Chapter - II

SYSTEM OF LAND TENURE IN TRAVANCORE

Inception

The land tenure system which prevailed in Travancore in the nineteenth century acted as a serious constraint to the progress of agriculture. The term ‘tenure’ is feudal in origin and essentially refers to the nature of holding land for cultivation by a person in subordination to another. The different stages in the process of production were represented by multiplicity of tenures. Travancore was peculiar for the large number of complicated land tenures. The earliest form of land tenures were Uranmai and Karanmai. It seems that Uranmai was under village control and Karanmai under State management. The tenurial pattern that existed in Travancore in the nineteenth century can be broadly dichotomized into janmom and pandaravaha or sirkar.

The most striking feature of the Travancore land revenue system, traceable to its early political history is the janmom tenure. A janmie is often termed a landlord. Yet it should be remembered that a janmie, though certainly a landlord is a peculiar kind of landlord. Any person who holds a pattah from the government and under it holds lands subject to government tax more or less is called a landlord in ordinary language. In Travancore any coffee planter or a riot who held land under a grant from the Sirkar, etc.,

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was called a landlord. But it should be considered that such landlords were not *janmis*. A *janmie* differs from such landlords in the sense that he did not derive his title to lands from the *Sirkar*. His title to the *janmom* lands was inherent. Hence a *jenmie* can be defined as ‘a person entitled to the absolute proprietorship of the land’. ⁴ So far as his *janmom* lands were concerned, he was a little territorial sovereign in a limited sense. He was lord of his *janmom* domain exactly in the same way the *Sirkar* was landlord of all the land it granted to planters and all ryots in general. ⁵

There are different theories as to the origin of the *janmom* tenure, as profounded by various authorities. It is claimed that Travancore was originally reclaimed by Parasurama from the sea and this great warrior parcelled out the reclaimed lands among the limited number of Brahmins. ⁶ The Brahmins then become territorial lords, each independent of the other. From that early age, the lands were descended with the tenure almost unimpaired. The lands so belonging to each Brahmin were said to constitute his *janmom* and the Brahmin himself was called a *janmi*. These lands, so long as they continued in possession of the *janmie* were free of all taxation. ⁷ Accordingly, all the lands in Travancore belonged to a body of *janmies*.

The theory of reclamation of Keralam from the sea and donation of lands to the Brahmins by sage Parasurama is under severe criticism among modern historians. Originally this theory was invented by Ezhuthachan in the seventeenth century and was found in Keralolpathi. Modern writers on the issue dispute the above contention made with a malafide intrusion as simply mythical. Originally the lands belonged to the early

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settlers of Pulayar, Idayars, Nadars, etc. The Nayar immigrants made an encounter with the original inhabitants and slowly replaced them from power. In this process, they usurped land rights. So it has been often claimed that the Nayars were landed proprietors from the immemorial past.

The janmie system in Travancore, unlike its counterpart in Europe, initially evolved out of the land grants donated by the kings to individuals and institutions. In the beginning, lands were generally under village communities which cultivate the lands and shared the produce in common. In due course, the king, being the lord of the country, claimed his rights over land and soon established royal control over it. When ownership rights passed on to him he was at liberty to alienate the lands to temples towards meeting expenditure in connection with performance of rituals and also to Brahmans for their spiritual function. In this process, vast stretches of estates passed on to temples and priests. Very often these grants included several villages with its agricultural population. The donees enjoyed exclusive hereditary rights, free from State interference. With the surrender of police and administrative duties by the State, the donees became somewhat a territorial sovereign. Thus the Brahmin janmom originated in Travancore around ninth century A.D.

The janmie system in Travancore developed into a prototype of European feudalism with its manifold forms of infeudation and sub-infeudation. As in Europe, in Travancore too, the system augmented out of the anarchic and unsettled state of affairs prevailed in early society. It enabled the landlords of the day to grab more land and forced the weaker

sections into surrendering the lands in their possession and accepting the begin protection of the stronger ones. 12 The Chola-Chera war of the eleventh century A.D. let loose new socio-economic forces. In the peculiar situation created by the war, the Nambodiri Brahmins found themselves at the apex of the social structure. They functioned as trustees (uralar) of temples and misappropriated the enormous temple properties as also endowments with the income derived therefrom. 13 

This eventually led to abnormal accumulation of land and wealth in their hands. The hold of the Brahmin in the state was such that properties owned by several ordinary tenants were transferred to the control of individual Brahmin landlords. 14 The properties so transferred became Brahmanaswams and Devaswams. By convention, temple lands enjoyed immunity from forcible occupation and devastation at the hands of the enemy forces. Inscriptions of the later Kulasekhara and post Kulasekhara periods give details of many such transfers of land from non-Brahmins to Brahmin landlords. In this manner the temples and its lands passed on to the Brahmins over the period of few centuries. 15 This situation created a trend favourable to the development of janmie system in Travancore.

The Adhikaris of janmom lands were mostly Nairs. Being the agents of the janmies and accountants of the temples, they too were able to become janmies in their own right. The number of janmies were also increased by the practice of kings bestowing titles in return for pecuniary payments. 16 Political forces also operated in a big way in the origin of janmom. It was customary that once assumed power, rulers distributed lands

12. A. Sreedhara Menon, Social and Cultural History of Kerala, New Delhi, 1979, p.76.
13. Ibid.
15. Ibid. 
to their fellowmen so as to uphold the dignity of their lineage.\textsuperscript{17} The Sirkar itself was one of the traditional \textit{janmies} in Travan. The unclear distinction between kind and state encouraged royal ownership of land.\textsuperscript{18} Later through gift, purchase, escheat, confiscation and in such other ways it established permanent control over land. If a person wanted lands in Travancore he must obtain it either from the Sirkar or from some other \textit{janmie}.

\textit{Janmom} lands both \textit{Devasom Brahmaswom} were exempted from assessment because they were anterior to and independent of political power. Vishnu Smrithi exempted \textit{Brahmanas} from taxation on the ground that their actions were adequate contribution. Thus it seems that exemption of taxation was granted from early days on these tenures in accordance with the strict adherence of the Hindu law. Manu laid down that lands under Brahmin ownership should be excluded from the arbit of taxation and punishment. Usually the \textit{Nambudiry janmies} did not recognize political boundaries. They stood as a theocratic oligarchy free from temporal intervention.\textsuperscript{19} However, non-brahmin \textit{janmoms} (Madampinarvaga) did not enjoy any such privileges and they were charged with \textit{Rajabhogam} tax.

\textbf{Land Revenue System}

The land revenue structure in Travancore was multiple, peculiar and the most complicated. It arose out of the different stages in the process of cultivation. The earliest forms of tenures as stated before were \textit{Uranmai} and \textit{Karanmai}. The repeated incursions rise and decline of royal houses and usurpations contributed to increasing number of tenures. Retention of different tenures from the conquered territories added more. In

\textsuperscript{17} \textit{Ibid.}  
\textsuperscript{18} Thomila Thaper, \textit{A History of India}, London, 1972, p.76.  
\textsuperscript{19} K.M. Panikkar, \textit{Malabar and the Portuguese}, Bombay, 1931, p.19.
short, the development of tenurial system was to a greater extent determined by the political forces and historical events. All tenures subsisted only for a maximum of twelve years. Every transactions, appointments, contracts and tenures had to be renewed at the end of twelve years. For the purpose of analysis the tenurial structure that was in vogue in Travancore can be classified into two major divisions – janmom and pandaravaha.

Janmom lands were divided into Dewasom and Brahmaswom. However, the only distinction recognized by the State was between janmom alienated and janmom unalienated. This distinction alone determined the nature and extent of exemption from payment of Rajabhogam tax. As per Hindu law, the Brahmin jaminies were debarred from cultivation and so they gave the lands to other cultivators. The different states in the process of cultivation were represented by tenures known as venpattom, kanom, otti, and the like in the nature of mortgages and leases. Adima anubhogam, thiruvalam and thiruvadayalam were the class of land tenures created by the Brahmins.

Though all tenures subsisted for twelve years, they ceased to exist the moment it passed on to alien hands on consideration, not other than money. When an alienation did take place, the land became liable to pay a light tax called Rajabhogam. It amounted 1/6 or 1/8 in the garden lands and in case of paddy lands to nearly the same proportions of grain rent, ½, 3/10, or 1/10 of the quantity of seed required. The full grain rent would be represented by an average of three times the quantity of seed. Thus, if the Kundapanttom of the alienated garden was fanams 100, the Rajabhogam Tax (orkarum) would be nearly 16 ½ or 12 ¼ panams. In the case of paddy lands, if the land was one

parah khandum, that is a block of land which requires one parah of seed, the full grain rent would be three parahs. The light tax chargeable would be only ½, 3/10, 1/10 of one parah.24

If the mortgage was redeemed by the janmie, the light tax continued to sit on the back of the land for ever and ever at the same rate without variation except for worse. When the mortgage died heirless, the sirkar seized the tenure, transferred it to the sirkar and paid to the janmie the residue of rent called Michavaram.25 If the land was abandoned by the Kanomdar on account of its becoming unfit for cultivation, due to various causes, it was at once transferred to sirkar and granted as a new sirkar Pattom tenure, if it was ever reclaimed.26

A janmie as a rule never alienated absolutely (ultipare) except to other janmies whether Brahmins or Devaswoms (pagodas). The Madambimars in common parlance were also called janmies. Though strictly speaking they were not janmies as their lands were Saigenesis, subject to the Rajabhogam. Whether in their own hands or alienated to others.27 They were generally Nairs or others but not Brahmins. They seldom alienated their land by absolute sale. If they did, the tenure was extinguished as with janmom lands. Then the land was transferred to Sirkar. The purchase money, less a fine of 25 per cent was given and credit for and interest on the 75 per cent was allowed. The remainder of interest would be added to the existing Rajabhogam Karom. It was much short of full pattom or rent of the land. At every alienation, however, this fine of 25 per cent was

levied. Sometimes the purchase money entirely disappeared and interest added to Rajabhogam. In continued unabated; absorbed all the rental value and even exceeded it.\textsuperscript{28}

The main divisions of Pandaravaga or sirkar tenures were (1) Pandara Pattom, (2) Otti, (3) Viruthi, (4) Inam, (5) Special tenures and (6) tax free lands.\textsuperscript{29} All tenants were practically owners of their land subject to payment of tax.\textsuperscript{30} Kandukrishi lands were formerly home-farm lands of the Maharaja of Travancore, the rights over which were given up by him in favour of Government. These lands were either leased out or cultivated with slaves.\textsuperscript{31} There were tenants some with occupancy rights and some holding such rights merely on lease. They were prohibited from alienating.\textsuperscript{32} But in some cases, these lands were charged with Rajabhogam to the Sirkar as distinct from the tax due to Kandukrishi department. This peculiar feature was confirmed and continued at the settlement.\textsuperscript{33}

Sri Pandaravakai lands were lands belonging to the temple of Sri Padmanabhaswami in Trivandrum. The lands were not assessed to basic tax but were assessed to a favourable assessment called Rajabhogam. In addition to the Rajabhogam payable to the Government, the tenants holding the lands paid rent, both in kind and in cash to Sri Padmanabhaswami temple.\textsuperscript{34}

\textit{Nair Viruthi} tenures existed from a very early period covering a large portion of the landed property and was later converted into service \textit{inams}. Under the Viruthi tenure, the holder was bound to provide supplies and provisions of labour and materials,
for the use of the sirkar. He had to perform certain religious duties and create charitable endowment in return either for certain lands granted on quit rent, or in satisfaction of interest on loans obtained by him or by his ancestors.\textsuperscript{35} No Viruthi tenures in the southernmost taluks of Thovalai and Agasteswaram.\textsuperscript{36} Viruthi service was inalienable. It served as a source of oppression and abuse when at a time the prices of provisions and wages of labourers rose three and four times. If he failed to pay this rent, he was charged with full price at the prevailing market rate and at times the rent was realized by selling the defaulters properly.\textsuperscript{37}

Thiruppuvaram is an assignment of revenue or rent which was deducted from the revenue due to Government.\textsuperscript{38} It was made in favour of any religious, educational or charitable institutions.\textsuperscript{39} Oodukur is a peculiar system which prevailed. By this garden land and tress were held by different persons only in some of the southern taluks. This tenure was of different varieties: (1) the produce was taken in common and shared by different persons, (2) the same person held the land under one tenure and trees under another tenure and (3) different persons held the same tree under a common tenure.\textsuperscript{40}

Tree tax was a peculiar feature of the Travancore State from the early times. It applied to lands planted with the taxable kinds of trees such as coconut, areca, jack, mango,

\textsuperscript{36} \textit{Ibid.}, p.151.
\textsuperscript{37} \textit{Ibid.}, p.136.
\textsuperscript{38} T.L.R.M., Vol. I, Intr. P.XXIV.
\textsuperscript{40} \textit{Ibid.}, p.525; T.L.R.M., Vol. I, Intr., p. XXVII.
palmyrah, tamarind and *punnah* (*alex andrium laurel*) were taxed only in particular tracts.\(^{41}\)

The chief systems of tenancy under which tenants held lands were (1) *Verumpattom* (*Venpattom*), (2) *Varamdars* (*Pankuvaramdars*), (3) *Kudikidappukar*, (4) *Otti* (mortage). *Verumpattom* holders were tenants who held lands on lease for periods and conditions stated in the contract. They were liable to be evicted if conditions of the contract were violated. *Verumpatom*, though subjected in full assessment, was heritable, and salable and it was the most prevalent type of tenancy holding. However, as these lands were under the child tenantship of the Nayara and Vellalas, heritance was allowed but not sale by the law of inheritance in force. Varamdars were tenants who raised crops in agricultural lands in partnership with the owners of the land. *Kudikidappukar* were persons who were previously *allowed by the owners of the land to occupy a small portion of* it, generally to put up a small house to live in and watch the land or work on it. *Otti* was a kind of tenancy which took different forms in different regions.\(^{42}\)

*Danom* tenure comprised of grants to Brahmins, *Pandarams* and Acharis.\(^{43}\) Apart from this, they were two types of *Inams* (1) Service *Inams* (Administrative), (2) *Karanma Inam*. While Service *Inams* was in recognition of services rendered to the State, *Karanma Inam* was in lieu of service rendered to temples.\(^{44}\) Most of the functionaries coming under the first two divisions held their position by the *Karanmai* tenure. This type of tenure denotes a permanent right to render a particular service in temple. So long as the specified service was tendered satisfactorily, a *Karanmai* holder was not to be evicted from his

\(^{41}\) T.L.R.M., Vol. I, Intr., p. XXV.
\(^{42}\) Census of India 1961, Kanyakumari District Handbook, *op.cit.*, p.34.
position. Besides, the majority of the Karanmai holders enjoyed a hereditary right to their office. A common method of remunerate the Karanmai holder in the past was that of providing him with a particular plot of land. 45

By the end of the eighteenth century, the state had begun annexing land and by the 1850’s about 80 per cent of the cultivated lands and the whole of the waste lands became sirkar land. A small number of janmies owned the remaining 20 per cent of the cultivated land enjoying them under freehold or under the light assessment called Rajabhogam. These janmies were mainly Brahmins, Brahmin temples and Madampis who were the descendants of some of the old chieftains. About one eighth of the sirkar land was held by families on favorable tenures like otti and cognate tenures which had the characteristics of direct mortgages from the state. 46 The possession of such lands was, however, diffused all over the households of various castes except the lowest. On the contrary, there was a concentration of it in the hands of superior castes, especially among the Nayars. 47

Nearly the thirds of the population is about 0.8 mille must have depended on land. The number of janmies being very small, almost the whole of the agricultural population consisted of tenants and farm servants. 48 According to the Census of 1901 agricultural labourers in Travancore were estimated to have been only about 10 per cent of the total agricultural population. It is unlikely that the percentage of the agricultural labour

48. Ibid., p.390.
population was higher in the 1850’s. The presumption, therefore, is that even towards the middle of the nineteenth century, tenant formed the bulk of the agricultural population. The availability population density was low and the social prestige associated with cultivation was great, were probably the main reasons which accounted for larger proportion of tenants in Travancore.

**Tenurial Relations**

Tenurial relation in Travancore was inability and largely influenced by the feudalistic forces that persisted for many centuries. Owing to the manifold forms of feudalism, a new system of land ownership controlled by status rather than contract evolved. Traditional feudal practices not only continued but also reigned supreme. Custom became the law of the land and for that reason, the period was called “the reign of king custom”. Feudal obligations sustained and due to situational favour, if assumed monstrous shape. It had its evil consequence on the sustenance of the lower classes comprising of sub-tenants and labourers.

One of the major shortcomings of the existing tenural system which had affected the healthy tenurial situation was non-fixation of tenures. By custom, all tenures were to continue for a maximum period of one *Mamankam* or twelve years to be renewed thereafter. But this theoretical proposition did not work satisfactorily in Travancore. Since the *janmies* were armed with the power of eviction at will, there was rarely any tenure

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49. The census Report of 1901 observes that though according to the estimate of the 1892 census, the agricultural labourers numbered seven times more than the number given in the 1901 census, the increase was only I n the sense that in the earlier census the number got inflated due to the inclusion under this head of tenants and occupants. (Census of India 1901, Travancore Report, p.396).
which lasted for the full term of twelve years. Virtually there was no clear-cut eviction rule and hence eviction was quite common. Since the *janmies* enjoyed administrative and magisterial powers free from State interference, they could do anything as they desired. Social forces, economic compulsion and demographic factors generated a situation conductive for exploitation. Consequently, for all practical purposes the tenures rarely subsisted for the full period. In many cases, they were renewed very frequently as deemed fit by the *janmies* and no wonder at times it was even fixed, per year under unscrupulous *janmom* holders.

The cultivating classes were imposed with a series of feudal obligations. They had to render free labour service to their *janmies* at least a day per week. This feudal obligation was called *ooliyam* service. During occasions of celebrations like marriage, house-warming, puberty-feast, child birth, etc., the cultivators of *janmom* land should recorded their presence with rich presents. They had to offer labour service on such occasions and to do all the defiling duties connected with the obsequies of their deceased feudal masters. A substantial portion of their produce like bunches of plantains, tender coconuts, palmyrah products, nuts, roots, fruits, betels, vegetables and the like was to be gifted to the *janmies* without the least reservation. If ever there was a demand for money from the *janmies* that obligation should also be considered. Feudal obligations increased manifold with the passage of time and under emerging new situations.

The renewal fees were not fixed and it varied according to circumstances. In addition to the renewal fee, a huge amount disproportionate to the income from land was

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52. The *ooliyam* service was finally abolished by a royal proclamation in 1897. Refer T.L.R.M., Vol.V, p.1063.
demanded and obtained as gift. Feudal levies were also innumerable. The tenants had to pay for the conduct of marriage and on other auspicious occasions. Taxes on houses, looms, oil mills, beats, nets, etc., were also subject to taxation by the jannies. Festival dues and fines were extracted from them. The chief tenants like the Nayars and Vellalas were also liable to receive such payment and presents as and when the need arose.

Feudalism offered undeniable powers to the jannies over the tenants and laboring masses. Indeed the landlords enjoyed very oppressive powers including the power of life and death. \(^{55}\) They, with these enormous powers at their disposal, often interfered in the personal life of the cultivators. Police and administrative connections further enriched their disdainful power. \(^{56}\) Labour services and forced contributions were utilized by the landlords to exploit consistently the wealth of the tenants and left them under perennial distress. Service rendered during war and proximity to the ruling families favoured the Nayar jannies to perpetuate their tyranny on the most unfortunate weaker sections.

Feudal land ownership pattern and the unhealthy tenural relations had its worst reflections on the social system also. Land concentration in the hands of a few traditional jannies polarized the society. \(^{57}\) Feudal powers and obligations depressed the cultivating classes exceedingly and forced them to succumb to the arrogance of the rich landlords. The situation was further aggravated by the static nature of land and increasing pressure upon it. Economic pressure compelled the tenants and agrestic labourers to submit to this will of the landholding class. The nature of authority granted by land to the landlords was

so large that the non-owners were entrapped under severe discriminations. They were socially suppressed economically repressed and politically oppressed. 58 And in the process they were reduced to the position of slaves struggling all through for their own survival.

The depressed classes were subjected to provocative social discriminations undermining their rights. Covering the bosom, wearing decent dress, gold and silver ornaments, use of sandals and umbrella were denied to them. Constructing worthy houses, white-washing and tiling were disapproved to them. 59 Taxes on head hair marriage, festivals, etc. were levied and collected with much barbarity. 60 They were even denied of the use of the common language of the country. Their pretention to ownership of land was rarely unrestrained. 61 Political rights and administrative services were always closed to them. Approaching temple roads and caste Hindu streets was considered a taboo and punishable criminal offences.

The State, as one of the janmies, was not very far off from the other landed aristocracy in oppressing and plunders the peasantry. There were many thin in common between the tenants under traditional janmies and the State. Though the State was lenient in the matter of great concentration, its agencies mercilessly exploited and squandered away the resources of the tenants. The sanctioning of arbitrary powers to the revenue agents enriched their rapacious authority. Even the lesser tenants of the government lands enjoyed somewhat a better status than that of the private tenants. Further, the disabilities

58. M.S.A. Rao, Social Movements and Social Transformations, Madras, 1979, p.5.
imposed on the tenants of private janmoms were much severe than that of the Government tenants.

Against the organized oppression and painful deprivations, there was little resistance. The nature of the disabilities was so severe that deprive never thought of salvation from their bewilderment. The working class in general was demoralized to a greater extent. They were refrained from any act of deviance because they could well understand the regrettable consequences of such an act. The undisputable powers granted by feudal law to the janmies terrorized them. Moreover, the privileged aristocracy was anxious to pursue the system of segregation and deprivation to their own beneficial ends. So they joined together and acted in unison with each other. Their influence over the government agencies including civil, police and military force strengthened their power.

On their part, the depressed classes were detached from the social fabric due to composite factors. Caste considerations hopelessly eroded their solidarity and corporate action. Existing customs, sacerdotal sanction to those customs and legal laws pressurized them into agreeing their deplorable condition. Poverty, illiteracy and ignorance put a serious obstacle to their cohesive efforts for protest. Lack of ideology and collective leadership severely affected their group action. Much was also determined by their economic dependency on the landed gentry. So on the whole, they remained

63. Kunjan Pillai, E., _op.cit._, p.316.
64. Myrdal, _op.cit._, p.1331.
content with their deplorable life, believed to have been ascribed by divine dispensation.\textsuperscript{67}

New situations emerged out at the close of the eighteenth century. The decline of Nayar dominance since the days of Martanda Varma and their military crack down during the Mysore wars dislocated a considerable section of the Nayar warriors who in turn were to be accommodated in the existing tenures. This, in addition to the land factor, poor industrial growth and density of population, generated a cut-throat competition for land. At the same time the prestige attached with landholding was so much, that the tenants could not renounce their tenancy rights.\textsuperscript{68} The situation was successfully exploited by the landed aristocracy. They extracted money payment in addition to the high rent rate, arbitrarily fixed frequently. Customary obligations became much more oppressive,\textsuperscript{69} and repressive measures were let loose on the tenants.

**Tenurial Reforms**

This was the first remarkable instance in which the State came forward with a regulation directly aimed at combating capricious eviction rules. The High Court was directed to regulate unreasonable eviction of tenants by the \textit{janmie}. It was instructed that the court should not allow any suit of eviction of substantial tenants without prima facie charges against them.\textsuperscript{70} The Regulation made it clear that unless the tenant defaulted in the payment of ordinary and extraordinary dues he should not be relieved of from the land. However, the \textit{janmie} was given a free hand in deciding the question in case the

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\textsuperscript{67} Mateer, \textit{op.cit.}, p.364.


\textsuperscript{69} K.C. Alexander, \textit{op. cit.}, p.43.

\textsuperscript{70} \textit{Ibid.}, pp.1-2.
tenant did not pay the usual dues and obligation. This loop-hole in the regulation was sufficient for the janmies for their malicious action.

The response of the law courts to the regulation of 1829 was one of embitterment and non-co-operation. The courts observed the regulation more in breach than in compliance. In deciding cases of eviction, unusual delay was maintained so that no immediate remedy could be given to the tenants who remained evicted. Most of the judges who decided cases of eviction were incompetent and guilty of gross dereliction of duty.\n
The vested interests of the land owning class and their lobbying efficiency continued to safeguard their interest un-infringed. The traditional nexus between the landed aristocracy and judiciary further hardened the situation. In fact, the judiciary itself acted as an organ of the vested interests since it was mainly constituted among jointly with the landed aristocracy to defeat the spirit of the edict.

Despite the rationale behind the edict of 1829, it failed chiefly because the Travancore courts were highly allergic and indifferent in executing the edict. Generally the law courts in Travancore, as in Madras, did not act according to Royal injunctions. Here it is apt to quote the comments of the ruler of Travancore about the tardy functioning of the courts in the State. It follows: “The glorious uncertainties of the law are proverbial and have never been more prominently illustrated than in cases appertaining to janmie and tenant rights. Confusion was added to confusion and contradiction to contradiction till the whole judge made law, became a tangled mess of chaos! Ignorance, carelessness and a deficiency of the sense of responsibility on the part of the judges might in themselves have produced this result. But to these was added a far more powerful

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71\text{. 473 Political Consultations, Chief Secretary, letter to the British Resident, 14 July 1849.}
72\text{. Oomman, T.K., Social Transformation in Rural India, New Delhi, 1984, p.205.}
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motive-self interest, arising from the fact of these judicial functionaries being either large
janmie landlords or large tenants. For instance, Parameswaran Nambudiri, who was Chief
Justice for ten years, was himself a janmie and had largely purchased janmom right from
other janmies. No single man has, perhaps, contributed a larger share than this gentleman
to make confusion and it was chiefly on account of some of his decisions that the janmies
propensity to oust the tenant attained its climax.” 73

This awkward situation prompted the British Resident to prevail upon the State for
intervention to protect the rights of the tenants. It was believed that the janmies were not
interested in developing the land and if they were permitted to evict tenants the
agricultural prosperity of the State would be adversely affected. 74 As a result, the State
issued another proclamation in 1867. The proclamation declared that the tenure coming
under kanom were not redeemable and that the tenants cultivating lands under kanom
tenure were made permanent with the only obligation that they should pay to the janmie
the rent and other fees according to past usage and in accordance with the established
law. 75

The proclamation of 1867 also contained certain snags which favoured the interests
of the janmies. Elaborate and clear guidelines were not prepared and the act miserably
failed in its spirit. Owing to the absence of any consolidated efforts on the part of the
tenants, the law courts subverted the acts for the benefits of the landed gentry. Moreover
the State was not willing to interfere with the rights and incomes of the numerous

73. Royal Injunctions of Maharaja of Travancore as quoted in the Report of the Janmie-
Kudiyan Committee Report, of 1916, Trivandrum, p.115.
privileged landowners. 76 Hence the proclamation of 1867 also met with the same fate as was the case with the earlier one.

The serious lacunae in the janmie proclamation of 1867 necessitated the passing of a more comprehensive legislation. To study the serious omissions embodied in the proclamation, a Commission was appointed by the government in 1885. The difficulties experienced by the janmies coupled with the kudiyan’s grievances on account of unprincipled levying of renewal fees prompted the State to resort to the appointment of the above Commission. The Commission was instructed to examine the relations between the janmies and kudiyans. The Commission submitted its report in 1888 and on the basis of its findings, the Janmi-Kudiyan Act was passed on 3 July 1896. 77

The Act was chiefly aimed at conferring on the kanapattom tenants the duration of their tenure by checking capricious evictions. It also wanted to restrict the janmies’ demand for exorbitant rents and renewal fees. At the same time the act was also aimed at protecting the interests of the jenmies by securing for them punctual payment of rent and other customary dues and their right to readjust rent at the periodical renewals. 78 Subject to the provisions of the Regulation, every kudiyan had the right to permanent occupancy in his holdings and was exempted from the liability to eviction. The right of the kudiyan in his holding was made heritable and transferable. It was laid down that every transfer should be made in writing and should be done only with the consent of the janmie, without prejudice to his rights to levy meechavarom and other similar dues. 79

76. Ibid., p.96.
79. Ibid., p.353.
The Act made the eviction process somewhat difficult and laid down conditions to restrict unlawful expulsion of the tenants. It was declared that no kudiyan should be evicted from his holding except in execution of a decree of court. However, the courts were instructed not to execute a decree evicting the tenants except for non-payment of meechavaram continuously for twelve years and refusal to pay renewal fees.\(^\text{80}\) A grade period of one year from the date on which the tenure expired and an additional six months from the date of serving the notice of demand in writing was given to the kudiyan for renewing the contract. In the absence of a written contract the Act proclaimed that the renewals of kanapattom should be made at the close of every successive period of twelve years.

Every revision or readjustment of the terms of a kanapattom was made eligible at the end of twelve years. However, it was instructed that the readjustment should be made by a contract in writing and duly registered. The Act further declared that notwithstanding any usage or contract to the contrary, it was unlawful thereafter to take renewal fees more than thirty per cent of kanom.\(^\text{81}\) In the matter of renewal of janmikaram of any land it was declared that it should be done only at the time of settlements or once in twelve years. But the enhancement should be restricted to ten per cent of the tax.\(^\text{82}\) Janmie could claim an enhancement of rent in case of paddy lands if the rent received was less than the current rate. However, it should not exceed one-fourth of the gross produce.\(^\text{83}\) In the case of dry lands too, he was liable to increase the rent if the number of trees in the holding on which pattom was assessable, had increased and a

\(^{\text{80}}\text{Ibid.}, pp.329-330.\)
\(^{\text{81}}\text{Acts and Proclamations of Travancore, Vol.I, p.291.}\)
\(^{\text{82}}\text{Ibid.}, p.294.\)
\(^{\text{83}}\text{The Regulations and Proclamations of Travancore, Vol.II, p.371.}\)
substantial rise was noticed in the local prices of the produce. But on no account the *pattom* of dry cultivation should exceed twenty five per cent of the estimated annual average yield. It should be commuted into money at the prevailing market rate.

Every *kudiyan* should pay the annual *meechavaram* every thirteenth day of Audi corresponding with August 1 and renewal fees on or before the last date of the year. If failed, the *janmie* enjoyed the right to collect interest at the rate of twelve per cent per year in case if the arrears were paid in kind, and eighteen per cent when paid in cash. However, interest on arrears of taxes had its own marked disparity. It was not uniform since the tenures were of different structure. By the regulation it was prescribed that arrears of *janmikaram* should be repaid with a simple interest rate of nine per cent per year. 84

The right of the *Kudiyan* to claim reduction in rent was acknowledged by the Act. Every *Kudiyan* had the right to claim reduction on the ground that the area of his holding was diminished by reason beyond his own. Declining standard of the soil, not because of the neglect or fault of the *Kudiyan*, entitled for a reduction in assessment. In the case of gardens local prices of produce and if the number of assessable trees diminished and the rent was above the rate prevailing in other parts of the country. 85 If the *janmie* transferred his *janmom* rights, the *kudiyan* could commute the customary dues into a fixed annual payment. 86

Provisions were made in the Act to provide compensation for the kudiyan. Compensation was granted to the *kudiyan* for items of improvement on land and yield. It

was fixed on the basis of estimated full cost of such improvements minus deduction for wear and tear. The rate of compensation was accordingly fixed as seventy five per cent of the capitalized value of the products. Unless the *janmie* proved that the local usage of such compensation in the particular area was less than that. The rate of compensation was accordingly fixed as seventy five per cent of the capitalized value of the products. Unless the *janmie* proved that the local usage of such compensation in the particular area was less than that.\(^{87}\) While awarding compensation for improvements, previous concessions given to the *kudiyan* in the form of rent reduction for such improvements were made in accordance with the contract executed in writing, the *kudiyan* had no right to compensation.\(^{88}\)

The most important feature of the Act was that it conferred the right of permanent occupancy on *kanom* tenants of *janmom* lands. It forbade the eviction of *kudiyan* by *janmies* save for a few acts of omission on the part of the *kudiyan*, such as non-payment of rent for twelve years consecutively, neglect or refusal to pay renewal fee as provided for in the Act and persistent and willful denial of the *janmies* title on land etc.\(^{89}\) Arrears of rent and other dues payable by the tenant were made the first charge on the holding of the tenant and provisions were made for recovery of the dues through *janmies* filing suits at the civil courts for the same.\(^{90}\) The *janmies* were given the right to enhance the rent at the time of the periodical renewal of the *kanapattom* either by increasing the gross renewal of the land or by reducing only through a reduction in the gross rental of the land.\(^{91}\) It may be recalled here that kanom lease involved advancing money by the lease to the

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90.  *Ibid.*, Sections 33 to 41.
land lord. The Act specifically mentioned that it would not apply to kanom documents executed after the janmie proclamation of 1867. 92

The Act was made applicable only to the lands covered by the last four revenue tenure categories adopted in the Revenue Settlement viz., Oorama devaswom, Brahmaswom, Madampi and Karamozhivu. Although the Michavarom (net rent) to paid to the janmie was fixed as one fourth of the gross produce, it involved certain cumbersome procedures such as fixing the gross rental, the interest due to kanom money and the like. Meechavarom was arrived at by deducting the interest due on kanom money. However, the janmie possessed the right to increase the Meechavaram on every renewal of the kanom lease. 93

The real hurdles of the proclamation arose only at the stage of implementation. Fearing that more radical tenancy legislations would be passed sooner or later, the janmies as a body protected the implementation of the Act. Consequently, notwithstanding the good intentions of the State, the tenants did not benefit. The revenue bureaucracy in collaboration with the janmies subverted the act and safeguarded the rights of the landowners. It took a very long time to protect the interests of the Kudiyans and finally by the Janmie-Kudiyan Act of 1932 that a final solution was arrived at. By this Act all tenants of the Janmom lands became proprietors with the simple restriction that they should pay rent to the janmie through the State. 94

The condition of the sirkar tenants was no better, though they enjoyed some privileges which were denied to the tenants of the janmom lands. In pursuance of the high
ideals set forth during the days of Col. Munroe, the State came out with a *pattom* proclamation. The Proclamation of His Highness, the Maharaja of Travancore, dated 2 June 1865 could be rightly considered as the Magna Carta of the Travancore peasants. By the proclamation, the *sirkar* surrendered “for the benefit of the people” all optional powers over the classes of lands such as *Venpattom, Vettolivupattom, Marayapattom, Ulavupattom and Marapattom*. 95 This was made applicable both to dry and wet lands coming under the Pandarvaha tenure. The tenants holding these tenures became owners of the lands with the right to inherit, sale or mortgage. 96

The proclamation declared in unambiguous terms the rights of the *pattomdars* in utilising the lands both for cultivation and private use. Sales, mortgages, etc., of these lands were henceforth declared as valid. The lands could be sold for arrears of taxes in execution of court decrees and such other legitimate purposes. 97 The owners of these lands were permitted to pledge them against loan to the *sirkar* as well as to private individuals. The land was assured and remained under the possession of the tenant as long as the assessment was paid. The holders were at full liberty to lay out labour and capital on their lands. 98 This proclamation had effectively removed the uncertainties of the *sirkar pattom* tenure.

This action, in effect meant the release of these lands from State landlordism and their distribution among the cultivators. Ownership of land was, in the process, diffused among all castes and groups, connected with agriculture. But in no way this process was easier because of the social custom in force. However, it initiated the beginning of land

transfers and in effect created a spurt in transactions revolving around land. It paved the way for the expansion of economic activity. 99 The new rights and benefits accruing to the cultivators of the sirkar Pandaravaha lands, however, caused vast disparity between the status of these ryots and the tenants of janmom lands and other categories of sirkar lands. Nayars and Vellalas, as traditional tenants of sirkar lands, were the greatest beneficiaries of the reform.100

The new developments invited occasional and isolated protests. Yet they met with very little success. In the prevailing despotic nature of monarchy any liberal movement aimed at concessions was viewed with serious concern.101 The rights of the janmies to evict, heavy competition for land and the problem of unemployment and underemployment acted as major constraints for spontaneous protest movements. The articulate section of the aristocracy and bureaucracy obstructed the attempts of the tenants to protest. State initiatives to improve the tenurial relation too, proved to be abortive. Obviously, the stout opposition raised by the landed interests postponed the process of tenural reforms.

101. T.K. Ommen, Social Transformation in Rural India, New Delhi, 1984, p.205.