



KERALA AGRARIAN RELATION BILL, 1957: AN ANALYSIS

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ABSTRACT Kerala is one of the one of the States in India where land reforms were implemented with a motivation to restructure the entire agrarian system along with the elimination of land monopoly by a group of traditional landlords. Much emphasis was placed on the land reforms in India almost immediately after independence. There were serious efforts to bring land reforms in Kerala soon after the formation of the first democratically elected Communist Government in 1957. The popular slogan of the peasants was “land to the tiller”, which shattered the feudal attitude of the land lord in that era. The introduction of the Kerala Agrarian Relations Bill in the Assembly on 18th December 1957 by Gowri Amma, the Revenue Minister of the first Communist Ministry, for achieving the goal of land reforms was a turning point in the history of agrarian movements in Kerala. The Kerala Agrarian Relations Bill of the Communist Government has provided for a uniform system of agrarian relation throughout Kerala.

INTRODUCTION

Kerala is one of the states in India where land reforms were effectively implemented with a motivation to restructure the entire agrarian system along with the elimination of land monopoly by a few traditional land lords.¹ This is one of the most controversial fields of Legislation in Kerala, elsewhere in the Country.² In 1956, Kerala was re organised as linguistic state and in the next general election of 1957, CPI(M) came to power in Kerala. EMS assumed power in 5th April 1957. The Communists who had struggled in the 1930s and 1940s for the cause of common people, for the agrarian reforms, the people elected them with a great hope.

Communist party in their election manifesto had promised around reforms in the socio-economic and political life of Kerala society. The prime agenda of the Government was land reform, the party clearly stated that all cultivable Government waste land would be distributed among landless and poor peasants and that all evicted

¹ P.J Cheriyan, Perspectives of Kerala History(Ed)Department of Publishing, p.147

² S.C.Joseph, Kerala:The Communist State, The Madras Premier CO, Madras, 1959, p. 129.

tenants would be reinstated.³ The party promised the introduction of comprehensive agrarian reform legislation, which aimed at fixation of fair rent, security of tenure to tenants, fixation of ceiling on land holdings and redistribution of surplus land among the landless.

Peasant organisations put forward their demands before the Government and the Communist Government drafted more comprehensive land legislation. The party within a week of assuming power issued the Kerala Stay of Eviction Proceeding Ordinance of 1957.⁴ 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 1793.⁵

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.⁶

The Ministry formulated an Agrarian Relation Bill and introduced it in the Assembly by the then Revenue Minister K.R.Gowri in 21 December 1957. Introduction of Kerala Agrarian Bill was a sign post in the history of land legislation in the post independent India.⁷ Progressive land reform policies of the Communist Government of 1957 provided Kerala a unique model for social transformation and agricultural development.⁸

Features of the Bill

The Bill consisted of 86 sections divided into four chapters: Preliminary(Section 1 and 2), provisions regarding tenancies (Section 3 to 59), 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.⁹ 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 specific purposes:

- a) For the extension of any place of religious worship.
- b) For the construction of buildings for residential purpose.

³ Vimala Shibu Pallikkal, Socio-Economics Consequences of Land Reforms in Kerala Since 1957

⁴ A.Radha, End of Landlordism in Kerala:An Analysis of Land Reform Acts1960-1970, Journal of Kerala Studies, vol. XVII-XXI, September-December 1991-1994, part 1-4, p.77.

⁵ K.K.N.Kurup, Perspectives of Kerala History(Ed)Department of Publishing, p.148

⁶ Ibid ,p.140

⁷ V.V.Kunhikrishnana, Tenancy Legislation in Malabar, 1880-1970, Northern Book Centre, New Delhi, 1993.p.140

⁸ B.N. Ghosh, Padmaja.D. Namboodiri, Economy of Kerala: Yesterday, Today and Tomorrow, Serials Publication, NewDelhi, 2009, p.140.

⁹ Lajith.V.S, K R Gouri: The Catalyst of Land Reforms in Kerala, Journal of Kerala Studies, vol.XXXX, March, June, September,December, 2013, p. 173

c) For self-cultivation.

*kudiyirippu*¹⁰ and *kudikidappu*¹¹ could be resumed only in accordance with provisions relating to them. There was some other limitations regard to reinstitution 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 under the Kerala Compensation for Tenants Improvement Act, 1958.

Another feature of the Bill was the fixation of fair rent. The Bill envisaged a scheme for relating the rent to the actual yield of the land and the cost of cultivation. It fixed the maximum and minimum rent in respect of the different classes of land and empowered the Government to determine actual rates for different localities taking into account the yielding capacity of the land and several other factors. In regard to each plot of land, the rent was to be settled by a tribunal.

Some special provisions were made regarding small holders in Travancore- Cochin area.¹² Persons holding or owing less than five acres of double crop rice field or its equivalent were designated as 'small holders' and allowed special benefits. In such cases the extent of land to be resumed by the tenant was to be settled through compromise or by the Land Tribunal. These provisions were specifically declared inapplicable to Malabar and in regard to tenancies with fixity.

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.

Another important feature of the Bill was that on a 'peasants Day' notified by the Government, all rights and title of the land in the possession of a permanent tenant or of other tenants in certain circumstances would be deemed to have been brought by the latter. A tenant holding above the ceiling would be deemed to have brought up to the ceiling only. A tenant holding land under different landlords was given the option to purchase the lands he preferred, subject to minor limitations. This involved the fixation of the compensation due to the landlord and the purchase rate to be paid by the tenant. The purchase price was to be equal times the maximum rent given in the first schedule or times the rent payable before the commencement of the Act, whichever was smaller plus the value of structure on the land. The amount was to be deposited with the Land Board in equal and annual instalments or in a lump, in which case, the amount would be equal to times the fixed rent. The landlords were to receive compensation according to a graduated scale, given in second schedule, beginning with a sum equal to times the maximum rent and ending with a sum equal to five times the same. But none of the provisions mentioned in this paragraph was to apply to tenancies under public, religious or charitable institution or public trusts.

¹⁰ Holding consisting of a residential site.

¹¹ Holding consisting of a hutment.

¹² The Kerala Agrarian Relation Bill 1957, Section 4.

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 erected. But a *kudikidappukaran* could be shifted to another site with a mile at the landlord's 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 discharged 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* were 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 religious 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 scale 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 Board was to take into consideration to the claims of tenants whose lands were resumed, the claims of small holders, agricultural labourer's 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 instalments as permitted by the latter. The Bill also provided for the organisation and functions of the Land Board which was consists of three official members.

The Bill in the Assembly

The Bill introduced in the House on 21 December 1957, was circulated for obtain public opinion eleven hundred and fifty two opinions were received in total about the Bill from different organizations, public meetings, panchayats and municipalities, units of political parties and individuals.¹³ The Bill then referred to a Select Committee on April 2nd 1958. The Committee consisted of twenty seven members of whom the Minister was in charge was the Chairman. The Committee after examining the Bill presented the report on 24 March 1959.¹⁴ Amendments were suggested for thirty three clauses and one schedule.

The most important modification suggested by the Select Committee was that relating to small holders according to the new formula the tenants holding under a small holder in Malabar and Cochin were given the option of:

- a) To continue as tenant in respect of the entire holding.
- b) To purchase the entire land compromising the holding
- c) Surrender to the small holder one-half of the holding and retain the other half.

But in Travancore except in the Taluk of Parur, Alwaye, Kunnathunad and Sherthalai, the small holder has the option:

- a) To require the tenant to surrender one-half and permit him to retain the other half
- b) Permit the tenant to continue as tenant in respect of the entire holding.

Another recommendation of the Select Committee was about a slight reduction in the purchase price of land as well as in the compensation to be paid to the landlords. The purchase price was made equal to:

- a) Twelve times the contract rent or
- b) Sixteen times the fair rent fixed under the Act, plus the value of structure etc.

The Select Committee removed the exemption granted in the original Bill to public, religious and charitable institutions and gave all tenants alike the right to purchase land held by them. It provided that the compensation due to such institutions should be paid by the Government annually until the end of the time, each payment being one-twentieth of the amount of such compensation.

Important changes were made regarding ceiling. The ceiling in respect of unmarried adults was brought down to seven and on-half acres of double crop rice field or its equivalent. The constitution of the Land Board was modified in order to include an elected member.

The Legislative Assembly started consideration of the report on April 16, 1959 and passed it on 10 June 1959. All the important amendments were accepted by the House were those moved by the Minister in charge itself. The Minister was willing to accept some amendments moved by the Opposition and Ruling party. However these amendments were mostly verbal or insubstantial.

The opposition of the Kerala Agrarian Relation Bill took concrete shape within days of its passing it in the State Legislative Assembly in July 1959. It took the form of a

¹³ Dr.N.Jose Chander, The Legislative Process in Kerala:1957-1969, The Kerala Political Science Academy, Trivandrum, 1980, p.126

¹⁴ Ibid

Liberation Struggle organised by all the political parties in opposition, for creating conditions in which the Government would not be able to function. Though support for the movement was mobilised on a variety of issues going well beyond those raised by the Bill, its provisions were pointedly characterised as threat to ownership of land in general and this became a rallying point (particularly in the old Travancore region) for unifying a very wide segment of all owners of land irrespective of the size of their holdings.¹⁵ The resulting political upheaval led ultimately to the removal of the Communist regime through the Central Government applying special provisions of the Constitution for the purpose.

CONCLUSION

The aim of the Agrarian Relation Bill is said to be “to bring about a thorough 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.”¹⁶ The Kerala Agrarian Relations Bill of the Communist Government has provided for a uniform system of agrarian relation throughout Kerala.

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¹⁵ Ajith Kumar Ghose, Agrarian Reform in Contemporary Developing Countries, (Ed), Select Book Service Syndicate, New Delhi, 1984, p.143

¹⁶ Jitendra Singh, Communist Rule in Kerala, p.30