CHAPTER VII

SALIENT FEATURES

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

- Joshi. P.C.

Land Reforms in India


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

1) Abolition of intermediaries between the State and the tiller,

2) Conferment of security of tenure on cultivating tenants.
3) Regulation of rent,
4) Fixation of ceiling on holdings, and
5) Distribution of surplus land.

7.2.1 Abolition of Intermediaries

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

7.2.2 Security of Tenure

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

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

¹. Explanation: An exception is made in the case of a minor, a widow, an unmarried woman, a person subject to any physical or mental disability or a serving member of the Armed Forces.
any contract, custom or usage or in any judgment, decree or order of Court, where any person has been dispossessed of the land in his occupation on or after the 1st day of April 1964, such person shall, if he would have been a tenant under this Act as amended by the Kerala Land Reforms (Amendment) Act 1969, at the time of such dispossession, be entitled to the provisions of this section to restoration of possession of the land.

7.2.2.2 Section 138 restored the possession of holdings sold for arrears of rent. The section states that notwithstanding anything to the contrary contained in any law, or in any judgment, decree or order of court, where any holding has been sold in execution of any decree for arrears of rent, and the tenant has been dispossessed of the holding after the first day of April 1964 and before the commencement of the Kerala Land Reforms (Amendment) Act 1969, such sale shall stand set aside and such tenant shall be entitled to restoration of possession of the holding subject to the provision of this section. Section 13C cancelled certain sales for arrears of rent. Section states that notwithstanding anything to the contrary contained in any law, or in any judgment, decree or order of court, where any holding has been sold in execution of any decree for arrears of rent accrued due, before the first day of May 1968, or any portion of such arrears, but the tenant has not been dispossessed,
such tenant may within six months of the commencement of the Kerala Land Reforms (Amendment) Act 1969, deposit in court an amount equal to the amount which he is liable to pay under Section 73 and apply to the court for setting aside the sale. Section 13D cancels certain sales or damages. The Section states that notwithstanding anything to the contrary, contained in any law, or in any judgment, decree or order of court, where any holding has been sold after the first day of April 1964 and before the commencement of the Kerala Land Reforms (Amendment) Act 1969 for recovery of damages for committing waste on the holding, but the tenant has not been dispossessed, such tenant may, within six months from such commencement deposit in court an amount equal to the purchase money together with interest at the rate of 6 per cent per annum and apply to the court for setting aside the sale.

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

7.2.2.3.1 Section 14 states that a trustee or owner of a place of public religious worship may resume from a tenant the whole or any portion of his holding when the same is needed for the purpose of extending the place of public religious worship and the Collector of the District certifies that the form is needed.
Section 15 states that a landlord (other than 'Sthani' or the trustee or owner of a place of public religious worship who is not in possession of any land other than 'Nilam' or is in possession of less than two acres in extent of such land) and who needs the holding for the purpose of constructing a building bonafide for his own residence or for that of any member of his family may resume from his tenant,

1) an extent of land not exceeding 20 cents where resumption is sought on behalf of one person,

2) an extent of land not exceeding 50 cents where resumption is sought on behalf of two or more persons.

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

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

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

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

² Explanations: Act 35 of 1969 substituted the words '4 standard acres or 4 acres.'
commencement of the Act provided further that in the case of a landlord referred to in clause 3 or clause 4 of the foregoing proviso the application for resumption may be made after the expiry of the said period of six months and before the date notified under Section 72, if such landlord was prevented by sufficient cause from making the application within the period of six months).

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

2) No Kudiyirippu shall be resumed,

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

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

7.2.2.3.6 A tenant from whom land is resumed under the provision of the Act shall be entitled to compensation for improvements belonging to him or a solatium of an amount equal to the value of the gross produce from the land resumed for a period of two years whichever is greater. (Section 20)
7.2.2.3.7 The procedure for resumption is explained in Section 22. Section 23 stipulates tenants' right to sue for restoration of possession of land in case the person who resumed the land fails without reasonable excuse to use the land for the purpose for which it was resumed.

7.2.2.4 The Act gave the tenants the right of purchase of the superior interests in their holdings. Section 53 of the Act states that a cultivating tenant entitled to fixity of tenure under Section 13, shall be entitled to purchase the right, title and interest of the landowner and the intermediaries, if any, in respect of the land comprised in his holding. Section 54 of the Act states that a cultivating tenant entitled to purchase the right, title and interest of the landowner and the intermediaries under Section 53 may apply to the Land Tribunal for the purchase of such right, title and interest. The purchase price was fixed at sixteen times the fair rent plus the value of permanent structures and half the value of timber trees belonging to the landlord. Section 55 states that the price payable by the cultivating tenant for the purchase of the right, title and interest of the landowner and the intermediaries, if any, shall be (i) the aggregate of sixteen times the fair rent in respect of the holding or part thereof to which the purchase relates; (ii) the value of structures, wells and embankments, of a permanent nature belonging to the landowner or the intermediaries if any, and (iii) one half of the value of timber trees belonging
to the landowner or the intermediaries, if any, where the rent is payable in kind, the money value of the rent is to be computed at the average of the prices of the commodity for the six years immediately preceding the year of determination of the purchase price. The purchase price payable by the cultivating tenant is to be determined by the Land Tribunal. The procedure with reference to it is explained in Section 57 of the Act.

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

7.2.2.4.2 Once the purchase price is fixed under Section 57 by the Land Tribunal the tenant may deposit the amount with the Land Tribunal to the credit of the Land Board. Where the purchase price is proposed to be paid in a lump, the entire amount is to be paid within one year from the date on which the order of the Land Tribunal under Section 57 has become final. Where the purchase price is proposed to be made in instalments, the first installment thereof is to be paid within six months from
the date on which the order of the Land Tribunal became final. The Land Tribunal may, on application by the cultivating tenant before the expiry of the said period extend the period for making such deposit. However, the period so extended will not exceed three months.

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

7.2.2.4.4 If a cultivating tenant fails to deposit the purchase price in lump or the first instalment thereof, on or before the due date the order of the Land Tribunal under Section 57 shall stand cancelled and the cultivating tenant shall continue as cultivating tenant. In case the tenant defaults the second or any subsequent instalments of the purchase price, the amount of such instalment shall bear interest at the rate of 4% per cent per annum, from that date till the date of deposit of that instalment.
7.2.2.4.5 Where a cultivating tenant does not apply for the purchase of the right, title and interest in respect of his holding to be vested in the government under sub section (9) of Section 66, the tenant holding directly under the religious, charitable or educational institution of a public nature shall continue as tenant under the Government.

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

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

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

1) That he has alienated his right of 'Kudikidappu' to a person other than (a) a member of his family or (b) a person who has no other homestead or any land in possession, either as owner or as tenant, on which he could erect a homestead and whose annual income does not exceed Rs. 2,000;

2) That he has rented or leased out his entire 'Kudikidappu' to another person for a period for not less than two years;

3) That he has ceased to reside in the 'Kudikidappu' continuously for a period of two years; or

4) That he has another 'Kudikidappu' or has obtained ownership and possession of land which is fit for erecting a homestead within a distance of five kilometers from his Kudikidappu.

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

3. Explanation: The Kudikidappukaran is not liable to be evicted on the ground mentioned in sub clause 4, if the extent of the land over which he has obtained ownership and possession is not more than three cents if it is in a city or major municipality or five cents if it is in any other municipality or ten cents if it is in a panchayat area or township.
of shifting the 'Kudikidappu' to the new site. In Cheekutty V. Land Tribunal, Alangadu, it was held that the landlord has to prove that he bona fide requires the very site in which the Kudikidappu is situated for purpose of construction.

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

7.2.3.0 Regulation of Rent

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

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

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

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

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

i) Coconut trees in respect of which the landlord is bound to pay compensation under the Kerala Compensation for Tenant's Improvements Act, 1958.

ii) Coconut trees in respect of which the landlord is not bound to pay compensation under the Kerala Compensation for Tenant's Improvements Act, 1958.

iii) Areca nut trees in respect of which the landlord is bound to pay compensation under the Kerala Compensation for Tenant's Improvements Act, 1958.

iv) Areca nut trees in respect of which the landlord is not bound to pay compensation under the Kerala Compensation for Tenant's Improvements Act, 1958.

v) Pepper vines in respect of which the landlord is bound to pay compensation under the Kerala Compensation for Tenant's Improvements Act, 1958.

vi) Pepper vines in respect of which the landlord is not bound to pay compensation under the Kerala Compensation for Tenant's Improvements Act, 1958.

3. Dry Land

a) Cultivated with groundnut or other crops notified by the government

b) In other cases

4. Palliyal land

5. Land under PUNAM OR KUMARI cultivation

6. Land under Sugar-cane cultivation

7. Land not falling under any of the above items

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1/10 of the gross coconut produce.

1/3 of the gross coconut produce.

1/10 of the gross arecanut produce.

1/4 of the gross produce of arecanut.

1/8 of the gross pepper produce.

1/4 of the gross pepper produce.

1/8 of the gross produce

Rs. per acre.

1/8 of the gross produce of the crop

grown on the land or Rs. 4 per acre

whichever is higher.

Rs. 3 per acre.

1/4 of the gross sugar-cane produce.

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

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

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

7.2.3.6 The order determining the fair rent takes effect from the beginning of the agricultural year in which the tenant or the landlord filed their application for such determination or the agreement under Section 33, and any amount paid by the tenant
in excess of the rent determined to the landlord till the date of determination is to be adjusted towards the payment of future rent or the purchase price payable under Section 55.

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

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

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

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

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

7.2.4.0 Fixation of Ceiling on Holdings

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

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

7.2.4.3.0 Exemptions to Ceiling Provision

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

7.2.4.4 Voluntary Transfers to be Null and Void

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

1) by way of partition, or
2) on account of natural love and affection or,
3) in favour of a person who was a tenant of the holding before the 27th July 1960 and continued to be so till the date of transfer, or

4) in favour of a religious, charitable or educational institution of a public nature solely for the purposes of the institution.

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

7.2.5.0 Distribution of Surplus Land

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

1) The lands in which there are 'Kudikidappukars' shall be assigned to such 'Kudikidappukars'.

2) The remaining lands shall be assigned to,

a) landless agricultural labourers and

b) small holders and other landlords who are not entitled to resume any land. It is specifically stated that 87% per cent of the area of the lands referred to in clause (2) available for assignment in a taluk shall be assigned to landless agricultural labourers of which one-half shall be assigned to the landless agricultural labourers belonging to Scheduled Castes, Scheduled Tribes and such other socially and economically backward classes of citizens as may be specified in the behalf by the government by notification in the Gazette.
7.3 The Act created Land Boards and Land Tribunals and vested with them the responsibility of implementing the various provisions in the Act. The Land Board was vested with the entire jurisdiction of the State and Land Tribunals were subjected to its control. By Section 24 of Act 17 of 1972 the government was empowered to constitute Land Reforms Review Board consisting of (a) the Minister of State in charge of land reforms (who shall be the chairman) (b) the member or members as the case may be of the Land Board and (c) six-man-official member nominated by the Government.

7.4 The Act with all its progressive features did not hurt the small holders. (Persons holding or owning below 5 acres of double crop wet land or its equivalent one acre of double crop wet land is considered equivalent to one acre of coconut garden or one and a half acres of single crop wet land). It has been recognised in the Kerala Land Reform Programmes that special protection has to be given to landlords who own small holdings, as otherwise these programmes might, while conferring benefits to one section of the society, cause undue hardships to another section of the society which is in no way better placed in the economy of the country than the section which is benefitted. In accordance with this policy, the small holders have been given reasonable protection so that the interests of the tenants do not suffer while the tenants of big landlords are given the option
to pay fair rent or contract rent whichever is less, the tenants of small landholders do not enjoy this concession as it is considered that a small benefit should accrue to the landholders. Again in areas where the tenants enjoyed security of tenure under any law in force prior to 21-1-1964, which the cultivating tenants of big landholders can purchase the landlord's rights, the cultivating tenants of small landholders can do so only after allowing the small landholder to resume a portion of the land if he chooses. These are two essential benefits conferred on the small landholders.

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