



# MAJOR LAND REFORM LEGISLATIONS IN KERALA

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## INTRODUCTION

The state of Kerala was formed in 1956, after its formation the communist government came into power in 1957. This gives importance to land reform policies in Kerala, many land reform legislations were implemented in the state from 1956 to 1969. The major legislations were Agrarian relations bill 1957, the compensation for tenant's improvement Act 1958, *Jenmikaram* Abolition Act 1958, Agrarian relations Act 1960, Land reforms Act 1963, The Kerala prevention of eviction proceedings Act 1967 and Reforms amendment Act 1969.

Among the above-mentioned land reform legislations, the Agrarian relations bill act, the Kerala compensation for tenant's improvement Act of 1963 and Kerala land reforms Amendment Act of 1969 were deserve special importance. All these legislations aimed to implement land reform in Kerala and complete destruction of feudalism. So, naturally these progressive land legislations paved the way for the transition of Kerala society from feudal era to modern era.

## KERALA AGRARIAN RELATION BILL, 1957

This is one of the most controversial fields of legislation in Kerala, elsewhere in the country. In 1956 Kerala state was formed and in the next general election of 1957, CPI (M) came to power in Kerala. EMS assumed power in 5<sup>th</sup> April 1957. The Communists who had struggled in the 1930's and 1940's for the cause of common people, for the agrarian reforms, the people elected them with a great hope.

The party within a week of assuming power is issued the Kerala stay of eviction proceedings ordinance of 1957. This ordinance helps to protect tenants and hutment dwellers from eviction until comprehensive agrarian reforms could be framed. This was a revolutionary programme a fatal attack on the land policy of the colonial state introduced by Cornwallis in 1793.

The ordinance stayed eviction and allied proceedings against all categories of tenants including new types of leases and *kudikidappukar* and prevented the courts from accepting fresh eviction suits. By this piece of legislation alone, nearly 21000 families were protected from eviction and sale of properties is more than 23000 cases was stayed.

The ministry formulated an Agrarian relation bill and introduced it in the assembly by then revenue minister K.R Gowri Amma in 21, December 1957. Introduction of Kerala agrarian bill was a sign post in the history of land legislation in the post independent India. Progressive land reform policies of the communist government of 1957 provided Kerala as a unique model for social transformation and agricultural development.

## FEATURES OF KERALA AGRARIAN RELATION BILL

The bill consisted of 86 sections divided into four chapters; preliminary (section 1 and 2), provisions regarding tenancies (section 3 to 9), restriction upon holding land in excess of ceiling and disposal of excess (section 60 to 74) and miscellaneous provisions (section 75 to 86) and three schedules. The bill sought to confer fixity of tenure on all tenants including certain types of *varamdars* and *odacharthudars*. The bill allowed landlords to resume possession of land from their tenants only for three tenants only for three specific purposes.

- 1, For the extension of any place of religious worship.
- 2, For the construction of buildings for residential purpose.
- 3, For self-cultivation.

Kudiyirippu and Kudikidappu could be resumed only in accordance with provisions relating to them. There was some other limitations regard to reinstatement with under the second and third categories. In all cases, the tenant whose holdings was to be resumed should be given allowance equal to one year's rent or compensation for tenant's improvement Act 1958.

Some special provisions were made regarding small holders in Travancore-Cochin area. Persons holding less than five acres of double crop rice field were designated as 'small holders' and allowed special benefits. In such cases extend of land to be resumed by the tenant was to be settled through comprehensive or by the land tribunal.

The bill provided for the scaling down of the arrears of rent which accrued due before 11 April 1957. All arrears of rent were deemed to be fully discharged if the specified amount was paid within one year of the commencement of the act.

The bill sought to give fixity of tenure to *kudikidappukar* also. No *kudikidappukaran* could be evicted except under the following conditions:

- A. that he had alienated his *kudikidappu*.
- B. that he had rented or leased it
- C. that he had ceased to reside in his *kudikidappu* continuously for a period of one year
- D. that he had another *kudikidappu* or had obtained possession of land within one mile on which a hut could be created

But the *kudikidappukaran* should be shifted to another site with a mile at landlords will. In such cases the *kudikidappukaran* should be paid the price of the hut and ownership rights over the new site which should not be less than five cents in a major municipality and ten cents in any other area. According to the bill all arrears of rent payable by a *kudikidappukaran* was to be deemed charged at the commencement of the act. Rent payable by any agreement or not after the commencement of the act was never to exceed six rupees per annum. The right of *kudikidappukar* was declared heritable but not alienable.

The bill sought to tackle the problem of unequal distribution and excessive accumulation of land in a few hands. It prescribed fifteen acres of double crop rice field or its equivalent as the ceiling area for an adult unmarried person or for a family of five members. For a family consisting of more members, every additional member would get an extra acre subject to a maximum of twenty-five acres. But in the larger interests of the economy certain lands were exempted from the provisions of ceiling, such as land required for mills and factories and plantation of rubber, tea, coffee and cardamom. It must be noted that the bill had exempted lands owned or possessed by public religions and charitable institutions. Further it empowered the government to exempt in the public interest any other land through special notification. Holders of land in excess of the ceiling were bound to surrender to the government the land in excess. But they were entitled to compensation equal to the sum of the value of land calculated on the basis of second schedule.

The bill sought to invalidate transfer of land made after particular dates by owners of land above the ceiling. It permitted transfers after 11 April 1957, made on account of sale or natural affection but disallowed even such transfers after 18 December 1957.

The land surrendered to the government was to be distributed by the land board among the landless and those who possessed less than the ceiling. The land resumed, the claims of small holders, agricultural labourers etc. while choosing between the applicants for distribution. The purchase price of such lands assigned to person should be equal to the total of the value of structure and sixteen times the maximum rent payable for such lands under the first schedule. The amount was to be deposited with the land board in lump or in installments as permitted by the organization and functions of the land board which consists of three official members.

The aim of the Agrarian relation bill is said to be “to bring about a through change in the agrarian relations in Kerala, creating a large section of economically confident peasant proprietors and making the agricultural population stand upon their legs”. Thus, it is maintained, will result in “a social revolution, unprecedented in the history of Kerala both in its ambit and depth”. The Agrarian relations bill of 1957 has provided for a uniform system of agrarian relation throughout Kerala.

#### **The compensation for tenants’ improvement Act – 1958**

The Kerala compensation for tenants’ improvement Act 1958 an act to make provisions for payment of compensation for improvements made by the tenants in the state. This act contains provisions for the payment of compensation for improvements made by tenants in the ninth year of the republic of India. This act extends to the whole of the state of Kerala.

#### **Definitions**

- A, “Eviction” means the recovery of possession of land from a tenant.
- B, “improvement” means any work or product of a work which adds to the value of the holding, is suitable to it and consistent with the purpose for which the holding is let, mortgaged or occupied, but does not include such clearances, embankment, leveling, enclosures, temporary wells and water channels as are made by the tenant in the ordinary course of cultivation and without any special expenditure or any other benefit accruing to land from the ordinary operations of husbandry.
- C. ‘State’ means the state of Kerala.
- D. ‘Tenant’ with its grammatical variations and cognate expressions includes
  - (i) a person who, as lessee, sub-lessee, or sub-mortgagee or in good faith believing himself to be lessee, sub-lessee, mortgagee of land, is in possession there of:
  - (ii) a person who, as lessee, sub-lessee, or sub-mortgagee or in good faith believing himself to be lessee, sub-lessee, mortgagee of land, is in possession there of:
  - (iii) a person who with the bona fide intention of atoning and paying a reasonable rent to the person entitled to cultivate or let waste-land, but without the permission of such person, and is in occupation there of as cultivation: and
  - (iv) a person who comes into possession of land belonging to another person and makes improvement there in the bona fide belief. That he is entitled to make such improvements.

The following works or the product of such works shall be presumed to be improvements for the purpose of this act:

- A. the erection of dwelling houses, buildings, apartment there to and farm buildings;
- B. the construction of tanks, wells, channels, dams and other works for the storage or supply of water for agriculture or domestic purposes;
- C. the preparation of land for irrigation.
- D. the conversion of one crop into two crop land.
- E. the drainage, reclamation from reverse or other waters or protection from floods or from erosion or other damage by water, of land used for agricultural purposes, or of waste land which is cultivatable;
- F. the reclamation, clearance, enclosure, or permanent improvement of land for agricultural purposes;
- G. the renewal or reconstruction of any of the foregoing works or alterations there in or additions there to; and
- H. the planting or protection and maintenance of fruit trees, timber trees and other useful trees and plants.

#### **Tenant entitled to compensation for improvements**

Every tenant shall, on eviction, be entitled to compensation for improvements which were made by him, predecessor-in-interest or by any person not in occupation at the time of the eviction who derived title from either of them and, for which compensation had not already been paid, and every tenant to whom compensation is so due shall, notwithstanding the determination of the tenancy of the payment or tender of the mortgage money or premium, if any, be entitled to remain in possession until eviction in execution of a decree or order of court.

#### **Decree in eviction to be conditional on payment of compensation**

In a suit of eviction instituted against a tenant in which the plaintiff succeeds and the defendant establishes a claim for compensation due under section four for improvements, the court shall ascertain as provided in section 7 to 16, the amount of the compensation and shall pass a decree declining the amount so found due and ordering that on payment by the plaintiff into the court of the amount. So, found due and also the mortgage money or the premium, as the case may be the defendant shall put the plaintiff into possession of the land with the improvements there on.

If in such suit the court finds any sum of money due by the defendant to the plaintiff for rent or otherwise in respect of the tenancy, the court shall set off such sum against the sum found due under sub section (1), and shall pass a decree declaring as the amount payable to him on eviction. The amount, if any, remaining due to the defendant after such set off:

The amount of compensation made sub-sequent to the date up to which compensation for improvements has been adjudged in the decree and the revaluation of an improvement, for which compensation has been so adjudged, when and in so far as such re-valuation may be necessary with reference to the condition of such improvement at the time of eviction as well as any sum of money accruing due to the plaintiff subsequent to the said date for rent, or otherwise in respect of the tenancy, shall be determined by order of the court executing the decree and the decree shall be varied in accordance with such order.

Every matter arising under subsection (3) shall be deemed to be a question relating to the execution of a decree within the meaning of subsection (1) of section 47 of the code of civil procedure, 1908.

#### **Tenant right to remove buildings, works or trees deemed not improvements**

Whenever a court passes a decree or order for eviction against a tenant and subsequent has erected any building, constructed any work or planted any tree which the court finds is not an improvement for which compensation can be claimed, but which the court finds can be removed without substantial injury to the holdings, such tenant may remove such building, work or tree within a time to be fixed by the court in its decree or order and the court may from time to, extent the time so fixed.

#### **Improvement producing an increase in the value of the annual net produce**

When the improvement is not an improvement to which section II applies and has caused an increase in the value of the annual net produce of the holding, the court shall determine, as nearly as may be, the average net money value of such increase and shall award as compensation for the improvement three-fourths of the amount arrival at by capitalizing such net money value at 20 times.

#### **Trees or plants spontaneously grown**

When there is not an improvement to which sub-section (1) of 7 applies, but consists of timber, trees or of other useful trees or plants spontaneously grown during the period of the tenancy or sown or planted by any of the persons mentioned in section 4. The compensation to be awarded shall be three-fourths of the sum which the trees or plants might reasonably be expected to realize if sold by public action to be and carried away.

#### **Other kinds of improvements**

When the improvement is not an improvement which sub-section (1) of section 7 or section 8 applies, the compensation to be awarded shall be the cost of the labour including supervision thereof and of the material together of the valuation be required to make the improvement less a reasonable deduction, if any; which may have taken place from age or other cause.

Value of improvement to be ascertained in the way most favorable to the tenant

Notwithstanding anything contained in section 7, 8 and 9. The amount of compensation to be awarded for an improvement shall be ascertained in the way prescribed by any of the said sections which is most favorably to the tenant.

- a, the compensation to be awarded for a jack tree as a fruit tree is ascertained under section 7 to be Rs.7, but for the same tree as a timber tree it is ascertained under section 8 to be Rs.10.
- b, the compensation to be awarded for an immature casuarina plantation is ascertained under section 8 to be Rs.20 but under section a to be Rs.100.

Improvement consisting in protection and maintenance of trees and plants

When the improvement consists in the protection and maintenance of timber of fruit trees or of other useful trees or plants not sown or planted by any of the persons mentioned in section 4, or of such trees or plants spontaneously grown prior to the commencement of the tenancy the compensation to be awarded shall to be the proper cost of such protection and maintenance

ascertained as provided in section a.

Compensation when area is overplanted

When trees are planted in excess of the following scale, the court, if satisfied that, in the circumstances of the particular case, the land is overplanted may withstanding anything here in before contained, either refuse to grant any compensation or may grant compensation at a lower rate, for so many of the trees as are in excess of the scale and are immature:-

Coconut trees 100 per acre. Arecanut trees 720 per acre. Jack tree 60 per acre.

In the case of mixed garden, each tree shall be allowed a proportionate fraction of an acre according to the above scale.

The Travancore Cochin compensation for Tenants improvements Act, 1956 and the Malabar compensation for tenants' improvements Act, 1899, are hereby repealed.

### **Kerala Agrarian Relations Act 1960 (KAR)**

The Congress-PSP coalition ministry passed the Kerala Agrarian Relations Act with a number of modifications. It got the president's assent on 21 January 1961 and was published in the state on 3 February 1961 and came into force on 15 February 1961 as Kerala Agrarian Relations Act (KARA) of 1960.

The changes introduced were significant as it began a process of erosion of land reform ideas which effectively dilute the original intention. The following changes were made by the new ministry in the KARB of 1959.

1, the KAR Act of 1960 did not provide for rehabilitating the tenants who had been evicted after the formation of Kerala state as originally provided for in KARB of 1959. These legalized thousands of evictions.

2, the Act of 1960 excluded not only plantations from the ceiling provisions but also the contiguous and interspersed agricultural land within the boundaries of plantations, and specifically permitted evictions of laborers from small allotments of land given for hutments within the plantation area.

3, the new Act redefined small holder as one with rights to less than 10 acres of double crop paddy land, but possessing only less than 5 acres.

4, land belonging to religions, charitable and educational institutions of public trusts was exempted from the purview of the Act.

5, another important provision of vital importance to the whole programme was that the political representation provided in the land board and land tribunals was replaced by government bureaucrats and nominees.

It is estimated that during the period between the introduction of KARB and the KAR Act of 1960 numerous transaction deeds were executed by the landlords to save themselves from impending legislations. The new act could not be implemented due to legal hurdle. Several provisions of this Act were struck down by the supreme court and High court of Kerala<sup>16</sup>. It consisting the implementation machinery, especially the land tribunals and the absence of any records of tenancy. It was followed by the suspension of the Act and the government attempts to replace it with further diluted version and mass eviction of tenants especially in the High ranges.

This has forced the communist party and Kerala Kisan Sabha (KKS) to further intensity their efforts to mobilize the peasantry for protecting the favorable provisions of the KARA. As a part of it the KKS formed 'Kisan Service Squads' in the villages.

The KAR Act 1960, was suspended from operation by the High court of Kerala, on account of the political situation and the wide spread agitation for land reforms, the government could not prolong the ideas of effecting land reforms. Thus, the government desired to bring another legislation incorporating the suggestions and representations received by it along with various amendments already enforced by the previous act. The bill drafted in 1963. Sought to confer fixity tenures on tenants, giving at the same time, a limited right of resumptions to the landlords. The bill prescribed uniform rates of fair rent applicable throughout the state for different classes of land and provided the machinery for determination of fair rent on the application of the cultivating tenant or landlord. The fair rent provisions did not apply to a cultivating tenant who was entitled to fixity of tenure immediately before 21 January 1961.

### **KERALA LAND REFORMS ACT 1963**

Kerala Land Reforms Act of 1963 was implemented following the Kerala Agrarian Relations Act of 1960. It extends to the whole of the state of Kerala. The first chapter of this Act contains the definitions and explanations. The enactment of Kerala land reforms act of 1963(KLR Act) and its inclusion in the 9<sup>th</sup> schedule represent a turning point in the history of land reforms in Kerala. This act centered on the tenants of the state a uniform rate of fair rent and ensured security of tenure to the cultivating tenant. This Act was enforced in April 1964.

The Kerala land reforms Act 1963, confers three main benefits on the cultivating tenant. He is given security of tenure, he is given the right to pay fair rent fixed under the Act, and he is given the right to purchase the landlords rights over the property he holds and to become full owner of the land. The definition of 'tenant' has been widened so as to 'include a number of persons hither to not entitle to protection and other rights. In extreme cases, the tenant may also apply for the preparation of records of rights. The next noticeable change effected by the Act is the statutory protection given to the hutment dwellers (*Kudikidappukars*). By section 75 of the act permanent rights of occupancy has been given to them. The rights of *Kudikidappukars* were declared as heritable but not alienable. Eviction of the *kudikidappukars* was allowed under few limited conditions. Section 80 provides for a register of *kudikidappukars* to be prepared and maintained in each village<sup>17</sup>.

Mere passing of enactment protecting the tenants will not held to achieve the desired ends I the land reforms measures. It should be effectively implemented. The earlier legislations have remained ineffective due to loop holes and gaps in laws as well as on account of the inadequate provisions for the implementation of the provisions. However, for the implementation of the provisions of the Act 15 land tribunals were constituted, conferring exclusive jurisdiction to deal with the matter in connection with the act. The tribunal is a single member. Tribunal, who is a judicial officer in the rank of a massif and under the Administrative control of the land board, with the first member of board of revenue as its sole member. The appeals against the orders of the land tribunals relating to resumption of land, determination of fair rent etc. to be preferred to the sub court, having jurisdiction over the area in which the land is situated and not to the land board. The high court has got revisional jurisdiction in respect of all final orders passed by the land tribunals.

It was roughly estimated that there were at least 25 lakhs of tenants and 4 lakhs of *kudikidappukars* in the state crying for settlement of their rights. Even after the coming into force of the Act on 1-4-1964. Eviction of tenants and *kudikidappukars* continued on a large scale. This was due to some gaps in law and loopholes in the Act.

“The loopholes largely in (i) the right of land owners to resume land for personal cultivation, for which participation by one’s own labour has nowhere been made a necessary condition (ii) provision for voluntary surrenders in favour of land owners (iii) transferability of rights without restriction (4) right to sublet; (5) nominal provision against ejection and (6) prescribing of conditions for purchase of ownership rights that are seldom within the reach of the tenants. Further, the law nowhere recognises a hired labour as a filler of the soil while tenancy records are mostly non-existent.

But the most serious default arises when the government fail to make adequate budget provision for implementation....and vacillate in enforcing laws already enacted by them to protect the rights of tenants or to give land to the filler”.

#### **Amendment of the Kerala Land Reforms Act, 1963**

Experience showed that the provisions contained in the Act were not really beneficial to the tenants and *kudikidappukars*, and that the then existing machinery to implement the law was inadequate. Realizing this state of affairs, the planning commission observed.

“The right of resumption of land by landlord on ground of personal cultivation has tended to create uncertainty and undermined the provisions of the laws affording security of tenants. It is necessary to make the existing tenancies non-resumable and provide penalties for wrongful evictions.”

Taking all matters into consideration as a first step, the Kerala scheduled castes and scheduled tribes prevention of eviction ordinance, 1966 was promulgated by the governor of Kerala on the 5<sup>th</sup> day of July, 1966, which provided for the prevention of eviction of cultivating tenants, holders of *Kudiyirippu* and *kudikidappukars* who are members of the scheduled castes and scheduled tribes and for restoration of possession of their holdings. Consequent on the amendment was made to section 51 of the Kerala Land Reforms Act, (by the Kerala prevention of Eviction Act, 1966) surrender of interest by a tenant was made possible only in favour of Government. According to the provisions in section 51A and 51B no landlord should enter on any land which had been abandoned or surrendered by the cultivating tenants. The contravention of the provisions of this Act was punishable with fine up to Rs.2000/- or with rigorous imprisonment for a term which may extend to one year.

Subsequently some of the provisions of the Kerala land Reforms Act were amended by the Kerala stay of Eviction proceedings Act, 1967. By section 4 of the Act, all suits or applications or other proceedings for eviction of tenant or shifting or eviction of *kudikidappukars* or resumption of holding or its part were stayed. The definition of the term ‘tenant’ was further widened by including certain mortgagees also this was temporary Act and subsequently the validity of the Act was extended to 31-12-1969.

The last three important amendments of the Kerala Land Reforms Act, 1963 are the Kerala Land Reforms (Amendment) Act of 1969 Kerala Land Reforms (Amendment) Act of 1971 and the Kerala Land Reforms (Amendment) Act of 1972.

#### **THE KERALA PREVENTION OF EVICTION ACT, 1966**

The Kerala Land Reforms Act of 1963 was not fruitful to solve the land questions, so the Kerala government introduced new land legislations to solve the problems and loopholes in the Kerala Land Reforms Act of 1963.

The Kerala prevention Act, 1966 was enacted by the president in the seventh year of the republic of India. This is an act to provide for the prevention of eviction of cultivating tenants, holders of *kudiyirippus*, and *kudikidappukars* from their holdings, *kudiyirippus* or *kudikidappukars* as the case maybe in the state of Kerala and for the restoration in certain cases of the possession there of and for matters connected there with this Act extends to the whole of the state of Kerala. It shall come into force on the date of its first publication in the Kerala Gazette.

#### **Main features of this Act**

##### **1, Prevention of eviction**

Notwithstanding anything to the contrary contained in any other law or in any contract, custom or usage or in any judgement, decree or order of court, no person shall evict or attempt to evict a cultivating tenant or holder of a *kudiyirippu* or *kudikidappukaran*. From his holding, *kudiyirippu* or *kudikidappu* if such tenant or holder is a member of any SC, or ST.

##### **2, Penalty for eviction**

Any person who contravenes the provisions of section 3 shall be punishable with rigorous imprisonment for a term which may extend to one year, or with fine which may extend to two thousand rupees or with both.

##### **3, Cultivating tenants, etc. entitled to restoration of possession.**

Any cultivating tenant or holder of a *kudiyirippu* or *kudikidappukaran*, who is a member of any scheduled caste or scheduled tribe and who has been excited from his holding, *kudiyirippu* or *kudikidappu* on or after April 1<sup>st</sup> 1964 shall be entitled to restoration of possession of his holding, *kudiyirippu* or *kudikidappu*, as the case may be.

##### **4, Prevention of eviction of cultivating tenants etc. who are not SC, ST.**

Notwithstanding anything to the contrary contained in any contract, custom or usage, no person shall evict or attempt to evict a cultivating tenant or a holder of a *kudiyirippu* or a *kudikidappukaran*, who is not a member of any scheduled caste or scheduled tribe, from his holding, *kudiyirippu* or *kudikidappu* except in accordance with the law in force the time being.

Any person who evicts or attempts to evict a cultivating tenant, or a holder of a *kudiyirippu* or *kudikidappukaran* from his holding, *kudiyirippu* or *kudikidappu* in contravention of the provisions of this section shall be punishable with imprisonment which may extend one year, or with fine which may extend to two thousand rupees or with both.

##### **5, Cultivating tenants, entitled to restoration of possession.**

A cultivating tenant or a holder of a *kudiyirippu* or *kudikidappukaran* who has been evicted from his holding, *kudiyirippu* or *kudikidappu* or after the 1<sup>st</sup> April, 1964, in contravention of subsection (1) of section 6 shall be entitled to restoration of possession of his holding, *kudiyirippu* or *kudikidappu*, as the case may be.

Any person who is entitled to be restored to possession of his holding, *kudiyirippu* or *kudikidappu* as the case may be under sub-section(1), any other person on his behalf, may make an application either orally or in writing, within a period of one year from the commencement of this Act or as the case may be, from the date of eviction whichever is later to the revenue divisional officer having jurisdiction over the area in which the holding, *kudiyirippu* or *kudikidappu* as the case may be, of the person entitled to be restored to possession under sub-section(1) is situate, for the restoration of possession and prosecution of the offender, and thereupon the provisions of sub-sections(3) to (6) of section 5 shall apply as if the application were an application made under clause(b) of sub-section(2) of that section.

#### **The Kerala stay of eviction proceedings Act 1967**

United front came to power in 1967, they enacted the Kerala stay of eviction proceedings Act 1967. This act stayed the eviction of all types of occupants of land. This act provides for the stay of eviction to tenants and *kudikidappukar* and for matters connected there with. This act extends to the whole of the state of Kerala. It shall come into force at once and shall cease to have effect on 31<sup>st</sup> December, 1968. This act extended the definition of *kudikidappu* rent, tenant etc...

According to the Kerala stay of eviction proceedings act of 1967 was not applicable to lands or buildings or both belonging to or vested in the Government of Kerala or the Government of any other state in India or the government of India or local authority or a corporation owned or controlled by the government of Kerala or the government of any other state in India or the government of India. Any lease of land or building or both granted by the Administrator General or official trustee or the official receiver.

#### **Kerala Land Reforms (Amendment) Act 1969**

The Kerala land reforms amendment act of 1969 was considered to be the most comprehensive of all pieces of land legislations. The historical land reform act 1969 by C.Achutha Menon government which put an end to the feudal system and ensured the rights of tenants on land, came into force on 1<sup>st</sup> January 1970. However, cash crop plantations had been exempted from its purview. There have been many amendments to the act since, the latest having been in 2012.

This act abolished landlordism once and for all. It gave full ownership rights on tenants. This act extended the definition of tenant in such a manner as to make it difficult to evict a person in occupation of land. This act mainly aimed to end the feudal relations by legitimizing. The right of real peasants to own the land they cultivate. Its other objectives were; to bestow on tenants' ownership of a minimum of ten cents of land. Its abolished exploitation, and inequalities in the consistent progress and transformation of society.

The main characteristics of this act like prevention of eviction, land ceiling and its redistribution, and abolition of landlordism and feudalism etc... immediately paved the way for the development of agriculture and economy of Kerala.

The Kerala Land Reforms Amendment Act of 1969 included provisions for abolition of both tenancy and landlordism in Kerala. The act vested in the government, the ownership right on all land leased out to tenants, and banned creation of new tenancies with retrospective effect from April 1964. It gave option to the hutment dwellers to purchase his homestead from the land owners on easy terms and conferred ownership of the lands under tenancy on the cultivating tenants. This act had reduced the ceiling limit to 20 acres for a family of five and confined the exemption to rubber, tea and coffee plantations, private forests and other such non-agricultural land belonging to religious, charitable and educational institutions of a public nature.

The act further empowered the government to take possession of surplus land by ceiling laws and distribute it among landless agricultural labourers.

The Kerala Land Reforms Amendment Act of 1969 envisaged the Following three schemes:

1. Conferment of full ownership on the cultivating tenants.
2. Fixity of occupation to the hutment dwellers and conferment of the right to purchase at concessional rate a small extent of land in and around their hutment.
3. Ceiling on land holdings and distribution of surplus lands after take over.

The provisions relating to the first scheme incorporated compulsory abolition of landlordism and ceiling on land holdings were enforced with effect from 1<sup>st</sup> January 1970. Till that date it was roughly estimated that tenants had been paying a rent of Rs.18 crores every year. Thus, all the tenants were relieved from the obligation to pay rent on a rough estimate 4 lakh hutment dwellers in that state were also benefited by the Act. There was considerable delay in the implantation of the ceiling provisions of the act because of the complicated procedure in determining the market value of surplus land.

The conferment ownership of homestead and huts occupied by agricultural labourers has been accelerated by the 'land grab' agitation launched by the CPI (M) . While making an assessment of the land enactments of the state of Kerala from 1957 to 1970 it is to be observed that though the reforms were initiated by the communists and branded as revolutionary by the opponents, actually the reform acts were based upon the recommendation of the congress Agrarian committee of 1949, and the board guidelines issued by the planning commission of the government of India.

As a result of the success achieved in the conferment of full ownership on the cultivating tenants, the feudalistic agrarian structure in Kerala was remodeled by liberating the tenants from their socio-economic subservice to the jennmis. Centuries-old feudalities and obligations were thus given a decent burial. The land reform legislation provided economic as well as social security. Though the land legislation the traditional land and social relations could be altered peacefully favoring the economically and socially deprived castes and classes by the legislature. The rich farmer could cultivate the lands with the help of landless agricultural labourers. The medium and average size holders remained as they were in the pre-reform period with the title of ownership.

The Kerala Land Reforms Amendment Act of 1969, was a masterpiece of all land legislations in Kerala. This act has effectively made the *kudikidappukaran* the owner of the *kudiyirippu* and the surrounding lands. They are given the optimal right of purchase.

By the amendment of the act made in 1969, the definition of the term *kudikidappukaran* was enlarging by substituting a new definition so as to enable to include more occupants under the provision. Now a *kudikidappukaran* is a person who has neither a homestead nor any land exceeding in extend three cents in any city or major municipality or five cents in any other municipalities, or 10 cents in any other area or township, in possession either as owner or as tenant, on which he could erect a homestead. Permission from the person in lawful possession is also necessary to use and occupation of such land for the purpose of erecting a homestead. As per the provision to sub-section (b) of sec.2 (25) from the possession of the land from August 1968 to the 1<sup>st</sup> January 1970. It will be deemed that the existence of *kudikidappu* was with the permission of the land owner. This provision has been interpreted by the Kerala high court in a number of cases in such a way that initial occupation of the land with permission of the person in lawful possession is obligatory to make the dweller a *kdikidappukaran*. The benefits of the provision are available only whom permission for occupation was granted but subsequently withdraw by the land owners.

If the homestead is one constructed by the person other than the *kudikidappukaran*, and in order to get the benefits, the 'cost of hut' should not exceed Rs.750/- at the time of construction, or have yielded a monthly rent exceeding Rs.5/-

Under sec.80 (A) (1) a *kdikidappukaran* entitled to purchase the *kudikidappu* occupied by him and the lands adjoining thereto. A *kudikidappukaran* is entitled to purchase an extent of 3 cents of land comprised in acity, or a major municipality 5 cents in other municipality, or 10 cents in a panchayath area of township. But if the land available for purchase only thus, if the total extent of land in which a *kudikidappu* is situated, is only 8 cents, even though the land owner is liable to sell 10 cents of land.

If there are more *kudikidappukars* than one to a landlord, or if the land owner owns more than 5 acres of land, the other *kudikidappukars* have to be directed to file the application for purchase within a prescribed time, and all such applications are to be disposed of jointly.

For this purpose, a local enquiry to be conducted through the revenue inspector to assertion the number and the details of the *kudikidappukars*. Rule 83 (2) provides that in the case of lands situated in the jurisdiction of other land board khas to be addressed to transfer the file relating to the same land owner to one of the land tribunals for joint consideration.

Filing of mutual consent statement by the parties is being allowed in purchasing the *kudikidappu* also, as in the settlement of tenancy. By this process the procedure before the land tribunal will be simplified. In such cases, the land tribunal needed not determine the status of the extent of land held by the land owner etc...., opportunity need be given to the parties in such cases to file objections if any on the sketch manhazar and the valuation statements prepared by the revenue inspector. But the land tribunal has to satisfy the genuineness of the consent statement before passing final orders.

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## CONCLUSION

The land legislations introduced by the government of Kerala touched all-important fields of human activity except science and technology. These land legislations aimed at the destruction of feudal era and foundation of a new modern era, based on economic and social equality. Some of the land legislations enacted by the government of Kerala from 1956-1970 have been examined in the foregone pages. All these legislations focused on crucial issues faced by tenants, sub-tenants and small cultivators. The major problem during this period was illegal eviction, landlordism, *uzhiyam*, *jenmi* system, high rates of rent, absence of private property/ ownership in land. Majority of the land legislations aimed to end above mentioned problems.

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