CHAPTER III: LAND REFORMS - THEORY AND PRACTICE IN KERALA
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LAND REFORMS IN KERALA - THEORY AND PRACTICE

The present Kerala State was formed in 1956 on linguistic basis by unifying the then states of Travancore and Cochin and the district of Malabar which was a part of the then Madras Presidency. These three geographical areas had different tenure relations which were rather complicated.

The land in the state was owned partly by private parties and partly by the state. But private ownership was largely monopolised by the high castes viz., Namboodiris and Brahmins, who were the migrants to the region. The monopolisation of land ownership by the Brahmins or Namboodiris took place some where between 8-11 A.D. They seem to have done this by acquiring land for the temples, and through temples for themselves. Once they realised this they publicised the myth that the whole land of Kerala was presented to them by Lord Parasurama.

The Namboodiris and Brahmins did not cultivate the land. They leased out the land to Nayars. This resulted in tenancies.

such as Karam, Patton, Kushikkanam etc. As time passed, the whole structure of land relationship came to be determined and governed by the caste hierarchy, and both worked in unison to effect a new type of rigid social stratification. The arrival of Portuguese and the Dutch during the end of the 15th and middle of the sixteenth centuries, and the Mysorean conquest of Malabar and Cochin in the middle of the 18th century had significantly influenced the land tenure relations and structure in these regions. Following the Mysorean conquest for the first time a land settlement was introduced, while settling with actual cultivators the government came into direct relationship with actual cultivators overlooking the superior classes.

For a proper understanding of the land tenure structure and the reforms measures we must have some idea regarding the tenure systems that existed in the state prior to the formation of Kerala. First we deal with tenure system that existed in Travancore.

3. 'Karan' is explained as - when the control of land was transferred to Brahmin temples or chieftains under coercion, the cultivators were given to understand that they were do it as a token of alligience or respect. Karam - means 'Kanikka', See Varghese, op.cit., pp.14-15.

4. Ibid.

5. For a detailed discussion, see, Ibid, pp. 17-19.
Travancore

There were two important types of land tenures in Travancore. They were 'Pandaravaka' and 'Jenom' lands. The land owned by the government were known as 'Pandaravaka' land and the other as 'Jenom' lands. 'Pandaravaka' lands (sircar lands) were divided into 'Pandarav ka Pattom' or 'Pandaravaka Otti'. An important feature of tenure relationship in Travancore that distinguishes it from other regions was that here a major portion of land was owned by the state. "By the 1850's about 80 percent of the cultivated land and whole of the waste land had become sircar land." The number of Jennis were very small, and the majority of the population consisted of agricultural labourers and cultivators. The tenants leased in both 'Pandarav ka land' and 'Kanam' land for cultivation. 'On the whole the agricultural situation in Travancore was far better than in Malabar at this time, and it was further improved by progressive state action through out the latter half of the century."

Like other regions, in Travancore also the tenant had no ownership right. The condition of tenancy worsened as time passed and increase in population. In order to reduce the evil effects of tenancy. In 1926, a Royal Edict was

6. Ibid, p-44.
issued, which stated that the tenants should pay the dues to the jennies and the jennies should allow the tenants to continue cultivation so long as they paid the jennies dues. In 1865 a Patton Proclamation⁸ was issued and this provided ownership rights to the tenant cultivators of sircar land. The proclamation also gave right to restricted transfer of their properties. According to Vargheese, In an economy like that of Travancore, where land was considered as the most desired form of wealth as well as the major source of livelihood, it caused a spurt in transactions revolving around land, and this paved way for expansion in economic activity.⁹ In 1967 another proclamation was issued by the state which prevented the jennies from evicting their tenants so long as they paid the rent and other dues. Next important legislation was the 'Jenni and Kudiyan Regulation of 1885-86', which gave the kudiyan permanent occupancy rights in his holdings. In 1949 another act was enacted viz., 'Prevention of eviction of Kudikidappukars Act', which conferred the Kudikidappukaran permanent right of occupancy subject to certain conditions.

'Due to these benevolent policies pursued by the state, there was considerable development of agriculture, which manifested itself in a phenomenal increase in the area cultivated.'¹⁰

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⁸ The proclamation was issued on June 7, 1865, which has been considered the 'Magna Carta' of the Travancore ryots.
⁹ Vargheese, op.cit. p-65.
¹⁰ Ibid, p-69.
The land tenure relation and pattern in Travancore was better than any other regions. According to Vargheese, by the end of the 19th century, Travancore had almost shifted over to a region of peasant proprietors. (State controlled major portion of the land).

Cochin

The important land tenures in Cochin were 'Pandaravaka' and 'Puravaka'. Pandaravaka land were held under subsidiary tenures like 'Verum Pattom', 'Kanam', 'Adima', 'Anubhogam', 'Karanma', 'Lanam' etc. In the case of 'Puravaka' lands proprietorship was vested in a third party. In Cochin, major portion of the land was owned by jemmes and the rest was under the state ownership. State owned land (sircar land) was also leased out which was known as 'Pandarapattom'. Under Pandarapattom the tenant had no ownership rights or rights to transfer. Under the tenurial conditions in which cultivation was being practiced in the state, the position of the agricultural labourers must be expected to have been worse in Cochin than in Travancore and still more because of their relatively large number and very limited scope for alternative employment. 11

In 1863, to prevent the eviction of 'Kanam' tenants an Edict of the Raja was issued. Another important legislation was the settlement proclamation, (1904-1905), which gave full proprietary rights to holders of 'Pandaravaka', 'Verum Pattom' lands, subject to the payment of state revenue. Cochin Tenancy Act of 1914-15, Proclamation 3 of 1936, Cochin Tenancy Act of 1938, Proclamation 6 of 1941, Cochin Verumpattomdars Act of 1943, Devaswam Verumpattom (Settlement) Proclamation, 1943, and Proclamation of 1949 are certain other important legislations during this period.

Proclamation 3 of 1936 was issued for staying arbitrary evictions of Kudikidappukars from their homestead. It also conferred security of tenure on 'Kanam' tenures. The Act of 1914 made provisions for compensation to tenants and fixity of Kanam tenures. In the Cochin Tenancy Act of 1938, instead of Kanam tenancy certain other tenancies were included. Through the Cochin Verumpattomdars Act, permanent occupancy right was given to the 'Verum Pattom' tenants. The Devaswam Verumpattom (Settlement) Proclamation of 1943 gave the pattam­dars permanent rights of occupancy in respect of their hold­ings. This Act laid down that the tenants should not be evicted for arrears of rent. Proclamation of 1949 benefited all those Verum pattomdars, Kanam tenants, etc.
Even with all these land legislations the tenants condition had not improved much. This was mainly because of the fact that invariably the landlords were successful in evading the 'fixity provision' by leasing lands on terms and conditions altogether exempted from the Act.\textsuperscript{12}

**Malabar**

The tenurial system in Malabar seems to be quite complex and complicated. Between the 'Jenmi' and the 'Cultivator', there were several tenants, and sub-tenants. Under a jenmi there is generally one or more 'kanandars' under whom one or more 'verumpatton' tenants, who in turn cultivate the land through hired agricultural labourers or directly by themselves. The 'Jemnies' have been absolute owners of land, and these jennies belonged to the highest castes in the caste hierarchy like Namboodiries or Nayaras. Early in the 19th century as population grew and pressure on land increased, there was stiff competition for land. Due to severe hardships the ryots became restive.\textsuperscript{13} It is observed that the main reason for the Mappila-outbreaks in many parts of Malabar was due to the unrest in the agrarian relation and structure. Following this several inquiry commissions were appointed by the then Madras Government.

\textsuperscript{12} Ibid, p-125.

in order to inquire about the reason for the agrarian unrest and the conditions of the tenants. In 1852, Mr. Strange was appointed to inquire into the causes of Mappila outbreaks.

In 1854 the Nadar Adalat Court instituted an inquiry into the existing land tenures of Malabar. Due to the large scale eviction of tenants, the situation created out of it became more worse in the region. Because of all these reasons in 1881, Mr. Logan was appointed to inquire into the land tenures and tenancy rights. Malabar Compensation for Tenants Improvement Act of 1857, was another important step in this series.

In 1929 Malabar Tenancy Act was passed and this Act was the outcome of the recommendations made by the Raghavayya Committee, appointed by the government in 1927. This Act conferred fixity of tenure on verumpattomdars holding, and also gave the right to demand renewal of their lease on 'Kanamdars', 'Kushi-kanamdars' and customary 'Verumpattomdars'. Fair rent was also fixed on the basis of income from land. Because of the ineffectiveness of this Act, another committee was appointed by the government to study the problems in the agrarian structure. This committee was known as the Malabar Tenancy Committee in 1939, and this Committee suggested certain measures to improve the situation between landlord and tenant. 'In the absence of any effort to change the land tenure system, it continued as it was earlier, with all the evils attached to it. 14

Due to the increase in population, and increase in the grip of 'Jennies' right on land caused continuous agrarian unrest in this region at the eve of the formation of the present state.

**Travancore-Cochin**

After the unification of Travancore and Cochin certain legislations have been enacted in Travancore-Cochin region to bring about uniformity in the tenurial relationships in the region. Travancore-Cochin Prevention of Kudikidappukars Act, 1955 is one of the important in this respect. This Act prevented eviction of kudikidappukar except under certain circumstances. The Kanam Tenancy Act of 1955, conferred full proprietary rights on 'Kanam' tenants subject to payment of 'Jennikaram'. Another legislation was the Travancore-Cochin Compensation for Tenants Improvement Act 1956, in which provisions were made for the payment of compensation for tenants' improvements in the state of Travancore-Cochin.

**Socio-Cultural and Political Developments During the First Half of the 20th Century**

The influence of casteism in Kerala society is very wide even today. But there might have been one society, where equality prevailed in its complete sense during the primitive
stage. When and where symptoms of caste originated we do not know. There are difference of opinion about it. Any how, one thing we know, this caste-based hierarchical society prevented the growth and development of the society. During the early periods, as we have seen earlier, certain high castes particularly the Brahmins, controlled the social system, and owned the major portion of land. People at the lowest ladder of the caste hierarchy neither owned any property nor had any status. These lowest castes were either slaves or attached labourers. Later they became serfs or workers, and their position now is rather pathetic.

The Socio-Politico-Cultural developments in Kerala during the latter half of the 19th and early half of the 20th century encouraged to change the situation upto a certain extent. In Kerala at that time existed joint-family system, both patriarchal, and matriarchal system of inheritance. The lowest caste people were denied of all rights, they were not even allowed to walk through the public road. Right to education and social life were also denied to them. They were considered as 'Untouchables' or 'Polluted Caste'. Later they came to be known as 'Harijans'.

There were three important strong movements against the caste and caste politics in Kerala during the first half of
this century. The most important was the organisation of the castes in general, and the backward caste in particular. The Ezhavas, one of the backward caste organised as a strong group and agitated against the casteism and worked for social reformation. The Harijans, especially the pulayas were also organised and demanded for education and other social status. Besides the organisation in the backward castes there was organisation among the forward castes also. The organisation of the Namboodiries against the rigid social customs prevailed

15. For a detailed discussion, see, Unni Raja, C, 'Jatikkum Jati Rashtriyeecchinum Ethiraya Samaram', Part-III, (Malayalam), Marxist Veekshanam, Kerala Institute of Marxist Studies, Trivandrum, p.29-36. Also see, Namboodiripad, EMS, 'Keralathile Shoo Parishkarangalum Karshaka Prasthenevum Indian Sehacharyavthiy'; Part I & II, Deshabhimany, News paper, Cochin (Ed), October, 1981, where he summarises the developments in Kerala during the seventy five years between Logan Commission's Report and the formation of Kerala State.

16. This organisation is known as the 'Sree Narayana Dharma Paripalana Sangham' (SNDP), which is one of the strongest organisation even today, see Unni Raja, op.cit, p=36.

17. The leader of this organisation was Sri Ayyankali, who strongly organised the oppressed castes and led them for a social reformation. The name of the organisation was 'Pulayar Naha Sabha'.
in their caste was also encouraged the movements.\(^{18}\) The
Nayars also organised and moved against the customs prevailed
in their caste.\(^ {19}\) with this another important movement also
emerged i.e., the agitation for the abolition of joint family
system and distribution of landed property to the members of
the family.

Yet another significant movement during this period
was the movement against the British Colonialism. This helped
to mobilise people to fight against the Britishers and evils
that were perpetuated by the caste Hindus.

The last and most revolutionary movement in this
period was the mobilization of the working class people and
others under the banner of the Communist Party. All these
movements had their repercussions in the agrarian sector also.
The emergence of capitalist farming worsened the condition of
the tenants. They were subjected to eviction. The agrarian
scene as a whole needed an alteration.

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18. The organisation known as 'Yoga Kahama Sabha', and
the demand for modern education, and more freedom
to 'Andharjanams', etc., was their important demands.
Of course, it was aimed to reform a particular caste,
it helped the movement of other castes indirectly.
The name of V.T. Bhattadiripad is important in this
respect. See Unni Raja, op.cit, p-31.

19. This is known as Nayar Service Society (NSS) and the
name of Mannath Padmanabhan is relevant in this
respect.
Land Reforms, Theory and Practice

The Kerala State was formed in 1956, and following the first general election, the Communist Party was voted to power. The Communist Party in their election manifesto unequivocally promised to undertake land reform measures to enhance the status of the tenants and the labourers. The ministry came to power on 5th April 1957, and in this year itself a legislation was enacted to stay the eviction of tenants by landlords. In 1959, the Kerala Agrarian Relations Bill (KARB) was presented in the Assembly by the government. Regarding this bill, it is observed that 'Despite the declared party position on the question of compensation, the KARB provided for payment of compensation to land owners.'

And also the bill provided more benefits to the large holders than for the poor people. And 'the proposed reform of agrarian

20. Raj, K. A., and Michel Tharakan, P. K., Land Reforms in Kerala and its impact on the distribution of holdings. "A paper presented to the seminar on Logan's Centenary Celebrations, Kozhikode (1981), p-7. Further their argument continues ..." the proposed benefits of land reform could accrue also to the upper strata of tenants operating their holdings with hired labour; though in its broad policy of the communist party was clear that only those who contributed their own or their family members labour in cultivation could qualify as actual tillers and that ownership right were to be conferred only on them.'
relations was therefore, ineffectual basically a programme for reform of tenancy with a view to its abolition.21 Any how, the bill has not got the assent of the President, and due to the political and other developments in the state the Communist Government was dismissed by the President of India, on 31st July 1959, after twenty seven months rule.22

After effecting certain changes in the bill in 1963 another Act was passed by the then government. This is one of the most important Land Reform Acts in this series and is known as the 'Kerala Land Reforms Act' (KLRA, 1963). The ceiling limit in this Act was raised (36 acres), certain plantations (such as cashew, pepper, coconut etc.) were exempted from the ceiling law, 'small holders' were redefined as those who are having interest in land upto 24 acres. These changes were made in accordance with the direction of the President of India.

The implementation of this Act was very slow. Now the State once more came under President's rule. In 1967 a coalition ministry under the leadership of Communist Party (M) came

22. Soon after the introduction of the bill, the then opposition parties who were supporters of landlords and jennies strongly opposed the Bill. They started agitations against the government, 'Vimochana Samaram' in this context is also relevant.
to power. This ministry decided to undertake the unfinished task in the Bill of 1957, and for this the Act of 1963 amended; and the Kerala Land Reforms (Amendment) Act of 1969 enacted. In this study we deal with the main provisions of this Act and the impact of their implementation. The important objectives of this Act was (a) to abolish tenancy and to confer ownership rights to the tenants, (b) to confer ownership right to the kudikidappukara and finally (c) registration on ownership and possession of land in excess of ceiling area and disposal of excess land. The progress in implementation and the effects of these reforms are discussed below.

**Progress and Prospects of the Acts**

1. **Tenancy Abolition**

**Implementation**

Sections 3 to 74 of Kerala Land Reforms Act explain the provisions regarding the tenancy abolition. The most important aim behind this law was to wipe out landlordism from the agrarian structure and to confer ownership rights to the tenants. Government's slogan was 'land to tillers of the soil'. Here one genuine doubt may arise, whether the land has been distributed to the real tillers of the soil or to the tenants. Of course, the beneficiaries are the middle-men who were tenants. But they were using hired labour for
cultivating the land. These things will be discussed after seeing the implementation of this Act.

The State Land Board was vested with the overall charge of the administration of the Kerala Land Reforms Act. In order to speed up the implementation process about twenty eight land Tribunals were appointed all over in Kerala in 1964.

Upto June 1981, the total number of cases regarding the conferment of tenancy in the Land Board was 3663621, (A districtwise receipt of cases and disposals are given in Appendix-I, Table-I) and of these 3650985 (99.66 percentage) cases have been disposed of. And this shows virtually the implementation of this scheme is complete. Out of the disposed cases, 2468586 (67.38 percentage) counts as allowed disposals. The balance of the disposals have been mostly rejected cases. The certificate of purchase issued to the allowed disposals amounts to 2441648 (98.91 percentage), which left only a little percentage of balance. Any how, more than 2.47 million tenanted plots become the property of their former tenants, and this is more or less consistent with the government claims that 2.5 million tenants had benefited during the implementation period. Here

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23. Data source, Land Board, Kerala, Proceedings, LB(A) 3-37678/81 dated, 24-7-1981, compiled from the various figures.
the total area distributed under this is not given any where in the reports, but certain writers have tried to estimate the total area distributed under this scheme. Radhakrishnan’s study shows that as on February 1981, (4 months back) the total receipts of cases was 3650943 and of these 3637956 (99.64 percentage) have been disposed of, and in this allowed disposals being 2459491 (67.61 percentage). The total area of land covered by the allowed disposals has been estimated as 1967593 acres, and the average area per case or tenanted plot works out to 0.80 acres. Exactly one year back to this, by the beginning of February 1980, Herrin calculated that 2.4 million tenant plots secured ownership rights to its possessors and the average area per tenanted plot as 0.80 acres. If take this as the average area, the total area distributed upto June 1981, works out as 1974669.8 acres, where 2.47 million

24. Since Land Board is the main source; the area distributed is not given in the proceedings which they supplied. And statistics for planning 1980, Government of Kerala, The Directorate of Economics and Statistics, is one of the relevant source, the issue (1980) does not gives any data related to the area. Total cases are given.


77. Herrin, op. cit.
tenants have been benefited. Herring argued that since tenants frequently leased in plots from several landlords, there were more 'cases' than 'tenants'. So he calculated that the average tenant seems to have had about two tenanted plots, and he calculated the number of tenant households benefited as 1.77 million, an average area of 1.86 acre per tenant. Following this Radhakrishnan's study shows that only 1.23 million tenant households benefited. Based on this the total households benefited amounts to 1234793, a little more than Radhakrishnan's estimates.

Effects

The enactment of the land reform legislation conferring ownership right to tenants gave a death blow to the landlordism in Kerala. It helped to abolish the feudalistic form of agrarian structure. Most of the ownership transfers took place under this provision of the Act.

Average Size of Holdings

During 1966-67, 59.7 percent of the total holdings were less than one acre in size and the average area in this group constituted 0.38 acres, and the operated area is 12.4 percentage of the total area operated. Through the tenancy abolition each tenant got an average area of 0.80 acres, the average area of a tenant household is 1.60 acres. "It has eliminated

the constraint on agricultural production posed by traditional landlordism, it has also constrained a new constraint through the fragmentation of holding, and any positive gains out of the release of land from the monopoly of the landlord class is presumably neutralised. 29

Recent studies 30 show that the implementation of this scheme has brought about three main classes among the former tenants. The largest tenant owners now became landlords and are trying to exhibit feudal characteristics of their former master. At the lowest group there are certain holders who are having only a little bit of land, which do not provide them any gainful employment. Between these two extremes there is yet another group - the small holders. These people are cultivating their land by themselves or through hired labourer. The former group, the tenant-turned landowners, are cultivating their land with hired labourer. They also use modern technology and manures for increasing productivity. Perhaps, the capitalist form of cultivation in agriculture might be the contribution of this group. The gainers of small bits of land, the 'tenant dwellers' are supplying enough labour

29. Radhakrishnan, P, op.cit., p. A-131,

to these groups. Herring with the data collected from 17 villages in Kerala, observes that "The abolition of tenancy relation was certain to benefit a large number of landholders whose class status was relatively high and whose agrarian hierarchy was relatively privileged." In short, implementation of the scheme helped to transfer land on a large scale from landlords to tenants, landlordism disappeared and a new class of owners emerged in its place. This class comprised of (i) large land owners (ii) small holders and (iii) tiny holders.

Ownership Rights to 'Kudikidappukars'

The second major objective of Land Reforms Act is the conferment of ownership rights to the 'Kudikidappukars'. Perhaps, majority of the beneficiaries in this group belongs to scheduled castes. Through this provision lakhs of landless people became "land holders" and changed their position as "landless" labourer.

31 Herring J Ronald, "Abolition of landlordism in South India: A Redistribution of Privilege", Land Tenure News Letter, USA, April-June 1980, p-1, Radhakrishnan, P, op.cit, also make similar observations. He points out that "Many of the rich land owners, who became owners of all lands leased in by them on the government's assumption that they were the 'tillers of the soil', do not till the soil by themselves but only supervise the work of hired labourers", p.A-131.
Sections 75 to 80G of the Kerala Land Reforms Act deals with the rights and liabilities of Kudikidappukara and Section 77 stipulates conditions under which the kudikidappu can be shifted. Upto 30-6-1981, there were 6,963 cases under section 77 and out of this 6864 (98.58 percentage) cases were disposed of in favour of the kudikidappukara and in the case of 1,709 (24.55 percentage) cases the request of the landlords were conceded. The rest of the cases were either rejected or disposed on mutual agreement. This shows that about 1,709 kudikidappukara has been shifted from their kudikidappu on the request of the landlord.

Section 80A(9) of the Act provides right to the kudikidappukara to shift his kudikidappu if it causes any inconvenience to him. He can opt a new portion of land, and the cost should be leased by the landlord. Under this Section upto June 1981, 6879 cases were received and 6794

32. The law states that, under certain conditions the kudikidappukaran shall be forced to shift his kudikidappu, provided that he should be informed about the shifting prior to one month, and the landowner should give another portion of land to the kudikidappukaran. The Kerala Land Reforms Act, p.90.

33. Where the kudikidappukaran applied under Section (1) of Section 80G for purchase of his kudikidappu, and the Land Tribunal on application with in which such time as may be prescribed by the person in possession of land in which the kudikidappu is situated, is satisfied that the portion to be purchased is so located as to cause inconvenience to him, the Land Tribunal may require the kudikidappukaran to purchase another portion of the land, provided that the kudikidappukaran shall have the right to opt for the portion to be purchased and the cost should be leased by the land owner. KLR Act, op.cit, p-95.
(90.77 percentage) cases were disposed of, including 1678 (24.39 percentage) conceding the request of the land owners. This means that 1678 kudikidappukars might have shifted their kudikidappu from the earlier place to new places according to their convenience.

Section 808 enables the kudikidappukars to purchase his kudikidappu. The extent of the kudikidappu shall be "subject to a minimum of three cents if within the limits of a city or a major municipality, five cents if within the limits of any other municipality and ten cents if in any panchayat area or township." How far provisions were beneficially utilised by the kudikidappukars is not known. But one thing is certain that is the majority of the poor 'hutment dwellers' got security with their holdings. As on June 30, 1960, the Land Tribunal had 442082 cases of requested purchase in this scheme. (A district wise receipts and disposals of the cases are given in the Appendix -1, Table-2) Out of this 437250 (99.91 percentage) cases were disposed of, 270190 (61.12 percentage) favourably. The rest of the disposals includes rejected and mutual disposals. However, out of the 270190 disposals allowed the certificate of purchase was issued to 256471 (94.92 percent) cases. The total area distributed is not given in the data source. Radhakrishnan's study shows that average area received per 'kudikidappukaran' (household) is 0.08 acre.34

The total number of kudikidappu in the state, according to the Bureau’s Survey comes to 3.4 lakhs only. But the receipts of cases in the Land Board exceeded this, (4.7 lakhs) and the certificate of purchase issued is far below this (2.7 lakhs only).

**Effects**

Confering ownership rights to the 'hutment dwellers' or kudikidappukars was one of the most important provisions contained in the KLR Act. The hutment dwellers were mainly landless people. Most of them belonged to scheduled castes. They were 'slaves' in the past and were attached to the landlord. But after the implementation of the reform measures they became 'free workers'.

Confering ownership rights to kudikidappukars is not a new provision, years back, before the formation of the Kerala State, an Act was passed for preventing the eviction of the kudikidappukar.\(^{35}\) In this context Mencher's finding is also relevant, "in Tamil Nadu, the 'Cheri' (Harijan quarter) was always harijan property. It was not possible for a large village land owner to throw people out of the 'Cheri' at will. Thus, one could argue that what the legislation in Kerala gave to the landless labourers was something that the Tamil agricultural labourers had all along."\(^{36}\)

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35. In 1955 an Act was introduced by the Travancore-Cochin Government, in order to prevent the eviction of kudikidappukar, Travancore-Cochin Prevention of Eviction of Kudikidappukars Act, 1955.

36. Mencher, op.cit, p-1791.
Ceiling Law and Surplus Land Distribution

Implementation

Perhaps one of the revolutionary steps in the Land Reform Measures is the fixation of ceiling on holdings and the disposal of the surplus land to the landless agricultural labourers. The law states that 'the ceiling of land shall be in the case of an adult unmarried person or a family consisting of a sole surviving member, five standard acres, so however that the ceiling area shall not be less than six and more than seven and a half acres in extent.\(^{37}\) A family consisting of more than five members can hold up to twenty acres of land.

Sections 91 to 93A of the Kerala Land Reforms Act provides rules and regulations regarding the fixation of ceiling area acquisition and distribution of surplus land. Upto June 30, 1981, the Land Tribunal had received 66,353 cases regarding the surplus land. (A district wise implementation of this scheme is given in the Appendix-1, Table-3a) A summarized format of the implementation of this scheme is given in Table-1. Out of the total cases, the Land Board

\(^{37}\) Land Reforms Act, Kerala, op. cit, p.140-145, the law continues "less than five members the area shall not be less than twelve and more than fifteen, more than five members less than twelve and more than twenty acres. In the case of any other person, other than a joint family the area shall not be less than twelve and more than fifteen acres".
found surplus land only with 11,614 cases (17.50 percent). Nobody knows, what had happened to the rest. They might have escaped through the loopholes of the rules. The dispositions of the cases are somewhat finished, i.e., 63,625 (96.19 percent) cases have been disposed of leaving 2530 (3.81 percent) cases pending. The total area ordered for surrender up to this period works out as 157,324.75 acres. Following the High Courts stay order, one fourth of it, 39,802.32 (25.30 percent) acres have been reduced. The net extent of land ordered for surrender is 1,17,522.37 acres only (74.70 percent). Once again due to stay orders from high court 3855.46 (4.48%) acres were reduced from the net extent ordered for surrender. So finally the total land taken over came to only 77949.40 (95.52 percent) acres, out of this the total extent of land distributed works out as 51842.09 acres (66.50%). The rest of the land, 23957.82 (30.74%) acres taken over has been kept for public purposes. So only 2449.49 acres (2.76%) were being found as available for distribution.

In short, at a glance, we can see that the acquisition and distribution of surplus land has not benefited the poor people. This was mainly because of the loop-holes in the law itself. For example, the total land ordered for surrender was 1.37 lakh acres and the total area distributed
## Disposal, Surrender and Distribution of Surplus Land

**As on June 30, 1981**

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<td>Number of cases involving surplus land</td>
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</tr>
<tr>
<td>Extent of land reduced due to orders of High Court etc.</td>
<td>39002.38</td>
</tr>
<tr>
<td>Net extent of land ordered for surrender</td>
<td>117522.37</td>
</tr>
<tr>
<td>Total extent of land taken over</td>
<td>81605.86</td>
</tr>
<tr>
<td>Extent reconveyed due to order of High court etc.</td>
<td>3656.46</td>
</tr>
<tr>
<td>Net extent of land taken over</td>
<td>77949.40</td>
</tr>
<tr>
<td>Extent of land distributed</td>
<td>51842.09</td>
</tr>
<tr>
<td>Balance extent to be distributed, reserved for public purposes, vested forests, in stay, disputes etc.</td>
<td>23957.82</td>
</tr>
<tr>
<td>Extent available for distribution</td>
<td>2149.49</td>
</tr>
</tbody>
</table>

**Source:** Proceedings of the Land Board, Kerala, Trivandrum, LB(A)A - 37670/81, dated 24-9-1981, compiled from various figures.
comes only 51,862.09 acres (32.95%). The rest, 67.05% of land has been reduced due to orders of high court or disputes etc. Moreover, the ceiling area fixed by the Act is too big to acquire more land for distribution. The law stated that a family consisting of more than five members can hold upto 20 acres of land. Kerala has the highest man-land ratio in India. In such a situation the average size of the family being more than five, and a family can hold upto 20 acres of land other than plantations - In the case of plantations there is no such restrictions, there is little chance for getting enough surplus land for distribution among landless labourers and scheduled castes and scheduled tribes.

**Beneficiaries of this Scheme**

Regarding the distribution of surplus land, a special provision is made in the Act. The Act provides that one half of the land shall be assigned to landless agricultural labourers belonging to scheduled castes and scheduled tribes and such socially and economically backward citizens, and the other half to landless agricultural labourers. Caste wise distribution of the surplus land is given in Table - 2

38. This provision is made in the Act 17 of 1972
39. Also see the Appendix-I, Table - 3(b).
The total area distributed up to the reference period, as we have seen above being 51847.09 acres, and the total number of beneficiaries are 33330 persons, an average 0.62 acres per head. In the case of scheduled caste total number of persons benefited comes to 33310 (39.97%) and the total area received amounts to 18755.29 acres (36.18%) the area per head worked out as 0.56 acres. The total number of scheduled tribe persons were 4896 (5.87%).

Table - 2

Distribution of surplus Land - Beneficiaries, As on 30-6-1981

(Area in acres)

<table>
<thead>
<tr>
<th>Beneficiaries</th>
<th>No. of persons</th>
<th>Total extent</th>
<th>Percentage of person to total</th>
<th>Percentage of extent to total</th>
<th>Area per head</th>
</tr>
</thead>
<tbody>
<tr>
<td>Scheduled Caste</td>
<td>33310</td>
<td>18755.29</td>
<td>39.97</td>
<td>36.18</td>
<td>0.56</td>
</tr>
<tr>
<td>Scheduled Tribe</td>
<td>4896</td>
<td>4030.92</td>
<td>5.87</td>
<td>7.78</td>
<td>0.82</td>
</tr>
<tr>
<td>Others</td>
<td>45131</td>
<td>27238.14</td>
<td>54.15</td>
<td>52.54</td>
<td>0.60</td>
</tr>
<tr>
<td>Societies</td>
<td>2</td>
<td>1817.74</td>
<td>--</td>
<td>3.50</td>
<td>--</td>
</tr>
<tr>
<td>Total</td>
<td>83339</td>
<td>51847.09</td>
<td>99.99</td>
<td>100.00</td>
<td>0.62</td>
</tr>
</tbody>
</table>

Source: Compiled from various figures, from the proceedings of Land Board, op.cit.
The total area distributed found as 4030.92 (5.87%) with a 0.82 acres per head. The total number of others (other than scheduled castes and scheduled tribes) numbered 45,131 persons (54.15%) and the total area distributed 2,77,339.14 acres (57.54%) with a 0.60 acres per head. The rest of the area 1,017.74 acres (3.50%) has been distributed to two societies. Here we want to point out the distribution of surplus land benefited only 39206 (43.94%) persons. The total area distributed amounts to 22,788.21 acres (43.96 percent) and that amounts to 0.59 acres per head. If we take scheduled castes and scheduled tribes separately the area received per head of the scheduled caste is only 0.56 acres, whereas the area received by scheduled tribes comes to 0.82 acres.

Effects

Ceiling on land holdings and the distribution of surplus land to the agricultural labourers is one of the best methods for the redistribution of land. But in Kerala, the ceiling on holdings has not succeeded in realising the objective. When the Act was enacted, and the proceedings for implementation started, major portion of the surplus land has been transferred by the landlords. So the government found only a little percentage of
the surplus land. Regarding this, the Bureau's study states that

"when the communist party came into power in Kerala in 1957, big landlords rightly apprehended that their feudal interests on land would be at stake. This fear paved the way for large scale land transfers in the state even before the Agrarian Relations Act of 1960 was enacted. The passing of the Agrarian Relations Act in 1960 and the Kerala Land Reforms Act in 1963 also prompted some hectic sales and transfers around those years." 40

Thus even before the introduction of the Act, there was some 'benami' transfer of land. Even after the enactment of the law the government failed to prevent all these transfers. Or the government failed to make all the land transfers invalid between a certain period. And again in the case of ownership of land any citizen can hold land as cultivator or Non-cultivator. 'Personal' cultivation is allowed. So those who have no interest in land can also keep land as an asset which bears income. The exemption of plantations, and vested forests from the ceiling law considerably reduced the surplus land,

In this regard, it will be interesting to note something about the West Bengal Land Reforms Act and its implementation. 41 Upto December 31st, 1980, the cumulative areas vested

40. Land Reforms Survey; op.cit, p.95.
41. In both states, Kerala and West Bengal, Governments under the head of communist parties, implemented more rigorous type of land reforms. In Bengal communist ministry came to power in 1967, a decade after Kerala's ministry.
of agricultural land was 12.12 lakh acres. In no other state so much of agricultural land has been vested through rigorous implementation of the ceiling law, and nearly 88 percent were acquired from ceiling provisions in the Estate Acquisition Act and the rest from ceiling on agricultural holdings as provided under Land Reforms Act. In Kerala the total area was only 51 thousand acres. In West Bengal, out of 12.12 lakh acres 6.7 lakh acres were distributed among 12 lakh beneficiaries about 57% of whom are from the scheduled caste and scheduled tribe. In Kerala scheduled caste and scheduled tribe beneficiaries are below 30%.

These are the features and impact of the land reforms Act in Kerala as a whole. On this basis, let us examine the impact of this measures in a village, on the data collected from there. Let the statistics may prove the actual position.

CHAPTER IV : IMPACT OF LAND REFORMS ON SCHEDULED CASTES