Chapter III
Land Tenure Legislations in Travancore
(1865 to 1949)

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Land Tenure Legislations in Travancore  
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The agricultural progress largely depends on the proper institutional arrangements for the use of the various inputs to the optimum level. The land tenure system deals with an important aspect in this sense which deals with the rights and patterns of control and use of the land as a resource. The general position of the country depends on the laws and customs which regulate the demand and supply, and proper utilization of the various agencies of production such as land, labour and capital and among them land is important.¹

Background of the Tenurial Changes

The land tenure system in Travancore had undergone changes from time to time. Though various factors influenced these changes, the land tenure legislations which were introduced in the region had a major influence on the course of development in early Kerala. Owing to the growing pressure on land and the slow development of alternative opportunities, the competition for land increased. The competition for land ownership in Travancore developed as a source for conflict among the different social groups and it received the attention of the government then and there.²

The colonial connection with Travancore also held its influence on land relations, but despite the colonial alliances, the State of
Travancore developed an independent land policy of its own. The Travancore rulers did seek the help of the English East India Company at times to suppress the warring chieftains and to take control over their lands held by them. This support tremendously contributed to the economic prosperity of Travancore. The revenue from land was the most important source of income for the state. Therefore, all who had stakes in land, including the rulers, were eager to enact and implement the necessary legislation related to land tenures.

Land tenure legislations in Travancore came in specific phases in the course of her history. The legislations helped to improve the position of the tenants, to increase the area of cultivation, to increase production and also to facilitate the distribution of land from the landowning community (upper classes) to the lower strata. The changes that took place in the ownership pattern and the security of tenancy helped to forge connections between the tenants and the state. The lower strata of society were elevated to a degree of social status through these legislations. This led to changes in the political, social and economic condition of the state. The policy shifts in land tenure in Travancore were different from those of the other territorial segments, Cochin and Malabar. While Cochin had almost a similar pattern of political evolution like that of Travancore, Malabar had succumbed to British suzerainty as early as 1788. In the case of Travancore, it was relatively a powerful progressive state, supported
by the English East India Company. The state continued to annex all the lands belonging to the conquered chieftains and converted these into *sircar* (state owned) lands. By the end of the eighteenth century almost half of the cultivated land belonged to the state and the state emerged as the biggest *jenmie* in Travancore.⁴

The remaining land was controlled by private *jenmies*. But the state or the private *jenmies* were not the actual cultivators. They got their land cultivated by tenants and agrestic slaves attached to the soil.⁵ The colonial period in Travancore witnessed changes in the agrarian field. The growth of population had been high by that time and it necessitated more area to be brought under cultivation. The landlords began to enhance rent on the agricultural land and even went to the extent of evicting the tenants demanding higher rent. Legislative interference by the state became necessary to regulate the problems in the agrarian system of the region.⁶ Some of the rulers of Travancore tried to improve the economic condition of the states and when they needed resources for the purpose, they imposed new taxes on the people. The rate of tax was not based on annual production only, but they were assessed on the sum total of the capital in the form of land. There was no possibility for tax evasion because the state had already assessed the individual’s possession of land holdings.⁷

Later, there was great demand for increased revenue as a result of the pressure from the British administrators and also the
pressure from within to find more revenue for the state. The government was under pressure to maximize production from the land, which was the main source of revenue. In subsequent years, the rulers of Travancore were compelled to think in terms of radical measures in land legislation to achieve these aims. The discontent among the tenants and the strained relations between the jenmies and the tenants rapidly paved the way for drastic measures in land tenure legislation in the state. The discontent sometimes developed into agrarian outbreaks in the region. As referred to earlier, the basis of the first agrarian outbreak in Travancore can be traced back to 1809, when Veluthampi Dalava mobilized the peasants for an anti-imperialistic struggle and, wanted to use them in his struggle against the British, which he launched with the Kundara Proclamation.  

Major changes in the agrarian economy of Travancore took place during the period of Colonel Munro who was appointed as the British Resident in Travancore in 1811. He alerted the Travancore rulers on the mismanagement of Dewaswom lands (owned by temples). As a result the government acquired the properties of about 348 wealthy temples. These wealthy temples with their landed properties were a source of income to the government. By various methods a little less than two thirds of the cultivated area and a much larger part of the total area of Travancore came under the direct ownership of the state, and this helped to increase the revenue of the state.
The changes in the agrarian policy led to changes in the age-old feudal pattern of land ownership. As early as 1818, the Travancore rulers had issued royal Proclamations to encourage the cultivation of waste lands. The regulations guaranteed that waste lands and new lands reclaimed from rivers, backwaters, etc. for cultivation were exempted from tax for the first ten years and thereafter subject to a light tax. In addition, there was also recognition of claims for the cost of improvements on the newly reclaimed lands.\(^{10}\) These measures on the part of the rulers helped to increase the area under cultivation as well as to improve the economy of the state. There were also new opportunities for the members of the lower strata to acquire more land for cultivation.\(^{11}\)

During the year 1819, a royal Proclamation was issued to promote the cultivation of land in the hilly region. The Proclamation granted special concessions for hilly tracts, as these areas had been abandoned by the ryots on account of the depredations of wild animals. Tax exemption for six years was given to the holders for cultivating the land which had once been registered, but abandoned later. Concessions were given to the cultivators of areas which needed governmental assistance. There were also cases in which the ryots left their land due to the threat from wild animals. Such ryots were given concession limiting taxes to the year when the land was actually cultivated.\(^{12}\) The period also witnessed the rise of agricultural prices.
The native rulers used their power to continue and improve the tempo of agriculture. During the period of Swathi Tirunal a royal edict was promulgated directing the Appeal Court to uphold the established convention that the tenant (kudiyar) should pay the jenmie his usual, ordinary and extraordinary dues and the jenmie to receive the same and let the tenant remain in possession and enjoyment of the property. This edict restricted the control of the jenmie over the tenants. The system of field survey and measurement was introduced in Travancore for the first time in 1837 and this helped to bring large areas of land under cultivation as well as to mark the beginning of new plantations. But the survey and assessment were not foolproof, and many landlords evaded the payment of tax.

There were drastic changes in the agrarian routines during the nineteenth century. The encouragement for waste land cultivation helped to bring more area under cultivation as well as to increase agricultural productivity. People who were engaged in other activities turned to cultivation as an occupation. Increased paddy cultivation in the coastal region started during this period. Later there were also changes in the traditional agrarian pattern. Earlier, in the region, cultivation had been for the benefit of the landlords or to provide food for the family, but by the second half of the nineteenth century agriculture became a commercial activity. The price rise of agricultural products was a complementary factor. The economic
penetration of the British into the agrarian sector was apparent by this time. Plantation was opened in the high range regions, and industrial activities related to coir commenced. Along with the Europeans, the natives also developed a special fascination for cash crops as these could bring more wealth. These changes in the agrarian sector necessitated corresponding changes in the land tenure pattern.

The nineteenth century witnessed the “mopalah riots” in the British Malabar region. The various Commissions that studied the causes of the riots pointed out the faulty land policies including indiscriminate eviction and higher rent imposed by the jenmies in Malabar. Though the situation in Travancore was different, this was a pointer towards the need for proper implementation of land policies by the rulers of the region. This was the background of the Royal Edict which was promulgated in 1829 in Travancore which was a major progressive step towards giving more concessions to the tiller of the soil, but the law courts in Travancore did not fully acknowledge the instructions of the rulers. The reason assumed was that the members of the judiciary in Travancore were mostly drawn from the land owning Brahmin class. The rulers in Travancore like Uthram Tirunal Marthanda Varma (1847 – 1861) and Ayilliam Tirunal Rama Varma Maharaja (1861 – 1880) were in favour of incorporating progressive reforms in the administration. They were of the view that for increasing the area of cultivation, it was necessary to grant full
ownership rights to the cultivators of the *jenmom* lands. The administration also felt it necessary to mitigate the evils arising from the powers enjoyed by the few *jenmies* as the only owners of landed proprietors.\(^{19}\)

**Early Tenurial Proclamations and Legislations in Travancore**

In the history of Travancore, the period from 1865 to 1949 is significant with regard to the enactment of drastic legislative measures in the agrarian scenario. These measures including the various Proclamations by the rulers were major landmarks in introducing changes in the agrarian sector in the region. These legislative initiatives had wider impact in the life of the people in the later years.

(a) The *Pattom* Proclamation

The rulers of Travancore in general were committed to the course of promoting agriculture. But the complicated relationship between the landlords and the tenants in Travancore necessitated the introduction of some effective measures to settle the differences. The growth of population in Travancore had been very high since the second half of nineteenth century and the pressure on the land had been continually on the increase. On account of the growing pressure on land and slow development of alternative employment opportunities, the competition for land increased. Land became increasingly a source of conflict among different social and economic groups. As far as Travancore was concerned, the progress in the
agrarian field was very vital, as income from land tax was the main source of revenue to the government. To ensure and enhance revenue, it was also necessary to settle the differences between the various sections connected with agriculture. In pursuit of all these aspects, the government of Travancore during the period of Maharaja Ayilliam Tirunal Rama Varma took some initiation and issued Proclamation on 2 June 1865. This is popularly known as the *Pattom Proclamation*. The Maharaja in his Proclamation notified thus:

the *ryots* holding these lands may regard them fully as private, heritable saleable and otherwise transferable property. Accordingly, the sales mortgages etc. of these lands will henceforth be valid... The lands may be sold for arrear of tax in execution of decrees of courts and such other legitimate purpose and may also be accepted as security by the *sircar* as well as private individuals.

This Proclamation is considered as the “*Magna Carta*” of Travancore peasants. Prior to this Proclamation, the tenants did not enjoy the right of ownership over the land. This was a measure of the ruler to release the *sircar* lands from state landlordism. By releasing the control over land by the state and other agencies, this Proclamation helped to remove the uncertainties prevailing on ownership rights. The structural changes in agriculture also started with this Proclamation. The tenants who cultivated the *sircar* lands belonged
to the lowest level of the population. These marginalized sections of population became owners of land by this historic measure. Once they became the actual owners of land they began to concentrate more on agriculture. The people who belonged to different caste groups became owners of land in Travancore.

The Proclamation of 1865 changed the nature and progress of the social and economic development of the State. There was a turn of events leading to far reaching changes in the later period. The agricultural workers in Travancore belonged to the lowest class and they were ever exploited by the landlords. By an earlier regulation in 1855, the Travancore Government had abolished slavery and emancipated the slaves from the age old bondage. The release of land from state ownership and the distribution of it among the cultivators were no doubt a boost to the social uplift of the lower class people. The Proclamation witnessed the collapse of the traditional social structure in the state.

Along with the pattom Proclamation, the government changed the system of payment of tax. Earlier, tax was paid in kind and now it was changed to payment of tax in cash. This had an impact by which the cultivators were compelled to sell their crops for cash for payment of tax. The change over the commercial crops and high-priced food grains due to tax pressure meant a shift from the traditional cultivation of food crops for local consumption. New system of commercialization of agriculture went along with this new
legislation. Further, it led to the introduction of market economy and monetization of exchanges.

An inevitable consequence of the change in the agrarian sector was that the cultivators needed higher inputs for cultivation than earlier. This necessitated them to depend on money lenders for more credit and this in a way influenced the nature of credit system in the region. One provision of the Pattom Proclamation was the permission for free transferability of land and as a result land which was the most valued asset in the economy was made a commodity in the market. The demand for land became most intense. The Pattom Proclamation helped the distribution or diffusion of landed property among all the classes and removed the evils of land monopoly.

The year which followed the Proclamation observed many changes in Travancore in the agrarian field. The vast area of land valued at about for Rs.4,75,000/- were sold among the cultivators. There was also the reclamation of waste lands for the purpose of cultivation. While the natives of Travancore reclaimed waste lands in the plains, the Europeans also began to utilize the forests on the mountain areas. On the part of the government they also encouraged the growth of cultivation of the waste lands. The Government began to give more incentives for the use of sircar waste lands for both the natives as well as the Europeans.

A major effect of the Proclamation of 1865 was that the ownership pattern of land had changed. Cultivable lands were freed
from state landlordism and it was being distributed among the cultivators. Land ownership was opened out to all classes of people irrespective of caste and creed. Land transaction began to take place and other than cultivation, land based economic activities were initiated. The natives as well as the Europeans began to engage in the reclamation of land which had been left fallow till that time. Plantation activity in the hilly region also began during this period.

Through the Proclamation of 1865, the Government of Travancore expressly surrendered forever all their optional power over certain classes of land for the benefit of the people. The Government also assured the ryots the undisturbed enjoyment of these lands so long as they paid the assessed taxes, and thus gave the cultivators an incentive to lay out labour and capital on their lands. A new class of landowners thus emerged due to the edict of 1865. These measures, it was hoped, admirably protected the mutual interests of the tenants and the landlords and that these reforms were conducive to agricultural improvements and prosperity.

(b) The Proclamation of 1867

An integral part of the scheme of the agricultural development is the land tenure pattern. This is also a pathfinder to the social changes. The administrative measures will become significant only on getting support and backing of the enforcement agencies. But the initiative on the part of the rulers for agrarian reforms was not equally responded by the judicial system of Travancore. This was
mainly because the judiciary consisted mostly the members of the reactionaries. Moreover, even though the *Pattom Proclamation* was unique in itself, there were many loopholes at the stage of its implementation. There was the need for proper clarification of the different categories of tenants and also lacked proper measures for the enforcement of the various provisions of the Proclamation. In order to overcome these defects, the state intervened and issued another Proclamation in 1867. This Proclamation clarified that the tenants coming under *kanam* 33 were not redeemable, and that the so called tenants were permanent tenants with the only obligation that they should pay to the *jenmie* the rent and other fees which were in practice and according to the existing law.

The Travancore rulers used to consult the British Resident in the state on matters of administration. With regard to the Proclamation of 1867, the Travancore Dewan T. Madhava Rao reported to the Resident that the *jenmies* were not the improvers of the landed property and the tenants should be given permanent occupancy on the land so as to encourage them to improve the agricultural prosperity of the State.34 The spirit behind the Proclamation was clear from this recommendation of the Dewan of Travancore. The British Resident also accepted this suggestion given by the Dewan.

The Royal Proclamation defined the relations between the *jenmies* and tenants by which a considerable relief was accorded to
the tenants of Travancore. This Proclamation is calculated to mitigate the sufferings of the *ryots* of Travancore. The holders of the government lands were transformed into owners of lands and the *kanam* tenants were given the right of permanent occupancy. The Proclamation was a great blessing to the tenants who were holding *kanappattam* tenure from the *jenmies*. These lands were exempted from taxation by the State. The tenants who obtained *kanappattam* tenure from the *jenmies* made substantial improvements on their holdings. As per the existing practice the *jenmies* had the right to resume the possession after twelve years by making some repayments to the tenants.

(c) The *Jenmie-Kudiyan* Act, 1896

The Proclamation of 1867 was aimed at the speedy disposal of the differences between the *jenmies* and the *kudians*. The realization of the *jenmies* dues was not carried out efficiently due to various reasons. Repeated complaints were made to the Government by the *jenmies* and the Government on enquiry found that the complaints were true. There were also complaints from the *kudiyans*. The terms of the Proclamation were not enforced effectively. The evictions of the *kudiyans* were carried out by *jenmies* at discretion from the localities where the *jenmies* were powerful. In areas where the *kudiyans* were powerful, they forced the *jenmies* to compromise to their favour. So it became necessary to act upon some principles in the matter of rewards of *kanappattam* leases.
Though the Proclamation was made with the best of intentions, in its operations it did not satisfy either the *jenmies* or the *kudi yans*, as it was defective in many respects. On the part of the *jenmie*, it was said that he did not get anything at all for the loss of his dues from the tenants and the tenants complained that the courts were putting a narrow construction upon the terms of the Proclamation and in some cases acting contrary to its provisions. The government felt that the untimely eviction of the tenants by the *jenmies* would affect the overall cultivation of the state as well as cause displeasure of tillers and fear of insecurity. It was made clear by the Proclamation that the tenants should have perpetual right over the land he occupied. To rectify the defects in the Proclamation, a Commission with Mr. Justice Kunjuraman Nair as president was appointed by the government. The Commission made a detailed study and submitted a draft bill along with the report.\textsuperscript{36} As per the recommendations of the Commission, the *Jenmie-Kudiyan Act* was enacted in 1896, incorporating in detail all the provisions enunciated in the Royal Proclamation of 1867.\textsuperscript{37}

The effectiveness of the Proclamation was felt by the British Resident and as a result he advised the *Dewan* of Cochin also to give effect to similar legislations in Cochin. But the *Dewan* of Cochin was of the opinion that such a regulation was neither necessary nor feasible in Cochin at that time.\textsuperscript{38}
The *jenmie-kudiyan* regulation of 1896 protected the *kanam* tenants from arbitrary eviction but left out the other aspects of tenancy rights.\(^\text{39}\) The regulation helped to remove the feudal barriers pertaining to commercialization of agriculture, but the feudal privileges of the landlords were retained in it. Both the landlords and the tenants resorted to their own interpretation in their favour. This regulation secured permanent occupancy rights and other relief in the form of fixation of rents and fees for the *kanam kudiyan*. But there was at the same time the danger of sub division and fragmentation of holdings as a consequence of the disposal of ownership and popular increase.

Though the Act was a relief to the *kanam kudiyans*, many of the tenants-at-will, holding lands either under *kanam* tenants or directly from the *jenmies* did not get any relief from this measure. To rectify this difficulty, the government decided to study the matter in detail and also to undertake a comprehensive survey and settlement of the lands under different tenurial conditions.

These measures of giving occupancy rights to the tenants were having far reaching effects on the social life of the state. There was the considerable development of agriculture with more areas brought under cultivation. Large scale reclamation of waste lands, and swampy areas also helped in increasing the area which was brought under cultivation. The economic growth of the state was accelerated and resulted in improvement of trade relations. Both the natives and
Europeans had ventured on highland cultivation and plantations in the state. This was an impact of these changes in the tenurial systems. The state even provided loans for needy agriculturists.\textsuperscript{40}

The \textit{Jenmie-Kudiyan} Act of 1896 encouraged the Government of Travancore to study the tenurial patterns in the state more systematically. As a result systematic surveys and revenue settlements were undertaken between 1883 and 1911. The modern cadastral survey methods were used for this purpose. The purpose of the survey was not just for levying an assessment but to make a classification of different kinds of land. Out of the total area of the state, estimated at 7,600 square miles, about 5,000 square miles were surveyed; the rest consisting mainly of forests and estates of coffee, tea, cardamom etc. was excluded from the survey and settlement. The survey and settlement did take into account the broad tenurial divisions, chiefly to define relations between the state and the lands held under different tenures. The land revenue settlements on the basis of tenurial patterns and the legislative actions initiated by the rulers of Travancore made clear the progressive reforms in the agrarian sector of Travancore.

(d) The \textit{Jenmie-Kudiyan} (Amendment) Act, 1932

The legislative measures taken up by the rulers regulated the relationship between the \textit{jenmie} and \textit{kudiyan} in Travancore. Things went on smoothly between the \textit{jenmies} and the tenants for the next ten years, but after a decade, both \textit{jenmies} and tenants represented
to the government regarding the difficulties in the actual working of the regulation and also the amendments necessary to meet their arguments. The government decided to enquire into the operation of the regulation and appointed a Committee in 1915 to enquire into the grievances of the landlords and the tenants. Though the committee consisted of representatives from both the landlords and tenants, it could not generate a unanimous report. The committee gave recommendations on various aspects. It was suggested that the landlords' share be assessed on the basis of the net produce and not on the gross produce of the land. One-third of the net produce was suggested as the landlord's share of paddy. In the case of garden land, the share would be one-fifth of the net produce of assessable trees. The suggested profit share of the tenant was 60 per cent of the net produce in the case of paddy land and 75 per cent for other lands. It was also recommended that the landlord's claim to levy renewal fees at a rate higher than 25 per cent of the kanam amount or twice the value of the annual pattom be declared illegal. Further, it suggested the renewal and customary dues be commuted so that specific and fixed sums on these accounts are declared payable by the tenants annually to the landlords. The recommendations were published as a Bill in 1924, but there was severe opposition to the Bill. The provisions relating to the right of the landlord to revise and enhance pattom, renewal fees and customary dues were not acceptable to the tenants. The landlords also opposed certain other
provisions in the Bill. Finally the government dropped the Bill and made modifications after a ‘round table conference’ of all the parties. After fourteen years of protracted negotiations, the government succeeded in evolving a new formula which was acceptable to both the landlords and the tenant. The Jenmie-Kudiyan (amendment) Regulation of 1932 was passed unanimously by the Travancore Legislative Council.

In the meantime, a Proclamation was issued in 1922 called the Dewaswom Proclamation. This Proclamation abolished the distinction between the Pandaravaka land and the sircar Dewaswom-vaka land. The period of Colonel Munroe witnessed the state taking over two fifths of the land revenue which was to be kept apart for the maintenance of the temples. As a result of this Proclamation there was separation between ‘revenue account’ and Dewaswom account. But this resulted in a heavy drain in the revenue of the state.

The Jenmie-Kudiyan (amendment) Regulation of 1932 brought certain drastic changes in the jenmie - kudiyan relations. The jenmies were deprived of all their rights on land except jenmikkaram. The fees due to the jenmies such as renewal fees, customary payments, etc. were converted into annual payment. This, along with the annual Michavaram was termed as Jenmikkaram. The important changes introduced by the regulations pertained to the right of eviction and surrender, renewal fees, customary dues, rates for
supporting compensation, the right to use land as well as sharing of plantation crops. The *kanam* tenants were declared complete owners of the land with all rights incident to ownership of the land. It was further clarified that ‘from and after the commencement of the amendment regulation, the *jenmie* shall not have any right, claim or interest in any land in a holding except the right to receive the *jenmikkaram* thereon and the *kudiyan* shall be deemed to be the owner of the land subject only to the payment of the *jenmikkaram*.’

The government reserved the right to revise or enhance the *jenmikkaram*.

Far reaching changes were made by this regulation. The *jenmies* who were regarded as land holders were practically reduced to the position of persons entitled merely to certain dues called *jenmikkaram*, which were in the form of a levy on the land. The *jenmies* became practically the owners of the land subject to the payment of the *jenmies’* dues. Many of the old and well established practices connected with the *kanam* tenancy were swept away by this regulation. This was a progressive policy on the part of the rulers to intervene in the most effective way possible to safeguard the interests of the *kanam* tenants of the *jenmom* lands. As per the *jenmom* lands, it occupy a little over six percent of the total cultivated area of Travancore.

Absolute freedom was granted to the tenants in the use of his land under the regulation of the *Jenmie-kudiyan* Act of 1932. The
tenant had the right to convert the nature of the land either the wet land into garden or garden land into cultivable wet land, or any alteration with regard to the cultivation of the soil. The Act states that the jenmie shall not have any right, claim or interest in any land holding except the right to receive the jenmikkaram. The right of revision or enhancement of jenmikkaram rested with the government. This Act was a major step on the part of the Travancore rulers to accept the right of the tenants or the rights of the tiller of the soil. This act was also a measure by which there was a speedy decline of the power and influence of landlords in the society.

Another major change introduced with the regulation was related to the agrarian practices in the region. Complete freedom was granted to the tenants in the use of their land. Every kudiyan had the right to make any use of the land in his holding, to change its character either by converting wet land into garden land or by converting garden land into cultivable wet land, to cut down and appropriate any tree standing thereon, to alter the course of cultivation, and in short, to do or suffer anything to be done on the land without reference to or interference from the jenmies.

The Act of 1932 contained the provisions for the tenants to improve their land without unnecessary interference from the landlords. In the earlier system the tenants had the obligation to pay increased jenmikkaram for increased production or for any change in the nature of the crop. The Act eliminated this practice.
Consequently, no *kudiyan* was bound to pay any higher *jenmikkaram* for increasing production or changing the crops. The productivity of the land depends mainly on the proper use of the land. The practice of changing crops naturally enhances productivity. Modern methods for increasing agricultural productivity give importance to the rotation of crops.

There was also a clarification in the Act regarding the distribution of compensation when land is acquired by the government. If the land is taken over by the government for the amount of compensation due to the land, the cost for development in the land which was borne by the tenant, went to the tenant and it was the balance amount due to landlord as the value of the land.\(^{49}\)

Many of the provisions of the Act had a revolutionary character and had potentials for far reaching consequences. Many of the customary rights of the *jenmie* and the *kudiyan* came to an end in Travancore. The *jenmies* or landlords had to be satisfied with their limited *jenmom* right; all along, there had been conflicts between the *jenmies* and tenants with regard to the *jenmikkaram*.\(^{50}\) The *jenmikkaram* collection was a bone of contention between the two parties ever. The Act gave provisions by which the government could collect the *jenmikkaram* from the tenants that would be reimbursed to the *jenmies* by the Government. It was made clear that the *jenmom* right, in effect, meant the right to receive *jenmikkaram*. The
regulation effectively brought under its purview about six per cent of the cultivated land in Travancore.

The framers of this act were keen to make it clear that the provisions of this act would benefit not only the tenants but also the landlords. Before the introduction of the Act, the plantation lands had not figured in any of the assessments. When more area came under plantations, the Act proposed that a small share of the income from such areas shall be given to the landlords by the tenants.

The agrarian structure of Travancore was also influenced significantly by the jenmie-kudiyen regulation of 1932. As cited elsewhere, the jenmikkaram was collected by the government from the tenant and paid to the jenmie and as a result, a new kind of relation was established between the tenants and the government. The freedom for the use of land as well as the selection of the crop pattern was given to the tenant. The concept of ‘land to the tiller’ was being implemented in Travancore directly or indirectly. When this act removed the restrictions on land use, the power and influence of landlords in the society began to decline tremendously. The intervention of the state between the kudiyen (tenant) and the jenmie (landlord) resulted in the preparation of the records related to jenmikkaram.
(e) The Travancore Land Tax Proclamation, 1946

Another major step towards removing the revenue-tenurial differences was initiated by the rulers in the Travancore Land Tax Proclamation of 1946. This was a measure to bring the whole of the assessed lands under a uniform rate of assessment. Other lands belonging to sree pandaravaka, sree padam, kandhukrishi and edavagai were charged a uniform tax. Since the rate of tax was same irrespective of the nature of the yield or fertility, the owners of the fertile lands benefited more than the others. The uniform tax levied on all types of lands compelled the owners to put all lands under some use.\textsuperscript{51}

More problems in connection with the tenancy crop up, when more areas of lands were brought under cultivation. Though the legislations were a little effective, more reforms needed to face the new situation. There was no provision to regulate the leasing of the pandaravaka lands and also no provision existed for compensation for improvements made by the tenants when evicted. The jenmie-kudiyen act did not apply to the kanam tenancies of land other than jenmom land; and even in the jenmom lands, only the kanapattam holders were granted proprietary rights. In short, there were no ameliorative tenancy measures in Travancore and very soon the area became notorious for numerous types of land leases, many of them based on new terms and practices.\textsuperscript{52} So there emerged unauthorized practices of leasing of lands in Travancore.
Tenurial Changes in Travancore-Cochin State.

After Indian Independence in 1947 there were changes in the native states as well. The policy of merger and integration of native states initiated by the State Ministry of the Government of India under the guidance of Sardar Vallabai Patel had improved the prospects of the early formation of a united Kerala. The native State of Travancore and the nearby Cochin State were integrated together to form into one state, Travancore-Cochin on 1 July, 1949. In the meantime the Cochin State had made attempts to improve the agrarian system in the region. A Committee had been constituted in Cochin to study on the agrarian aspects. The Cochin Agrarian Problem Enquiry Committee had been constituted in 1947. The Committee, under the chairmanship of Mr. Siwasamy, submitted its report two years later. Though the report brought to light the problems of the existing agrarian system and suggested remedies, the political changes like the integration of Cochin with Travancore came in the way of implementation.53

At the time of the integration of the Travancore-Cochin States, the rulers of both States agreed to constitute two independent bodies, The Travancore Dewaswom Board and The Cochin Dewaswom Board, to manage all temples, both the sircar and private in the respective areas. The control of the temple lands by these bodies intensified the existing issues in tenancy system in the state.54
Meanwhile, the Government of Travancore passed the Travancore Prevention of Eviction Act on March 1949. This act was passed to prevent the arbitrary eviction of the *kudikidappukar*. *Kudikidappukar* were landless people who were permitted to build huts on the land of the landowners and also occupy the houses free of rent. This Act was a measure to protect the interest of the *kudikidappukar*. There were also other provisions in the Act that no *kudikidappukaran* could be evicted unless he had committed acts of waste on the holding. If the land was claimed by the owner for the purpose of construction of a building or other such purposes eviction could have been possible. The Act also ensured the authority of the landlord over the whole land including the *kudikidappu* part.

There was also another provision in the Act that no suit would be maintainable from a *kudiyirippu*, and that all claims in respect of any *kudiyirippu* would be sufficient for the purpose of fixing the location of the *kudiyirippu*. The owner of the land could not transfer the *kudiyiruppukaran* without prior notice. A separate register was also to be kept in every *pakuthy* (village) with details of each land and its owner along with the details of *kudiyirippu*. The authorities were very strict in the effective implementation of the Act. This act was a clear evidence to show that the rulers followed a land policy which was favourable to the poor *kudikidappukar*.

In Cochin an edict of the Raja was issued in 1863 to prevent the eviction of *kanom* tenants before the completion of a term of
twelve years. But the Royal Edict was not strictly implemented.\textsuperscript{58} In the year 1865, Cochin entered into an agreement with the British Government by which it gave up certain fiscal restrictions on the trade of Cochin.\textsuperscript{60} As a result of this the state lost an important source of indirect taxation, and the state had to depend more on land revenue for its income. The tenants were demanding more reforms. Later in the year 1909, the Government appointed the Landlord Tenant Commission to study the problems of the tenants. On the basis of the recommendations of the Commission, the Cochin Tenancy Act of 1914 was passed. It gave fixity of tenure to those who were holding lands before 1885. On the basis of the Act, any tenant irrespective of the terms under which he occupied and cultivated the land on eviction, was entitled to compensation according to the method of payment prescribed by the Act. The Act also had provisions for enhancement and reduction of rent and resumption of land by \textit{jenmies} under certain circumstances.\textsuperscript{61} But the Tenancy Act was not able to settle all the issues in the tenure system in Cochin. The disputes between landlords and tenants increased. Evictions also continued. To overcome this, the Cochin Tenancy Act of 1938 was passed. This Act broadened the definition of \textit{kanam} tenancy and more categories of inferior tenants were included in it. The Act gave fixity of tenure to \textit{kanam} tenants of private land. But it was subjected to various conditions. The permanency was only for a period of twelve years subject to the
payment of renewal fees. This act permitted eviction, in the event of the denial of the landlord’s title or if the landlord needed the land for constructing a residence for himself.\textsuperscript{62} It is obvious that a liberal interpretation of such provisions would favour the landlord.

The earlier Tenancy Acts gave protection to the \textit{kanam} tenant, but the \textit{verumpattom} tenants\textsuperscript{63} were not covered by those Acts. Along with the increase in population there was also increase in the investors on land. These new investors used to handover their land to the tenants for rent. This increase in the number of \textit{verumpattam} tenants necessitated for the passing of the Cochin \textit{Verumpattam} Tenants Act of 1943 which granted permanent occupancy rights to all the tenants in the \textit{verumpattam} category, irrespective of their tenancy or the duration of their occupation of the land, but the Act did not prescribe any fair-rent for the lands. It only stipulated that such tenants should pay the contract rents. The \textit{Dewaswom Verumpattom} Settlement Proclamation of 1943 gave absolute occupancy rights to all tenants and also fixed fair-rents, though the rate was high.\textsuperscript{64} As a result of these various tenurial legislations, the cultivating owners in Cochin increased. But these changes did not provide an explosive situation and perhaps this partly explains why no militant peasant or agricultural movement emerged in Cochin, at least as compared with Malabar and Travancore.\textsuperscript{65} The legislative measures that took place in the State of Cochin during this time
were mainly aimed at preventing the further spreading of irregularities connected with the tenurial system.

The land tenure legislations in Travancore evolved independently during the pre-independent days, as they were under different administrators. The study on the select land tenure legislations between 1865 and 1949 explains the nature of its evolution as well as the various methods used for its implementation. The tenancy legislations during the period were centered on the occupancy rights of the tenants. It was at the time of the implementation of each legislation, the limitations came to light. These legislations, along with its merits and defects carried the tenurial system of Travancore to the later periods for its effective implementation.

Tenurial legislation in Travancore became a necessity due to the socio-economic change in the region. During the period under reference, the land-man ratio progressively declined due to the growth of population. While population was on the increase, the developments of alternative employment opportunities were slow. To the landlords, land was not merely a means of living, but a source of profit and began to demand more rent from the tenants. The landlords even opted for eviction of the tenants to make room for those who offered more. It was this circumstance which made land a source of conflict between the various sections who were engaging it.
The government of Travancore felt that the progress of agriculture was very vital to economic development. The progressive measure initiated by the government also needs revenue. The foreign trade of the time was mainly confined to the export of agricultural commodities. The income received from land tax and customs duty were the chief source of revenue to the state.

The actual cultivators of the time were the tenants. The government sought to protect the interests of the actual tillers of the soil, the tenants. The mounting pressure from the English East India Company to increase the revenue of the state also influenced the rulers to think in this regard. In order to systematize the land revenue administration and also to protect the interests of the various sections connected with land, tenurial legislations were introduced by the rulers. The various drawbacks in each legislation as well as the various hardships felt in its implementation necessitated introducing more and more legislations from time to time in Travancore.

Tenancy legislations in Cochin and Malabar were much influenced by the various Proclamations in Travancore, especially, the Pattom Proclamation of 1865. A detailed study of the tenurial legislations of these regions, especially Malabar is not included in this study, as the area of this study is confined to Travancore. A brief sketch of the tenurial changes in Cochin is attempted to know about the background in this region before its integration to form the
Travancore-Cochin state after independence. The impact of the land tenure legislations in Travancore between 1865 and 1949 was carried over to the next stage and also to modern Kerala, with its merits and defects. Further, these tenurial legislations had their impact on the economic and social life of later period and are studied elsewhere in this study to get a clear understanding.
Notes and References


8. Velayudhan Thampi, popularly known as Veluthampi (1965 – 1809) belonged to an aristocratic family at Kalkulam near Trivandrum. A man with great skill and ability, he got appointed as Karyakkar (Tahsildar) of Kalkulam and later became Dewan (Dalawa) of Travancore. He fought against the British interference in the affairs of the state. On January 11, 1809, he issued a Proclamation from Kundara (a place in the modern
district of Kollam) which urged the people to fight against the British. Later he killed himself at Mannadi in order to escape from the British hands.


10 *Royal Proclamation* of 993 M.E. (AD).


12 Mahadeva Iyer., *op.cit.*, p. 279.


14 *Revenue Survey of Travancore* (Final Report), Trivandrum, 1913, p. 27.


16 *Mopalah* – the Muslims of Malabar.


21 *Pattom* – A kind of tenancy.

22 Notification of His Highness the Maharaja of Travancore on 2 June 1865, quoted in *Travancore Land Revenue Manuel*, Vol. 4, p.375.


24 *Royal Neetus*, 30 Kanni, 1029 M.E. and 12 Mithunam, 1030 M.E., Central Archives, Trivandrum, Nos. 171, 173 (Mal.).


32 Maharaja of Travancore, quoted in the *Report of the Jenmie-Kudiyan Committee* of 1916, p.115.

33 Kanam or Kanaka - a fee - in a token of allegiance.

34 Madhawa Row., *Letter to the British Resident* dated 9th October, 1866.


40 Jenmikkaram is the commuted value of the rent due to jenmie.


42 Jenmikkaram is the commuted value of the rent fixed by the State for the lands covered by the Travancore *Jenmie-Kudiyan* Act of 1896. The rent is collected by the State and paid to the concerned jenmies.


45 Varghese T.C., *op.cit.*, p.133.


55 *Kudikidappukaran* is a person who had no land of his own to erect a homestead and has been permitted by an owner of land to have the use and occupation of a portion of the land for the purpose of erecting a homestead with or without an obligation to pay rent for the use and occupation of the site so given.


57 *Kudiyiruppu* means the site given to the *kudikidappukaran* together with the house, hut or shed thereon which is used as a place of residence by the *kudikidappukaran* with the permission of the owner.


63 *Verumpattom* is a kind of tenancy which existed in the Cochin State. It is a simple lease.
