Chapter VII

Assessment and Conclusion

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Assessment and Conclusion

Land is an important source of wealth as well as a means of existence of man from time immemorial. The land became a primary sector of production and its importance became a potential factor in human history. Dependency of man on land has increased even after centuries of man’s existence. Land gives man food and shelter and provides his assets in various forms. This dependency of man on land and sharing of spoils of land often led to conflicts and tensions over ownership rights.

The rights and responsibilities of every man with regard to the land holdings, in course of time, emerged into what is called the land tenure system. In modern terms land tenure system implies a system according to which land is held by an individual or the tiller of the soil. It includes all the ways in which people and governments share in the various aspects of property right. The term ‘tenure’ is used to signify the relationship between the owner of the land and the tenant. Land tenure encircles factors like the owner of the land, the cultivator, and the administrator along with the rights over the land and the obligations of one another.

In ancient India, though the state ownership of land was a practice, it was limited by or combined with the common ownership of the people of the village. During the medieval times, the absolute
occupancy right over the land was not universal under feudal landlordism, but in some areas where this economic system was weak, the land ownership was given to the peasants by the feudal lords and the system of assessment of land was made for the purpose of collecting land revenue. Anyhow, the land was an important source of wealth and was considered as ‘mother’ or Bhumidevi during the period under reference. Importance of land was so much that it was also considered as a medium of exchange during the medieval period.

The British transformed the entire land system of India by introducing their colonial concepts. The Indian nationalists during the freedom struggle were so much concerned about the existing pathetic situation that they cried for a judicious distribution of land in the country. The land tenure system on the eve of Indian independence was such that land owners controlled large estates on one side and the landless tenants were only the mere cultivator. Therefore, an effective land tenure system was necessary for restructuring the land relations in the country.

Among the Indian states, Kerala is noted for radical changes in the field of land relations along with a progressive vision in every piece of administration. Changes in the tenurial system were initiated and introduced in Kerala prior to Indian independence, during the period of the native rulers. The native rulers were so much committed that they took steps to alter the type of landlordism
or the *jenmie* system which had evolved in the region during the Chola-Chera war of the eleventh century. The aforesaid war had led to the total mobilization of the resources of the state. A new situation arose when the *Nambudiri* Brahmins acquired a dominant position in society in later times. The *Nambudiris*, as the trustees (*urallor*) of temples were alleged to have mismanaged the temple properties and misappropriated them for selfish motives.

Originally, the ownership rights of the land were vested in the local chieftains and a few cultivators who had surrendered their right of ownership to the temples and termed them as gifts. This surrender of land took place because such lands so surrendered came to be regarded as *Dewaswoms* and *Brahmaswoms* and exempted from payment of tax and they enjoyed protection from enemies during a war. The Brahmins acquired absolute right over these surrendered lands and their rights over the lands were termed as *jenmom* rights. Thus the *Nambudiri* Brahmins came to acquire a status of powerful landlords or *jenmies*.

The Brahmins who became land owners did not cultivate the land for themselves owing to their existing caste rigidities. On the other hand, they disposed the lands to the tenants for cultivation. There emerged the process of transfer of ownership rights on land in early Kerala history. Usually the land rights were considered the privilege of the upper classes. The produce of the land was shared
among the different groups on the basis of the existing local customs and conventions.

The State of Kerala during the early period was divided into three territorial segments: Travancore, Cochin and Malabar. The ownership patterns as well as tenurial rights which had existed among these territorial segments of Kerala were different from one another. While Travancore and the nearby Cochin region had almost a similar pattern, Malabar had a different one. Travancore was in the forefront in implementing tenurial changes that had wider impact on the society and life of early Kerala.

The native state of Travancore was pre-eminently an agricultural region with majority of the population depending on land for their livelihood. A peculiar feature of the agrarian setup of Travancore was that the proprietors and tenants of the land lived on the same tract of land. The fertile soil along with the abundant rainfall was favourable for the cultivation of rice, spices, coconut, palms and other crops. The various crops of the region, especially spices, attracted the traders from outside to the region. The commercial contact with far off nations had its influence on the socio-political life of Travancore. This does not mean that the land relations that existed in Travancore were absolutely a by product of the colonial contact.

The land tenure legislations in Travancore, more or less evolved independently during the colonial days and it continued even
after independence. 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 of people who were connected with it for different motives.

The Government of Travancore felt that the progress of agriculture was very vital to economic development. The progressive measures initiated by the government also needed enormous revenue. The foreign trade of the time was mainly confined to the export of agricultural commodities. The actual cultivators of the time were the tenants, and so the government sought to protect their interests. The mounting pressure from the English East India Company to increase the revenue of the state also influenced the rulers to think in terms of protecting the cultivator. The various drawbacks connected with the earlier legislations as well as the innumerable hardships felt at the stage of implementation of tenurial reforms, necessitated the need for introducing vital legislative measures.
The rulers of Travancore influenced the tenurial system that developed in the region. The political considerations in Travancore operated in a different direction as far as land relations were concerned. The rulers of Travancore tried to curtail the powers of the landlords who were controlling the land for several decades in the region. As a result of this, a large part of the cultivated land came under direct state ownership. By the end of the first decade of the nineteenth century, the state owned lands accounted for about one half of the cultivated land in Travancore and their share rose to eighty per cent by the middle of the century. The remaining twenty per cent of the cultivated land was owned by *jenmies* who enjoyed them either as free hold or under a light assessment called *rajabhogam*.

The Travancore State was quite alert to the interests of the cultivators from the very early time and a Royal Edict was promulgated in 1829 to protect the rights of the actual tenants. The tenants mainly consisted of people from lower castes and the regulation to protect their rights over the land was a morale booster for them. The opportunities offered by the favourable circumstances were utilized by enterprising groups, who were earlier in an unprivileged position on account of their inferior caste status to rise in the socio-economic ladder. Though the regulation of 1829 did not solve all the problems faced by the tenants, it was an attempt on the part of the rulers to encourage them in cultivating the land. The
agrarian situation in Travancore was far better than that in neighbouring states during the period under reference and it was further improved by the later progressive measures which followed this regulation.

The land tenure system in Travancore had undergone changes from time to time. Owing to the growing pressure on land and the slow development of alternative opportunities, the competition for ownership rights over the land multiplied. The contest for land ownership in Travancore developed as a source of conflict among the different social groups and it had received the attention of the government then and there. The colonial connection with Travancore also had its influence on land relations, but despite the colonial alliances, the State of Travancore had a different course of development related to land. The Travancore rulers did seek the help of the English East India Company at times to suppress the warring chieftains and were also bold enough to take control over the lands held by them. This support greatly 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 necessary legislations related to land tenures.

There were drastic changes in the agrarian systems during the nineteenth century due to tenurial changes. The encouragement for waste land cultivation helped to bring more area under cultivation
which contributed to greater 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 for subsistence needs, but by the second half of the nineteenth century agriculture became a commercial activity.

In the history of Travancore, the period from 1865 and 1949 is significant with regard to the enactment of drastic tenurial legislative measures. These measures including the various Proclamations by the rulers were major landmarks in bringing changes in the agrarian sector in the region. These legislative initiatives had wider impact in the lifestyles of the people in course of time. The Government of Travancore during the period of Maharaja Ayilliam Tirunal Rama Varma took some initiation and issued a Proclamation on 2 June 1865. This is popularly known as the *Pattom* Proclamation.

A major effect of the Proclamation of 1865 was that the ownership pattern of land had changed. Cultivable lands were freed from the state landlordism and distributed among the cultivators. Land ownership was opened out to all classes of people irrespective of castes and communities. By the provision for free transfer, land became a commodity in the market. Land transaction began to take place and other than cultivation more and more 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.

Even though the *Pattom* Proclamation was unique in itself, there were loopholes such as lack of proper clarification of the different categories of tenants at the stage of its implementation. To overcome the defects, the state intervened and issued another Proclamation in 1867. This Proclamation clarified that the tenants coming under *kanam* 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 force. Though the Proclamation was made with the best of intentions, in its operations it did not satisfy either the *jenmies* (landlords) or the *kudiyans* (tenants), as it was defective in many respects. The government felt that the untimely eviction of the tenants by the *jenmies* would affect adversely the overall cultivation of the state leading to displeasure of tillers and fear of their insecurity. As a result, in 1896, the *jenmie-kudiyan* Act was enacted by the government to overcome the defects of the earlier Proclamation.

Through these legislative measures, the rulers decided to regulate the relationship between the *jenmies and kudiyans* in Travancore. But it did not produce the positive results that were aimed at; on the other hand, it did produce negative results such as the confrontation and conflict between the landlords and tenants.
The government, as a corrective measure, passed the *Jenmie-Kudiyan* (amendment) Regulation in 1932. Absolute freedom was granted to the tenants in the use of their land by a regulation of this Act. 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 other alteration with regard to the cultivation.

After Indian Independence in 1947 there were changes in the native states as well. The policy of merger and integration of native states resulted in the integration of Travancore and Cochin and later the formation of united Kerala combining the British Province of Malabar. Even during these periods of political turmoil, steps were taken by the rulers to prevent arbitrary eviction of the kudikidappukars (homestead dweller) who did not enjoy any right over the land, other than discharging manual work on the land.

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. 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. At the time of the formation of Kerala in 1956, the land owning families in Kerala had under their custody vast areas of cultivable lands but the actual cultivation was done by the members of the lower strata of the society.
There was a general feeling that the major part of the agrarian wealth of the country was being frittered away and controlled by the big land owners during this period. It was also felt that the uneven distribution of land is the cause of rural poverty and other hardships of the people. The first democratically elected government in Kerala State (1957) was more committed to address these problems. It was generally felt that the consolidation of holdings, proper land management practices and the co-operative reorganization of the agrarian economy were the needs of the hour.

The concept of security of tenure which was a long pending issue found its expression in united Kerala after its inception. The legislative reforms in the agrarian field thereafter helped in restricting the evictions of the tenants on flimsy grounds.

The tenurial changes in Travancore and later Kerala found their significance when the pressure on land became very high. The major steps initiated by the first elected government of Kerala including the Kerala Stay of Eviction Proceedings Act followed by the Kerala Agrarian Relations Bill and the Jenmikkaram Payment (Abolition) Bill (1957) and later the Land Reforms Acts and its later amendments in the state were nothing but, to a greater extent, a follow up of the tenurial policies pursued by the earlier rulers. Usually, land tenure legislations will fail to achieve their aim for lack of proper implementation strategies. The Kerala Agrarian Relation Bill (1957) contained provisions for proper implementation methods,
although there were different agencies who worked against its effective implementation.

The tenancy reforms from the time of the progressive Travancore rulers to those of the days of popular governments in later Kerala could succeed to upgrade the position of the state to a model one for the rest of India with unique features of a judicious distribution of land to the tiller.

The greater productivity in agriculture as a result of the tenurial changes paved the way for more trading activities of the people in later period leading to a new phase of commercialization. The swift change from subsistence farming to commercial one, the introduction of money economy in the form of cash assessment of the land revenue and substitution of ‘rents in kind’ to ‘cash rents,’ the emergence of new financial establishments like banking, joint-stock companies mainly in the midland regions of Travancore, were the effects of the economic changes in the state. The tenurial changes in Travancore also opened the way for changes in the crop pattern encouraging plantation crops, cash crops and garden crops in the region. This new mode of agrarian practices started by pre-independent rulers of Kerala had a sound basis for the mode of cultivation in later times.

The intrusion of capitalistic tendencies in the region, changes in the ownership pattern, increase in prices of agricultural commodities as well as improved facilities of transport and
communication all have encouraged to upgrade the modes of cultivation of the region. The availability of credit facilities was an additional boost. The atmosphere in Travancore was conducive to agricultural growth and this encouraged the British to invest additional capital in the agrarian sector which was helpful to the state in the years to come. The emergence of plantations in Travancore can be considered in this context. These novel agrarian practices which caused the greater economic prosperity of the region found actually a sound basis for the later agro-industrial activities in Kerala.

The economic impact of land tenure legislations in Travancore was also seen in various areas like man-land relations, changes in the agrarian practices, the commercialization of the agrarian economy, the migration of the people to areas where more agricultural work would be possible, which all contributed to the emergence of an agro-based economy. All this paved the way for more accelerating activities leading to enforcement of social justice in modern Kerala. The Princely State of Travancore had an uninterrupted history of continuous intervention in the economic process in the agrarian economy which is unparalleled in most of the other Princely States.

The process of the evolution of the tenurial change in Travancore brought the weaker sections of society to the forefront. The occupational structure of early Travancore was closely linked to
the caste system and caste practices. The low castes, who were the actual tillers of the soil, were forbidden to eat, dress, behave and move along with the members of the upper caste. They were denied access to property and imposed restrictions even on constructing their shelters. There was a change in the situation as a result of the introduction of tenurial changes. The partition of lands as a result of the disintegration of joint family system encouraged other economically advanced lower castes to acquire ownership rights over lands. There was the redistribution of ownership rights on lands in the region. This redistribution of land among the different communities of people led to the reduction in land concentration in the hands of the superior castes. This change in the land ownership pattern brought drastic changes in the agrarian structure in Travancore and later directed towards the social changes in the region. The tenurial changes that took place in the region awakened the society from its age-long slumber.

The changes in the land utilization pattern out modelled the prevailing family organization and gave way to a modern type of family set up in the state. The nuclear family system which emerged in the region as a result also helped in identifying individualism and skill of the people. Education soon became a necessary and powerful instrument for changes leading to self-respect, personality development and free thinking etc.
The preamble of the Indian Constitution assures justice - social, economic and political - to the people of India and the noble idea of land to the tiller certainly justifies the aim of the Indian Constitution. It is gratifying to note that the erstwhile Princely State of Travancore introduced the above motto much earlier than any other Princely States in India. Ownership of land was a long felt dream of the working class. The legislative endeavours on the part of the Travancore rulers in the arena of tenurial change were an initiative of the same, in the yester years.

The social reform movements promoted by the land tenurial legislations in Kerala society were revolutionary in nature and content on the idealistic plane, but they were also peaceful and non-violent on the practical plane. The practice of enforcing the tenurial changes blended with a non-violent mode of application greatly encouraged this attitude.

The concept of culture is an accumulated store of symbols, ideas and material products which are transmitted from one generation to the other. Cultural forms also regulate social activities. The cultural processes in Travancore were transmitted to later Kerala through the various transformations in the society as a result of the changes in the tenurial pattern. The reciprocal relations between the landlord and tenant can be seen in the cultural development of the state. This practice was initiated by the Travancore rulers because of their progressive outlook. It is to be noted that there was always a
favourable environment irrespective of the caste and creed for the cultural changes in Kerala State.

There was a growing socio-cultural consciousness among the peasants as a result of the tenurial changes. The then existing socio-cultural life of Travancore was interrupted by the land tenure legislations implemented in the state. The change in the ownership pattern and the ability to express their ideas through a cultural platform made the people bold enough to demand more concessions from the rulers. The nepotism and selfishness of those occupying higher positions were democratically questioned for the first time by the united social and political movements of the people of Travancore. The political awareness of problems of the common people led to higher stages of political consciousness in the state. The growing self-consciousness on the part of the peasants later led to the rise of agrarian movements aimed at more land reforms. Its impact was felt in the economic, social and political arenas as well.

The ultimate aim of any land reform should be to confer the rights of ownership on the peasants, to the largest possible extent. Various states in India, including Kerala adopted drastic measures in the field of land tenure systems. Amidst the changes in the tenurial system, adequate direction and determination for its proper implementation is also needed. Other than this, the political will of the ruler, the continuous pressure from below, the support services, correct and updated land records etc. are necessary for the proper
implementation of land reforms. Passing of reforms will not be effective unless it is supported by effective steps of implementation. A machinery for its proper implementation is also a necessary factor along with the land reform legislations. In Kerala this was made possible through the democratically elected governments in modern times.

The political system is considered the backbone of the country’s existence. The changes in the tenurial system were necessary for the survival of the political system. The primary concern of every society is to maintain social equality to its members. Every society wishes to achieve this aim. This aim of social equality could be achieved only if the tiller of the soil is provided ample security from various forms of exploitation. The changes in the ownership of land holdings as a result of the reforms gave opportunity to the tenants in this regard. The land reforms through the legislative enactments ‘from above’ combined with the peasant mobilization ‘from below’ made a necessary base for implementing changes in the social life of the people of the state.

The term ‘Kerala Model of Development’ which is often referred to mean a model of development which was unique by all means can be traced, to an extent, to the land tenure legislations in the State. Comparing with the other states at the national level, the basic facilities for a welfare state are more or less fairly distributed over Kerala. The land ownership pattern was once embedded in caste
system, but emerged as a source for economic progress that helped to improve the social background of the tenants.

The ‘Kerala Model of Development’ which created an atmosphere of development attitude in every sphere of the social life of the state is also now facing crisis. This may be due to the fast growing trends in modern economic systems. The land tenurial changes which formed an important area of the development model of Kerala is now overtaken by other major industrial sectors, mostly private sector undertakings aimed at profit making. When there is a sudden growth of these areas, the age-old agrarian sector seems to be affected badly. An all round decline in the Kerala agrarian sector has been pointed out by many social scientists as well as economists in recent times.

Under these circumstances, it is the duty of the authorities concerned to introduce various steps to overcome this crisis. The large scale use of agricultural lands for industrial and other private profiteering activities not only disturbs the ecological balances but also causes decline of the social structure of the state. This change is evident from the substantial increase in the number of people below the poverty line over the years at a time when there is growth in the industrial sector. This is a major crisis of the Kerala Model of development according to prominent social activists nowadays.

Nowadays Kerala experiences a struggle for better control of land and its resources where the meaningful intervention of the
government is needed to keep the momentum of the earlier land tenure legislations. This is inevitable to keep a balance between the progressive land tenure legislations of the native rulers of erstwhile Kerala and the efforts of present day democratically elected government. The changes in the land holding pattern should be a means to achieve social equality and justice along with the increasing agricultural production. The new challenges to social equality and justice and the removal of tenurial impediments had to be met by the government effectively in order to maintain a harmony of the various sections of the people as well as achieving the overall development of the state.