Historical Introduction to the Kerala Land Reforms Act and the Working of the Land Tribunals*

P. N. Prabhakaran Pillai, B. A., L. LM.

Introduction

Land Reform policy has been regarded as an integral part of the Agricultural Production Programme. The importance of land reforms has been stressed in the various Five Year Plans. The various measures proposed by the Planning Commission from time to time, have stressed the immediate need for giving security of tenure and ownership rights to cultivating tenants and sharecroppers under a time-bound programme. Accordingly the various States in India have enacted their own legislations to safeguard the interest of the citizens in accordance with the Directive Principles enunciated in our Constitution.

Most of the Land Reforms Laws enacted by the States have not been effectively implemented. Kerala Land Reforms Act, 1963, as amended upto date is however an exception. The major amendment made in 1969 is considered to be a bold step in the land reforms legislation. No other state in India has introduced a socio-economic legislation of this type to safeguard the interest of the agricultural classes of the society.

Experience has shown that a measure like the Land Reforms cannot be speedily implemented through the ordinary judicial process, but by administrative process. The Kerala Government have realised this important factor. Hence a large number of Special Land Tribunals have been constituted for the implementation of the provisions of the Kerala Land Reforms Act. These Land Tribunals are quasi-judicial bodies. The purpose of this study is to examine the working of these Land Tribunals to see how far these Tribunals have promoted the realisation of the policy and have effectively

implemented the provisions of the Act without unduly diluting the procedural safeguards normally available to the citizens.

**Historical background**

Agriculture is the chief occupation of the people of Kerala, and an over-whelming majority of the people are depending on it for their livelihood. Out of the 38,58,523 hectares of land available in the State, 21,72,484 hectares are being used for cultivation alone. The recent Census show that the total number of the working class, out of the total population of 2,12,80,397, are 61,52,761, of which 11,04,337 are cultivators, while 18,87,862 are agricultural labourers.

Eventhough more than half of the available land of the State is being cultivated with food and commercial crops, the people of Kerala are facing the scarcity of food. There have been several measures taken by the Government and by the people for increasing food production and to bring self sufficiency, but no substantial result has been acheived so far. The most outstanding defect of our agriculture and food production is the low productivity. One of the reasons for this low production is the lack of incentive or motive on the part of the tiller. Inorder to realise the objectives of the self sufficiancy in food production and the economic prosperity of the country it is necessary that the man who tills the soil should be protected from any kind of hardships.

Increased agricultural production is one of the major aims of the land reforms legislations of States. This aim can only be achieved by conferring full benefits to the man who actually tills the land. If the tiller is guaranteed the right of permanant occupancy, or full proprietorship, he may become more energetic in contributing to the agricultural prosperity and thereby the economic well being of the State. Although there were laws passed by the legislature to guarantee full safeguards to the tiller, these laws existed only in theory, practically no action was taken to implement those laws.

Reforming the land has a fairly long history in Kerala, eventhough reforms in the true sense of the term is of comparatively

1. For further details, see Census of India, 1971, quoted at pp. 87 and 131 of Mdnoram year Book, 1972.
recent origin. Because of the multiplicity and complexity of the land tenures in Kerala, the earlier legislations failed to achieve the aim of giving the land to the tiller. Inspite of the attempts from time to time on the part of the Government, it has not yet been possible in Kerala to evolve a simplified system of land tenure which gives land to the tiller and confers on him fixity of tenure. The latest attempt in this direction is the Kerala Land Reforms Act of 1963.

The land tenures that existed in the former Travancore area were very complex and special tenures and sub-tenures were numerous. It may be seen that there were 760 types of tenures including sub-tenures in Travancore area alone. At the last Revenue Settlement\(^3\), an endeavour was made to systematise and simplify the tenures as far as possible. After the settlement, the number of tenures were reduced to a considerable minimum. The numerous tenures which have been recognised at the settlement may be generally traced to one or other of main two heads, viz., Sirkar or Pandaravaka and Jenmom.

Pandaravaka means lands belonging to the Bhandaram, or the State Exchequer. These lands were the absolute property of the State, but the majority of the Pandaravaka lands were under the possession and occupation of a number of occupants, under various types of tenures, based on the varying nature of the transactions between the Sircar and the occupants, the important tenures were Pandarapattom, Pandaravaka Otti, Inam, Viruthi, Pandaravaka kudiejenmom and Karamozhivu. Those who occupied and cultivated these lands were tenants at will, in other words, they had no security of tenure or any occupancy rights. These lands were neither heritable nor alienable. By a number of legislations and proclamations\(^4\) issued by the Maharajas, full proprietary rights were gradually conferred on the occupants of almost all types of tenants of Sircar lands.

Jenmom properties were the absolute private lands owned by Brahmins, Devaswoms and local chieftains. The jemmies created

---

4. See, for eg. Pattom Proclamation of 1040 M. E., Settlement Proclamation of 1061 M. E., Service Inam Proclamation of 1068 M. E., Viruthy Proclamation of 1061 M. E., and 1068 M. E., etc.
various kinds of subordinate tenures under them varying from a simple lease (verumpattom) to outright sale. (attipper) Some of such subordinate tenures were Attipper, Karaimas, Otti, Panayam, Kanom or Kanapattom, Kuzhikanom, Inam, Verumpattom, Varom or pankuvaram, Kudikidappu etc. There was no guarantee of permanancy or continuity of the right to occupy the lands by the tenants. Under these tenures thousands of ryots had been occupying the lands for generations, building houses, carrying out various improvements. The important governmental interference in this matter was the Royal Proclamation of 1867, by which the kanom tenants were protected from eviction if the dues to the jenmies were regularly paid. The right of permanant occupancy was further extended to all types of tenants by another important Regulation of 1896. It also consolidated the various types of pattoms to one amount called jenmikarom. Eviction of the tenants were possible by instituting suits for arrears of rent etc. The enactment of the Travancore Holding (Stay of Eviction Proceedings) Acts and the Travancore Prevention of Eviction Act, further protected some more tenants and kudikidappukars from arbitrary eviction and instituting suits.

The characteristics of the tenure existed in the Cochin State were same as in the case of Travancore area, and there are a number of parallel enactments to protect the tenants with suitable modifications to suit the local needs. The first important governmental interference in respect of the tenants of Pandaravaka lands (Sircar lands) was the Settlement Proclamation of 1905. This was followed by Cochin Verumpattadars Act, 1943, and a number of amendments of the Cochin Verumpattadars Act.

In respect of the Kanom held under the private jenmies, the Cochin Tenancy Act 1914 was passed which provided fixity of tenure to the kanom tenants occupying lands for a certain period. This Act was revised by enacting Cochin Tenancy Act of 1938, by

5. Jenmi Proclamation, 1042 M. E.
6. Travancore Jenmi and Kudiyan Regulation of 1071 M. E.
8. Act XXII of 1124 M. E. (1949 A. D.)
11. The Cochin Tenancy Act, Act XV of 1113 M. E.
which more kanom tenants were brought under the purview of the Act. It restricted the condition for eviction of kanom tenants, and restricted the arbitrary increase of the kanom amount or renewal. The tenants' rights were declared as heritable and alienable.

But the nature of the tenures in respect of the earstwhile Malabar area were slightly different. Almost all the lands, including waste and forest lands were the private property of jenmies. The tenants were holding these lands under various types of tenure, the number of such tenures were numerous, the important type being the kanom, kanom-kuzhikanom, kuzhikanom, verumpattom and kudiyirippu. The rights of jenmi to evict their tenants and to grant kanom in advance to others over the head of the current holders, even during the currency of the existing tenure (known as Melcharthu or Melkanom) were exercised by them in a number of cases. Even the enactment of the Malabar Compensation for Tenants' Improvements Act, 1887, and its subsequent amendment did not check the large scale eviction of the tenants by the jenmies. The Malabar Tenancy Act, 1929 was passed to protect some tenants from such arbitrary evictions by conferring fixity of tenure to cultivating verumpattadars. The Act was amended twice in 1945, in 1951 and in 1954. By these amendments the protection guaranteed by the Act was extended to all types of verumpattadars and kanomdars.

In respect of Travancore and Cochin areas, there were some varieties of tenures recognised in the accounts which occupy a different position from either Sircar or Jenmom. These are the Sirkar Deviaswomvaka Kandukrishi vaka, Edavagi, Sreepadom vaka, and Sreepandaravaka lands of Travancore area. There were also extensive lands under the possession of the temples of Cochin area. All these lands were under the possession of a large number of tenants under numerous varieties of tenures. There were no permanent occupancy rights on these lands. They were not heritable or alienable. By a Royal Proclamation of 1097 M. E., Sirkar Devaswomvaka lands of Travancore area have been declared as Pandaravaka lands, while by two Proclamations of the Maharaja of Cochin, permanent rights of occupancy on all tenants were conferred. Kandukrishi lands were

the Sthanam properties of the Maharaja of Travancore, but under the occupation of tenants. The Maharaja by a Proclamation\textsuperscript{15} surrendered to Government all his rights over the Kandukrishi lands, which subsequently declared as Pandaravaka properties. Permanant occupancy rights over the Edavagai lands were given to the holders by the Estate Rent Recovery Regulations of 1893\textsuperscript{16} and the Travancore Edavagai Regulations of 1934.\textsuperscript{17} Full proprietary ownership to the holders of Edavagai lands were given only after the unification of Travancore and Cochin States,\textsuperscript{18} and the holders of Sreepadomvaka and Sreepandaravaka lands only after\textsuperscript{19} the formation of Kerala State.

Out of the four important enactments\textsuperscript{20} made after the unification of Travancore and Cochin States, one enactment, i.e. Kanom Tenancy Act, 1955 deserves special consideration, which brought the Kanom lands in Cochin area under the same provisions as those of Jenmi Kudiyan Regulation of Travancore. By this Act, full proprietary rights were given to the kanom tenants of the Cochin area subject to the payment of jenmikarom.

Several noteworthy changes have taken place in the tenurial set up in Travancore, Cochin and Malabar after the formation of Kerala State on the 1st November, 1956. As the laws in the three areas differed materially, it became necessary for the State to step in and to regulate the tenurial relationship. At the time of the formation of the Kerala State, there were different laws conferring benefits in varying degree on the tenants, though fundamentally the nature of the tenures prevalent in the three areas was almost the same.

As a first step, a temporary measure, the Kerala Stay of Eviction Proceedings Act, 1957\textsuperscript{21} was passed for the protection of the tenants.

---

15. Kandukrishi Proclamation of 1124 M. E.
16. Regulation IV of 1893.
17. Regulation III of 1934.
21. Act I of 1957, the provisions of this Act was originally enforceable upto 11.10.1957, but by a number of amendments (Act I of 1958, XXX of 1958, XV of 1959, V of 1960, XXI of 1960 etc.) the validity of the Act was extended upto the passing of the Agrarian Relations Act, 1961.
kudikidappukars and the persons cultivating lands on varom arrangements (share-croppers), pending enactments of a comprehensive legislation relating to tenancy and agrarian reforms. By the enactment of Jenmikarom payment (Abolition) Act, 1961, the Jenmi Kudiyan Act of 1071 M. E. was repealed and the Kanom tenants were conferred full proprietary ownerships over the lands they held.

The Kerala Agrarian Relations Act, 1960 was passed by the Communist Government of Kerala on 10th June, 1959, with a view to bring in a comprehensive legislation the law relating to the land reforms in Kerala State. This legislation embraced all matters relating to the land-lord tenant relations, such as tenancy protection, fair rent, protection of kudikidappukars right, of cultivating tenant to purchase the land-lords’ rights, restriction of ownership of lands in excess of ceiling area etc.

The Supreme Court in its judgement in Kunjikoman V. State of Kerala, struck down the Kerala Agrarian Relations Act, as unconstitutional in its application to the ryotwari lands of Hosdurg and Kasargod Taluks as violative of the Art. 14 of the Constitution. A full Bench of the High Court of Kerala, in Govindaru Nampoothiripad and others V. State of Kerala also declared that the Act was null and void in its application to the ryotwari lands of Malabar area and the lands held under Kandukrishi, Sreepadomvaka, Thiruppuvaram, Pandaravaka, Viruthi etc. As these decisions of the Courts in effect killed the intended purpose of the Act, the Kerala land Reforms Act was passed in 1963 and certain provisions of the Act put into force with effect from 1st April, 1964.

III

The problem of implementation.

The Kerala Land Reforms Act, 1963 confers three main benefits on the cultivating tenant. He is given security of tenure (Sec. 13),

22. Act IV of 1961
23. AIR 1962, S. C. 723
24. 1962, K. L. T. 913
26. The Act was included as item No. 39 of the 9th Schedule of the Constitution, and thereby protected from challenge in Courts.
he is given the right to pay fair rent fixed under the Act (Sec. 27) and he is given the right to purchase the landlords' rights over the property he held and to became full owner of the land (Sec. 53). The definition of 'tenant' has been widened so as to include a number of persons hitherto not entitled to protection and other rights. In extreme cases, the tenant may also apply for the preparation of records of rights (Sec. 29 (1)). The next noticeable change effected by the Act is the statutory protection given to the hutment dwellers (Kudikidappukars). By Sec. 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, Sec. 80 provides for a Register of Kudikidappukars to be prepared and maintained in each village.

Mere passing of enactment protecting the tenants will not held to achieve the desired ends in the land reforms measures. It should be effectively implemented. The earlier legislations have remained ineffective due to loopholes 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 Munsif, 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. The following table illustrates the number of applications received and disposed of since the constitution of Land Tribunals on 1-4-1964 till the end of March, 1969.

27. Government Notification No 11841/N/Rev dated 23-3-64.
Table

Details of applications received and disposed of under the various provisions of the Kerala Land Reforms Act,
From 1-4-1964 to 31-3-1969.

<table>
<thead>
<tr>
<th>Particulars</th>
<th>Receipts</th>
<th>Allowed</th>
<th>Rejected</th>
<th>Total</th>
<th>Balance</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Applications for fixation of fair rent filed under the old Kerala Agrarian Relations Act.</td>
<td>60,529</td>
<td>26,869</td>
<td>33,268</td>
<td>60,137</td>
<td>392</td>
</tr>
<tr>
<td>2. Applications received for fixation of fair rent as per the provisions of the old Malabar Tenancy Act.</td>
<td>2,933</td>
<td>686</td>
<td>2,246</td>
<td>2,932</td>
<td>1</td>
</tr>
<tr>
<td>3. Resumption applications filed for extension of the place of public religious worship.</td>
<td>297</td>
<td>29</td>
<td>219</td>
<td>248</td>
<td>49</td>
</tr>
<tr>
<td>4. do. for construction of residential building.</td>
<td>585</td>
<td>52</td>
<td>403</td>
<td>455</td>
<td>130</td>
</tr>
<tr>
<td>5. do. for personal cultivation.</td>
<td>504</td>
<td>16</td>
<td>330</td>
<td>346</td>
<td>158</td>
</tr>
<tr>
<td>6. do. by small holder to get a portion of the holding not exceeding one half.</td>
<td>7,313</td>
<td>925</td>
<td>4,175</td>
<td>5,100</td>
<td>2213</td>
</tr>
<tr>
<td>7. For preparation of Records of Rights.</td>
<td>992</td>
<td>646</td>
<td>240</td>
<td>886</td>
<td>106</td>
</tr>
<tr>
<td>8. For fixation of fair rent under K. L. R. Act.</td>
<td>25,149</td>
<td>13,180</td>
<td>8,205</td>
<td>21,385</td>
<td>3,764</td>
</tr>
<tr>
<td>9. For fixation of fair rent (joint agreement, Sec. 33)</td>
<td>3,486</td>
<td>3,336</td>
<td>137</td>
<td>3,473</td>
<td>13</td>
</tr>
<tr>
<td>10. For purchase of landlords rights by cultivating tenants.</td>
<td>4,395</td>
<td>1,462</td>
<td>1113</td>
<td>2,575</td>
<td>1,820</td>
</tr>
<tr>
<td>11. For registration of Kudikidappu.</td>
<td>98,618</td>
<td>67,685</td>
<td>22,885</td>
<td>90,570</td>
<td>8,048</td>
</tr>
</tbody>
</table>

The above table shows the working of the Land Tribunals and other authorities for the period of 5 years from the coming into force of the provisions of the Act. From a perusal of the figures with reference to the actual number of tenants and Kudikidappakars in the State, it will be seen that the tenancy reforms implemented so far has benefitted only a small fraction of the class of people, and that the vast number of persons remain without benefit as before.

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 other loopholes in the Act.

"The loopholes largely inhere 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; (iv) right to sublet; (v) nominal provision against 'ejectment, and (vi) 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 tiller of the soil while tenancy records are mostly non existent........But the most serious default arises when the State 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 tiller".29.

Even though there is provisions to safeguard the tenant against compulsory eviction and surrenders, eviction in large scale continued. These evictions usually take the form of "surrender" or "abandonment" which are made under pressure. One writer has described the causes for eviction in the form of voluntary surrenders thus:

".............This state of affairs can be attributed to such reasons as carelessness or indifferences on the part of the tenant, disinclination on the part of the tenant to antagonise the land-lord, tenants' ignorance about the tenancy legislation, and his feeling that the land-lord has, as birth right, absolute claims on his land, fear of loosing the preivilege of cultivating...

the land even as tenant at will, promise from the land-lord that he would get better land in place of the one from which he is evicted...etc. Again the land-lord being both socially and economically more powerful has been able to take advantage of the tenants’ ignorance about the laws and his inability to resort to courts even where he is conversant with the provisions of the tenancy Act ..... "

This state of affairs is not peculiar to Kerala State alone. A report on the Hyderabad Act of 1951, revealed that upto 1958 no less than two thirds of the protected tenants had been evicted, legally or illegally and only 12 per cent had managed to fulfil the intent of the law by becoming owner cultivators. According to an investigation made on the working of the Bombay Tenancy Act, 1948, it was disclosed that while on paper 85 per cent of the area resumed by the owners had been voluntarily surrendered by tenants, the tenants concerned had in fact been under pressure from the owners in about two thirds of the cases.

Further, if we examine the provisions for the resumption of the land by a 'small holder' or resumption for 'personal cultivation' in our Act, we can see that these persons could manage to circumvent the provisions of the Act, entitling them to evict almost all protected tenants from the holding and to cultivate the property directly. The definition of a small holder is in such a way that it embraces almost all land-lords of the State. Actually on resumption, these small holders are not 'personally cultivating' the lands, but entrusting the lands to share-croppers (varamdars) on short term basis. Even though the share-croppers have been deemed as cultivating tenants under Sec. 8 of the Act, they are being exploited by land-lords by shifting them from one plot to another or for leasing the lands for one season only. The result of all these activities of the land owners is that it is creating not more but less security of tenure than before.

IV
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

31. A. M. Kushro, Economic and Social Effects of Jagirdari Abolition and Land Reforms in Hyderabad, quoted at page 1328 of Dr. Gunnar Myrdal’s Asian Drama
32. Dr. Gunnar Myrdal, Asian Drama, page 1329.
then existing machinery to implement the law was inadequate. Realising 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 (II of 1966) was promulgated by the Governor of Kerala on the 5th 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. This Ordinance was replaced by the Kerala Prevention of Eviction Act, 1966," and extended the benefits to other sects also. Consequent on the amendment 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 new 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 upto Rs.2,000/- or with rigorous imprisonment for a term which may extend to one year."

Subsequently some of the provisions of the Kerala land Reforms Act was amended by the Kerala Stay of Eviction Proceedings Act, 1967". By Sec. 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 a temporary Act and subsequently the validity of the Act was extended to 31-12-1969."

34. Act XII of 1966, enacted by the President on the 10th November, 1966.
35. Sec. 4 and sub-sec. (2) of Sec. 6 of the Kerala prevention of Eviction Act, 1966

In *Narayanan Nair Vs. State of Kerala*, a full bench of the Kerala High Court (P. T. Raman Nair C. J., T. C. Raghavan and K. K Mathew JJ.) held that certain provisions of the Act were not covered by the Act. 31 (A) of the Constitution. In view of the striking down of certain sections on this ground, the Amendment Act of 1969 and 1971 have been included in the nineth schedule of the Constitution as items Nos. 65 and 66, inorder to protect these Acts from challenge in Courts.

The Land Reforms policy to be pursuaded by State Governments as per the National Plan was set out in the First Five Year Plan and elaborated in the Second, Third and Fourth Plans. The recommended measures are "abolition of intermediary tenures, reform of the tenancy system including fixity of tenures, transferring of ownership right to tenants, and imposition of ceiling on ownership of land, settlement of landless agricultural workers, consolidation of holding and prevention of fragmentation".

By the amendment of the Act in 1969, legislation in confirmity with all the above broad objectives, except the consolidation of holding and prevention of fragmentation, was effected. Hence the State Government's policy behind the Kerala Land Reforms Act, as amended upto date are mainly three-fold., i.e., (a) compulsory abolition of the tenancy system and to confer full reprietary ownership of the lands on the tenants. (b) Protection of kudikidappukars (hutment dwellers) from arbitrary evictions and conferring on them the optional right of purchase of their residence and lands appurtenant there to and (c) Fixation of the maximum land to be owned by a person so as to reduce the disparity between the rich and the poor.

For the effective implementation of the policy of the Act, a large number of Land Tribunals were constituted through out

38. Act XXXV of 1969  
42. Constitution (Twenty ninth) Amendment Act, 1972  
the State. The remaining parts of this study are devoted to examine the working of the Land Tribunals constituted for the above purpose, to see how successful they have been in implementing the policy and to suggest remedies for shortcomings.

V

Special Land Tribunals under the Amended Act

The implementation of the provisions of the Kerala Land Reforms Act, to abolish the tenancy system by conferring full ownership on the tenants and the settlement of kudikidappukars is a huge task on the part of the Government. A large number of officers had to be appointed for the implementation of the provisions of the Act, besides the fund required for the rehabilitation of the kudikidappukars. The Government created more than 200 posts of Special Land Tribunals throughout the State with special jurisdiction to handle the cases relating to the fixation of fair rent (Sec.31), Assignment of right, title and interest of the land-lords to the cultivating tenants (Sec. 72 to 72P) and settlement of kudikidappu cases (Sec. 75 (2) 75 (4) 80 to 80 G). Seven posts of Land Tribunals (Munsiffs) were also created exclusively for dealing with the matters relating to the fixation of annuity to the religious, charitable or educational institution of a public nature and assignment of the lands to the cultivating tenants under these institutions. Beside, the Land Tribunals created before the Amendment of the Act were also functioning to deal with the cases under the other provisions of the Act. The number of such Land Tribunals was reduced to 7 as the work relating to those provisions of the Act was comparatively less.

The Special Land Tribunals (other than Munsiffs) are quasi judicial bodies, presided over either by Block Development Officers or by Special Tahsildars, while the other Land Tribunals are purely judicial officers with adequate practical and theoretical knowledge of law. The working of the Land Tribunals which are not pure judicial authorities are alone require detailed scrutiny to ascertain whether they have succeeded in the fair

and impartial implementation of the policy behind the Land Reforms legislations, as the jurisdiction to handle the key provisions of the Kerala Land Reforms Act are vested with them.

Out of the above 200 Land Tribunals, only 99 are attending to the above work exclusively, 18 Land Tribunals are also attending to the work relating to the assignment of Government lands, and the remaining 83 are Block Development Officers, with additional powers of Land Tribunals. Out of the 99 Land Tribunals referred to above, 10 Land Tribunals, in addition to the functions already mentioned, have to prepare the Records of Rights also, in respect of the holding by tenants within their respective jurisdictions.

The Land Tribunals (other than Munsiffs) are quasijudicial bodies. They have no inherent powers, or in other words, they have no more powers than are conferred under the Act and Rules framed thereunder. Sec. 101 of the Act confers on the Land Tribunals the powers of a Civil Court while trying a suit under the Code of Civil Procedure (1908) in respect of:

(a) Summoning and enforcing the attendance of any person and examining him on oath.
(b) Requiring the discovery and production of any documents.
(c) Receiving evidence on affidavit.
(d) Issuing commissions for the examination of witnesses or for local investigations and
(e) any other matter which may be prescribed.

Rule 92 framed under the Act, further provides that for implementing the provisions of the Act and Rules, the Land Tribunals have power to issue Commissions, grant injunctions, appoint receivers and made during the pendency of the proceedings such other inter-locutory orders that are necessary to meet the ends of justice.

However, before exercising the powers conferred by the Act and Rules, the land Tribunals should satisfy the preliminary conditions, governing its jurisdiction. For eg. where a land Tribunal appointed a Receiver or grant an order of injunction, without first determining the question whether a valid tenancy existed, the High
Court in Revision held in *M. Alavi Vs. Appellate Authority* that the grant of an injunction or appointment of Receiver was without jurisdiction.

Again in the case of *Parameswaran Pillai Vs. Krishna Pillai*, where a land Tribunal granted an interlocutory injunction order, the High Court in revision reversed the order pointing out that interlocutory orders under Rule 92 (1) should be issued only for the purpose of implementing the provisions of the Act, and not merely for the sake of an inter-locutory order.

### VI

**Fixation of Fair Rent**

'Rent' is a periodical payment for use of another's property. The payment may be made either in cash or in kind, according to the terms of the contract, 'Tattom', 'Rajabhogam', 'Michavaram' etc. are the different words used to denote the term 'rent' in the agreements (implied or expressed) creating the land lord-tenant relationship.

There were no basic principles to fix the quantum of the rent to be paid to the land lords by the tenants. Because of the need for land by the poor landless persons for personal cultivation for their livelihood, they were forced to accept the land for cultivation at exorbitant rent. The tenants were bound to pay the amount agreed upon. Taking advantages of this, the land-lords used to fix higher and higher rates of rent and to unduly exploit the tenants. The income from the tenanted lands may not be enough to pay off the rents. Accumulation of the arrears of rent was thus a common phenomenon. Such accumulation ultimately would cause the eviction of the tenants from the lands, and the recovery of the arrears of rent through the Civil Courts by sale of the lands and other properties belonging to the poor tenants. The fear of the tenants of eviction for arrears of rent affected their security and retorted the agricultural production and the prosperity of the country. The authorities soon realised this pitiable condition of the tenants. This state of affairs was remedied by allowing the tenants a right to claim the fixation of a reasonable rent—a fair rent—in respect of the tenanted lands irrespective of the terms of the contract.

---

The fair rent in respect of a holding is the rent payable by the cultivating tenant to his landlord. The fair rent in the case of wet land (nilam) is 50 percent of the contract rent or 75 percent of the fair rent determined under any law in force immediately before 21-1-1961, or the rent calculated at the rate specified in Schedule III of the Act, applicable to the class of lands comprised in holding (which ever is less). In the case of other lands, 75 percent of the contract rent or the fair rent determined under any law in force immediately before 21-1-1971, or the rent calculated at the rates specified in Schedule III of the Act applicable to the class of the land comprised in the holding (which ever is less).

Section 31 provides that the cultivating tenant or any landlord may apply in the form prescribed, to the land Tribunal for determination of the fair rent in respect of a holding.

Subject to the provisions contained in Sec. 72 B of the Act, the cultivating tenants are entitled to get the holdings on assignment. Sec 72 C of the Act empowers the land Tribunal to initiate *suo motu* action for assignment of such lands to the cultivating tenants. As such, applications under Section 31 of the Act, for fixing the fair rent need not be filed by the cultivating tenants, in respect of the lands vested in Government. Most of the holdings in practice, have vested in Government on 1-1-1970 or on 1-7-1970. But some of the tenants are still filing applications for fixing the fair rent out of ignorance of all the legal rights and obligations.

Even if the cultivating tenants have not filed application for fixing fair rent, the Land Tribunals are bound to fix the rent as the purchase price or the compensation payable to the land owners by the cultivating tenants are to be calculated on the basis of fair rent. Hence the fair rent for a holding has to be fixed by the Land Tribunals in the case of:

(a) Applications for purchase of the right, title and interest of the land owner and of the intermediaries if any, under Sec. 54 of the Act.

(b) Applications for Annuity, instead of compensation by the Religious, charitable or educational institution of a public nature, under Sec.65 of the Act.

(c) Applications for fixation of fair rent in respect of lands not vested in the Government under Sec.72 (2) and (4) of the Act.

---

48. Sec. 27 (1) and (2) of the Kerala Land Reforms Act.
Applications by the cultivating tenant for the purchase of landlords' rights, title and interest in respect of lands vested in the Government under Sec. 72 B of the Act.

Assignment of landlords' right etc. on the proceedings initiated by the Land Tribunals (sou motu) under Sec. 72 c of the Act, and

Applications for amending the decree or order of a court for recovery of arrears of rent under Sec. 73 (3) of the Act.

If there is no dispute regarding the contentions in the application from any person, the Land Tribunals is bound to fix the fair rent as provided under Sec. 27 of the Act. In disputed cases, on the day fixed for appearance and written statement, or on adjourned date, the Land Tribunal has to frame the points of issues involved in the case, and the matter has to be disposed of after due enquiry. The enquiry consists in examining the witness including the parties to the case, examination of the documents filed by the parties, or by obtaining the report regarding the correctness of the application and the details of annual income of the properties from the Revenue Inspector.

Generally two kinds of objections are seen raised by the land lords in disputed cases. They are (a) The applicant is not a cultivating tenant under him or (b) the gross produce stated in the application is too low. The conclusion on the first objection is being arrived at by examining the witnesses and by verification of the records or documents. The second point is discovered on the report of the Revenue Inspector and on the basis of the Statistics published by the Government.

There is a provision in Sec.33 of the Act to accept the agreement signed by the landlord and the cultivating tenant, as to what shall be the fair rent payable in respect of holdings. The Land Tribunal is bound to accept the agreement, if all the parties including the intermediaries have signed the agreement and if the agreed rent does not exceed the fair rent under Sec. 27. But the special Land Tribunals have not been given the power or jurisdiction to accept the agreement. Therefore the provisions in Sec.33 would seem to be futile unless the Land Tribunals are authorised to determine the Fair rent as provided in Sec.33 of the Act also.
In Subhadra Thampatty Vs. Muhammed alias Kunji Haji an advance rent (Muppattom) of Rs. 100/- and the annual rent of 60 paras of paddy with an interest of 8 paras of paddy were involved. The tenant was entitled to deduct from the contract rent of 60 paras of paddy the quantity of 8 paras by way of interest on the sum of Rs. 100/- paid as advance. The question was whether the fair rent should be fixed at half the rate after deducting the interest, i.e. at 26 paras. The Land Tribunal, Manjery held that it should be so. However, the High Court in revision held that it was not correct to deduct the interest from contract rent for the purpose of arriving at the fair rent at the rate of 50% of the contract rent as stipulated in Sec.27. The High Court therefore allowed fair rent at 50% of the contract rent without deducting the interest on the advance paid.

Settlement of Tenancy

Before the amendment of the Act in 1969, under sec. 53, a cultivating tenant could apply to the Munsiff Land Tribunal for the purchase of the rights of the land lords in respect of the non resumable area in the possession of such cultivating tenant. If the tenant was having fixity of tenure under any law in force prior to 21-1-1961, and the land-lord was a small holder, the cultivating tenant could purchase the rights only after he consented to the resumption of the portion under his holding which the land-lord was normally entitled to resume. But this right of the cultivating tenant was illusory as before he could purchase the rights of the land-lord, he had to be prepared to surrender up to one half of the extent of his holding to the small holder, if the land-lord so desired. The definition of the small holder, was such that it embraced almost all land lords of the State. The definition of tenant was also not comprehensive to include a large number of cultivators and it was possible to evict those persons from their occupation of the land. In the result, the cultivating tenants in effect were deprived of the rights granted by the Act to purchase the title, right and interest of the land-lords, and were liable to be evicted.

But after the amendment of the Act, this position has changed. The century old relationship between the land-lord and tenant has been broken. The land lordism has been abolished. In its place peasant-proprietorship over the soil they cultivate has been created.

By notification dated the 1st January, 1970, issued under Sec. 72 of the Amended Act, the right, title and interest of the land lords, in respect of their tenanted lands are vested in Government of the first day of 1970, except in those cases where resumption applications are pending or are likely to be filed from 1-1-1970 to 30-6-1970. The vesting of lands in cases where resumption applications have already been filled or likely to be filed, takes effect only after the disposal of such applications. From the date of vesting the tenants need only pay the land revenue to the State. They will not be evicted from the lands under their possession. But they are liable to surrender any lands held by them beyond the ceiling fixed by the Act.

A tenant is a person (which includes real and fictitious persons) who holds any land on certain conditions under a land-lord. Sub-section 57 of Sec.2 defines a tenant as a person who has paid or agreed to pay rent or other considerations for his being allowed to possess and to enjoy any land by a person entitled to lease that land. It also includes (a) the heir, assignee, or legal representative of the original lessee, (b) an inter-mediary, (c) a Kanamdar, (d) a Kanom-kuzhikanomdar, (e) a kuzhikanomdar, (f) a Ottikuzhikanadar, (g) a mulgenidar, (h) a Verumpattadar (i) a holder of a chalgeni lease, (j) a person holding lands under a kuzhichuvaipum kudiyirippum (k) the holder of a Kudiyirippu (l)the holder of a Karaima, (m) the holder of a Vaidageni lease and (n) the person who is deemed to be a tenant under the provisions of this Act.\footnote{52}

The provisions regarding the deemed tenants are so liberal and comprehensive so as to include a large number of occupants under the definition of the tenant. Even some mortgagees with possession and lessess of a licensee, a Varamdar, certain persons who surrendered lease- hold rights but continued in possession etc. are included as deemed tenants. In short, about 99% of the holders of others' land were benefitted by the definition, such categories of cultivators happen to constitute a sizeable section of the community.

Before the amendment, it was very difficult for the tenants to prove his rights, when the tenancy itself was denied or questioned, as the majority of the tenancies were oral and not written. The land lords of such tenants were able to evict those tenants by filing suits against them on the plea that they

\footnote{51. Notification No. 4/70/LRD dated 1.1-70 published as SRO 4/70.}
\footnote{52. Sections 4, 4A, 5, 6, 6A, 7, 7A, 7B, 7C, 7D, 8, 9, 9A, 10 and 11 of the Act deal with the provisions in respect of the deemed tenants.}
are trespassers on the lands. They were also able to convert the lease deed into mortgage deeds, when it came before them for renewal. Those kinds of mortgages-otti, panayams etc. were redeemable. After the formation of the Kerala State, large number of persons from Travancore Cochin area colonised the private and Government forests of Malabar, and settled there occupying and cultivating the lands. All these persons were given protection by the Act, and they were deemed as tenants, with fixity of tenure or with right to purchase the rights of the land owners over those lands, by paying a small amount towards purchase price. Possession of the land by the above cultivators was taken as the basis for their tenancy and protection was given to them.  

There is another section of the occupants of lands belonging to others, known as varamdars. The elements of varam is that the property in question will be under the possession of the land-lords, while cultivation is being done by the varamdar. The seeds and manure for cultivation are taken by either party or by both. The produce of the cultivation to be divided into certain proportion according to the terms of agreement. Normally, if the seeds etc. are supplied by the land-lord the income is divided into 2:1 between the land-lord and the varamdar, and 1:1 in other case. There may not be any written agreement to prove the relationship between the land owner and the tenant. The land owners were able to change the varamdars according to their wishes. As per the provisions of the amended Act, these persons have also been given protection and eligibility to purchase the land-lords' rights as in the case of other tenants, as they are also included as deemed tenants.  

The provisions in Sections 53 to 64 of the Act (before the amendment) dealt with the purchase of land-lords' rights by the cultivating tenants. A tenant was entitled to purchase only that much of the land which the owner was not entitled to resume. If the land-lord was a small holder (as defined in subsec. 52 of Sec. 2) himself, the tenant could not ordinarily purchase the rights. The purchase of the land-lords' right, by the cultivating tenant was optional. Only a small number of the tenants excercised this right.
and the vast number of tenants remained as tenants. In order to remedy this defect and to implement the policy of Government that the tenancy system had to be stopped, the provisions for the purchase of land-lords' rights were remodelled by the amendment Acts, by bringing the tenants into direct contact with the State.

Sec. 72 provides that, on a date to be notified by Government, all rights, title and interest of the land-lords and intermediaries in respect of holdings held by cultivating tenants will vest in Government free from all encumbrances, except the lands specified in sections 3 and 13 (2) of the Act. By a notification dated 1-1-1970, Government declared that the date of vesting is 1-1-1970.56

The consequences of the vesting of the land owners' rights in Government are far reaching. The first day of January 1970, witnessed the death blow to the age old land-lordism in Kerala. The exploitation of cultivators by the land lords was put to an end. They have no more rights over their tenants, except to receive the compensation for vesting of their rights in Government. The compensation too is to be paid by Government. The tenants become the owners of the soil they cultivate from the very date of vesting. They need not pay any rent to the land owners or to the Government, from the date of vesting. But if the tenant is in possession of lands in excess of the ceiling area at the date of vesting the excess land will vest in the Government under Sec. 83,57 and if the land owner is not eligible to get this excess land resumed, the tenant is liable to surrender that excess land to Government.58 In this case the tenant has to pay, at the time of surrender, the rent for the surrendered portion from the date of vesting till the date of surrender. There will be no more eviction of the tenants from their holding by any body. They are entitled to get the rights, title and interest of the land owner assigned in their favour upto the ceiling fixed by the Govt. They need not even apply for the assignment of land. The Govern-

57. As per Notification No. 5/70/LRD dated 1-1-1970, published in the Gazette Extra ordinary dated 1-1-1970, Government notified the first day of January 1970, as the date with effect from no person shall be entitled to own or hold or possess lands in excess of the ceiling area.
58. Sec. 85 of the Act.
ment will *suo motu* take action to assign the rights to them. They are bound to accept the assignment and to pay the purchase price to the Government, or in other words they become the owners of the soil they possessed from the date of vesting of the land in Government.

Before the passing of the Kerala Land Reforms Amendment Act, 1969, under Sec. 54, a tenant had to apply in the prescribed form to the Munsiff Land Tribunals for the purchase of rights, title and interest of the land owners. But after the amendment of the Act, the provisions for the purchase have been revised, and the new provisions are now contained in Sections 72 to 72 S of the Act. Under Sec. 72 P, the applications under Sec. 54 (other than those which have been rejected and such rejection has become final) and all proceedings in connection therewith pending before the Munsiff Land Tribunal or Appellate Authority, or High Court abate if the certificates of purchase have not been issued. The Munsiff Land Tribunals were however directed by the Land Board to transfer these files to the concerned Special Land Tribunals.

Under sub-sec. 3 of Sec. 72, any tenant entitled to assignment of the right etc. in respect of holdings or part of holding may apply to the concerned Land Tribunal within 2 years from the date of vesting. By a notification dated, 24th December, 1971, a further period of one year from 1-1-1972 was given to the cultivating tenants to apply for the purchase of the rights.

The proceedings for assignment takes place in the Land Tribunals in the following ways:

(a) On the application filed before the Land Tribunal by the cultivating tenant under Sec. 72 B (3) of the Act.

(b) *Suo motu* proceedings initiated by the Land Tribunals based on various records.

(c) On information furnished by Land owners or intermediary under Rule 6 of the Kerala Land Reforms (Vesting and Assignment) Rules.

---

59. Sec. 72 (c), ibid.
(d) Joint statement filed by the land owner and the cultivating tenants under Rule 13 of the Kerala Land Reforms (Vesting and Assignment) Rules.  

The land tribunal would give individual notice to the parties concerned and receive objections. The service of the Revenue Inspector are utilised for checking and verifying the details furnished by the parties. Particularly, in contested cases the question whether a person is a cultivating tenant or not is settled largely based on the Revenue Inspector's report. Where the applicant fails to establish his tenancy the claim to purchase the rights would be rejected. If the claim is accepted a certificate of purchase is issued.  

VIII  

Settlement of Kudikidappu cases  

Kudikidappukars (hutmet dwellers) are mostly agricultural labourers. They reside in huts erected by them on others' land with the permission of the land owners. Sometimes, the huts are constructed by the land owner. In this case they pay a small rent or do some service to the land owners, or act as a watchman of the properties belonging to the owner. They are generally landless. There may be documents executed, or kychit executed, or in most cases the occupation is based on oral agreements. The Act is very liberal in the settlement of Kudikidappu, and has conferred several rights on this class of persons.  

Except the right of residence they had no other rights over the land. They lived there at the will and pleasure of the land-lord, and were liable to be evicted at any time. The right was heritable but not alienable.  

Under Sec. 75 of the Kerala Land Reforms Act, 1963 (before the amendments Acts), a kudikidappukaran was not liable to be evicted without notice and the right was not transferable.
evicted from the kudikiyirippu except on the four conditions specified therein. Shifting of kudikidappu was also allowed under certain conditions. But they were not eligible to other rights, such as the purchase of kudikidappu etc.

The protection offered to the kudikidappukaran by the principal Act was illusory as the land owner could easily squeeze him out by obstructing the easement right, like the right of entry and exist. The passage for entry and exist would generally be through other properties in the possession of the land owner. The amendment of the principal Act in 1969, has effectively made the kudikidappukaran the owner of the kudiyirippu and the surrounding lands. They are given the optional right of purchase.

By the amendment of the Act made in 1959, the definition of the term kudikidappukaran was enlarged 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 extent 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 proviso to sub-section (b) of Sec.2 (25) from the possession of the land from August, 1968 to the 1st 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 kudikidappukaran. The benefits of the proviso are available only to those kudikidappukars, to whom permission for occupation was granted but subsequently withdrawn by the land owners.

64. The four grounds on which the eviction was permitted are:
   i. Alienation of the right to other person.
   ii. Leasing or renting the kudikidappu to another person.
   iii. Ceasing to reside in it for a continuous period of 2 years.
   iv. He has another kudiyirippu or has obtained ownership and possession of land which is fit for erection of a homestead.

65. See the decisions in:
   c) Marian and others Vs. Ouseph Xavier, 1971, KLT 709.
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 should not at the time of construction have yeilded a monthly rent exceeding Rs. 5/-.  

The question as to whether the total extent of the land held by the family of kudikidappukaran can be taken into consideration in deciding the fact as to whether a person is a kudikidappukaran or not has been examined by our High Court in V. V. Ambu Vs. Tahsildar, Hosduag. It was held that the land held by the family of the kudikidappukaran cannot be taken into consideration. Though the definition of the term ‘kudikidappukaran’ in the principal Act has been altered by the Amendment Act, the definition of ‘person’ stands unaltered. Hence the above decision is still valid. Again in Achuthan Vs. Sulochana, it was held by the High Court that a person does not lose his rights as kudikidappukaran, if his wife or tenant is possessed other properties. In Kochu Thomman Thommas Vs. State of Kerala and others, it was held that the mere ownership of other land may not be sufficient to hold that a person was not a kudikidappukaran. It should be shown that even if he was the owner of certain piece of land, no homestead could be raised on that piece of land. In other words, even if he is the owner of more than 10 cents of land other than dry land suitable for erecting a homestead or his wife or son own more than 10 cents of any kind of land, he would get the benefits conferred on him as kudikidappukaran.

Under Sea. 80 (A) (i) a Kudikidappukaran is 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 a city, or a major municipality 5 cents in other Municipality, or 10 cents in a Panchayath area or township. But if the land available for purchase is less than the extent stated above, he is entitled to purchase only the available land. Thus if the total extent of land in which a kudikidappu is situated, is only 8 cents, he is entitled to purchase only 8 cents, eventhough the land owner is liable to sell 10 cents of land. If there are more than one kudikidappukaran in the lands held by a person, he is liable to sell only to the extent shown in the table below.

---

66. O. P. 3264/66. decided on 8th Nov. 1968 (unreported)
68. 1971, K. L. T. 140.
### Table

<table>
<thead>
<tr>
<th>Extent of land held by the owner</th>
<th>Extent of land to be sold to the kudikidappukaran</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>City or Major Municipality</td>
</tr>
<tr>
<td>Less than one acre</td>
<td>3 cents</td>
</tr>
<tr>
<td>1 acre or more but less than 2 acres</td>
<td>6 ,,</td>
</tr>
<tr>
<td>2 acres or more but less than 3 acres</td>
<td>9 ,,</td>
</tr>
<tr>
<td>3 acres or more but less than 4 acres</td>
<td>12 ,,</td>
</tr>
<tr>
<td>4 acres or more but less than 5 acres</td>
<td>15 ,,</td>
</tr>
<tr>
<td>More than 5 acres (f)</td>
<td>3 cents to each kudikidappukaran</td>
</tr>
</tbody>
</table>

The kudikidappukaran has to deposite price for the purchase of his kudikidappu and the lands appurtenant thereto. The purchase price payable by him is 25% of the market value of the lands and the improvements thereon belonging to the land owner. But if the land owner or his family is in possession of the lands in excess of the ceiling limit he is liable to remit only 1/8th of the market value of lands and the improvements other than those belonged to the kudikidappukaran.

The kudikidappukaran need not remit the entire purchase price. Half of the purchase price payable by the kudikidappukaran will be met from the Kudikidappukaran Benefit Funds, constituted under Sec. 109 of the Act.

Eventhough the kudikidappukarans have fixity of occupation, and the right to purchase the kudikidappu, they are liable to shift the Kudikidappu under certain circumstances. Sub-section 2 of Sec. 75 provides that the kudikidappukaran may be requested to shift to a new site belonging to the land owner under 3 grounds.

---

69. Sub-section 7 of sec. 80 A of the Act.
(a) If the land owner requires the land in which the kudikidappu is situated for the purpose of constructing building for him or for any members of his family or,

(b) If that land is required for any purpose in connection with Town Planning Scheme approved by the competent authority, or

(c) If the land is required for any industrial purpose.

All these grounds for shifting a kudikidappukaran should be bona fide requests. The shifting can be caused only subject to four conditions.

(a) The land-lord should pay the price of the homestead erected by the kudikidappukaran.

(b) The new site offered should be within a distance of one mile from the existing kudikidappu and fit for erecting a homestead.

(c) The extent of new site should be the extent of the land that the kudikidappukaran is entitled to purchase if he has not been shifted.

(d) The land lord should transfer the ownership and possession of the new site to the kudikidappukaran and should pay a reasonable cost of shifting.

Sub-section 4 of Sec. 75 provides another ground for requiring the kudikidappukaran for shifting it to another land. It provides that if the kudikidappu is so located as to cause inconvenience to him, he may require the kudikidappukaran to shift to another part of the same land. But such portion of the land should be fit one for construction of the kudikidappu. In such cases, the kudikidappukaran has been given a right to opt for the portion to which the kudikidappu may be shifted. The land owner has to pay the price of the homestead if erected by the kudikidappukaran and the cost of shifting. He has also to transfer all rights over an extent of 3 cents, 5 cents or 10 cents of land as the case may be, to the kudikidappukaran.

Before the Amendment of the Act in 1971, the suit against the kudikidappukars for the non-compliance of the request of shifting had to be filed before the ordinary Civil Courts, after giving the kudikidappukaran one month’s notice. But by the Act XXV of 1971, substituted the existing provision by conferring jurisdiction to the
Land Tribunals (Other than Munsiffs) having jurisdiction to entertain an application of the purchase of the Kudikidappu. 70

Under Sec. 75 (3) the benefit of shifting a kudikidappu are always allowed to the land owners who possess only less than 1 acre of land. But the procedure to shift those kudikidappukars is entirely different. If the land on which the kudikidappu is situated is required by the land owner for constructing a building for his own use; he may apply to the Government for acquisition of land to which the kudikidappukaran may be shifted.71

A kudikidappukaran has an optional right to apply before the concerned Land Tribunal, for the purchase of his kudikidappu, and the lands appurtenant thereto. The land owner has to disclose the total extent of land held by him, the details of such lands, the details of other kudikidappukars under him, and the details of applications for purchase filed by such kudikidappukars, on the first day of his appearance or on the date fixed by the Land Tribunal.72 If the status of the applicant as kudikidappukaran is disputed by the land owner, the Land Tribunal has to decide that question first, as a preliminary issue and to record the findings.

If there are more kudikidappukars than one to a land lord, 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 off jointly. For this purpose, a local enquiry to be conducted through the Revenue Inspector to ascertain 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 Tribunals, and there are Kudikidappukars in that land, the Land Board has to be addressed to transfer the file relating to the same land owner to one of the Land Tribunals for joint consideration.73

Filing of mutual consent statement by the parties are 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 need not determine the status of the kudikidappukaran or the extent of land held

70 Sec. 7 of the Act XXV of 1971
71 Sub-sec. 3 of sec. 75 of the Act.
72 Rule 80 (1) of the Kerala Land Reforms (Tenancy) Rules.
73 For detailed procedure, see K. L. R. (Tenancy) Rules, 1970.
by the land owner etc., opportunity need be given to the parties in such cases to file objections if any on the sketch mahazar 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.

IX

The Policy and its Implementation—A Balance Sheet

The objectives of Land Reforms "are to remove such motivational and other impediments to increases in agricultural production as arise from the agrarian structure and to eliminate elements of exploitation and social injustice with the agrarian system". 74 The objectives expected to be achieved by the implementation of the provisions of the Kerala Land Reforms Act, are (a) compulsory abolition of the tenancy system by conferring full proprietary ownership of the tenanted lands on the cultivating tenants, (b) protection of kudikidappukars from the arbitrary eviction and conferring on them the right to purchase their residence and the lands appurtenant thereto, and (c) fixation of ceiling on the land to be owned by a person.

The success of any land reform programme also lies in its effective implementation. For the implementation of the policy of land reforms, as we have already seen, Special Land Tribunals were constituted throughout the State with the requisite powers. In this part, it is proposed to survey the progress of their work and to examine how far the Land Tribunals have promoted the implementation of the policy underlying the Land Reforms Act.

There are no authentic figures available regarding the number of tenants who hold property under landlords, or the number of kudikidappukars occupying the lands belonging to others. But it is roughly estimated that there will be at least 25 lakhs of tenants and 4 lakhs of kudikidappukars in the State.

The following table would show the receipts disposal and balance of applications for the fixation of fair rent, purchase of landlords' right, purchase of kudikidappu etc. since 1-1-1970 to 30-4-1973 by the various Land Tribunals in the State.

The 5,77,565 cases shown as receipt of application for the purchase of land-lords' rights, would include 2,03,271 cases taken *suo motu* by the Land Tribunal. The tenants under the religious, charitable and educational institution of the public nature have to apply for the assignment of rights, to the Munisiff Land Tribunals constituted for this purpose. The applications of such land owners filed before the Special Land Tribunals, were transferred to the Munisiff Land Tribunals, and hence are included in the column of rejected cases.

Only a small fraction of the total number of tenants in the State have so far applied for the purchase of the rights of land lords over their holdings. As the rights, title and interest of the land owners have vested in Government with effect from 1-1-1970, the tenancy cases cannot be settled outside the Land Tribunals. All applications should be disposed of by the Land Tribunals, as the representative of Government and not by private transactions.
But the position of the kudikidappu cases are entirely different. Even though there are about 4 lakhs of kudikidappukars in the State, all of them may not be applying for their rights, before the Land Tribunals, as some kudikidappukars, may opt to continue as kudikikappukars, which is not prohibited by the Act. In certain cases, the matter will be settled out side the land Tribunals by way of registered documents. This is also not prohibited by the Act.

About 4 years have elapsed since the constitution of the Land Tribunals. The number of cases so far disposed off by them is too little as seem from the above table. During the span of about 4 years the land Tribunals were able to dispose off 61-06% of the cases filed before them as already specified. Except in the case of the disposal of the kudikidappu cases, it has not been possible for the Land Tribunals to acheive spectacular progress in the implementation of the provisions of the Act.

On a random verification of the kudikidappu cases pending with the Land Tribunals of Ernakulam District, it is seen that in most pending cases the extent of land owned by the land owners is just on the margin of the slab prescribed under the Act. The extent of land that may be pruchased by the kudikidappukars depends on the extent of land held by the land owner. The extent of land furnished by the land owner is disputed by the kudikidappukars. In certain other cases, the dispute between the parties is regarding the actual number of kudikidappukars. Instances are also there, where more than one person is applying to purchase the same kudikidappu as more than one family is residing in the same hut. The land owner in such cases are willing to give the land only to one kudikidappukaran, which is not acceptable to the other kudikidappukaran. On the other hand applications are being filed by the near relatives of the land owner claiming to be the kudikidappukaran, and the status of such persons are being disputed by the other kudikidappukars. The object of filing such applications is to defeat the provisions of the Act so as to reduce the extent of land purchasable by the real kudikidappukars, as the extent of land to be purchased by them is dependent on the actual number of kudikidappukars under the name land owner. Most of the applications of the kudikidappukars of Municipal or Corporation area are keenly contested, for the reason that lands in such area are very costly. In all
such cases, it is very difficult to take a decision by the Land Tribunals without elaborate enquiries and examinations of the witnesses.

1,09,885 kudikidappu cases are seen rejected by the Land Tribunals. The rejection of these cases are based on various reasons. In certain rejected cases, the kudikidappukars have been demanding the maximum extent of land viz, 10 cents in panchayath, 5 cents in municipality and 3 cents in Corporation area irrespective of whether they are entitled to such an extent of land as per the provisions of the Act. In the Corporation area, the kudikidappukars are not satisfied with the 3 cents of land in several cases, as they are already occupying and enjoying more than 3 cents of land. In such cases, the kudikidappukars are not accepting the orders of the Land Tribunals allowing the purchase of less than the area mentioned above, and hence the applications are liable for rejection. In certain other cases the rejection is based on the finding of the Land Tribunal that he is having other suitable lands for the construction of a building or on the basis of the repeated absence of the applicants.

According to Sec. 80 A (2) of the Act, where the total extent of land held by the person in possession of the land in which kudikidappu is situated, either as owner or as tenant is less than one acre, the kudikidappukaran is entitled to purchase his kudikidappu only in cases, where that person has not applied under Sec. 75 (3) of the Act for the acquisition of land for shifting the kudikidappu within a period of two years from 1-1-1970. But the kudikidappukars are eager to get the kudikidappu purchased as they are not willing to shift the kudikidappu, and applies to the land Tribunal. The land Tribunal has nothing to do, if the land owner states that he has only below 1 acre of land and applied for acquisition of land for shifting the kudikidappu. In such cases also the applications filed by the kudikidappukars are liable for dismissal being premature.

Table below shows the details of rejected kudikidappu cases, and the various reasons for the rejection by the Land Tribunals of Ernakulam District. Verifications of the rejected cases were made as on 1-9-1972 and only in respect of the Land Tribunals comprised in Ernakulam District.

Table at the end.
One of the reasons for the success of the implementation of the provisions for the purchase of kudikidappu is the insistence of mutual consent statement, and not the speedy or efficient disposal of the cases by the Land Tribunals. The method of settlement of the kudikidappu cases on the basis of mutual consent between the kudikidappukaran and the land owner was devised and adopted in Ernakulam District and later adopted in other Districts also. Special drives were also conducted for obtaining the mutual consent statement and to assign the kudikidappu on that basis.

About a lakh of kudikidappukars are yet to apply for the purchase of the kudikidappu. Under the provisions of the Act, only the kudikidappukars are entitled to file applications to purchase their rights. The land owners who are willing to part with the kudikidappu right, under the existing provisions of the Act, are not permitted to file applications, as such, in order to implement the policy of the Act, the Land Tribunals have to wait the filing of the applications by the kudikidappukars.

On the whole, as regards the disposal of kudikidappu cases, the Land Tribunals were able to implement the policy of the Act to a good extent.

But in the case of the settlement of tenancy, the position is different. So far only 5,77,565 cases are seen filed with the various Land Tribunals, which is only 23% of the total estimated number of tenancy cases of the State. The progress of disposal of the cases is also very poor, when compared with the disposal of kudikidappu cases. So far only 42.44% of the cases filed have been disposed of by the land Tribunals leaving a balance of 3,32,391 cases. The cases so far filed include the proceedings initiated *suo motu* by the Land Tribunals. In other words, about 20 lakhs of cases of tenancy have to be settled by the various Land Tribunals.

Even though the Land Tribunals have disposed of 2,45,174 cases, the actual benefit of such disposal was obtained only by 1,74,588 tenants, and the remaining 70,586 applicants were denied the rights of purchase the land lords' rights over the property. A
good number of cases are seen rejected by the Land Tribunals basing on grounds such as:

(a) As the parties were continuously absent before the Land Tribunals.

(b) Due to compromise or withdrawal of the cases by the parties.

(c) Settlement out of Land Tribunals etc.

As the scheme of the Act is to compulsorily abolish landlordism and to confer on the tenants the full ownership of land even without an application from the tenant, the rejection of the cases by the Land Tribunals does not seem to be proper. A cultivating tenant is bound to take assignment and this is why *suo motu* assignment proceedings are contemplated in Sec. 72 C of the Act. It is suggested that these rejections are against the provisions of the Act. It may even be stated that compromise outside the Land Tribunals cannot be admitted, as the Government is very much interested in the settlement of tenancy cases. The only type of compromise recognised by the Kerala Land Reforms (Vesting and Assignment) Rules is the filing of the form J statement agreeing to the purchase of the rights on the lands by the cultivating tenant. Instances are many where the Land Tribunals are allowing the parties to withdraw the cases, or allowing the purchase of a portion of the lands in question and surrendering the other portion to the land lord or to any other persons. All these types of disposal of the cases are ineffective as per the provisions of the Act.

The following table shows the details of such rejected cases, by the land Tribunals of Ernakulam District. The details are as on 1-9-1972, and has been ascertained from the respective Land Tribunals.

76. Section 72 C read as follows:

"Not withstanding anything contained in sub section (3) of Section 72 B, the Land Tribunal may, subject to such rules as may be made by the Government in this behalf, at any time after the vesting of the right, title and interest of the land owners and intermediaries in the Government under Section 72, assign such right, title and interest to the cultivating tenants entitled thereto, and the cultivating tenants shall be bound to accept such assignment."

77. See, Circular No. 49/70 dated 28-11-1970 issued by the Land Board.
The provisions for initiating *suo motu* proceedings against the parties concerned under Sec. 72 C of the Act show the determination on the part of the Legislature to wipe off the tenancy system from the State. But the part played by the Land Tribunals in detecting the tenancy cases, and initiating action against the land lords is inadequate. A recent official review of the working of the Land Tribunals by the Land Board would show that *suo motu* action was initiated only in respect of 203,271 cases, out of the 5,77,565 cases so far filed.\(^7\)

The poor progress in the settlement of tenancy cases and the detection and initiation of *suo motu* action to assign the land lords' rights to the cultivating tenants on the part of the Land Tribunals of the State show that the Land Tribunals have not appreciated the effect of the abolition of the tenancy system and the need for the speedy implementation of the provisions of the Act. The responsibility in this regard cannot be fixed on the Land Tribunals alone. Government are also partly to be blamed, for the non-implementation of certain provisions of the Act, even after the elapse of the last 4 years, effectively.

X

Obstacles in the way of implementation the Act

The central aim of all Land Reform measures is to eliminate all elements of exploitation and social injustice, by providing security of tenure and conferment of ownership to the persons who till the soil. This aim of the Kerala Land Reforms Act is in conformity with the Land Reforms Policy enunciated by the Planning Commission of India, and in accordance with the Directives embodied in Part IV of our Constitution.\(^8\)

Mere passing of Legislation embodying the policy of Government will not help to achieve the desired ends. The legislation should be effectively implemented. We are not accusing the Government for not taking any action to implement the policy. We know that the implementation of such a land reform policy embodied in the Kerala Land Reforms Act is a huge task. It is a fact that the Kerala Government have taken steps to implement the policy, firstly by

---

78. Periodical review on the progress of the disposal of applications by the Land Board, for the month of the April, 1973
constituting the agencies with power to deal the cases, and secondly by appointing the staff to assist such agencies. But seeing the poor progress achieved so far by these agencies during the last 4 years, we are led to think that the steps already taken are inadequate, as the mere constitution of Land Tribunals or the appointing of other staff will not help to achieve the end.

In the following pages of this part, an examination is made of the various reasons for the failure on the part of the Land Tribunals for not recognising the importance of the implementation of the provisions of the Act. Of course, the Land Tribunals are partly responsible for the failure, but due to some loopholes in the Legislation, they cannot effectively face all the situations that have to be overcome. These provisions are also discussed along the other reasons for the shortcomings, in appropriate places.

(a) Want of Legal knowledge

As has already been stated, the various provisions of the Act were being implemented through the Munsiff Land Tribunals before the amendment of the Act, i.e., before the constitution of the Special Land Tribunals. Those Munsiff Land Tribunals (15 in number) were functioning as ordinary Civil courts, presided over by ordinary Musniffs. The presiding officers were appointed by transfer from the Judicial Department. They were persons with legal qualifications, and practical experience. In other words, those Musniff Land Tribunals were trained officials to interpret the provisions of the Act according to the well established principles of law.

After the amendment of the Act, this position has been substantially changed. Under Sub sec. (2) of Sec. 99 of the Act, as amended by Act 35 of 1969, the Land Tribunals need only be an officer not below the rank of a Tahsildar.

The persons presiding over the Land Tribunal (other than Munsiffs) are the Tahsildars and Block Development Officers, according to their official designation. No special educational qualifications are necessary to get the post of the Block Development Officer or Tahsildar, as per the existing service rules. Even graduation is not necessary to become a Tahsildar or a Block Development Officer. These Officers are being appointed by promotion from lower posts. But a departmental test known as Criminal Judicial test has to be passed before getting the promotion to the post of Tahsildar. No such test is obligatory to become a Block
Development Officer. The Criminal Judicial test consists of Indian Penal Code, Evidence Act, Criminal Procedure Code and Medical Jurisprudence only. No exhaustive study of these subjects is required. To certain persons temporary exemptions from the passing of this test were also given. Hence virtually, the Tahsildar and Block Development Officers are not persons possessing sufficient legal qualification. These persons when appointed as Land Tribunals are ignorant of the procedural matters, recording of evidence, admission of documents in evidence, examining the witnesses, writing of orders the principles of the binding nature of the High Courts or Supreme Court decisions, and also the principles of natural justice etc.

It is common that the parties are engaging the practicing lawyers to plead before a Land Tribunal to safeguard their interests. These Lawyers are persons of experience and qualifications. As the presiding officers are laymen, the parties cannot expect fair and correct decisions in respect of disputed cases. The only remedy for the loosing party is to file appeals before the Appellate Authority. This will certainly cause delay in implementing the provisions, besides the expenses to be incurred by the parties. In a majority of the cases, the loosing party are the poor agricultural labourers. If they want to protect their legitimate rights, they have also to engage Advocates before the Land Tribunals, and the Appellate Authority to plead their cases.

Instances are many where while disposing of the cases the Land Tribunals are not observing the rules of Natural Justice, or the procedural requirements provided by the Act and rules. If the Land Tribunals are law qualified persons, or they have been given special training in the handling of the cases, these kinds of irregularities might not have been committed by them. The consequences of these irregularities are many. In the first place, the parties have to file appeals to secure their legitimate rights. Secondly decisions of this type will adversely affect the implementation of the policy of the Act.

Dr. Gunnar Myrdal, while inquiring into the causes of the failure of the Land Reforms legislations in Asian countries, has

89. See for further details the following cases, decided by the Land Tribunal, Edappilly.
   O. A. 2254/70, 3076/70, 93/71 etc.
81. For a detailed discussions on the disposed cases of the Land Tribunal Edappilly see, the thesis in original form.
come to the conclusion that "One of the great weaknesses of tenancy legislation......... is that its administration has been left to civil servants who often lack both the qualifications and the integrity necessary for the job". We have to accept that the above remarks holds good also in the case of Kerala Land Reforms Legislation.

(b) Defective communication of the Legislation to the relevant parties

One of the first points a research into the success of any law has to ascertain is the percentage of the effective communication of the law to the parties that are intended to be affected by it. It is elsewhere described that the aims and purposes of the earlier land reforms laws were not achieved because of some fundamental drawbacks, the chief among them being the tenants' ignorance about the rights conferred on them by the tenancy legislations, their feeling that the landlord has, as a birth right, absolute claims on his land and the fear of losing the prevelage of cultivating the land even as tenant at will etc. The small fraction of applications so far filed before the various land Tribunals for the purchase of their tenanted lands, by the cultivating tenants, with reference to the total estimated number of cultivating tenants show that large beneficiaries of this social legislation are ignorant of the provisions of the Act. If the parties that are intended to be affected are effectively informed of the provisions of the Act, the position would have been changed and the majority of the beneficiaries would have now become the owners of the soil they tilled. It would be very useful and one fears revealing if a detailed survey, regarding the extent of communication of this law is empirically gauged. But consideration of time and expense disabled the present writer from conducting it.

(c) Want of uniform procedure in Land Tribunal

A uniform procedure has not been followed by the Land Tribunals while disposing of the cases, under the various provisions

---

82. Dr. Gunnar Myrdal - "Asian Drama - An enquiry into the poverty of Nations" (1968) p. 1330.

83. See Vilhem Aubert, 'Some Social Functions of Legislation' Acta Sociologica Vol. X (1966) pp. 99 - 110. Where it is pointed out that the Norwegian Housemaid Law of 1948 was so much unfamiliar to the housemaids and housewives that 36% of the housemaids and 22% of the housewives were unable to mention a single clause in the law. The defective communication was considered one of the chief causes for the general failure of the legislation.

84. Out of the total estimated 25 lakhs of cultivating tenants of the State, only 5,77,565 persons have filed the applications including the 2,03,271 cases initiated suo motu by the Land Tribunals.
of the Act. The procedure prescribed by the Act and Rules are inadequate to face up certain contingencies. The Land Tribunals in such cases are not able to safeguard the public interest. One of the objects of the Act is to enforce the ceiling provisions against the land owners. On a scrutiny of the cases disposed of by the Land Tribunals it is seen that the Land Tribunals have not taken adequate measures to safeguard the public interest while disposing of the cases for assignment of right, title and interest of the land owners to the cultivating tenants, and while assigning the kudikidappu cases.

The inadequate handling by the Land Tribunals of the joint statement filed by the kudikidappukaran and the land owners consenting the assignment of the kudikidappu to the extent shown in the statement is a typical instance of procedural inadequacy. Rule 82 and 83 of the Kerala Land Reforms (Tenancy) Rules provide that on receipt of the application for the purchase of a kudikidappu, a local enquiry by conducted to ascertain the total extent of land held by the land owner, and the total number of kudikidappukars. The extent of land that can be purchased by a kudikidappukaran depends upon the extent of land held by the land owner. But the Land Tribunals are not conducting the local enquiry in respect of undisputed cases, the result of which is that the legitimate kudikidappukaran will be deprived of his rights.

We may examine how the filing of the joint statement by the kudikidappukaran and the land owner results in injustice to other legitimate kudikidappukars under the same land lord. On receipt of the joint statement the Revenue Inspector under the Land Tribunal will be directed to survey and demarcate the lands as specified in the joint statement. An opportunity will be allowed to the parties to file objections if any on the Revenue Inspector’s report. If no objection has been received on the report of the Revenue Inspector, certificate of purchase will be given to the kudikidappukaran mentioned in the joint statement. But there may be cases where the person mentioned therein is not the genuine kudikidappukaran. It might have been a created kudikidappukaran. As no enquiry is being conducted as provided under the Rules, the real kudikidappukaran under such land owners will not get any opportunity to object to the joint statement, and thereby the extent of land that can be purchased by the real kudikidappukaran will be reduced. An illustration of this will clear the point.

X the land owner held an extent of 1 acre and 90 cents of land in a Panchayath area and there are two kudikidappukars and B.
He is liable to sell 20 cents of land, i.e., 10 cents to each of the two kudikidappukars. But if he creates two more kudikidappukars, C. and D., he is liable to sell only 5 cents to each of the two real kudikidappukars. This created kudikidappukars C. and D., might be the near relatives of the land owner. As A and B did not get any opportunity to object to the joint statements they loose their legitimate rights.

The only remedy to them is to file appeals to the Appellate Authority within the time limit. This will cause much inconvenience. If due enquiries had been made on the Joint statement, the legitimate rights of the real persons could have been protected. This, however, does not mean that all the Land Tribunals are disposing of the cases without due enquiry.

(d) Devices to evade the ceiling provisions

Now we examine how the joint system (form J) helps the land owners to evade the ceiling provisions of the Act. Section 83 of the Act declares that no persons shall be entitled to own or hold or to possess land in excess of the ceiling area from a date notified by the Government. The excess land has to be surrendered to Government by a land lord. The proviso to sub-section (1) of Sec. 85 provides that while calculating the extent of land to be surrendered, the extent of land liable to be sold to the cultivating tenants will not be taken into account. In other words, the lands under the occupation of cultivating tenants will be exempted from the provisions of the ceiling area. Hence one of the easiest method of evading the provisions is to create a tenancy in favour of another person, and allow such person to purchase the rights, way of a joint statement mutually agreeing that there was a tenancy.

The procedure to be followed by the land Tribunals on the joint statement are provided under Rule 13 of Kerala Land Reforms (Vesting and Assignment) Rules. Rule 13 (6) deals with the points on which an enquiry is to be conducted by the Land Tribunal. Before passing final orders on the statement, the Land Tribunal has to satisfy himself that the cultivating tenant whose name is specified in the statement is the real cultivating tenant entitled to the assign-

85. As per notification No. 5/70 LRD dated 1-1-1970, Government notified the first day of 1970 as the date with effect from no person shall be entitled to hold the land in excess of the ceiling area.
ment of the land, and that the tenancy claimed and admitted is not created for the purpose of defeating the provisions of the Act. But on a random checking of the files of the Land Tribunal Edappally, it is seen that no such enquiries have been conducted by it during the year, 1970-71. A number of purchase certificates have been issued by the Land Tribunal on the basis of the joint statement. The extent of land involved, the original application in form A and later filing of the mutual statement for a larger extent of land, the agreement to give the land to the cultivating tenant on free of cost etc. would show that there are every likely hood of the evasion of cieling provisions in such cases.

Even in cases where due enquiries have been conducted through the Revenue Inspector, the possibility of evading the provision of the Act is not rare. Part of the difficulty is due to the inadequate machinery provided in the Act itself. In a case, enquiries have been conducted on the joint statement filed by the parties. The Revenue Inspector’s report dated 7-8-1971, shows that the tenant mentioned in the joint statement is not the real cultivating tenant and the 6 acres 16 cents of land involved are still in the possession and enjoyment of the land owner, who is a big land lord possessing more than 23 acres of land, and that the tenant in question is a created one for defeating the ceiling provisions. The ‘tenant’ in this case filed objections to the above report on 30-12-1971. Three witnnesses were also examined in this case to prove the tenancy on behalf of the applicant. No cross examination has been conducted in this case as there is no dispute between the parties to the joint statement. The land lord has not yet turned up to object to the Revenue Inspector’s report. No clear provisions has been made to in the Act or Rules to meet this type of contingencies.

(e) Inadequate provisions for checking the surender of lands in favour of the land owners

The proviso to section 51 (1) prohibits the surrender of leased lands under the possession of the tenant in favour of any persons other than Government. Further, under Sec. 51 B. the land owner must not enter on lands surrendered or abandoned by the cultivating tenant. Contravention of the above provision is an offence punishable

86. See, for eg. the O. A. 3051/70, 3052/70, 3190/70, 3209/70, 3210/70, 3249/70, 3342, 3343, 3344, 3346, 3347, 3348, 3349, 3350, 3351. etc. of the Land Tribunal. Edappilly.
87. O. A. 237/71 of the Land Tribunal, Edapdilly.
with fine upto Rs. 2,000/- or with rigorous imprisonment for a term of one year. But inspite of all these provisions in the Act, surrender of lands in favour of the land owners or in favour of near relatives of the land owners are very common. The Kerala Prevention of Eviction Act, 1969, prohibits all kinds of eviction of the tenants from the lands under their possession, and surrender of any nature will be deemed to be an eviction.

Not a single case of action against the land owner has so far been reported, though in a number of cases, the Land Tribunal have come across reports of such surrenders. Instances are many where cultivating tenants at first apply for the actual area under their occupation, and later on surrender a portion of the land in favour of the land owner. Without any objection being raised, the land Tribunals are issuing certificates of purchase for the non surrendered area. There are also cases of withdrawal by the cultivating tenants in favour of land lord. The Land Board in a Circular, clearly stated that the surrender of a land by a tenant to the land lord is ineffective and that the land Tribunal may proceed as if there is no surrender. The circular reads: The Land Tribunal may ignore all the compromise and settlement and also ignore the surrender to the land lord, and treating that the entire extent as in the possession of the tenant and has to proceed inpite of the surrender to the land lord, once it is established that there was a landlord-tenant relationship on 1-1-1970, and has to assign the entire land to the tenant if he is eligible for that extent as specified in Sec. 72 B.

The action of the Land Tribunal in this respect, inspite of clear provisions in the Act, and the Executive directions from the higher authorities, seems to point to a failure to realise the importance of the Tenancy legislations. The present writer came across a number of cases of surrender and abandonment of land in favour of land lord, while examining the cases disposed of by the Land Tribunal Edappally.

Only a small fraction of cases of such surrender or abandonment come before the Land Tribunal. If the Government had taken adequate measures to check these surrenders etc., and the Land

88. See, Sec. 6 of the Kerala Prevention of Eviction Act, 1966 also.
90. See for eg. 3203/70, 3133/70, 3136/70, 3138/70, 3115, 3128, 3130, 3134, 3135, 3232 of 1970, of Eddappally Land Tribunal.
Tribunals had stringent directions not to entertain such surrenders, this type of evasion of the provisions of the Act would not have happened.

(f) 'Pattaya Melas' and Festivals

During the first 2½ years from 1-1-1970, a number of Pattaya melas and Patta Distribution Festivals were conducted by the District authorities, throughout the State. The object behind these melas seems to be to enlighten the people about the importance of the rights conferred by the Act. Before the date of such festivals, the authorities have been pressing the Land Tribunals for disposing of as many cases as possible so as to issue more and more purchase certificates in these melas. A good number of cases have been disposed of by the Land Tribunals in a record time to reach the targets fixed for the melas.

But it has to be pointed out that there is adverse effect of these speedy disposals. There are cases of even fixing a minimum target for each Tribunal. The non achievement of the target fixed will in vote disciplinary action or stoppage of increments. The frequent melas, and the insistence of the authorities to dispose of the cases as quickly as possible, will affect the rights of the parties to cases pending before the Land Tribunals. The cases are being posted day after day till finally disposed of. This hasty disposal of cases affect the implementation of the provisions in a number of ways.

(a) The Land Tribunals will not get adequate time to effectively scrutinize the case before passing final orders.

(b) It will not be possible to adduce necessary evidence to substantiate their contentions.

(c) It will cause the disposal of cases without impleading necessary parties.

91. In Ernakulam District alone, more than 12 such melas were so far conducted after 1-1-70. These melas were celebrated at:

1. Alwaye ‘The other Sivarathri’ on 8-3-1970
2. Palluruthy on 31-5-70.
4. Maradu on 3-6-70.
5. Vyareen on 4-6-70.
6. Kothamangalam on 14-7-70.
7. Moovattupuzha on 19-7-70.
8. Perumbavoor, on 7-2-71.
10. ‘Onakazhcha’ (throughout the District) on 1-9-71 and 2-9-71.
As the purchase certificates are being issued without waiting till the statutory period for filing appeals etc., the parties will not get the benefits of the provisions of the Act.

Ex parte decision will increase, and the persons deprived of the rights have to file appeals etc. and thereby to spend a lot of money and time to overcome this.

From the above, it may be seen that the Melas or Festivals are in one way obstruct the implementation of the policy of the Act as some legitimate claimants will be deprived of the benefits. But we cannot altogether reject the beneficial effect of this 'Special disposal Drive'. This has enabled the authorities to dispose of as many cases in a record time, promoting thereby the speedy implementation of the provisions of the Act. The Melas and Festivals if wisely and seriously organised it would serve a very fundamental sociological purpose as pointed out elsewhere.92.

(g) Judicialisation of the procedure in the Land Tribunals

The insistence of an elaborate procedure in the nature of the provisions of Code of Civil Procedure and Civil Rules of Practice, such as presentation of a case, written statements replication, injunction, appointment of Receivers, and Commission etc, has to some extent delayed the speedy implement of the Act.

(h) Over work and under Staff in Land Tribunals

Out of the 200 Land Tribunals in the State, 18 Land Tribunals in addition to their duties of Land Tribunals have to function as the Special Tahsildar for Land Assignment, and 83 Land Tribunals as Block Development Officers. Only the remaining 99 Land Tribunals are functioning as Land Tribunals exclusively for the implementation of the provisions of the Act. These Officers are otherwise burdened with multifarious duties for the assignment of lands to the landless poor, and the various development activities, which are also very important work as in the case of the implementation of the Act.

As these officers have to do their normal duties besides the duties of Land Tribunals, poor progress in both activities is the result.

92. See the section on Defective communicatin of the legislation to the relevant parties.
The inadequacy of staff to assist the Land Tribunals also deserves mention. All the applications filed before the Land Tribunals have to be got verified to ascertain the genuineness of the contents and to ascertain the gross income from the lands in question. Above all, *suo motu* actions can be initiated against all the concerned, if a strong machinery is available to assist the Land Tribunals. The existing machinery is inadequate, to deal all these matters. In other words, more posts of field staff seems to be required, for the speedy implementation of the Act.

(i) _Loop holes for evasion_

Inspite of the amendments of the Act from time to time, there still exist some gaps. These gaps are due to hasty legislation of defective draftsmanship. Some of these flaws are noted while presenting the conclusions and suggestions.

XI

Conclusions

Increased agricultural production was one of the major aims of India’s planners from the outset. The other main object of land policy was greater social justice—a reduction in the disparities between the lots of the rich and the poor, ending the exploitation of workers on the land by landlords, a confirmation of holding in the hands of those who actually work on the soil, and the promise of more nearly equal status and opportunity for those who lived on the land. Thus land reform programme have two basic aims, one is economic and the other is social. The first objective is sought to be achieved by eliminating all elements of exploitation and social injustice, by providing security of tenure and conferment of ownership on those who till the soil. The second objective is to reduce the inequalities in the distribution of wealth, which is sought to be achieved by imposition of ceiling on land holdings and redistribution of surplus land to landless agriculturists.

Kerala Land Reforms Act, 1963 was enacted to achieve all the above objectives. But we have already seen, that the Act of 1963 contained many exceptions, conditions and reservations, and hence very little could be achieved to raise the status of the man who actually tilled the soil.

“Land to the tiller” was the often raised slogan of all political parties since independance. But from the activities of the political parties in power, one was sometimes led to doubt if the slogan was only to get votes in elections and not for implementation. The legislation that had been enacted had, in effect, helped the land lords to evade the ceiling provisions and eject the tenants and kudi-kidappukars from their holdings. The gaps in law was necessitated due to the pressures or by the lobbying of the interested persons. “The wide diffusion of land ownership even among the urban upper middle class and non-cultivators in the rural areas, both groups including many Government Servants in the lower as well as the higher ranks created a formidable anti-land reform bloc - a bloc powerful not maily because of its voting strength but because it embraces a substantial share of the literate population.”

But the later amendments of the Act without so many exceptions and conditions has stopped the tenancy system for ever. The amendment Act of 1969 is a broad step in the history of tenancy legislation in India. No other state has enacted such a revolutionary legislation.

The authorities realised the fact that mere passing of legislation was not enough but its provisions has to be effectively implemented. But we have already seen that it has not been possible for the Land Tribunals to realise fully in practice the intention of the legislature. We cannot totally blame the Land Tribunals or the Government for the failure, eventhough they are partly responsible for this. The two contributing factors for the failure of the effective and full implementation of the Act are illiteracy and ignorance of most tenants, which make them the victims of land lords and their agents.

There is no controversy as to the fact that there was inordinate delay on the part of the Government in power to enact the laws protecting the tenants and conferring ownership on them. But the difficulties mentioned earlier, in the implementation of the provisions could have been forseen and adequate measures taken then and there. However we may conclude this survey quoting the words of Merillat. “The blame for the delay and frustration of reform measures, as we have seen and will see, should be somewhat more

95. Dr. Gunnar Myrdal, Asian Drama, p. 1303.
96. By virtue of Sec. 72 of the Act, all rights, title and interest of land owners in respect of holding held by cultivating tenants vest in the Government, and Sec. 74 bars the creation of any tenancy in future.
97. Gunnar Myrdal, Asian Drama, p. 1331,
evenly distributed throughout the Constitutional, Political administrative, and social structure of India”98.

Suggestions.

1. Tea, Coffee, rubber, cocoa, cardamom plantations owned by a person are exempted from the ceiling provisions. There is no provision to effectively check the conversion of other lands to plantations. Suitable provisions may be made to prevent false conversions to evade the ceiling provisions.

2. Sec. 33 provides that the agreement between the landlord and the tenant as to what should be the fair rent may be accepted. But the Land Tribunals (other than Munsiffs) have not been given the power to accept this agreement. This has to be done.

3. Though there are provisions in the Act to the effect that landlords should not enter upon surrendered or abandoned lands, surrender and occupation by land lords are going on a large scale. These surrenders take place by transferring the tenants’ rights to the near relatives of the landlord. To prevent such abuses, the Registration Officers could be directed to make necessary enquiries through the concerned Land Tribunals before effecting the registration of such transfer documents. All transfers effected since the coming into force the Kerala Land Reforms (Amendment) Act, 1969 may be got verified through the concerned Land Tribunals.

4. The Land Tribunals may be conferred with Magisterial powers to initiate prosecution against the contravention of the provisions of the Act.

5. As there is every possibility to transfer the lands to the landlords after getting the purchase certificate by the cultivating tenants, suitable provisions to be made to check such transfers within a specified period.

6. More staff to be appointed to detect and initiating suo motu cases of tenancy.

7. In order to reduce the duplication of cases and conflicting enquiry reports, the bonafides of applications for the acquisition of land under Sec. 75 (3) to be got enquired through the concerned Land Tribunals, and not through the Revenue authorities, as there is every likelihood that application for the

98. H. C. L. Merillat, Land and the Constitution of India, p. 125.
purchase of kudikidappu rights from such kudikidappukars are pending with the Land Tribunals.

8. There is no provisions in the Act to enable the parties to file appeals from the orders of the Land Tribunals on the applications for shifting the kudikidappu under Sec. 77. This will cause much difficulties to the person who deprived of his legitimate rights.

9. Rehabilitation of the kudikidappukars who are to be shifted from their existing occupation in the excess lands surrendered to Government may be considered.

10. The optional provisions for purchasing the kudikidappu rights to be remodelled so as to enable the land owners also to apply for settling the kudikidappu cases.

11. Instances are many where the land owners are evading the ceiling provisions by creating tenancy in favour of his relatives and friends. The existing system of verification of ceiling returns through the Revenue authorities may be changed suitably, so as to enable the Land Tribunals to offer its remarks on the area and tenancy shown in the returns.

12. The procedure prescribed for the disposal of cases in Land Tribunals may be simplified so as to enable the parties, a cheap and quick disposal of the case.

13. The Block Development Officers, and Special Tahasildars for Land Assignment etc. have to be relieved of the duties of the Land Tribunals, by constituting special land Tribunals for attending to the work relating to Land reforms, exclusively.

14. It is desirable to prescribe a qualification in law for appointments as Land Tribunals. If this suggestion is not feasible, a minimum 3 months practical training to be given to the Land Tribunals who does not possess any law degree.

Active participation of the people in general and of the various sections of the people who are to be benefitted by the provisions of the Act in particular is an important factor for the speedy and effective implementation of the land reform policies. The administrative authorities created for this purpose may not be able to tackle all the problems that may arise during the course of the implementation. Public co-operation is required to persuade the kudikidappukars and cultivating tenants to file applications before the concerned Land Tribunals, and to detect the cases of evasion. The recent amendment of the Act seems to be the result of a realisation of this import-
ant factor. By this amendment provisions have been made to constitute Village Committees,\textsuperscript{99} and Taluk Lands.\textsuperscript{100} Failure to furnish to the Land Board statement of the land owned by a person beyond a limit is made punishable with fine and imprisonment.\textsuperscript{101} The Taluk Land Board is authorised to try the cases by conferring it the powers of a Magistrate of the First Class.\textsuperscript{102} Accordingly the Government have recently constituted Taluk Land Boards with the representatives of the political parties as members of the Taluk Land Board and Revenue Divisional officer of the Personal Assistant to the District Collector as chairman. The working of the statutory body can be assessed only in due course.

Recently the Planning Commission of India issued to the State Governments some guidelines on land reforms to be pursued during the Fifth Five Year Plan.\textsuperscript{103} The important suggestions are:

1. Necessary legislative measure to plug loopholes in the existing tenancy law, ensuring complete security of tenures and ownership right to all cultivating tenants and share-croppers under a timebound programme.

2. A quick programme for updating the records of rights particularly of share-croppers to be designed and executed.

3. Distribution of surplus land within a span of 12 months and consolidation of agricultural holdings.

4. Setting up of a land reforms organisation parallel to the District revenue administration manned by hand-picked administrators, as the existing administrative organisations in the District have not proved to be adequate for the speedy and efficient implementation of the land reforms measures.

\textsuperscript{99} By the insertion of a new Sec. 72 EE by the Kerala Land Reforms (Amendment) Act. 1972 (Act XVII of 1972) the Govt. was authorised to constitute Village Committee for each village consisting of the Village Officer and six other members to advice the land Tribunals on the implementation of the Act.

\textsuperscript{100} Govt. has been authorised by Sec 100 A (newly inserted) to constitute a Taluk Land Board for each Taluk consisting of an Officer not below the rank of a Deputy Collector as chairman and six other members nominated by Government

\textsuperscript{101} Sec. 118 A of the Act. as amended by Act XVII of 1972

\textsuperscript{102} Sub Sec. (1) and (2) of Sec. 123 A, as amended by do.

\textsuperscript{103} See 'The Economis Times', Bombay, dated 7th May, 1973.
5. Constitution of suitable Land Tribunals in the nature of special itinerant courts which bring justice to the doors of the poor people.

6. Free legal assistance to the poor beneficiaries of land reforms.

7. Village and Block committees of beneficiaries consisting of landless labourers, share-croppers and small holders owning less than 2 acres of land to be constituted to advice on the implementation of all measures of reforms.

8. Creation of a separate organisation charged with the exclusive responsibility of implementing land reforms measures with direct accountability to its own hierarchy right upto cabinet minister.

A good number of the suggestions of the Planning Commission have already been implemented in substance in the Land Reforms Legislations of this State. In some respects there are fundamental differences between the suggestions and the action already taken. The experience gained during the last 4 years as discussed earlier might call for a further examination of the working of the system on the basis of the guidelines issued by the Planning Commission.

Experience shows that as suggested by the Planning Commission the rights of the parties affected by the land reforms are not be settled through the ordinary judicial process but by administrative process. Thus the right regarding fair rent, protection of kudikidappukars and settlement of tenancy cases have all been entrusted to the Land Tribunals. Though we have noticed some defects in the working of the Tribunals, it may be said that the reforms have been effectively achieved through the use of the administrative process without unduly neglecting the right of the citizens. Normal safety guards, against the abuse of the administrative process such as notice, provisions for appeals, judicial control etc. are provided in the Act. If the administrative process envisaged in the Land Reforms Act is strengthened and tried up in the light of the suggestions made above, the Kerala Land Reforms Act can be treated as a model to all other States in India.
TABLE

Details of rejected applications for the purchase of Land lords' rights etc. by the Land Tribunals of Ernakulam District.

<table>
<thead>
<tr>
<th>Name of Land Tribunals</th>
<th>Cases transferred to the Special Land Tribunals as the land lords are religious institutions</th>
<th>Rejected, being the land involved in poromboke, or the Kanom lands of Cochin State</th>
<th>Rejected due to duplication</th>
<th>Rejected on the basis of statement of the applicants to the effect that there was no tenancy</th>
<th>Rejected on the basis of statement of the applicants to the effect that there was no tennancy</th>
<th>Rejected on the basis of statement of the applicants to the effect that there was no tennancy</th>
<th>Continuous absence of the applicant</th>
<th>Settlement out of the Land Tribunal</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. Muvattupuzha.</td>
<td>139</td>
<td>-</td>
<td>7</td>
<td>3</td>
<td>19</td>
<td>11</td>
<td>-</td>
<td>-</td>
<td>179</td>
</tr>
<tr>
<td>2. Kothamangalam.</td>
<td>33</td>
<td>-</td>
<td>9</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>8</td>
<td>15</td>
<td>65</td>
</tr>
<tr>
<td>3. Pampakuda.</td>
<td>469</td>
<td>1</td>
<td>12</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>55</td>
<td>-</td>
<td>537</td>
</tr>
<tr>
<td>4. Vadavucode.</td>
<td>1322</td>
<td>-</td>
<td>15</td>
<td>10</td>
<td>14</td>
<td>10</td>
<td>-</td>
<td>-</td>
<td>1371</td>
</tr>
<tr>
<td>5. Do. Addl.</td>
<td>41</td>
<td>4</td>
<td>22</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>9</td>
<td>-</td>
<td>77</td>
</tr>
<tr>
<td>6. Koovapady.</td>
<td>1</td>
<td>1</td>
<td>14</td>
<td>80</td>
<td>106</td>
<td>16</td>
<td>-</td>
<td>-</td>
<td>218</td>
</tr>
<tr>
<td>7. Vazhakulam.</td>
<td>128</td>
<td>-</td>
<td>252</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>392</td>
</tr>
<tr>
<td>8. Angamaly.</td>
<td>323</td>
<td>-</td>
<td>301</td>
<td>4</td>
<td>10</td>
<td>-</td>
<td>573</td>
<td>-</td>
<td>1211</td>
</tr>
<tr>
<td>9. Parakadavu.</td>
<td>129</td>
<td>-</td>
<td>173</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>14</td>
<td>-</td>
<td>316</td>
</tr>
<tr>
<td>10. Alengad.</td>
<td>125</td>
<td>-</td>
<td>108</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>244</td>
</tr>
<tr>
<td>11. Parur.</td>
<td>87</td>
<td>506</td>
<td>49</td>
<td>1</td>
<td>191</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>834</td>
</tr>
<tr>
<td>12. Do. Addl.</td>
<td>3</td>
<td>81</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>86</td>
</tr>
<tr>
<td>13. Vypeen.</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>14. Do. addl. I</td>
<td>22</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>23</td>
</tr>
<tr>
<td>15. Do. Addl. II</td>
<td>-</td>
<td>1</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>2</td>
</tr>
<tr>
<td>16. Palluruthy.</td>
<td>160</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>5</td>
<td>-</td>
<td>165</td>
</tr>
<tr>
<td>17. Do. Addl. I</td>
<td>25</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>3</td>
<td>-</td>
<td>28</td>
</tr>
<tr>
<td>18. Do. Addl. II</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>19. Do. Addl. III</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>20. Do. Addl. IV</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>21. Do. Addl. V</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>22. Vyttila.</td>
<td>61</td>
<td>-</td>
<td>2</td>
<td>23</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>86</td>
</tr>
<tr>
<td>23. Edappilly.</td>
<td>11</td>
<td>-</td>
<td>2</td>
<td>3</td>
<td>21</td>
<td>6</td>
<td>-</td>
<td>4</td>
<td>47</td>
</tr>
<tr>
<td>24. Mulanthuruty.</td>
<td>178</td>
<td>-</td>
<td>4</td>
<td>7</td>
<td>30</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>219</td>
</tr>
<tr>
<td><strong>Total.</strong></td>
<td><strong>3257</strong></td>
<td><strong>595</strong></td>
<td><strong>969</strong></td>
<td><strong>111</strong></td>
<td><strong>444</strong></td>
<td><strong>36</strong></td>
<td><strong>669</strong></td>
<td><strong>19</strong></td>
<td><strong>6100</strong></td>
</tr>
</tbody>
</table>
Details of rejected Kudikidappu cases by the Land Tribunals of Ernakulam District

<table>
<thead>
<tr>
<th>Name of Land Tribunals</th>
<th>Rejected on merits, i.e., after due enquiry</th>
<th>Rejected due to duplication</th>
<th>Rejected as the parties were continuously absent</th>
<th>Rejected as the parties have settled the matter out of the Land Tribunals</th>
<th>Cases rejected as the land involved is notmboke</th>
<th>Cases rejected due to alternative lands given by the Land owners by registered documents</th>
<th>Cases rejected due to shifting ordered by the Land Tribunals</th>
<th>Cases rejected being premature (Vide Sec.75 (3))</th>
<th>Cases withdrawn or compromised between the parties. (The order is silent as to the terms of agreement)</th>
<th>Application rejected as the applicant opted to continue as kudikidappukas</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1. Muvattupuzha</td>
<td>32</td>
<td>...</td>
<td>12</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>64</td>
</tr>
<tr>
<td>2. Kothamangalam</td>
<td>12</td>
<td>18</td>
<td>33</td>
<td>49</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>112</td>
</tr>
<tr>
<td>3. Pampakuda</td>
<td>69</td>
<td>9</td>
<td>51</td>
<td>3</td>
<td>1</td>
<td>18</td>
<td>3</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>165</td>
</tr>
<tr>
<td>4. Vadavucode</td>
<td>27</td>
<td>1</td>
<td>16</td>
<td>2</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>47</td>
</tr>
<tr>
<td>5. Do. addl.</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>3</td>
</tr>
<tr>
<td>6. Koovapady</td>
<td>12</td>
<td>4</td>
<td>5</td>
<td>4</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>36</td>
</tr>
<tr>
<td>7. Vazhakulam</td>
<td>66</td>
<td>28</td>
<td>15</td>
<td>2</td>
<td>12</td>
<td>...</td>
<td>1</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>124</td>
</tr>
<tr>
<td>8. Angamaly</td>
<td>13</td>
<td>4</td>
<td>20</td>
<td>34</td>
<td>...</td>
<td>8</td>
<td>...</td>
<td>1</td>
<td>...</td>
<td>...</td>
<td>80</td>
</tr>
<tr>
<td>9. Parakadavu</td>
<td>32</td>
<td>209</td>
<td>141</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>403</td>
</tr>
<tr>
<td>10. Alengad</td>
<td>55</td>
<td>506</td>
<td>459</td>
<td>...</td>
<td>2</td>
<td>26</td>
<td>...</td>
<td>28</td>
<td>...</td>
<td>6</td>
<td>1082</td>
</tr>
<tr>
<td>11. Parur</td>
<td>235</td>
<td>913</td>
<td>1158</td>
<td>211</td>
<td>13</td>
<td>21</td>
<td>138</td>
<td>60</td>
<td>65</td>
<td>18</td>
<td>2832</td>
</tr>
<tr>
<td>12. Do. Addl.</td>
<td>227</td>
<td>179</td>
<td>272</td>
<td>...</td>
<td>39</td>
<td>...</td>
<td>...</td>
<td>54</td>
<td>...</td>
<td>...</td>
<td>771</td>
</tr>
<tr>
<td>13. Vypeen</td>
<td>29</td>
<td>32</td>
<td>11</td>
<td>5</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>88</td>
</tr>
<tr>
<td>14. Do. addl. I</td>
<td>403</td>
<td>1213</td>
<td>364</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>117</td>
<td>...</td>
<td>1016</td>
</tr>
<tr>
<td>15. Do. Addl. II</td>
<td>22</td>
<td>679</td>
<td>97</td>
<td>33</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>116</td>
<td>...</td>
<td>1027</td>
</tr>
<tr>
<td>16. Palluruthy</td>
<td>455</td>
<td>2130</td>
<td>189</td>
<td>121</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>2</td>
<td>2897</td>
</tr>
<tr>
<td>17. Do. Addl. I</td>
<td>317</td>
<td>440</td>
<td>696</td>
<td>146</td>
<td>6</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>1616</td>
</tr>
<tr>
<td>18. Do. Addl. II</td>
<td>234</td>
<td>499</td>
<td>896</td>
<td>66</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>1747</td>
</tr>
<tr>
<td>19. Do. Addl. III</td>
<td>241</td>
<td>1028</td>
<td>470</td>
<td>26</td>
<td>13</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>1781</td>
</tr>
<tr>
<td>20. Do. Addl. IV</td>
<td>6</td>
<td>2</td>
<td>13</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>26</td>
</tr>
<tr>
<td>21. Do. Addl. V</td>
<td>1</td>
<td>...</td>
<td>15</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>...</td>
<td>20</td>
</tr>
<tr>
<td>22. Vytila</td>
<td>99</td>
<td>526</td>
<td>267</td>
<td>34</td>
<td>14</td>
<td>30</td>
<td>18</td>
<td>49</td>
<td>...</td>
<td>156</td>
<td>1193</td>
</tr>
<tr>
<td>23. Edappilly</td>
<td>998</td>
<td>70</td>
<td>263</td>
<td>48</td>
<td>4</td>
<td>6</td>
<td>21</td>
<td>1</td>
<td>2</td>
<td>...</td>
<td>1413</td>
</tr>
<tr>
<td>24. Mulanthuruthy</td>
<td>70</td>
<td>58</td>
<td>249</td>
<td>13</td>
<td>...</td>
<td>17</td>
<td>34</td>
<td>22</td>
<td>48</td>
<td>...</td>
<td>511</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>3655</td>
<td>8551</td>
<td>5712</td>
<td>773</td>
<td>172</td>
<td>161</td>
<td>224</td>
<td>393</td>
<td>234</td>
<td>1276</td>
<td>21,151</td>
</tr>
</tbody>
</table>