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."


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 Lawrence 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."\(^1\)

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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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."

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."  

6.2.1 The sweep and momentum of land legislation during the early years of independence can be partly attributed to the shock Telangana 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  

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." 4

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. 5

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

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."6 At the conference

(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." 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," observed the Planning Commission. The national policy springs from this idea.

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. 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." The Third Plan stressed

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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 some 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."\(^{11}\) 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."\(^{12}\) 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.
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 (i.e., 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.

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

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." 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

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 ₹100/- to ₹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 ₹2 lakhs as compensation. There is also a scaling down in the compensation after One lakh.

5.4.5 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.\textsuperscript{14} (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.

\textsuperscript{14} Gift Validation Act.