## Chapter IV

### Legislations on Land Tenures

#### Beyond 1949

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Legislations on
Land Tenures Beyond 1949

Land reform is considered to be the main instrument to bring about change in the agrarian structure and make it conducive to growth. It includes the tenurial pattern as well as reforms in other areas related to the utilization of land. The land tenure system influences the agricultural community in their socio-political and economic status. The protection of the rights of ownership and interests of the tenants on land is an integral part of any land reform policy as it is necessary to have efficient legislative measures and administrative efforts to make it more meaningful and utilitarian.

For many centuries India has been facing agrarian crisis in one form or another. There was growing landlessness of the peasants accompanied by frequency of famines and shortage in the production and supply of food materials. Feudal landlordism was seen as the great stumbling block in the development of the agrarian structure in the country.\textsuperscript{1} Important changes have been brought about in terms of tenancy and land ownership in the country after independence. Among the Indian states, Kerala was in the forefront in introducing legislative changes in the tenurial systems from the time of the native rulers. The State has passed several legislations to realize the various objectives of land reforms.
Immediately after the transfer of power in 1947, the native states of Travancore and Cochin were integrated to form a combined state called the united State of Travancore-Cochin. The Maharajas of the two states willingly signed the covenant of integration. The legislatures and the ministries of the two states were combined to form the legislature and the Ministry of the new State of Travancore-Cochin. With regard to the tenurial changes in the case of Cochin, during the intervening period, a committee — the Cochin Agrarian Problem Enquiry Committee — was constituted in 1947 under the chairmanship of Mr. Sivaswamy. This was an attempt on the part of the state to look into the agrarian problems that existed in the region. The report of the committee which was submitted two years later, also brought to light the gravity of the agrarian problems and recommended the immediate state intervention to rectify the maladies. But no fruitful attempts were made by the authorities due to the change in the political development that cropped up with the integration of the state.

Travancore made attempts to protect the landless persons who were permitted by the landlords to stay in their lands free of cost. The legislation which was passed in 1949, called the ‘Travancore Prevention of Eviction Act,’ was a measure in this regard. In the case of Cochin similar attempts were made through the ‘Cochin Proclamation of 1125 M.E.’ (1947 A. D.) Both these were aimed at restricting the eviction of kudikidappukars from their resident huts.
With the ascendancy of Brahmins, the temple oriented social structure emerged in Travancore and Cochin. The temples which were under the control of Brahmins were also controlling a large area of land in those regions. The Travancore-Cochin State had responded effectively by realizing the fact that the tenancy reforms would remain incomplete if these lands were left out from land tenure legislations in the states. Under the provisions of the covenant of the Travancore-Cochin integration, the rulers of Travancore and Cochin made certain agreement regarding these temple controlled lands. The agreement as referred to earlier was the constitution of two independent bodies – the Travancore Dewaswom Board and the Cochin Dewaswom Board – to manage the temples and the temple lands. This new arrangement, by which independent statutory bodies were put in charge of the management of the temple lands, brought about yet another new factor in the tenancy systems in the state.

Another major legislative enactment pertaining to land tenure system for the integrated Travancore-Cochin State was the ‘Kandukrishi Proclamation of 1949.’ The kandukrishi lands also known as crown lands which were considered as the personal property of the Maharaja of Travancore, were transferred to the Travancore-Cochin State by the Maharaja of Travancore. This can be considered as a noble gesture on the part of the Travancore rulers in supporting the tenurial changes in the region. In the next year the
Travancore–Cochin Government passed the ‘Holdings (Stay of Execution Proceedings) Act of 1950.’ The ‘Holdings Act of 1950’ was a temporary measure to stay proceedings in execution of the decrees of eviction against ordinary tenants, who were in possession of land for a certain period pending enactment of later legislation. This Act needed revision every year and both the landlords and the tenants made use of the benefits out of them.

In the post-independent era there was political instability in Kerala compared with the other Indian states. This in a sense can be considered as a special characteristic of the democratisation process of the state. The first people’s Ministry of Travancore - Cochin headed by T.K. Narayana Pillai in 1949 could not complete its term. In 1951 another Ministry under the leadership of C. Kesavan was formed but this also had the same fate of the Ministry of Narayana Pillai. Fresh general elections were conducted in 1952 resulting in the formation of a new Ministry headed by M.J. John. This Ministry also could not complete its term. The Praja Socialist Party Ministry headed by Pattom Thanu Pillai came to power in 1954, but could exist only for a year. A new Congress Ministry came into power headed by Panambilly Govinda Menon in 1955 but lost its majority in the Assembly in 1956 resulting in President’s rule in Travancore – Kochi. Even during the period of this political turmoil, the rulers made attempts to continue the momentum created by the earlier land tenure legislations in the region.
After the integration of Travancore and Cochin the new Ministry brought about another Act, the ‘Travancore-Cochin Prevention of Eviction of kudikidappukar Act’ in 1955. This was a measure to introduce certain uniformity in the legislative provisions in Travancore and Cochin region. The Act which came into effect on 7 June 1955 was extended to the whole of Travancore-Cochin.\(^{10}\) The Act was applicable to all lands in the possession of the government or lands administered by the Administrator General, Official Receiver or any officer appointed by a court under the provisions of any law in force or by any person holding under or deriving title from any of them, or lands or buildings or both given on lease for individual or commercial purposes.\(^{11}\) The significance of the Act is that the permanent right of occupancy of the kudikidappukaran\(^ {12}\) was accepted and he was not to be evicted except for the reasons mentioned in the Act.\(^{13}\) This Act can be considered as the culmination of the policy followed by the Travancore rulers in the domain of land relations.

This Act provided permanent right of occupancy for the kudikidappukaran. With no antecedent of the kind, the Act contained very radical provisions related to tenure system in the state. It clarified that the kudikidappukaran could not be evicted except according to the provisions given in the Act. In such cases clear permission had to be issued in writing and this had to be registered. In cases of evictions under the provisions of the Act, the
kudikidappukaran held claims for the recovery of the property. According to the provisions of the Act, under special circumstances alone, the court had the power to change the kudiyiruppu. In such cases, the court had the right to direct the kudikidappukaran to change his place of residence (kudiyirippu) to another site at the cost of the owner. It was made clear in the Act that these provisions of protection could be enjoyed by the kudikidappukaran who had registered his name under the ‘Travancore Prevention of Eviction Act.’ This also helped the government to develop a comprehensive list of kudiyiruppukar under them. The Act replaced earlier acts such as the ‘Travancore Prevention of Eviction Act’ of 1124 M.E (1949) and the ‘Cochin Proclamation XVIII of 1122 M.E.’ (1947). This was yet another measure of the rulers to advance their earlier policy on land relations, which prioritized the protection of the kudikidappukars.

There were no clear legislations for the purpose of requisition and acquisition of property for public purposes at the time of the integration of Travancore-Cochin States. The existing Acts were insufficient in this regard. So it was very necessary for the Government to frame an enabling Act in this regard. The Government enacted what is known as the ‘Travancore-Cochin Requisitioning and Acquisition of Property Act’ of 1955. This was also called the ‘Act I of 1956.’ The preamble to the Act stated that its purpose was to permit the Government to acquire any land, which did not serve the interest
of the Government, in view of public interest.\textsuperscript{15} The explanation is that if the Government found any land necessary for the purpose of public use, proper requisition in writing should be given to the owner. At the same time the owner of the land was to be served sufficient time to raise objections if any. The owner could not make any alterations or transactions of the land. The Government held the right to cancel any earlier requisition for the land and to restore it to its original condition.\textsuperscript{16}

The Act also gave the authority to the Government to follow the procedure in the case of the property of which owners were not identified. For this purpose a gazette publication was mandatory. The Act further gave full authority to the Government to cancel the requisition at any time if it was pleased to do so.

While introducing the ‘Travancore-Cochin Requisitioning and Acquisition of Property Act’ of 1955, the government recognized all the steps necessary to give justice to the owner of the land. Though the purpose of acquisition was apparently for public interest, by giving the option to the owner to give his objections, the concept of individual liberty was being upheld by the government. Further, the provisions of this Act clarified that the government wanted to give the landowners their ownership rights over the land.

**Tenurial Changes in the Integrated Kerala**

At the time of the formation of the State of Kerala in 1956, the land owning families in Kerala had under their custody vast areas of
cultivable lands. The land owning class on account of their caste superiority was prevented from resorting to actual cultivation. The feeling that tilling the soil is below the status and position of upper class had persisted for a long time in the minds of the people generally in the country.\textsuperscript{17} In the case of Malabar, Francis Buchanan had noticed that both duty and inclination prevented the \textit{Nambudiries} from attending to the management of their lands.\textsuperscript{18} But at the same time they could not keep the cultivable land fallow as the traditional Hindu scriptures considered it as sin to leave cultivable lands without carrying out any forms of agriculture. This forced them to cultivate the land on the basis of various tenures.\textsuperscript{19}

There was a comparative difference in the nature and character of tenures in the southern and northern Kerala at the time of integration of Kerala into a united state. These differences were mainly due to the comparative differences in the socio-economic set up of these regions. It is necessary to have an understanding of the socio-economic life of these regions in order to understand the nature of the tenurial system of Kerala. The land tenure of a country, being an organised institution of a dynamic society, should be treated as such and it cannot be treated away from its social background.\textsuperscript{20}

Tenurial changes in the united Kerala State were formulated by the various aspects that existed in the new State. The reforms in the field depended upon the interplay of several conditions. When
there was the mobilization of the peasantry, there was the counter mobilization of the landed gentry. When the united state legislature was formed, there were trials of strength between the political parties which represented the peasantry on the one hand and the landed interests on the other. For enacting the land reform legislations, the constitutional consent of the Central Government was also necessary. So the tenurial changes in Kerala should be studied in a wider socio-political context.21

The integration of Travancore and Cochin also provided a new enthusiasm to the people who worked for the formation of the Kerala State.22 During this time, the Government of India decided to recognize the States of the Indian Union on linguistic basis. Under the ‘States Reorganization Act’ of 1956, four southern taluks were separated from Travancore-Cochin and included in Madras State. The districts of Malabar and the Kasargod taluk of south Canara district were added on to the remaining portions of Travancore-Cochin to constitute the new state of Kerala. The state of Kerala formally came into existence on November 1, 1956, with Governor appointed by the President of India as the head of the State. In the political sphere the last vestiges of princely rule in Kerala also disappeared with the end of the institution of Rajapremukh consequent upon the foundation of new state.23
After the formation of the linguistic State of Kerala, elections were held in 1957. In the election, the Communist Party under the leadership of E.M.S. Namboodiripadu with the support of few independents could form a Ministry. This was the first democratically elected government in the State of Kerala. There were dissimilarities in the legislative positions among the three different territorial units constituting the new State at the time of their integration. To remove this, different Acts were passed by the new Ministry. One of the earliest was the ‘Kerala Stay of Eviction Proceedings Act’ of Kerala. Smt. K.R. Gouriamma was the minister who presented the Bill in the Assembly. This was on the lines of the earlier ‘Holdings Act’ of 1950 as a stop-gap measure till a comprehensive law could be passed in this regard. This Act however stayed the eviction of all categories of tenants including those related to new types of lands and all leases of kudikidappukars. Another Act, the ‘Kerala Land Tax Act’ was passed for the purpose of extending the ‘basic-tax’ system of assessment which prevailed in Travancore-Cochin and Malabar. For the purpose of checking the encroachment into government lands another Act was passed by the new legislature called, the ‘Kerala Land Conservancy Act.’ The next Act was the ‘Kerala Land Relinquishment Act’ to legalise the relinquishment of land by owners in favour of the government.

There were some attempts by the new Ministry for some radical tenancy reforms in the state. There was also opposition from various
forces that were against the tenurial policies of the new government.\textsuperscript{26} The Ministry did not succeed in implementing the reforms due to the political turmoil which ultimately resulted in the dismissal of the Ministry headed by E.M.S Namboodiripadu by the President of India.

After Indian Independence, a strong public opinion had crystallised to the effect that semi-feudal landlordism was the main hurdle in the way of national growth. There was a feeling that the major part of the agrarian wealth of the country was being frittered away and controlled by a class of big land owning intermediaries. The prevailing mass poverty of the rural population and the lack of industrial growth were also said to be the outcome of this uneven distribution of land. All these called for certain basic agrarian reforms for bringing about the structural changes in the society. After the launching of the Five Year Plans, land reforms have been accorded an important place in India’s economic development. The major thrust areas of land reform in India as laid down by the Planning Commission were the abolition of intermediaries, the reform of tenancy and the imposition of ceilings on ownership of land.\textsuperscript{27} The Commission further recommended the consolidation of holdings, proper land management practices and the co-operative reorganization of the agrarian economy.
The Abolition of Intermediaries

As recommended by the Planning Commission of India and also taking examples from the other states in India, Kerala also enacted many land reform legislations after its inception. One of the main areas which needed changes with regard to land legislations in the state was the existence of several intermediary tenures. Intermediary tenures existed with regard to the different tenures like the *edavakai* lands, the *jenmom* lands, the *pattazhi Dewaswom* lands, the *sreepadam* lands, *kandukrishi* lands, *sreepandaravaka* lands, the *viruthis* and *inams* and the *thiruppuvaram* lands. It was the ‘Travancore-Cochin Edavakai Acquisition Act’ of 1955, which gave complete occupancy rights to the tenants of the *edavakai* lands. The chiefs of these lands were given compensation for their ownership change and the compensation was collected from the tenants as land tax to the government. With regard to the *jenmom* lands, through the Royal Proclamation of 1933, permanent occupancy rights and freedom from eviction except on non-payment of *jenmikkaram* were given. But later, it was the *Jenmikkaram* Payment (Abolition) Act which was passed in 1960, abolished the *jenmom* rights on the land and the tenants were given full ownership rights on the land. Necessary compensation was given to the *jenmie* for the abolition of *jenmikkaram*. The compensation amount was collected from the tenants in easy instalments to the total 8½ times of the annual *jenmikkaram* used to be paid by the tenant. Though
the Jenmikkaram Payment Abolition Act was struck down as unconstitutional by the High Court, later in 1964 it was revalidated by being included in the ninth schedule of the Constitution of India by a Constitutional amendment.

In the Pathanapuram Taluk of Travancore an area of around 9300 acres of land in the Pattazhi village was under the freehold of the Pattazhi Dewaswoms. In 1961 by the ‘Pattazhi Dewaswom lands (Vesting and Enfranchisement) Act,’ the Government took over rights over the lands. Compensation was given to the Dewaswom and the amount was recovered from the peasants in easy instalments. The ‘Sreepadam Lands Enfranchisement Act’ of 1969 gave the Government proprietary rights over the sreepadam lands. By the Kandukrishi Proclamation in 1949, the Maharaja of Travancore surrendered all the Kandukrishi lands in favour of the government. The land owned by the Sree Padmanabha Swami Temple in Trivandrum which were known as the Sree Pandaravaka lands were also given as free holders of the peasants who held them. The earlier land tax exemption for this land was also cancelled. With regard to the viruthi and service inams, the tenures are yet to be enfranchised and The ‘Thiruppuvarom Payment (Abolition) Act of 1969’ provides for the extinguishment of the right of thiruppu holders to receive and the liability of the land holders to pay thiruppuvarom.

These Acts were quite unique in the land tenure legislations for abolishing the intermediary rights which existed on the lands in
Kerala. The abolition of the intermediaries placed the tenants into
direct contact with the state and their exploitation was put to an end.
The tiller has become the owner of the land and he took keen interest
in improving the production from the land.

The changes in the land ownership pattern ultimately resulted
in increased percentage of area under tenancy. During this time,
among the Indian states, Kerala tops the list in regard to the
percentage of area under tenancy.\textsuperscript{29} An assessment of the state wise
distribution of area under pure tenancy explains this.

\begin{table}[h]
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\hline
State & Area under pure tenancy \\
& Percentage of cultivated area in 1961 \\
\hline
Kerala & 34.7 \\
West Bengal & 10.2 \\
Punjab & 9.8 \\
Assam & 9.4 \\
Bihar & 8.4 \\
Jammu & Kashmir & 7.1 \\
Madras (Tamilnadu) & 6.6 \\
Mysore (Karnataka) & 4.8 \\
Maharashtra & 3.8 \\
Andhra Pradesh & 3.7 \\
Orissa & 2.9 \\
Rajasthan & 2.6 \\
Gujarat & 2.6 \\
Utter Pradesh & 1.7 \\
\hline
\end{tabular}
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The government came in possession of considerable area of cultivable waste lands and private forests, and it was distributed among landless agricultural labourers. The immediate result of these acts was the increase in the agricultural productivity and efficiency. The land revenue, which was the main source of income of the government also increased considerably.

**Modes of Tenancy Reforms**

The major objective of the legislations in the field of land relations was to have tenancy reforms. Tenancy reform implies the abolition of tenancy by conferring the right of ownership in land on those who cultivate it on lease or on sharecropping basis. The tenancy reforms were necessary to save the tenant from exploitation. The concept of tenancy reform is embedded in land reform. The very spirit of tenancy reform was not to abolish tenancy by the conferment of ownership rights in land on those who cultivate it on lease but to protect their interests in the light of changing the agrarian structure. Further, tenancy reforms are aimed at overcoming impediments arising from the changes in the agrarian structure and to increase agricultural production. The main aspects of tenancy reforms were the security of tenure, fixation of rent and rights of the tenants to become owners of their holdings.
(a) Security of tenure

As early as the middle of the nineteenth century, the concept of security of tenure was recognized in Travancore. But no absolute fixity of tenure existed in the Cochin and Malabar areas at that time. Later, in Cochin there were certain categories of tenants who enjoyed security of tenure. However there existed large classes of tenants who were outside the purview of the earlier legislation. The evictions of the tenants on flimsy grounds were not an uncommon feature in the state. In the Malabar area, the ‘Malabar Tenancy Act of 1939’ with its subsequent amendments did not succeed in giving full security to the tenants. Insecurity of tenure prevailed in several areas. Other than the peasants, the Kudikidappukars or homestead dwellers also suffered because of this insecurity of tenure. Immediately after the formation of Kerala, the ‘Kerala Stay of Eviction Proceedings Act’ (1950) was passed. The purpose of the Act was to provide for the temporary protection of tenants pending enactment of a comprehensive legislation relating to tenancy and agrarian reforms. Besides kudikidappukars, it stayed the eviction of tenants except crop-shares for a period of six months. Later on, this period was extended till the passing of the ‘Kerala Stay of Eviction Proceedings Act’ (1957).

A comprehensive legislation relating to tenancy and agrarian reforms was passed in 1960 as the ‘Kerala Agrarian Relations Act.’ The Act intended to confer permanent fixity of tenure to all
cultivating tenants except those holding land under a member of military service. Some defects of similar Acts that existed in Malabar and Cochin were excluded from this Act. The definition of tenants was given an under meaning as any person enjoying land or who has paid or has agreed to pay rent or any other consideration. The power of the landlord over the land was transferred to the government by this act. Provisions for building construction including places of religious worship were also included in it.

Though the Agrarian Relation Act received President’s assent in January 1961, many provisions of the Act were challenged in the court. The Congress Ministry which came to power made certain changes in the Act and got it passed as the ‘Land Reforms Act,’ 1963. While retaining most of the provisions of the earlier Act, slight modifications were also made. Even after the passing of this Act, there were cases of eviction. It seemed to be necessary to give protection to the categories of tenants who were under the threat of eviction. The new United Front Ministry which came to power in 1967, enacted the ‘Kerala Stay of Eviction Proceedings Act’ (1967), staying the eviction of all types of tenants. Suitable amendments were also given to the definition of tenants in The ‘Kerala Land Reform Act’ (Amendment Act 1969).

There was resentment with regard to the fair rent fixed as per the new Act. On considering the social setting of the tenant reforms, and so far as landlordism is considered a social evil, any measure
that hastens the ‘euthanasia’ of the class has to be welcomed.\textsuperscript{35} ‘The Kerala Land Reforms (Amendment) Act’ of 1969, though technically an amendment to the ‘Kerala Land Reforms Act of 1963,’ was a comprehensive legislation intended to restore the original provisions of the Kerala Agrarian Relations Bill of the first Ministry in Kerala. With liquidation of traditional landlordism and large scale redistribution of land ownership as its core objectives, this was undoubtedly the most drastic of all the hitherto enacted acts and also the first of its kind anywhere in India.\textsuperscript{36}

(b) Fixation of Fair Rent

Fixing of fair rent is also important as that of the fixity of tenure connected with the tenancy legislature. Except for Malabar, fair rent was not fixed in other parts of Kerala, before the Agrarian Relations Act. There was provision in the Act to appoint Land Tribunals to fix fair rents within the framework of the Act. Fair rent was fixed depending on the crops as well as the type of land used for cultivation. The Act suggests that there should not be any change for the rent fixed by the Tribunal, unless the cultivating tenant demands it. Option was given to the tenant to pay the rent either in cash or in kind on the basis of proper receipt. Interests were also collected from those who made arrears. The Act also gave freedom to the tenant to purchase the land if he wishes so. The significance of fair rent fixation envisaged under the above Act was that it considered the crop pattern as well as nature of the land in fixing the
same. The diverse topographic, climatic and soil conditions enable people to cultivate both seasonal and perennial crops. The revenue from the cultivation also depends on the crop pattern. Fair rent can be fixed in a justifiable manner by considering these aspects.

(c) Ownership Rights

As cited earlier, the ultimate purpose of tenancy reform was to confer the right of ownership of land on cultivators. In this regard, considerable progress has been made through legislations in Kerala. To enable cultivating tenants to become owner-cultivators, the ‘Agrarian Relations Act’ (1961) gave protected tenants the option to purchase the holdings. Regarding the purchase price, provision was given that the price was payable in sixteen instalments and was equal to twelve times the contract rent or sixteen times the fair rent. Concession was given if purchase price were to be paid in lump, that is, only seventy five percent the price need to be paid. The tenants could purchase these rights, provided the total extent of the land owned by them did not exceed the ceiling limit. In the later Land Reforms Act certain changes were made in the above Agrarian Relations Act. The provision of the earlier Act to vest the landlord’s right with the government had changed. In the process of the purchase of ownership rights there was a provision for the government to entrust the Land Tribunal the intermediary work between the landlords and the peasants.
By a further amendment to the Act in 1969, it sought to restore the provisions of the Agrarian Relations Act 1961 by which all the rights would be vested in the government on an appointed day. In the Land Reform Act which was passed in 1963 there were provisions for the tenants to purchase the land from the land owner and left the matter to be arranged between both parties. This obviously would only complicate matters. The 1969 Amendment Act vested this right with the government. There were also the provisions for compensation to be paid to the landlords for the vesting of their rights in the government. The cultivating tenants were given the right to purchase the landlord’s right vested with the government by paying the purchase price. As soon as the tenant paid the first instalment of the price, he would become the owner of the land.

Religious, charitable or educational institutions of public nature also have been given the right to purchase the ownership rights as the tenants. The vesting of the right of religious, charitable or educational institutions in the Government will not operate as a bar to the purchase of landlord’s rights by cultivating tenants.

There was a major change in the social set up as tenants were given the right of ownership on payment of compensation fixed by the government and also to purchase their holdings at fair prices determined by tribunals on the basis of payment of land revenue. Tenancy reforms as such could not be said to do away with the institution of tenancy though the various Acts prohibit the creation
of future tenancies. They are bound to arise in the future especially in a place like Kerala where the pressure on land is very high and where many owners of land seek their fortune outside their home.\textsuperscript{40}

**Ceiling on Land Holdings and its Implementation**

The idea of ceiling on holdings is as old as the land reforms. Along with the changes in the ownership pattern, the need for a ceiling on land holding was felt in Kerala as early as 1949. The Land Policy Committee of Travancore-Cochin State had recommended a ceiling on future holdings in 1949. Soon after Indian Independence, the Economic Programme Committee under the Chairmanship of Jawaharlal Nehru also recommended that the maximum size of holdings should be fixed, surplus land over a maximum should be acquired and placed at the disposal of village co-operatives.\textsuperscript{41} The ceiling on land refers to the fixation of the maximum size of a holding that a full time cultivator may hold. Ceiling on land holding is necessary as among all resources, the supply of land is the most limited and the claimants for its possession are extremely numerous. Therefore, it is unjust to allow the exploitation of any large surface of land by a single person unless other overwhelming reasons make it highly desirable.

One of the earliest steps towards ceiling on land holdings was initiated by the Praja Socialist Ministry in the Travancore–Cochin State in 1954. But the Bill which was introduced in the State Assembly became controversial and the Ministry had to step down on
the issue. It was later in 1961 a ceiling legislation became law when
the Agrarian Relations Act was enacted. This Act imposed a ceiling
on existing holdings and the limit was fixed at 15 acres of double-
crop paddy lands or its equivalent; government land, private forests
and plantation lands were exempted from this ceiling. The Act
proposed to validate all transfer of land made before July 27, 1960.
The provisions of this Act got superseded when the Land Reforms Act
of 1964 was passed. An important provision of this Act was that the
ceiling limit was increased and the cut off date changed to a later
date, that is, December 18, 1957. There was an amendment to the
Act in 1969 and it altered the limit and basis of the ceiling area
again. The ceiling area had been fixed as five acres in the case of an
adult unmarried person or a family with only one member and ten
acres for a family consisting of two or more members and ten acres
for any other person in the family. The maximum ceiling limit for a
family was fixed as twenty acres of land. In the amendment, the
exemption given in the earlier Act of 1964 had been withdrawn and it
was limited to plantation lands and lands belonging to public nature.

It is also to be noted that the various legislations in the field of
tenancy reforms in Kerala were enacted after a long struggle led by
the peasant community. Despite their opposition, many times the
peasantry lost to the combined forces of the landed interest. The
interference of the judicial systems also delayed the process of fast
implementation of the changes many times. These delays in the
implementation were a fillip to the *jenmies* to go ahead with their efforts to fortify their rights.

The imposition of land ceiling led to a break of the monopolistic concentration of land and to the reduction in the size of the big farms. Some scholars oppose structural changes and hold the view that big and medium farms were capable of generating more marketable surplus.\(^\text{42}\) The experiences of countries like Mexico, Taiwan etc. show that small farms are also competent to generate surplus. The logical validity of such a contention that big farms are more efficient due to the benefits that arise with the enlargement in the scale of operation has been challenged by most of the farm-management studies. These farm management studies show that small farms are more efficient production units from the point of view of yield, employment and overall output.\(^\text{43}\)

The ceiling on holdings in Kerala was based on the guidelines laid down by the Government of India and those of the Planning Commission. The maximum limit to the land holding as per the ceiling law in Kerala was considerably less than the limits indicated as relevant at the all India level.\(^\text{44}\) One aspect of the ceiling law was that the exemption of plantations from the purview of the Kerala Land Reforms Act has resulted in the continued monopoly of a few people over a large share of the land and its produce. These people are comparatively rich and continued to influence the socio-economic and political policies of the state. Other than land reform
legislations, it must be recognized that the decline in the economic and social status of the erstwhile landlords was also due to the powerful movement of the peasants and the agricultural workers.

The concept of land ceiling got strengthened from the principle of justice and equality. It is quite natural that the feeling of ownership of land among the peasantry would add more to the agricultural output. The ownership of land will work as a greater incentive to improve the productivity of the land. In the later period it was the ceiling on land holding that opened the way for co-operative farming among the peasants. When ownership was received, the owner of the land did his best to bring the unused land for cultivation resulting in the extension of the cultivation areas and also to generate new employment opportunities. These tenurial changes were a milestone in the Kerala society for its path towards the socialistic pattern of society. The tenurial legislations were very helpful in reducing the disparities of income and wealth among the people.

**Political Turmoil and After-effects**

When the Kerala Agrarian Relations Act was introduced in the Assembly in 1957, the estimate was that about 17.5 lakhs acres of land would be available for redistribution. But when the excess land was estimated in 1964, it was only about 1.15 lakhs acres. This change might have taken place as a result of several malafide transfer of land anticipating the ceiling provisions. So the problem
with the ceiling of land holdings was that, necessary measures had to be taken in advance to avoid the malafide transfers. These malafide transfers were made for the purpose of evading the ceiling limit by the owners of land in excess of the permissible limit. If the ceiling law is not effective, there is little likelihood of surplus land being surrendered, or of land being redistributed to the landless and the needy. When the ceiling limit was reduced, the number of landholders were many and the area of surplus land being higher. But by March 1972, only 691 ceiling returns involving 60,000 acres of land were filed and by May 1973 the surplus land was declared to be only 40,000 acres. In view of the poor results of the imposition of ceiling the question of re-examining the ceiling provisions and limits came up again for consideration. So for the better implementation of the ceiling on land holding it was necessary that land records need to be updated so that the maximum land under the existing laws could be declared surplus. It was also necessary to evolve a system of monitoring the progress and for continuing evaluation so that hurdles are removed and difficulties resolved as and when they arise. The amendment of the ‘Land Reforms Act in 1969’ was a bold attempt on the part of the administrators to implement social justice through the land reform legislations.

As referred to earlier, both the Kerala Agrarian Relations Bill as well as the Jenmikkaram Payment (Abolition) Bill played a major role in the political developments in the state. Both the Bills were
intended to reform and regulate tenancy with a view to its abolition.\textsuperscript{47} The Acts also suggested to cancel all rent arrears before 11 April 1957 and proposed fair rent at generally between one-fourth and one twelfth of the gross produce. They have broadened the term ‘tenant’ to include, in addition to the categories covered by the earlier legislative enactments carried out, crop shares, fugitive cultivators, and new types of tenancies.\textsuperscript{48} Both the Bills ultimately guaranteed fixity of tenure to the \textit{kudikidappukars}. A system of fair rent was also fixed for all types of land irrespective of its original lease.

The privileges of those who owned land for resumption were allowed for the purpose of extending buildings for public religious worship and also for the land owner to construct residential building. The Bill had special provisions for helping the small holders. Tenants were given the right to purchase lands. Another major proposal of the bill was fixing ceiling on land-holding exempting plantations and cashew estates.

Usually, land tenure legislations fail to achieve its aim due to the lack of proper implementation methods. But in the Kerala Agrarian Relation Bill there were provisions for proper implementation methods. The Bill suggested the formation of Land Board and Land Tribunals and with the responsibility for implementing the various provisions of the Bill. Further, it was also suggested that the Land Tribunals and Land Boards to have members from elected local bodies. These provisions were unique
compared to any legislation in the field undertaken earlier in the state. Not only that, this was the first of its kind attempted anywhere in India. This was a measure on the part of the rulers in implementing the motto ‘land to the tiller’ within the frame-work of the Indian Constitution.

The Kerala Agrarian Relations Bill initiated wide propaganda in the State for and against its proposals. The extent of the bill was notified as an extra ordinary Gazette on 19 December 1957. There were long and laborious discussions involving the various interest groups in the state. A select committee was also appointed to study the bill. After detailed debates in the Legislative Assembly, the bill was eventually passed by the Assembly on 10 June 1959 and sent for the approval of the President of India on 27 July 1959.

Before the passing of the Kerala Agrarian Relations Bill by the Assembly, there were widespread deliberations on the merits and demerits of the proposals. There was a reactionary movement started in the state against the government and it finally resulted in the dismissal of the Ministry by the Union President. The interim election which was conducted in 1960 resulted in the formation of a coalition Ministry led by the leadership of Praja Socialist Party. The new Ministry made few changes in the earlier Agrarian Relations Bill and after getting it passed in the Assembly sent for President’s approval. The Agrarian Relations Act received the President’s assent in January 1961. Though this Act contained several provisions for
improving the lot of the tenants, many problems cropped up in implementing it.

The ‘Kerala Agrarian Relations Act’ (1960) was a revolutionary piece of land legislation which sought to fix a ceiling on the extent on land that could be owned by a family or adult married person and to distribute among the landless all the lands available in excess of the ceiling. The tenants were also given fixity of tenure, freedom from eviction and the benefit of fair rent to be fixed by the Land Tribunals. But the act was struck by the Kerala High Court in 1962. Then the Kerala Government brought about a new piece of legislation entitled ‘Kerala Land Reforms Act of 1963.’ This Act put a ban on the creation of fresh tenancies, conferred on the tenants the right to purchase his owner’s land and prescribed a ceiling in regard to the extent of land that could be owned by a family.

There were cases of eviction even after the passing of the Land Reforms Act of 1963. There was the need for more specific provisions than those provided in the Act, seemed to be necessary to give protection to certain categories of tenants. Even some occupants of the lands were also evicted through the decisions of the Land Tribunals which were constituted under the Act. So when the next Ministry came to power in 1967, they passed the ‘Kerala Stay of Eviction Proceedings Act,’ 1967, staying all types of evictions. Other necessary amendments were also made to benefit the tenants. Later amended in 1969, the ‘Kerala Agrarian Reforms Act
(Amendment Act 1969) abolished the *jenmie* system in Kerala and conferred full right of ownership on the tillers of the soil.

Through these tenancy reforms Kerala has turned out to be one of the earlier states in India where land was distributed to the tiller in a judicious way. The series of land reforms introduced in Kerala since the latter half of the nineteenth century have helped in accelerating the pace of social and economic progress of the state for the later years.

The various tenurial legislations which were implemented in Kerala were a combination of legislative attempts carried out in the erstwhile territorial segments of Travancore, Cochin and Malabar. After independence, the tenancy reforms in the region also got momentum due to the involvement of the Planning Commission. A major step towards the implementation of tenurial changes was the abolition of the intermediaries. This measure helped for the cultivation of land by the actual tillers of the soil.

The major aspects of the tenancy reforms in the state were the concept of the security of tenure, fixation of fair rent and ownership rights to the actual cultivators. A series of legislative measures were introduced for this purpose. Proper methods of implementation in the tenurial system were very necessary for the effective impact of the legislations. The constitution of Land Boards and Land Tribunals provided support for this aspect.
The political will of the rulers is also important with regard to the actual implementation of the tenurial legislations. The rulers of Kerala, from the period of native rulers showed interest in the proper implementation of various legislative measures.

The purpose of this study was to examine the various land tenure legislations beyond 1949 in an attempt to understand how it had influenced the later tenurial changes in Kerala. Though there was political instability in Kerala during the post-independent era, the democratization process along with land tenure legislations continued. The integrated states of Travancore and Cochin continued their efforts in the field of legislative changes, even during periods of political uncertainty. With the formation of the united State of Kerala, the legislative measures got momentum. The various tenancy reforms that were incorporated into legislations were also modified on the guidelines issued by the Planning Commission of India. The various legislative measures on land holdings had great impact later in different spheres of Kerala, especially the economic, social and cultural life. Herein lies the justification for a descriptive analysis on the impact of these legislative measures on Kerala in the later years.
Notes and References


3 Ibid.

4 *Kudikidappukar* – Homestead dweller


6 Varghese T. C., *op.cit.*, p.139.

7 Ibid.


9 Travancore and Cochin were integrated into one state on July 1, 1040, and also called as *Tiru-Cochi*.


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

13 Acts and Ordinances of Travancore, op. cit., p.50.

14 Kudiyiruppu means the site given together with the hut, shed or place of residence thereon used as by the kudikidappukaran with the permission of the land owner.


16 The Travancore-Cochin, Gazettee Extraordinary dated 01.12.1956.


18 Francis Buchanan., A Journey Through the Countries of Mysore, Canara and Malabar, Madras, 1970, p.60.

19 Narayanan M. T., Agrarian Relations in Late Medieval Malabar, Northern Book Centre, New Delhi, 2003, p. 81.

20 Namboodirippadu E. M. S., Dissenting Note to the Report of the Malabar Tenancy Committee, Madras, 12940, p.75.

21 Radhakrishnan P., op.cit., p.110.

22 Gangadharan T. K., Evolution of Kerala History and Culture, Calicut University, p.354.

24 *Personal Interview* with Smt. K. R. Gouriamma, former Minister of Kerala at her residence, at Chathanattu House, Alleppey on 7.3.'08.


26 *Personal interview* with Smt. K. R. Gouriamma, *op.cit.*.


41 Harkishan Singh Surjeet., *Land Reforms in India, Promises and Performance*, National Book Centre, Delhi, 1992, p.75.


47 Radhakrishnan P., *op.cit.*, p.112.


54 Varghese T. C., *op.cit.*, p.147.