959 passed a resolution for providing ceiling on holdings and also called for the completion of land reform by the end of 1959. Same way the Government of India (led by the congress party) gave ample directions(1) to the states to go ahead with land reforms. The very purpose of land reforms was to put an end to the landed aristocracy. Many of the Congress leaders belonged to the part of landed aristocracy, so they never came forward to fulfill the resolution of the party and at the same time opposed the land reforms introduced in Kerala. The Congress took on the side of the landed aristocracy and the communal forces and struggled against the KARB which became a model to Indian land reforms.

The third annual conference of the Kerala Karshaka Sangham was held in March 1959 at Perumtalmana. It expressed anxiety in the slow legislation of the KARB and demanded passing the bill as amended by the select committee in the next assembly session itself.

As a part of opposition against the KARB, the land owners associations or the Janmi Sanghas began its work in different parts of Kerala. Small Landowners Associations were also founded. They organised conventions, meetings and demonstrations against the proposed Bill. They Passed resolutions, submitted memorandum, petitions, press releases and submitted evidence before the select committee. Gradually mass protest and mobilisation of the

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people against the government started in Kerala. Thus it culminated in a period of political agitation called "the liberation struggle". It gained more support from Travancore than other parts of Kerala.

The state assembly passed the KARB in July 1959. Because of the liberation struggle under the leadership of the leftwing of Kerala, finally on 31st July 1959 the Kerala Ministry was dismissed by the President of India. The fall of the ministry was undoubtedly a great loss to the peasantry.

To protest the KARB, which was sent to the President of India for his assent, the Kerala Karshaka Sangham organised a Long March from Kasaragod to Thiruvananthapuram from 29th June to 24th July 1960, under the leadership of A. K. Gopalan. On 25th July he submitted a memorandum to the government. The Karshaka Sangham units throughout the state observed this day as the Kerala Agrarian Relations Bill Memorandum Day.

In August 1960 the KARB was returned by the President recommending further modification. The new Congress - PSP coalition government was quick to grab(1) the opportunity and passed the Kerala Agrarian Relations Act 1960 (KAR Act). It revised the core of the KARB, to safeguard the wide range interest of the landlord class. The President's assent was received on 21st January 1961 and came into existence from 15th February 1961.

Even though the KARB was revised the new Act retained the main body(2) of the KARB due to the pressure from the peasantry. The act did


not provide provision for rehabilitating the tenants who had been evicted after the formation of the Kerala State. It provided the inclusion of the provision for eviction of the tenants with in plantation areas and it redefined 'small holder' as one with rights on less than 10 areas of double crop paddy land. But possessing only less than 5 acres the lands belong to religious charitable or educational institutions of public nature and public trusts were exempted from the provisions of the act and the political representation provided in the land boards and land tribunals.

The Supreme Court and the High Court of Kerala struck down several provisions of the Act in a Judgment on 5th December 1961 on certain writ petitions filed against the act from Kasaragod area. The Supreme Court also declared the act as unconstitutional in its application in the ryotwari lands in Kasaragod and Hosdurg taluks. So the government enacted the Kerala Ryotwari Tenants Kudikidappukars Protection Act in 1962 for the tenants of the Kasaragod and Hosdurg taluks.

From 27th November 1961 to 6th January 1962 Kerala Karshaka Sangaham organised state wide agitation\(^1\). It began with picketing of all the Collectorates, but later included picketing of taluk offices, jathas and demonstrations. A. K. Gopalan led a jatha from Kottiyur to Thiruvananthapuram for picketing the secretariat. The jatha started from Kottiyur on 4th December 1961. The Kerala State Karshaka Thozhilali Union (KSKTU) had declared\(^2\) a

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general strike on December 16. The Government made negotiations and conceded many of the demands of Karshaka Sangham and the agitation which continued for 41 days was withdrawn.

The new organisation named 'Karshaka Niyama Raksha Samithi' was formed\(^\text{(1)}\) to press the government for the protection of the KAR Act. Its members organised satyagraha at district Collectorates for securing its demand. The Government introduced a new bill named The Kerala Land Relation Bill in the assembly on 20\(^{th}\) September 1963. The Karshaka Niyama Raksha Samiti volunteers observed the day as black day with mass picketing and satyagraha in the state.

In October 1963 the Karshaka Sangham under the leadership of A. K. Gopalan, Pandalam Madhavan Pillai and others organised\(^\text{(2)}\) picketing and demonstration in front of the Secretariat at Thiruvananthapuram. The main demand was the withdrawal of the Bill and the inclusion of the KARA in the 9th schedule. The copies of the newly drafted bill were publically burnt on the day, when they observed the Kerala Land Reforms Bill burning day, in the same month. The black flag demonstrating protest against the bill and burning publically the effigy of the Revenue Minister P. T. Chaco.

Despite of the opposition the Kerala Legislative Assembly passed the Bill on 4\(^{th}\) December 1963. The task of implementation of the Act was left to bureaucrats because of the imposition of the Presidents rule for 2 years, due to the down fall of the ministry. This continuing political insta-

bility in the state and the low priority the government who introduced the bill did not get the chance to implement the Act. So the CPI(M) and its peasant organisations namely Kerala Karshaka Sangham and Kerala Karshaka Tozhilali Union started agitations for proper implementation of the Act. A mass convention of peasants and agricultural labourers were held at Alappy in December 1963. Then a delegate conference was held, presided over by A. K. Gopalan, E. M. S. Namboodiripad, P. Sundaraya and others. The conference demanded the immediate implementation of the new Act. The conference decided to organise campaigns including public meeting jathas, rally's through out the state and a state wide land grab agitation from January to May 1970.

The conference focused agitation for occupancy of Kudikidappu land. There were serous delay on the part of the government to recover the surplus land and its distributions to landless. So the CPI(M) decided to establish the rights of the cultivating tenants as owners of their leased lands and accelerating the acquisition of surplus land and distribution. As a part of this the party organised a mass convention at Cochin in May 1972, presided over by A. K. Gopalan. The convention decided to start agitation for identification of the surplus land and government waste lands and establishing people right on them. Thus the CPI(M) organised a mass agitation for 80 days during May-August 1972 and 47 days during November-December 1972. So the mass agitation organised by the CPI(M) and its organs had resulted the effective relation of the reforms in Kerala.

After the collapse of the CPI(M) led coalition ministry, a new government was formed led by CPI and C. Achuta Menon became the Chief Minister. The Kerala Land Reforms Act of 1969 was brought in to force from the 1st January 1970 and was implemented by the ministry.

The act abolished tenancy and landlordism in Kerala. The transfer of ownership rights to the cultivating tenants, they were expected to pay a nominal sum of purchase price to satisfy the constitutional provision. It gave options to the hut dwellers or Kudikidappukars to purchase three cents in a city or major municipality, 5 cents in municipality and 10 cents in a panchayath. For these land owners get a price of 25% of the market value and the third scheme was to take possession of the surplus land by government after imposing ceiling limit and distribute such surplus land among the landless agricultural labourers. Through this provision on the amendment Act, Kerala became the first state in India which abolished land monopoly and absentee landlordism with effect from 1st January 1970.

The act gave option to the hut dwellers to purchase his homestead from the land owners on easy terms. The act reduced the ceiling limit to 20 acres for a family of 5 members and it empowered the government to take possession of surplus land by ceiling laws and distribute it among the landless agricultural labourers. The act confirmed full ownership to the cultivating tenants and ceiling on land holdings and distribute of surplus lands after take over.

The Act 1969 proposed that all transactions of the surplus land as per the Act 1963 should be annulled. On the other hand many land-
lords had retained the surplus land by making false documents and the
government was not ready to distribute the surplus land to the
landless people.

On a review of the process of the implementation of the Kerala Land
Reform Act, 1963, as amended was considered necessary that certain amend-
ments should be made in the Act for the speedy and smooth implementa-
tion\(^{(1)}\) of its provisions. As the Legislative Assembly was not on session, an ordinance
for the purpose was promulgated on the 1\(^{st}\) day of February 1971 and
published in the Gazette as ordinance No. 4 of 1971, the Bill seeks to replace
the ordinance by an Act of the Legislature opportunity has also been taken to
make certain other amendments which were found necessary for the
implementation of the Act.

The object and reason for the amendment was the persistent demands\(^{(2)}\)
from various political parties in the state and the public in general for popular
participation of the implementation of the Kerala Land Reforms Act 1963,
especially the ceiling provisions thereof. Experience in the working of the
Act had also revealed that popular participation is essential for the speedy
and effective implementation of the Act.

It has also become necessary to plug certain loopholes in certain
provisions of the Act, which had come to notice during its implementation.
Village committees are proposed to be constituted for helping the implemen-
tation of the provisions of the Act regarding assignment of landlords and

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intermediaries right to the cultivating tenants\(^{(1)}\). Taluk and Boards have been also proposed for the purpose of decentralisation of the functions of the Land Board in the implementation of the ceiling provisions. A Land Reforms Review Board is also sought to be constituted with power to give necessary guidelines to the various authorities and officers implementing the Act.

While communicating the assent of the President to the Kerala Land Reforms (Amendment) Bill 1971, the Government of India had suggested to the insertion of a provision enabling the state government to notify the socially and economically backward classes for the purpose of an assignment of excess lands might be made in the Act. The Government of India had also desired that\(^{(2)}\) the explanation to subsection (1) of section 85 of the Act should be modified in order to avoid any possibility of families or adult unmarried persons who did not hold lands exceeding the ceiling area specified in the Kerala Agrarian Relations Bill, 1957 being penalised for transferring their lands during the period mentioned in the explanation. Through this Act, for the first time the whole of the country people’s courts were created\(^{(3)}\) by investing judicial powers.

Each village, committees were constituted with six non-official members, village officer as its convener and a chairman elected by the committee and Taluk Land Board was consisted\(^{(4)}\) of a judicial officer not below the rank of Deputy Collector as chairman and not more than six non official members.

2. Ibid, p. 262.
The land reform Board consisted of the minister in charge of Land Reforms as Chairman, the Land Board Chairman as convener and six non-official members. During the 1975-76 when the implementation of the Act at its peak, the government further strengthened the machinery by increasing the number of these full fledged tribunals.

Through the Kerala Land Reforms (Amendment) Act 17 of 1972, introduced after the excess land agitation of 1972, the government deleted the second and forth exemptions of the 1964 Act with effect from 16 August 1968 itself. The agitations organised\(^1\) by the Karshaka Sangham and CPI(M) after 1\(^{st}\) January 1970 had helped the hutment dwellers assert their right. The tenant cultivators were earlier in the forefront for land reform.

The Kerala Land Reforms Act 1969 was put in to effect from 1\(^{st}\) January 1970 was virtually over by 31\(^{st}\) March 1982. During this period\(^2\) the implementing authority had disposed of 99.8 per cent of the total applications for assignment of ownership rights to the cultivating tenants, 99.1 percent of the total applications for purchase of Kudikidappus and 97.2 per cent of the total land ceiling returns. They had also issued certificate of purchase in 99.2 per cent of allowed disposals for assignment of ownership rights\(^3\) and 95 percent of the allowed disposals for purchase of Kudikidappus.

Thus land to tiller, the long cherished desire of the Indian National

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3. Ibid, p. 163.
Movement and the peasantry in particular was fulfilled in Kerala and Kerala had become a model to the Indian states, which established the social and economic equality to a great extent through the effective implementation of the land reforms. The Communist ministry was dissolved in 1959 mainly because of the introduction of the Kerala Agrarian Relations Bill, 1957. Since the split in the Communist Party the CPI(M) had made a leading role and stood for the speedy and effective implementation of the land reforms in Kerala.

While evaluating the land reforms acts of Kerala and Karnataka it reveals that the enactment of progressive land reform laws and its speedy and effective implementation had equal importance. In both the states the land reform acts had provisions for the acquisition of the surplus land from the landlords and distribution of the land to the landless people. In Kerala the objective was almost achieved but not in Karnataka. Here arises the question, why Kerala was able to achieve the effective implementation of the land reform act? Why did Karnataka fail? In Kerala the Communist Party has its strong holds among the workers and the peasants. In Kerala the implementation was keenly mobilised. The peasant organisation was able to develop social and political awareness among the rural population and attain their confidence. Thus the agrarian class responded to the call of the peasant organisation and the Communist Party.
The situation in Karnataka was different. The land monopoly had strong holds in the political structure. The Communist Party of Karnataka was very weak comparing with Communist Party of Kerala. The proper mobilisation of the peasantry for the effective implementation has not taken place in Karnataka and South Canara in particular. The adequate pressure from the needy is essential for the effectiveness of land reforms. In Karnataka because of the organizational weakness of the Communist Party and the peasant organisations resulted in the poor implementation of the land reforms.