CHAPTER - I

INTRODUCTION

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

— Edwin Markham

The man with the hoe.

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

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

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

2. UP Zamindari Abolition Committee Report, p.574.
there was no place for intermediaries and so land must belong to
the tiller. The following points vis a

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

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

Proposals for land reform should address themselves to five prin-
cipal interests, viz., intermediaries, large owners, owners of
small and medium sized plots, tenants-at-will and landless work-
ers. The policy regarding elimination of intermediary rights has
been accepted in all states. The problem of land held by owners
falls under two categories, land now under the cultivation of
tenants-at-will and that under the direct management of owners.
Regarding the first, the general policy is to fix a limit to the
area which the landlords could resume for personal cultivation.
As to the latter, it is proposed that land management legislation
should be undertaken which would set up the appropriate authori-
ties who would have the rights to take over the management of an
entire farm or such portion of it as may be in excess of the
limit and arrange for cultivation. Regarding the third, the
general policy is to get them organised for the purpose of production as far as possible into co-operatives. Steps are also taken for consolidation and prevention of sub-division. Regarding the fourth, a distinction is made between those who generally cultivate the lands themselves and those who do not. For the last category, Minimum Wages Act is implemented.

In short, land reform comprises:

1. Compulsory take over of land usually (a) by the state; (b) from the biggest landowners and (c) with partial compensation; and

2. the farming of that land in such a way as to spread the benefits of the man-land relationship more widely than before the take over.

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

"Land reform needs to be viewed in the context of the plan strategy and as an integral part of employment planning" – the Planning Commission remarked in its Draft Sixth Five Year Plan – 1978-83. The major types of legislation were: abolition of
intermediary tenures, regulation of rent and tenant purchase, consolidation of fragmented holdings, ceilings on current holdings and future acquisitions and several enactments relating to agricultural workers, co-operative farming and state management.

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

1. Common lands such as waste lands, forests, abadisites etc., which belonged to intermediaries were vested in the State Government for purpose of management and development.

2. Home farms and lands under the personal cultivation of intermediaries were generally left with them and lessees of home farms continued as tenants under them. In some States, tenants of home-farms of intermediaries were also brought into direct relation with the state and the rights of intermediaries over their tenancy lands were abolished.

3. In most States tenants-in-chief holding land directly from intermediaries were brought into direct contact with the state. In some States, tenants possessed permanent and transferable rights and it was not necessary to confer further rights.

1.4.1 The abolition of intermediaries imposes a heavy strain upon the administrative resources of the State Governments: Determination and payment of compensation to intermediaries,
arrangements for the preparation or revision of records, establishment of agencies for collection of rent or revenue, maintenance of records etc., are all to be undertaken.

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

1.4.3 The Planning Commission accepted the principle that there should be an absolute limit to the amount of land which an individual may hold. The appropriate unit for this is not the individual but the family. The Committee of the Panel on Land Reform set up by the Planning Commission recommended that the ceiling should apply to the total area held by a family, the expression
'family' being deemed to include husband, wife, dependant sons and grand children. The Committee viewed that where the number of members of a family is larger than five, the ceiling of the family holding may be raised to a maximum of six family holdings. Certain types of land are exempted from ceiling. They are:

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

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

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

1.4.5 The compensation to be paid to the owner is determined either as specified amounts related to different classes of land or in terms of a multiple of land revenue. The total annual burden falling on cultivators to whom lands are allotted does not
exceed 1/4 or 1/5 of the gross produce. These methods suggested above make possible the ceiling legislation to cause less burden.

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

i) the land declared surplus to the ceiling is taken over by the State,

ii) it is distributed and physically delivered to the eligible categories expeditiously,

iii) the allottees are given adequate financial material and technical assistance to bring the land under productive cultivation.

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

1.4.8 It would be necessary that consolidation operations are preceded by an enquiry into existence of tenancy interests and that
these interests are recorded before ownership is altered. Consolidation law should not extinguish such right when the land owner gets another piece of land.

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

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

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

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

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

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

1.5.4 How a high tenancy rate may be transformed into a desirable state of affairs is well illustrated by Denmark. It is stated
that today farm tenancy is in effect at an end. This effect came about largely from the "awakening of the peasants themselves and their demand that an intelligent social-minded policy be developed by the government so that they might acquire a stake in the land they were working."^4

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

1.6.0 Land Policy in India

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

this was subsequently amended in 1952, 1954, 1956 and 1958. Bihar also passed a similar Act in 1950 and later amended several times. West Bengal Estates Acquisition Act (1953) provided for the abolition of intermediary tenure of all types and grades. The Orissa Estate Abolition Act (1951) related to the abolition of all intermediary interests by whatever name they were known. Same is the case with Andhra Pradesh and Rajasthan. A number of Acts were passed in Tamil Nadu to abolish all type of intermediary rights on payments of compensation to co-intermediaries. Assam introduced the Assam State Acquisition of Zamindari Act (1951) and the Assam Lushai Hills District (Acquisition) of Chiefs Rights Act 1954).

In Gujarat, the Tenure Abolition Laws provide not only for the abolition of intermediaries but also for upgrading tenant cultivators to the status of occupants with or without payment of purchase price according to the nature of occupancy rights enjoyed. Punjab, Haryana and Himachal Pradesh also passed a number of Acts for the abolition of intermediaries. For tenancy reforms, almost all states divided the whole into smaller regions for convenient and speedy implementation. There were three main enactments in the state of Assam for the regulation of tenancies. The provisions regarding tenancy arrangements were incorporated in the Bihar Land Reforms Act (1961). The Bombay Tenancy and Agricultural Lands Act (1948) was amended from time to time upto 1974 and was made applicable to the whole of Gujarat also. The Himachal Pradesh
Tenancy and Land Reforms Act (1972) provided for many important measures. Tenancies in Haryana were regulated by the Pepsu Tenancy and Agricultural Land Act (1955). The tenants in Jammu and Kashmir acquired occupancy rights in 1923. But it was by the Jammu and Kashmir Agrarian Reforms Act (1972) that the tenancies in the state stood abolished. Tenancies were regulated in Madhya Pradesh under the Madhya Pradesh Land Revenue Code (1959). Karnataka and Orissa too passed tenancy laws. The Rajasthan Tenancy Act (1955) replaced the then existing numerous laws relating to the land problem. Uttar Pradesh, Tamil Nadu and West Bengal also passed a series of tenancy legislation. Regarding ceiling legislation, though all the states introduced ceiling, there was a wide variety in the level of ceiling introduced, in the number of exemptions granted, in the date of commencement of the operation of ceiling law and so on. The magnitude of the structural change brought about by landlord abolition, tenancy legislation, ceiling etc., in Kerala is indisputably significant, particularly in comparison with other Indian States.

1.7.0 Agrarian Relations in Kerala

1.7.1 The peculiarity of Kerala is that agrarian relations of Kerala in the past was based on castes. It was the ascendancy of the Brahmins that led to the feudalistic agrarian relations. Brahmins alone had the absolute proprietorship on land. They handed land to sub-castes like Nairs, thereby creating various tenurial relationship. At the lowest of the caste hierarchy
(as well as the landed hierarchy) were the agricultural labourers. When agriculture became the chief source of wealth, as these Jammies were the sole authorities, all the economic and social conditions were controlled by them. Professor Kunjan Pillai⁶ has established on the basis of historical evidence that the Jami - Kudiyan System was the product of peculiar socio-economic situation of the region. The Sangham period shows no evidence of a land owning Namboodiri class. On the contrary, there are evidences to show that land belonged to the Kuravas, the Pulayas and Others. With the Aryan migration, temples became the Centre of learning and Brahmans were entrusted with the trusteeship. Lands were donated to their temples by Kuravas and Pulayas. As managers of vast areas of fertile lands, the power and influence of Brahmans increased. Various tenurierights suited to their interests were created. The supremacy of landlords and the caste hierarchy continued even upto the latter part of the 20th century. Prior to the British Rule, the various classes - Jami, Kanakkar and the actual cultivator were co-proprietors. Later the English mistook the jami for a landlord of European type and consequently the customary relation was upset. The faulty definition of the local tenures by the British together with the absenteeism in land holding culminated in an oppressive land tenure system.

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

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

1.9.0 Good and Evil of the System

1.9.1 Production operation on land is intimately connected with land tenures, i.e., terms on which land is held. "Private Enterprise" will not yield its best results unless legal and social institutions are such that the private investor secures the fruits of his own effort. Of the many spheres where this is
relevant, the most important sphere which is widely neglected in developing countries is the contract between the cultivator and his landlord.

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

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

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

7. Ibid. p.194.
1.9.5 A tenure system which is no longer in accord with the stage of political and economic development will inevitably contribute to instability, insecurity and uncertainty. On the other hand a tenure system which secures fair reward to the cultivators will promote self-help, self-reliance, thrift, independence and all other social virtues. There are three conditions for a just and equitable system of land tenure. This is briefly termed the three F's—Fixity of tenure, Fair rent and Freedom of transfer.

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

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

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

1.11.0 Hypothesis of the Thesis

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

1.12.0 Methodology

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

1. Published government documents.
3. Land Board and
4. NSS Reports pertaining to land reforms.

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

1.13.0 Scheme of the Study

1.13.1 For purposes of analysis, the thesis is divided into two parts. The first part comprises nine chapters. They are:
1.13.2 The second chapter gives an account of the literature surveyed. For the present study, a significant number of related works were reviewed. Important among them are listed below:

2. Ayyat, K.M. - Land Reforms in Kerala and India.
3. Centre for Development Studies - Poverty, Unemployment and Development Policy.
5. Dutta, Palme, R. - India Today.
2) An Analysis of Agricultural Land in India by Size of Holding.
11. Kumar, Dharma - Land and Caste in South India.
20. Mukherjee, Radhakamal - Economic Problems of Modern India.
22. Nanavati, M.D. - The Indian Rural Problem.
25. Neale, Walter, C. - Economic Change in Rural India.
                     2) Land Reforms and Socio-Economic Change in Kerala.
                     2) Land Tenure of British India.
31. Sen, Sunil - Agrarian Struggles in Bengal.
32. Shelvankar, K.S. - Problem of India.
33. Sheh, T. - Travancore-Cochin Land Tenure Reform.
34. Singh, Dool - A Study of Land Reforms in Rajasthan.
1.13.3 The Third chapter presents the Historical Background.

In this chapter an attempt is made to highlight the most common tenures of Kerala. Though the tenures that existed in the erstwhile princely states of Travancore and Cochin and the British Malabar had many common characteristics, they differed from one another in details and in many local peculiarities. The major tenures among them are Pandaravaka, Sircar Devaswam Vaka, Sree Pandaravaka, Sreepadam Vaka, Kandukrishi, Karam Oshuva, Puravaka, Jenmom, Kanam, Kushikanam, Kushikana Pattam, Pattam, Paneyam, Karamma, Pankuvaram, Mulgeni, Chalgeni and Vaidageni.

1.13.4 Eminent authorities like Logan and Baden-Powell were of the opinion that the British civil servants completely misunderstood the customary land relations in vogue for centuries. They tried to introduce British ideas and concepts of land right into the region, and started interpreting and enforcing those alien
ideas through their judicial machinery. The jenmi was considered as the possessor of Roman Dominium and all other groups connected with land and agriculture were pushed down to the position of tenants. The Kanamdars were considered as mere mortgagees and Kushikanamdars and Verumpattamdars as tenants-at-will, all of whom could be evicted at the will and pleasure of the Jenmi. Thus the Britishers had done great injustice to the cultivators of Kerala, especially Malabar.

1.13.5 Chapter Four deals with the early efforts at land reforms prior to the unification of the state. Here it is pointed out that a satisfactory system of tenure is a sine-qua-non of an efficient agricultural industry. But the tenure systems of Kerala were oppressive and regressive. This was partly due to the faulty definitions of the local tenures by the British and partly due to the development of absenteeism in land holding. The British, by faulty definitions, reduced the superior tenures like Kanam and cognate tenures almost to the level of actual mortgages and Verumpattam to mere year-to-year tenancy. Consequently the system began to show implications of tyranny by hierarchy of authority, freezing the individual into a caste system which he was unable to challenge. As time passed, the enlightened rulers realised the need for assuring to the individual cultivator a portion of the benefits accruing from husbandry. This led to the enactment of land reform legislations.
1.13.5.1 The Royal Edict of 1829, the Pattam Proclamation of 1865, the Janmi Kudiyan Proclamation of 1867, the Royal Proclamations of 1886, 1910, and 1922, the Prevention of Eviction Proceedings Act 1949 (all Travancore), the Royal Writ of 1863, the Land Revenue Settlement of 1899 to 1905, the Devaswam Proclamation of 1901, the Tenancy Act of 1914, the Proclamation of 1937, the Verumpattamars Act of 1943, the Devaswam Verumpattam Settlement of 1943, the Verumpattamars Act of 1943, the Verumpattamars (Amendment) Act of 1944, the Proclamations of 1947 and 1949 (all Cochin) the Kandukrishi Proclamation of 1948, the Stay of Eviction Proceedings Act of 1950, the Prevention of Eviction of Kudikidappukars Act 1953, the Verumpattamars Act of 1954, the Land Tax Act of 1955, the Edavagai Rights Acquisition Act of 1955, the Compensation for Tenants Improvements Act of 1956 (all Travancore-Cochin), the Malabar Compensation for Tenants Improvements Act of 1887, the Act -I of 1900, the Malabar Tenancy Act of 1930, the Malabar Tenancy (Amendment) Act of 1945, 1951 and 1954 and the Madras Cultivating Tenants (Payment of Fair Rent) Act of 1956 (all Malabar) are discussed in this chapter.

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

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

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

1.13.9.1 The Kerala Land Reforms Act (1963) came into force on 1-4-1964. A Land Board with the first Member, Board of Revenue, as the sole member was constituted and 15 Land Tribunals were set up with effect from the above date for the implementation of the provisions of the Act. The number of Land Tribunals was enhanced later to expedite the implementation.
1.13.9.2 One of the most important objectives of land reform policy is the introduction of measures designed to confer security of tenure on the one hand and regulation of rent on the other. Section 13 of the Kerala Land Reforms Act confers fixity of tenure on all tenants in respect of their holdings and stipulates that no land from the holdings shall be resumed except as provided in Sections 14 to 22. As such, there is no need to secure an order from any Court or the Land Tribunal for securing fixity of tenure.

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

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

1.13.9.5 Section 73 of the Kerala Land Reforms Act allows certain concessions to the tenants in discharging arrears of rent. According to this section, arrears of rent which fall due on or after 15-2-1961 and outstanding at the commencement of the Act (1-4-1964) shall be fully discharged by paying 75 per cent of the
arrears of rent within a period of six months from the commencement of the Act. But strangely enough, no action has been taken in the case of more than 70 per cent.

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

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

1.13.11 The second part of the thesis is devoted to discussing the economic impact of the reform measures. A personal survey was conducted to evaluate the impact of land reform measures. The survey revealed that the tenancy reforms helped to improve the economic status of the tenants. The early reform measures initiated in the Travancore area had a salutary effect in the expansion of cultivation. The security offered attracted foreign capital and made inroads into commercial investment. The tenancy legislations with their emphasis on tenant security and regulation of
rent coupled with the increasing trade in agricultural products increased the value of land steadily. The tenancy reforms strengthened the position of the tenants. They stopped the eviction of tenants for the creation of new ones with enhanced rates of rent and the forcing of old tenants themselves to pay higher rents on pain of eviction. The reform measures also affected investment in land and thereby productivity of land.

On the social side, the reform narrowed the traditional class distinctions.

1.14.0 Conclusion

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

The study pinpoints the following factors:

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

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

1.14.4 As to the question of ceiling, test should not be
whether large self-cultivated holdings are efficiently managed,
but rather whether as a result of ceiling regulation and redis-
tribution, the aggregate efficiency is likely to be jeopardised.
It is clear that the small farms are worked more intensively than
the large farms. Ceiling law should be followed up either by
fresh legislation to prevent absentee landlordism or by abuse of
tenancy rights. Land records must be made up to date, so as to
ensure that ceiling legislations are not circumvented through
bogus transactions and speculative investment in land is elimi-
nated. As to the redistribution clause, landlessness is to be
relieved under two sets of conditions, viz., welfare and equity
on the one hand and production and productivity on the other. The capacity of the reforms must be to ensure widest possible diffusion of opportunities in line with the distribution of potential talent. Even though the reform proposals lacked adequate measures for bringing about the needed changes in the human factor, they increased the self-confidence and effectiveness of middle-class and middle-caste farmers in political life.