THE KERALA AGRARIAN RELATIONS BILL, 1957

A BILL

to enact a comprehensive legislation relating to agrarian reforms in the State of Kerala.

Preamble.—WHEREAS it is expedient to enact a comprehensive legislation relating to agrarian reforms in the State of Kerala;

Be it enacted in the Eighth Year of the Republic of India as follows:

CHAPTER I

PRELIMINARY

1. Short title, extent and commencement.—(1) This Act may be called the Kerala Agrarian Relations Act, 1957.

(2) It extends to the whole of the State of Kerala.

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint and different dates may be appointed for different provisions of the Act.

2. Definitions.—(1) In this Act, unless the context otherwise requires,—

(1) "agricultural year" means the year commencing with the 1st April in any calendar year and ending with the 31st March of the calendar year next succeeding, except in the case of punja and kole nilams, in which case it shall be the year commencing with the 15th June in any calendar year and ending with the 14th June of the calendar year next succeeding:

Provided that the District Collector may, with respect to any crop, area or category of land within his district, by notification in the Gazette, specify the year between such other dates as he may deem fit as an agricultural year;

(2) "ceiling area" means the area of land fixed as ceiling area under section 61;

(3) "court" means, where the particular court is not specifically mentioned, the court having jurisdiction under the Code of Civil Procedure, 1908, to entertain a suit for the possession of a holding or part thereof to which any legal proceeding under this Act relates;
(4) "cultivate" with its grammatical variations means cultivate either solely by one's own labour or with the help of the members of his family or hired labourers or both, or personally direct or supervise cultivation by such members or hired labourers, provided that such members or hired labourers have not agreed to pay or to take any fixed proportion of the produce of the land they cultivate as compensation for being allowed to cultivate it or as remuneration for cultivating it;

(5) "eviction" means the recovery of possession of land from a tenant;

(6) "fair rent" in relation to a holding means the fair rent determined by the Land Tribunal under section 12 for that holding;

(7) "family" means a joint Hindu family, Marumakkattayam Tarawad, Illom or Kudumba and in the case of any person who has separated from any such family or in the case of a person not governed by the Mithakshara, Marumakkattayam, Namboodiri or Aliyasantana law, shall include husband, wife, unmarried sons and daughters;

(8) "garden" means any land used principally for growing cocoanut trees, arecanut trees or pepper vine;

(9) "gross produce", in respect of nilam, means the normal produce of that nilam less the cost of harvesting and in the case of a garden or paramba, means the normal produce of that garden or paramba;

(10) "holding" means a parcel or parcels of land held under a single transaction by a tenant from a landlord and shall include any portion of a holding as above defined which the landlord and the tenant have agreed to treat as a separate holding;

(11) the term "improvement" shall have the same meaning assigned to it under the law relating to payment of compensation for tenant's improvements on eviction;

(12) "intermediary" means any person who, not being a landowner, has an interest in the land, and is entitled, by reason of such interest, to possession thereof, but has transferred such possession to others;

(13) "kanam"—

(i) in relation to Malabar, means the transfer for consideration in money or in kind or in both by a landlord of an interest in specific immovable property to another (called the "kanamdar") for the latter's enjoyment, the incidents of which transfer include—

(a) a right in the transferee to hold the said property liable for the consideration paid by him or due to him which consideration is called "kanartham",
(b) the liability of the transferor to pay to the transferee interest on the kanarthaum, and
(c) the payment of “michavaram” or customary dues by the transferee:

Provided that, in a case where the kanarthaum exceeds in South Malabar, sixty per centum of the value of the landowner’s rights in the holding, and in other places in Malabar, forty per centum of the value of such rights, the transfer shall not be deemed to be a kanam.

Explanation I.—For the purposes of this proviso, the landowner’s rights in the holding shall be valued—

(i) in the case of a kanam existing on the date of the commencement of the Malabar Tenancy Act, 1929, at twenty times the excess of (a) the annual fair rent of the holding as payable on that date under that Act over (b) the annual assessment then payable thereon;

(ii) in the case of a kanam created after such commencement and before the date of the commencement of the Malabar Tenancy (Amendment) Act, 1951, at twenty times the excess of (a) the annual fair rent of the holding as payable under the Malabar Tenancy Act, 1929, on the date of the kanam over (b) the annual assessment then payable thereon;

(iii) in the case of a kanam created on or after the date of the commencement of the Malabar Tenancy (Amendment) Act, 1951, and before the commencement of this Act, if and to the extent the kanam relates to nilam, at thirty times the excess of (a) the annual fair rent of the holding as payable on the date of the kanam under the Malabar Tenancy Act, 1929, as amended by the amendment Act aforesaid, over (b) the annual assessment payable thereon immediately before the 1st day of September 1957, and if and to the extent the kanam relates to garden or paramba, at twenty-five times such excess.

Explanation II.—For the purpose of this proviso, South Malabar means Malabar excluding the taluks of Chirakal, Kottayam, Kurumbranad, South Wynad, North Wynad and Kasaragod;

(ii) in relation to the other parts of the State, means the transfer for consideration in money or in kind or in both by a landlord of an interest in specific immovable property to another for the latter’s enjoyment under a kanapattom or any other demise not governed by the Travancore Jenmi and Kudiyyan Act of 1071 or the Kanam Tenancy Act, 1955, which has either of the following incidents:

(a) renewal on the expiry of any specified period;

(b) payment of customary dues,

and includes those transactions in respect of holdings which though described as ottis have both of the following incidents:

(a) renewal on the expiry of any specified period; and

(b) payment of customary dues;
(14) "kanam-kuzhikanam" means and includes a transfer by a landlord to another (called the 'kanam-kuzhikanamdar') of garden lands or of other lands or of both, with the fruit-bearing trees, if any, standing thereon at the time of the transfer for the enjoyment of those trees and for the purpose of planting such fruit-bearing trees thereon, the incidents of which transfer include—

(a) a right in the transferee to hold the said lands liable for the consideration paid by him or due to him which consideration is called 'kanaratham', and

(b) the liability of the transferor to pay to the transferee interest on the kanaratham unless otherwise agreed to by the parties;

(15) "kudikidappukaran" means a person who has no homestead or land of his own to erect a homestead and—

(i) who has been permitted with or without an obligation to pay rent by an owner of land to have the use and occupation of a portion of the land in his possession for the purpose of erecting a homestead, or

(ii) who is in occupation of a hut constructed by a person owning and possessing the land in which the hut is situated and who has been permitted by such person to occupy the hut with or without an obligation to pay rent, but otherwise has no interest in the land;

and "kudikidappu" means the land and the homestead or the hut so permitted to be erected or occupied together with the easements attached thereto, and includes an ulkudi.

Explanation I—Any person who was in occupation of a kudikidappu on the 11th April, 1957 and who continued to be in such occupation at the commencement of this Act shall be deemed to be in occupation of such kudikidappu with permission as required under this clause.

Explanation II—For the purpose of this clause "hut" means any dwelling house which has a value not exceeding four hundred rupees;

(16) (i) "kudiyruppu" means and includes the site of any residential building, the site or sites of other buildings appurtenant thereto, such other lands as are necessary for the convenient enjoyment of such residential building, and the easements attached thereto, but does not include a kudikidappu;

(ii) "separate kudiyruppu" means a kudiyruppu which is the sole property comprised in a holding;

(iii) "separable kudiyruppu" means a kudiyruppu which is not necessary for the convenient enjoyment, as usual, of any other part of the holding;
(17) "kuzhikanam" means and includes a transfer by a landlord to another (called the kuzhikanamdar) of garden lands or of other lands or of both, with the fruit-bearing trees, if any, standing thereon at the time of the transfer, for the enjoyment of those trees and for the purpose of planting such fruit-bearing trees thereon;

(18) "landlord" means a person under whom a tenant holds and to whom he is liable to pay rent or michavaram and includes a landowner;

(19) "landowner" means the owner of the land comprised in a holding and includes—

(i) a trustee in respect thereof,
(ii) a landholder holding Sree Pandaravaka lands on Pattam, Otti, Jenmom, Kudijenmom, Danam or any other tenure, and
(iii) a landholder holding Sreepadam lands on Sreepadam pattam or other favourable tenures, but does not include a person holding Sreepadam lands on kuthakapattam.

Explanation.—In this clause the term "owner" shall include a kudiyan as defined in the Travancore Jenmi and Kudiyian Act of 1971 and a kanam tenant as defined in the Kanam Tenancy Act, 1955, but does not include a Jenmi as defined in the said Acts;

(20) "Malabar" means the Malabar district referred to in sub-section (2) of Section 5 of the States Reorganisation Act, 1956;

(21) "michavaram" means whatever is agreed by a kanamdar in a kanam deed to be paid periodically in money or in kind or in both to, or on behalf of, the landowner;

(22) "net produce" means the produce remaining after deducting the cultivation expenses from the gross produce;

(23) "nilam" or "wet land" means land adapted for the cultivation of paddy;

(24) "normal produce" in respect of a nilam, garden or paramba means the produce which would be raised if the rainfall and the seasons were of a normal character, that is to say, were neither unduly favourable nor unduly unfavourable, on the class of nilam, garden or paramba to which it belongs and in the same situation and possessing the same advantages as determined by the Land Tribunal in accordance with such rules as may be prescribed:

Provided that the normal produce of any nilam irrigated with water for the first time after the commencement of the tenancy in respect of that nilam, from an irrigation work constructed, repaired or maintained wholly at the cost of the Government or a local authority or a co-operative society, shall be determined as if the nilam had not been so irrigated.
Explanation.—In ascertaining the normal produce, the yield of the second crop shall be deemed to be half of that of the principal crop which shall be deemed to be the first crop;

(25) “odacharuthu” means a licence for cutting bamboos in the taluks of North and South Wynaad and Ernad;

(26) “paramba” or “dry land” means land which is not nilam or garden;

(27) “pay” with its grammatical variations includes “deliver”;

(28) “permanent tenant” means a cultivating tenant—

(i) who is holding land on kanam, kanam-kuzhikanam, kuzhikanam or customary verumpattam; or

(ii) who immediately before 11th April 1957 has been continuously cultivating the holding for not less than five years if the holding is in Malabar, or ten years if the holding is in any other part of the State, and is so continuing to cultivate the holding at the commencement of this Act; or

(iii) who, on 18th December, 1957, was holding under a landlord having in possession as owner or as tenant whose land is not liable to be resumed, an extent of land exceeding the ceiling area; and includes the tenant of a kudiyirippu who has been in continuous occupation for a period of not less than five years immediately before the commencement of this Act:

Provided that a person who is in possession as owner of an extent of land more than the ceiling area shall not be deemed to be a permanent tenant.

Explanation.—In the case of a cultivating tenant holding under a landlord who is a serving member of the Armed Forces, in calculating the period of five years or ten years as the case may be under this clause, the period during which the landlord was serving as such member shall be excluded;

(29) “puravaka dues” or “customary dues” means whatever is payable in money or in kind or both by the tenant to his landlord under the contract of tenancy, other than actual rent or michavaram;

(30) “purchase price” means the purchase price referred to in sub-section (7) of section 44 or in sub-section (2) of section 59 or in sub-section (2) of section 71;

(31) “rent” means the landlord’s share of the produce of the holding whether in money or in kind or both which is payable by a tenant and includes michavaram;

(32) “Land Tribunal” means, in relation to any area, the Land Tribunal constituted under this Act for such area, and where no Land Tribunal has been constituted, the Revenue Divisional Officer having jurisdiction over such area or any other officer appointed by the Government to exercise the functions of the Land Tribunal under this Act;
(33) "Land Board" means the Land Board constituted under section 73;

(34) "sambalapattamdar" or "coolypattamdar" or "sambalachittudar" or "licensee" for the purpose of this Act, means any person who is in possession of the land belonging to another and who, under any local custom or usage or under an agreement, cultivates that land for a fixed remuneration, and with the risk of cultivation but does not include a person who cultivates the land of another merely as an agent or servant.

Explanation.—Notwithstanding anything in the Indian Evidence Act, 1872 or in any other law for the time being in force a person, though he is described as an agent or servant in a document evidencing the contract for the cultivation of the land, may plead, adduce evidence and prove that he is a sambalapattamdar or coolypattamdar or sambalachittudar or licensee;

(35) "Sreepadam lands" means the lands owned by the Sree Padam Palace;

(36) "Sree Pandaravaka lands" means the lands owned by the Sree Padmanabhaswamy Temple;

(37) "State" means the State of Kerala;

(38) (i) "tenant" means any person who has paid or has agreed to pay rent or other consideration, for his being allowed by another, to possess and to enjoy the land of the latter, and includes an intermediary, a verumpattamdar of any description, a kanamdar, a kanam-kuzhikanamdar, a kuzhikanamdar, a sambalapattamdar, coolypattamdar or sambalachittudar in the Palghat district, a punam or kumri cultivator, a licensee in Kuttanad taluk, a varamdar or odacharthudar entitled to fixity of tenure under section 5 and the holder of a kudiyirippu, but shall not include a land owner referred to in sub-clause (ii) or sub-clause (iii) of clause (19);

(ii) "cultivating tenant" in respect of a holding means any tenant who has expressly or impliedly contracted to cultivate the lands in that holding and actually cultivates the same;

(39) "timber trees" means all trees which are not fruit-bearing trees; and "fruit-bearing trees" means all trees the income from which is taken into account for fixation of fair rent or the income from which would have been taken into account for the fixation of fair rent, had an application in that behalf been made under section 12;

(40) "varom agreement" means an agreement, whether in writing or not, entered into between the varomdar and the owner or other person in lawful possession of the land for the cultivation and sharing of the produce of the land;

(41) "varomdar" means a person who under the system known as varom, pathivarom, pankuvaram or pankupattam or by any other name, has agreed, whether in writing or not, with the owner or other person in lawful possession of any land to cultivate the land and share with him the produce of the land;
(42) (i) "verumpattamdar" means a lessee or sub-lessee of immovable property whether called verumpattamdar, or venpattamdar, who has contracted to hold the same under a lease with or without security for rent, but does not include a kanamdar, kanam-kuzhikanamdar, or kuzhikanamdar;

(ii) "customary verumpattamdar" means any verumpattamdar who, before the commencement of the Malabar Tenancy (Amendment) Act, 1951 was entitled by the custom of the locality in which the land was situated to possession of the said land for a definite period of years, and for whose continuance thereon after the termination of that period, for a further period, a renewal fee had to be paid to the landlord as an incident of the tenure;

(43) "punam or kumri cultivation" means fugitive or intermittent cultivation of waste lands in Malabar;

(44) the expression "double crop nilam or its equivalent" shall mean double crop nilam or its equivalent of any other class of land computed on the basis of 1 acre of double crop nilam as being equivalent to 1 1/4 acres of single crop nilam, 1 acre of garden land, and 2 acres of paramba.

CHAPTER II.

PROVISIONS REGARDING TENANCIES.

3. Exemptions.—Nothing in this Chapter shall apply to—

(i) leases of land or of buildings belonging to or vested in the Government of Kerala or the Government of any other State in India or the Government of India or in a local authority or belonging to or vested in any other authority notified by the Government in this behalf; or

(ii) leases of buildings including a house, shop or warehouse, and the site thereof, with or without the garden or land appurtenant thereto; or

(iii) leases of land or of building of or both specifically granted for industrial or commercial purposes; or

(iv) leases of land or of building granted by the Administrator-General or Official Trustee or Official Receiver; or

(v) leases of land or of building granted by usufructuary mortgagees or by persons holding under such mortgagees as lessees or sub-mortgagees, after the redemption of the usufructuary mortgage; or

(vi) leases of land or of building granted by persons holding only life interest or other limited interest in ownership of the land or the building after the termination of the life interest or other limited interest:
Provided that nothing in clauses (iii), (v) and (vi) shall apply to tenants who have got fixity of tenure under the Malabar Tenancy Act, 1929 or the Cochin Verumpattamdars Act, VIII of 1118; or

(vii) lands transferred by a landlord for planting tea, cardamom, coffee or rubber or such other special crop as may be specified by the Government by notification in the Gazette and actually cultivated, or reserved bona fide for cultivation with such crops, or lands transferred for the erection of any building for the purpose of, or ancillary to, the cultivation of such crops, or the preparation of the same for the market:

Provided that no notification under this clause shall affect any land in respect of which any tenant has a right of fixity of tenure under this Act, so long as such right subsists; or

(viii) any transaction relating only to the usufruct of trees.

4. Right of tenants to fixity of tenure.—Notwithstanding any contract to the contrary, whether entered into before or after the commencement of this Act, and notwithstanding any custom or usage to the contrary, every tenant shall have fixity of tenure in respect of his holding and no land from his holding shall be resumed except as provided in this Act.

5. Certain varomdars and odacharthudars to have fixity of tenure.—(1) Notwithstanding any contract to the contrary whether entered into before or after the commencement of this Act and notwithstanding any custom or usage to the contrary, the following varomdars shall have fixity of tenure:

(i) a varomdar cultivating under a varom agreement entered into with a temple, mosque, church or other similar religious or charitable institution or with a Sthani;

(ii) a varomdar cultivating land under a varom agreement entered into with a landlord who owns and possesses or holds as permanent tenant more land than the ceiling area;

(iii) a varomdar cultivating under the same landlord or his predecessor in interest the same plot of land continuously for a period of ten years immediately before the 11th April 1957 and continuing to so cultivate at the commencement of this Act.

(2) Notwithstanding any contract to the contrary, whether entered into before or after the commencement of this Act and notwithstanding any custom or usage to the contrary, any odacharthudar or any person holding land under him who is in actual possession of the land and is cultivating such land shall have fixity of tenure.

6. Resumption of land held by a cultivating tenant.—(1) Land from the holding of a cultivating tenant may be resumed on the following grounds and subject to the conditions and restrictions hereinafter appearing:

(i) For extension of temple, mosque, church, etc.—that the landlord being the trustee or owner of a temple, mosque,
church or other place of public religious worship and holding the land as trustee or owner for the purposes thereof, requires the holding or part thereof for the extension of the temple, mosque, church or other place of public religious worship and the Collector of the District certifies that the same is so required:

Provided that—

(a) no holding held by a permanent tenant shall be subject to resumption;

(b) no Kudiyirippu shall be resumed except as provided under section 36;

(c) no Kudikidappu shall be resumed except as provided under section 37; and

(d) where only a part of the holding is required under this clause, resumption shall be ordered of such part of the holding only;

(ii) For building purposes,—that the landlord requires the holding or part thereof bona fide for constructing a building for his own residence or for that of any member of his family who has a proprietary interest in the holding:

Provided that—

(a) no holding held by a permanent tenant shall be subject to resumption;

(b) no Kudiyirippu shall be resumed except as provided under section 36;

(c) no Kudikidappu shall be resumed except as provided under section 37;

(d) no landlord shall be entitled to resume any land under this clause if the total extent of land owned by or in the occupation of a cultivating tenant would be reduced by such resumption to less than 20 cents of land and no landlord shall be entitled to resume more than 20 cents of land if the total extent of the land in the occupation of the cultivating tenant will be reduced to less than one acre;

(e) where only a part of the holding is required under this clause, resumption shall be ordered of such part of the holding only;

(f) no land from a cultivating tenant shall be resumed by a Sthani or by the trustee or owner of any temple, mosque, church or other place of public religious worship or of any other public religious or charitable institution or endowment;

(g) the land resumed together with the extent of land in the possession of the land-lord shall not exceed the ceiling area;

(iii) For self cultivation.—that the landlord requires the land leased or sub-leased by him (hereinafter in this section referred to as “tenement”) bona fide for his own cultivation or for the cultivation of any member of his family who has a proprietary interest therein;
Provided that—

(a) no holding held by a permanent tenant shall be subject to resumption;

(b) no Kudiyiruppu shall be resumed except as provided under section 36;

(c) no Kudikidappu shall be resumed except as provided under section 37;

(d) no land from a cultivating tenant shall be resumed by a Sthani or by the trustee or owner of any temple, mosque, church or other place of public religious worship or of any other public religious or charitable institution or endowment;

(e) the land resumed together with the extent of land in the possession of the landlord shall not exceed the ceiling area;

(f) a landlord who at the commencement of this Act possesses as owner or as permanent tenant land more than five acres of double crop nilam or its equivalent shall not be entitled to resume more than one-half of the tenement if the cultivating tenant possesses as owner only an extent of land equal to or less than the extent of land in the possession of the landlord and no such resumption shall have the effect of reducing the total extent of land in the possession of a tenant to less than one acre of double crop nilam or its equivalent:

Provided further that, the provisions of clause (f) of the first proviso, in its application to Malabar shall have effect as if for the words "a landlord who at the commencement of this Act possesses as owner or as permanent tenant land more than 5 acres of double crop nilam or its equivalent shall not be entitled" the words "a landlord shall not be entitled" were substituted.

Explanation.—For the purposes of this sub-section, in the case of a person governed by a law other than the Marumakkathayam law or the Aliyasantana law, the wife or husband and the father, mother and children of that person shall be deemed to be members of his family having a proprietary and beneficial interest in the holding or tenement.

(2) The resumption under sub-section (1) shall be subject to the following conditions:—

(i) in respect of a lease subsisting at the commencement of this Act no application for resumption shall be made after a period of three years from such commencement:

Provided that where the landlord is a minor or a person subject to any mental or physical disability or a serving member of the Armed Forces, the right to resume land may be exercised—

(a) by the minor, within one year from the date on which he attains majority;

(b) by a person subject to mental or physical disability, within one year from the date on which the mental or physical disability ceases to exist;
(c) by a serving member of the Armed Forces, within one year from the date on which he ceases to be a serving member of the Armed Forces,

or within a period of three years from the commencement of this Act whichever period expires later:

Provided further that where the contract of tenancy expires after the period of three years from the commencement of this Act, the right to resume land may be exercised at any time within one year from the expiry of the period of tenancy;

(ii) the right to resume in respect of a holding shall be exercised only once in respect of a particular lease or other transaction coming under this Act;

(iii) the resumption shall be only at the end of the period of tenancy, if any, fixed under the contract of tenancy;

(iv) the right of resumption shall be exercisable only at the end of an agricultural year;

(v) a cultivating tenant whose holding is resumed shall be entitled to be paid as solatium by the landlord an amount equal to one year’s rent in cases where the cultivating tenant is not entitled to compensation under the law relating to payment of compensation for tenants’ improvements on eviction.

Explanation.—Where only a portion of the holding is resumed, the solatium payable shall be an amount which bears to the rent the same proportion as the area resumed bears to the total extent of the holding.

(3) In a suit for resumption of a holding or tenement instituted under clauses (i) to (iii) of sub-section (1), all persons who have an interest therein either as owner, tenant or kudikidappukaran shall be made parties thereto. Each such party shall, if he is entitled to resumption under clause (iii) of sub-section (1) prefer the claims, if any, he has regarding the resumption of the holding or tenement. The Court shall after considering the claims of each party determine whether resumption should be ordered and if so to what extent. Where resumption is ordered it shall pass a decree in accordance with the following principles:

(a) resumption shall be ordered in favour of the next intermediary in preference to all above him or land-owner;

(b) if that intermediary is not entitled to resumption, resumption shall be ordered in favour of the intermediary next above him.

(4) The provisions of this section shall apply in relation to a pattadar as defined in the Devaswom Verumpattamdars (Settlement) Proclamation, XXIII of 1118, as they apply in relation to a land-owner.
7. Tenant's right to sue for restoration of possession of land.—
(1) In any case in which any land has been resumed on the
ground specified in clause (iii) of sub-section (1) of section 6,
subject to the provisions of section 8, if in any one of the five
agricultural years following such resumption, the landlord who
has resumed such land, fails without reasonable excuse to use
the major portion of the lands for the purpose for which such
land was resumed or transfers any of the lands to any person on
any kind of lease or mortgage with possession or on kanam,
kanam-kuzhikanam, kuzhikanam or verumpattam, the cultivating
tenant shall be entitled to sue for the restoration to him of the
possession of all the lands which were resumed and to hold them
with all the rights and subject to all the liabilities of a cultivat-
ing tenant.

(2) In any case in which any land has been resumed on the
ground specified in clause (i) or clause (ii) of sub-section (1)
of section 6, if within three years of such resumption, the land-
lord fails to extend the temple, mosque, church or other place of
public religious worship or to construct the building for the
extension or construction of which the land was resumed or trans-
fers any of the lands which was resumed to any person on any
kind of lease or mortgage with possession or on kanam, kanam-
kuzhikanam, kuzhikanam or verumpattam, the cultivating
tenant shall, subject to the provisions of section 8, be entitled
to sue for the restoration to him of the possession of all the lands
which were resumed and to hold them with all the rights and
subject to all the liabilities of a cultivating tenant.

8. Limitation for suits for restoration under section 7.—(1)
A suit for restoration under sub-section (1) of section 7
shall be instituted within three years from the date of the trans-
fer by the landlord or from the expiry of the first agricultural
year in which the landlord fails, without reasonable excuse, to
use the major portion of the land for the purpose for which it
was resumed, as the case may be.

(2) A suit for restoration under sub-section (2) of section 7
shall be instituted within one year from the date of the transfer
by the landlord if the suit is based on that ground and within
one year from the expiry of three years after the resumption in
other cases.

9. Persons entitled to restoration.—If there are intermediaries
between the landlord who has resumed the land and the person
who cultivates the land, all persons whose interests in the hold-
ing are terminated by the resumption, shall be entitled to be
restored to the respective interest they had at the time of the
resumption as if there had been no resumption, and in case any
one of them does not claim restoration, the tenant next above
him shall be entitled to claim such restoration and hold the
land—

(a) on the terms on which the person not claiming the
land held it, if he and the claimant belonged to the
same class, or
(b) on the terms on which the claimant held it if he and the person who did not claim the land belonged to different classes:

Provided always that, if the landlord resuming the land had paid any value for improvements to anyone whose interests were so terminated, the person claiming restoration shall, before such restoration is effected, be bound to return to the landlord the value so paid in respect of the improvements existing at the time of the restoration together with the kanarham, if any, and also the value of the improvements, if any, effected bona fide by the landlord between the date of resumption and the date of suit.

10. *Rates of fair rent.*—(1) The rates of fair rent in respect of any class of land specified in column (2) of Schedule I shall not exceed the maximum, nor shall it be less than the minimum specified against it in columns (3) and (4) thereof, respectively.

(2) The Government may, by notification in the Gazette, fix the rates of fair rent applicable to lands in any local area subject to the maxima and the minima specified in Schedule I. In fixing such rates, the Government shall have regard to the local conditions regarding tenure, the law prevailing in that area immediately before the commencement of this Act and any other special considerations.

(3) Any rate fixed by the Government under sub-section (2) may be varied by them by like notification subject to the maxima and minima specified in Schedule I.

11. *Constitution of Land Tribunal*—The Government may, by notification in the Gazette, constitute for any area specified therein a Land Tribunal consisting of a sole member who shall be an official not below the rank of a Revenue Divisional Officer or of a Munsiff for the purpose of performing the functions of a Land Tribunal under this Act.

12. *Determination by the Land Tribunal of rent payable.*—(1) Any cultivating tenant may apply to the Land Tribunal for determining the rent payable by him in respect of the holding, the instalments, if any, in which it shall be payable and the date or dates on which such rent or the instalments thereof shall be payable. The rent payable shall be the fair rent or the rent payable under the contract of tenancy or under any law in force immediately before the commencement of this Act, whichever is less.

(2) Where the rent payable under the contract of tenancy is fixed in money, such rent shall, for the purpose of ascertaining whether the fair rent of any land is less than the rent payable under the contract of tenancy, be computed into kind with reference to the average price for a period of 20 years immediately preceding the application for determining the rent.
(3) An application under sub-section (1) shall be made within a period of three years from the commencement of this Act or, in the case of leases created after such commencement, within the period of three years from the date of creation of the lease. All persons who are interested in the holding or any part thereof as landowner or intermediary shall be made parties therein.

(4) On receipt of an application under sub-section (1) the Land Tribunal shall issue notice to all the parties concerned and after enquiry determine by an order—

(i) the rent payable in respect of the holding;

(ii) if there is an intermediary or intermediaries, the rent payable to his landlord or to their respective landlords by such intermediary or intermediaries;

(iii) the instalments, if any, in which the rent shall be payable; and

(iv) the date or dates on which the said rent or instalment shall be payable.

(5) Any person aggrieved by any order passed by the Land Tribunal under sub-section (4) may appeal against the order within such time as may be prescribed to the District Judge having jurisdiction over the area in which the holding is situate. He shall hear the appeal as a persona designata and his decision thereon shall be final.

(6) The rent determined under sub-section (4) or sub-section (5), as the case may be, shall not be liable to alteration or revision on the application of the landlord before the expiry of a period of 12 years from the date on which the rent was determined but the cultivating tenant may at any time apply for the reduction of the rent on any of the grounds specified in section 20.

13. Rent payable when Land Tribunal has not determined rent.—Where in a case there has been no determination of rent payable in respect of a holding by the Land Tribunal, the rent payable shall be the rent payable under the contract of tenancy or that payable under any law in force immediately before the commencement of this Act.

14. Special provisions regarding small holders in the Travancore-Cochin area.—(1) Subject to the provisions of sub-section (10), nothing contained in sections 6 to 13 shall apply to a holding which has been leased to any person or let out to any person under any other transaction to which this Act applies, by a landlord (hereinafter referred to as the “small holder”) who does not have either as owner or as a permanent tenant a total extent of land exceeding 5 acres of double crop nilam or its equivalent including the land so leased or let out and, in respect of such holding, the provisions of sub-sections (2) to (9) shall apply.
(2) Any small holder or his tenant may apply to the Land Tribunal for determination of the extent of land that may be resumed by the small holder or the extent of land that may be purchased by the tenant from the small holder and the compensation payable therefor.

(3) After receipt of the application from the small holder or his tenant under sub-section (2), the Land Tribunal shall hold conciliation proceedings in the prescribed manner and if a settlement is arrived at between the small holder and his tenant in regard to the matters aforesaid pass an order on the basis of the settlement so arrived at.

(4) If in the course of the conciliation proceedings no settlement is arrived at, the Land Tribunal shall make an award—

(i) determining the extent of land, if any, which may be resumed by a small holder;

(ii) determining the extent of land if any that may be purchased by the tenant and the compensation payable;

(iii) determining such other matters as may be incidental and ancillary to matters specified in clauses (i) and (ii).

(5) In determining the matters specified in sub-section (4) the Land Tribunal shall have regard to the following considerations:

(a) the relative economic position of the parties to the dispute;

(b) the absence or otherwise of other means of livelihood of the parties to the dispute;

(c) the labour or money expended by each party for the improvement of the land; and

(d) all other matters relevant for a just and equitable settlement of the matter in dispute.

(6) In the event of the holding or any part thereof being purchased by the tenant the Land Tribunal shall issue a certificate of purchase to the tenant which shall be conclusive evidence that the tenant has so purchased the rights of the small holder in the land.

(7) Where the tenant of a small holder has as owner or as permanent tenant more extent of land than the small holder, the Land Tribunal may order that the entire holding may be resumed by the small holder.

(8) In arriving at a settlement in conciliation proceedings or in making an award, it shall be the endeavour of the Land Tribunal, as far as may be practicable in the circumstances of the case, to terminate the landlord and tenant relationship in respect of the holding and may for this purpose, offer for purchase by the tenant the land available after resumption by the small holder.
(9) Where for any reason the resumption or purchase has not been effected, under the foregoing provisions the Land Tribunal shall fix the rent payable in accordance with the principles laid down in section 12 in respect of such part of the holding as has not been resumed or purchased and, till the date of such resumption, purchase or determination of the rent payable, as the case may be, the rent payable by the tenant of the small holder shall be at the rate applicable immediately before the commencement of this Act.

(10) The provisions of sub-sections (1) to (9) shall not apply to—

(i) holdings situate in Malabar; or

(ii) holdings held by permanent tenants.

15. Mode of payment of rent.—(1) Where in the case of nilams, under the contract of tenancy the rent is payable in kind and the tenant actually cultivates paddy in such nilam, the rent shall be payable in kind and such rent shall be measured out at the threshing floor, or if the landlord and the tenant so agree, in money, and in all other cases, either in kind or in money at the option of the tenant. If rent is paid in money it shall be paid at the residence of the landlord.

(2) The money value of the rent payable in kind shall be computed with reference to the rates published in the Gazette under section 24 for the date on which the rent is payable and if no such rate is published for that date, at the rate for the next previous date for which a rate is so published.

16. Rent payable by intermediaries.—Where in respect of a holding there are intermediaries the rent payable by an intermediary to his immediate landlord shall be reduced in proportion to the reduction in the rent receivable by him from the tenant immediately under him on account of the determination of the rent payable under section 12.

Illustration.—A, the landowner, has given a lease of nilam for 120 paras of paddy to B. B has sub-leased it to C for 150 paras of paddy and C has further sub-leased to D for 180 paras of paddy. The fair rent of the holding is fixed as 90 paras of paddy. D has to pay C 90 paras, C will have to pay 75 paras, and B will have to pay 60 paras.

17. Apportionment of rent on severance of interest of landlord or tenant.—Where by act of parties or operation of law the interest of the landlord or of the tenant in the property demised has been severed, a suit may be instituted by the landlord or the tenant for the apportionment of rent and security for rent, if any. The Court shall pass a decree apportioning these amounts and directing the execution of lease deed on the basis of such apportionment within a specified period and make such order as to the costs of the suit as it may deem fit. If within the time fixed by the Court such deed is not executed, the Court shall, on an application by the person in whose favour such deed is to be executed and on the deposit by such person of such amount
as the Court may direct, execute the deed on behalf of the person in default and the deed so executed shall be deemed to be a deed executed by the person in default and the Court shall by order direct that the cost of execution of the deed may be realised by the applicant from the person in default. The order of the Court shall be enforceable as if it were a decree passed by that Court under the Code of Civil Procedure, 1908.

18. Liability for assessment.—As between the tenant and the landowner, the former shall be liable for—

(a) the basic tax or any cess or tax payable to the Government or to any local authority;

(b) any enhancement subsequent to the commencement of this Act in the basic tax, cess or tax payable to the Government or to any local authority; and

(c) any special charges leviable by the Government for special or additional crops raised:

Provided that in cases where the rent payable under the contract of tenancy is less than the fair rent and under the contract of tenancy or under any custom or usage the landlord is to pay the tax payable to the Government or to the local authority the landlord shall continue to be liable for the payment of tax to the Government or to the local authority.

19. Remission of rent.—(1) Where the basic tax payable for any year in respect of any land comprised in a holding is remitted in whole or in part by the Government, on account of failure of crops, the tenant shall be entitled to a remission of the rent payable by him for that year in the same proportion.

(2) If no basic tax is payable to the Government the District Collector may, on an application to him by the tenant, order the remission of so much of the rent as would have been remitted under sub-section (1), had such land been charged with the payment of basic tax. The decision of the Collector shall be final and the tenant shall be entitled to get the benefit of the remission so ordered from his landlord.

20. Abatement in rent in cases of acquisition of land, etc.—

(1) A tenant shall, when a portion of the land comprised in his holding is acquired under any law for the time being in force providing for the compulsory acquisition of land for public purposes, be entitled to an abatement in the rent in the same proportion as the yield from the portion acquired bears to the yield from the entire holding.

(2) Where any material part of the holding is wholly destroyed or rendered substantially and permanently unfit for the purpose for which it was let, by fire, tempest or flood or violence of any army or mob or other irresistible force, the rent payable shall be proportionately reduced.
21. **Invalidity of claims of dues other than rent payable.**—Notwithstanding any contract to the contrary, express or implied, no tenant shall be liable to pay to his landlord as rent any puravaka dues or anything more or anything else than the rent payable under section 12 or section 13 or section 14, as the case may be, and interest if any, thereon.

22. **Tenant's right to receipt.**—Every tenant paying rent shall be entitled to a receipt specifying—

(a) a description of the holding in respect of which it is paid;

(b) the date of payment;

(c) the amount paid; and

(d) the period to which the amount paid relates.

**Explanation.**—A reference to the date and registration number of the document under which the holding is held and also the name of the Registration district in which the said holding is situate or in case of oral leases the place, survey number, boundary and Registration district shall be deemed to be a sufficient description of the holding for the purpose of this section.

23. **Procedure when landlord fails to grant receipt.**—(1) If the landlord refuses or neglects to grant a receipt as provided in section 22, the tenant shall be entitled to send by money order, after deducting the charges for doing so,—

(a) the money, if the rent is payable in money; or

(b) the money value of the rent if payable in kind computed in accordance with the provisions of sub-section (2) of section 15.

24. **Publication of prices of paddy, cocoanut, etc.**—The Government shall cause to be published in the Gazette every month the price of paddy, cocoanut, arecanut, pepper and such other produce in respect of which commutation rates will be necessary for the payment of rent, and also at each taluk headquarters by a Gazetted Officer.

25. **Summary jurisdiction of Munsiffs.**—(1) Munsiffs may summarily try and dispose of suits by landlords for recovery of arrears of rent, purchase price or compensation, when the amount or value of the suit does not exceed Rs. 200.

(2) In such suits, the court shall, except as hereinafter provided, follow the procedure prescribed for the trial of small cause suits, and the court may decide any question of title to immovable property or status which may be necessary for the determination of the suits, but such decision shall not be res-judicata in any proceeding other than a suit under this section.
(3) Notwithstanding anything contained in the Court-fees Act for the time being in force, the court-fee payable on the plaint in such suits shall be the same as on an application when the arrears to be recovered have accrued due within 12 months of the date of the institution of the suit.

26. Decision non-appealable.—The decision passed in a suit under section 25 shall not be appealable.

27. Application to Court when landlord refuses to accept a tender.—If the landlord refuses to accept a tender of the rent or the tenant is doubtful as to the person entitled to receive the same and no suit has been brought against the tenant for recovery of the said dues, the tenant may apply to the Court for permission to pay the same through the Court.

Along with the said application, the tenant shall deposit in Court the said dues together with interest, if any, accruing thereon.

28. Procedure on application under section 27.—When an application and deposit have been made under section 27, the Court shall cause written notice thereof to be given at the cost of the applicant to every person who, in the opinion of the Court, is entitled to be heard thereon and after hearing such of them as appear, pay the amount to the person entitled or bound to receive it and pass such orders as to interest, costs and such other matters as the Court may deem fit.

Nothing in this section shall affect the right of any person to recover the said amount by suit from the person to whom it is paid, but the order allowing the application shall be deemed full acquittance to the tenant in respect of the amount recovered by it.

29. Priority of claim for arrears of rent.—Arrears of rent due to the landlord, together with interest thereon at six per cent. per annum shall be a charge on the interest of the tenant in the holding and shall, subject to the priority of the rights of the Government for arrears of tax, cess or other dues, be a first charge on such interest of the tenant.

30. Power of Government to assume collection of rent.—(1) Notwithstanding anything contained in this Act it shall be lawful for the Government to assume on the application of a landlord, the collection of rent payable by the tenant under this Act and thereupon such rent shall be recoverable from the tenant as arrears of land revenue.

(2) The Government shall pay the landlord the rent so collected after retaining such percentage of the rent collected, not exceeding 5 per cent., towards collection charges, as may be prescribed.

31. Notice to landlord and intermediary when the interest in the holding of the tenant is acquired.—(1) Any person having an interest in the holding of a tenant by virtue of a title acquired by act of parties or by operation of law shall, where such interest
is acquired after the commencement of this Act, within a month from the date of such acquisition, give registered notice of his interest in the holding to the landlord and, where there are intermediaries, to all such intermediaries. The said notice shall contain particulars of the property, its extent, the nature of the interest acquired and the date of acquisition of such interest.

(2) Where default is made by a tenant in the payment of rent, his landlord shall give registered notice of the default to the persons who have acquired an interest in the holding prior to the date of such default and who have notified the existence of their interest under sub-section (1). The persons having interest in the holding shall be entitled to pay the arrears and the landlord shall be bound to receive such payment:

Provided that where a person who has acquired an interest only in a portion of the holding, such person shall be bound to pay only so much of the rent, or arrears of the same, as will on apportionment fall on such portion of the holding. In the absence of agreement such apportionment shall be made by the Court on application made to it by such person within one month from the date of service of the notice of default.

(3) All applications for apportionment under the proviso to sub-section (2) shall, notwithstanding anything contained in the Kerala Civil Courts Act, 1957, be made to the Court of the Munsiff within whose jurisdiction the holding is situate.

The order of apportionment shall have the force of a decree and be appealable as such.

32. Right of tenant to be heritable and alienable.—Subject to the provisions of this Act, all rights which a tenant has in his holding, shall be heritable and alienable:

Provided that a cultivating tenant shall not be entitled after the commencement of this Act to transfer such holding or any part thereof by way of lease and every such transfer by way of lease shall be null and void.

33. Discharge of arrears of rent.—(1) All arrears of rent due on 11th April 1957, by a tenant to his landlord, whether the same be payable under a decree, or order of Court or under any law or contract, shall be deemed to be fully discharged on payment of the amount specified according to the following scales within six months of the commencement of this Act:

<table>
<thead>
<tr>
<th>Category of tenant</th>
<th>Amount payable for the discharge of entire arrears</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tenants holdings less than 5 acres.</td>
<td>One year's rent or the actual amount in arrears whichever is less.</td>
</tr>
<tr>
<td>Tenants holding 5 acres and more but less than 15 acres.</td>
<td>Three years' rent or actual amount in arrears whichever is less.</td>
</tr>
<tr>
<td>Tenants holding more than 15 acres.</td>
<td>Six years' rent or actual amount in arrears whichever is less.</td>
</tr>
</tbody>
</table>
(2) Where any court has ordered eviction of a tenant on the ground that he has not paid arrears of rent and the tenant has not been actually evicted, the decree for eviction shall be annulled on the tenant depositing the rent due as provided for in subsection (1).

(3) Nothing in this section shall apply to the rent due by a tenant who holds either as owner or tenant land, more in extent than the ceiling area or to the annulment of decrees for eviction against such tenant.

34. Right of cultivating tenant to possess and enjoy buildings in the holding erected by the landowner or intermediary.—Where in a holding there are buildings which have been erected by the landowner or intermediary, and which are included in the lease, the buildings shall continue to be the property of the landowner or the intermediary, as the case may be, but the cultivating tenant shall be entitled to continue to be in possession and enjoyment thereof:

Provided that when the buildings are not required or have deteriorated to such an extent as to require their removal, the land owner or intermediary, who has erected the buildings, shall, after giving notice to the cultivating tenant, be entitled to remove the same.

35. Rights as to timber trees.—(1) Notwithstanding any law, custom or contract to the contrary, all timber trees planted by the cultivating tenant or spontaneously growing in his holding after the commencement of his tenancy, shall belong to the cultivating tenant.

(2) Subject to the provisions of sub-sections (3), (4) and (5) in the case of timber trees standing in the holding of a cultivating tenant at the commencement of his tenancy, the cultivating tenant and the landowner or the intermediary, as the case may be, shall have the right to cut and remove such trees, provided that the right conferred by this sub-section shall be exercisable by the intermediary only in case such timber trees were either planted by him or spontaneously grew during the period in which he was in possession of the holding.

(3) Where the cultivating tenant exercises his right under sub-section (2) he shall be liable to pay to the landowner or the intermediary, as the case may be, one-half of the market value of the timber trees so cut and removed.

(4) Where the landowner or the intermediary exercises his right under sub-section (2) he shall be liable to pay to the cultivating tenant one-half of the market value of the timber trees so cut and removed.

(5) The right conferred by sub-section (2) shall not be exercisable unless reasonable notice thereof in writing is given to the party to be affected by the exercise of the said right.
36. **Landlord's right to sue for possession of kudiyiruppu in certain cases.**—(1) If the tenant of a kudiyiruppu other than a permanent tenant transfers his rights therein, and the transferee or any person claiming under him uses or permits the use of the kudiyiruppu or any substantial part thereof otherwise than as a kudiyiruppu, the landlord shall be entitled to sue for the possession of the kudiyiruppu:

Provided that the landlord shall, before obtaining possession of the kudiyiruppu, pay to the transferee or person claiming under him, consideration, if any, paid by the transferee and also the value of the improvements, if any, effected in the kudiyiruppu *bona fide* between the date of the transfer and the date of the suit.

(2) A suit for possession under sub-section (1) shall be instituted within six months from the date on which the cause of action first arose.

37. **Kudikidappukaran to have fixity of tenure.**—(1) No kudikidappukaran shall be evicted from his kudikidappu except on the following grounds, namely:

(i) that he has alienated his right of kudikidappu to another person;

(ii) that he has rented or leased out his kudikidappu to another person;

(iii) that he has ceased to reside in the kudikidappu continuously for a period of one year; or

(iv) that he has another kudikidappu or has obtained ownership and possession of land within one mile of his existing kudikidappu on which a homestead or hut could be erected.

(2) Notwithstanding anything contained in sub-section (1), the owner of the land, on which there is a homestead or hut in the occupation of a kudikidappukaran, may require the kudikidappukaran on payment of the price of the homestead or hut, if any, erected by the kudikidappukaran, to shift to a new site within one mile of the existing kudikidappu the possession and ownership of which shall be transferred by the owner to the kudikidappukaran and the kudikidappukaran shall be bound to accept such arrangement. The extent of the site so transferred shall not be less than—

(i) if within the limits of the Corporation of Trivandrum or of any major municipality, 5 cents; and

(ii) if in any other area, 10 cents.

The kudikidappukaran shall be entitled to receive from the owner providing the alternate site the expenses reasonably required to shift to the new site.

**Explanation.**—For the purpose of this section “major municipality” shall mean the municipalities of Cannanore, Kozhicode, Trichur, Mattancherry, Fort Cochin, Ernakulam, Alleppey and Kottayam.
38. **Rent payable by kudikidappukaran.**—All arrears of rent, if any, payable by a kudikidappukaran on the date of commencement of this Act whether the same be payable under law, custom, or contract or under a decree of court shall be deemed to be discharged. On and after the commencement of this Act, notwithstanding any contract, a kudikidappukaran shall not be required to pay more than six rupees yearly as rent to his landlord in respect of his kudikidappu.

39. **Right of kudikidappukaran to be heritable but not alienable.**—The rights of a kudikidappukaran in his kudikidappu shall be heritable but not alienable.

**Vesting of Lands on Tenants on Peasants’ Day.**

40. **Permanent tenants deemed to have purchased land on Peasants' Day.**—(1) On the appointed day to be notified by the Government, hereinafter referred to as the Peasants’ Day, every permanent tenant shall, subject to the provisions of the next succeeding sections, be deemed to have purchased from his landlord, free from all encumbrances created by the landlord subsisting thereon on the said day, the land held by him as permanent tenant.

(2) **Tenants other than permanent tenants deemed to have purchased land in certain circumstances.**—Where no application has been made for resumption of a holding under section 6 or if any such application has been made and rejected, a tenant of that holding shall also be deemed to have purchased, free from all encumbrances created by the landlord subsisting thereon, the land comprised in the holding held by him as tenant, with effect from the date of expiry of the period for filing the application for resumption under section 6 or the date on which the final order of rejection of the application was passed.

**Explanation.**—Where resumption of a portion of a holding is allowed the tenant shall be deemed to have purchased the portion not allowed to be resumed.

41. **Tenants deemed to have purchased up to the ceiling area.**—A tenant shall be deemed to have purchased land under section 40—

(i) in the case of a tenant who does not hold any land as owner but possesses land as tenant in excess of the ceiling area, only up to the ceiling area;

(ii) in the case of a tenant who possesses land as owner below the ceiling area, such part of the land only as will raise his holding to the extent of the ceiling area.

42. **When tenants not deemed to have purchased lands.**—If a tenant possesses land partly as owner and partly as tenant and the area of the land held as owner is equal to or exceeds the ceiling area he shall not be deemed to have purchased the land held by him as a tenant under sub-section (1) or sub-section (2) of section 40.
43. When tenant entitled to choose lands to be purchased.—If a tenant entitled to purchase land under sub-section (1) or sub-section (2) of section 40 holds land separately from more than one landlord and the total extent of the land so held together with the land possessed by him as owner exceeds the ceiling area, he shall apply to the Land Tribunal for a decision as to the land which shall be deemed to have been purchased by him indicating his choice. The Tribunal shall, subject to such rules as may be prescribed by the Government, earmark the area which the tenant shall be deemed to have purchased:

Provided that the area so earmarked shall, as far as practicable, be within a survey number or contiguous survey numbers.

44. Tribunal to issue notices and determine price of land to be paid by tenants.—(1) As soon as may be after the Peasants' Day, the Land Tribunal shall publish or cause to be published a public notice in the prescribed form in each village within its jurisdiction calling upon—

(a) all tenants who are deemed to have purchased lands under sub-section (1) of section 40;
(b) all landlords of such lands; and
(c) all other persons interested therein,
to appear before it on the date specified in the notice. The Tribunal shall issue a notice individually or otherwise to each such tenant, landlord, and also, as far as practicable, other persons, calling upon them to appear before it on the date specified in the public notice.

(2) It shall be open to any tenant to apply to the Land Tribunal even where notice has not been received by him, stating that he is entitled to purchase the land held by him as a tenant.

(3) The Land Tribunal shall record in the prescribed manner the statement from a tenant whether he is or is not willing to purchase the land held by him as a tenant.

(4) Where any tenant fails to appear after he is personally served with the notice under sub-section (1) or makes a statement that he is not willing to purchase the land, the Land Tribunal shall, by an order in writing, declare that such tenant shall not be deemed to have purchased the land.

(5) If a tenant is willing to purchase, the Land Tribunal shall, after giving an opportunity to the tenant, landlord and all other persons interested in such land, to be heard and after holding an enquiry, determine the purchase price of such land in accordance with the provisions of sub-section (7) or sub-section (8), as the case may be.

(6) In the case of a tenant who is deemed to have purchased the land under sub-section (2) of section 40, such tenant shall, as soon as may be after the date on which such purchase shall
be deemed to have been made, apply to the Land Tribunal for the fixation of purchase price. On receipt of such application the Land Tribunal shall proceed in accordance with the provisions of sub-sections (1) to (5).

(7) The purchase price shall be the aggregate of—

(i) 16 times the rent on the land calculated at the maximum rates specified in column (3) of Schedule I for the class of land to which the holding belongs or, where the rent payable by the cultivating tenant immediately before the commencement of this Act is less than the rent so calculated, 16 times such rent; and

(ii) the value of any structures, wells and embankments of a permanent nature constructed or laid by the landlord or any other persons interested in the land.

The purchase price shall be payable in 16 equal annual instalments.

(8) Notwithstanding anything contained in sub-section (7), it shall be open to the tenant to pay the entire purchase price in a lump sum, in which case, the purchase price shall be the amount as calculated under sub-section (7) after substituting the word and figures “12 times” for the word and figures “16 times” in that sub-section.

45. Appeal from the determination of purchase price by the Land Tribunal.—Any person aggrieved by the determination of the purchase price by the Land Tribunal under section 44 may appeal to the District Court having jurisdiction over the area in which the land is situate and the order of the District Court upon such appeal shall be final.

46. Deposit of purchase price.—(1) On the determination of the purchase price under section 44 the tenant shall deposit with the Land Tribunal to the credit of the Land Board where the amount of the purchase price is to be paid in a lump sum the whole of such amount within one year, or, where the purchase price is to be paid in instalments, the first instalment thereof within three months, from the date on which the purchase price was so determined or where there has been an appeal under section 45 against the orders of the Land Tribunal determining the purchase price, from the date on which the appellate authority passed orders on such appeal.

(2) From the date on which the tenant is deemed to have purchased the land, interest at the rate of 5 per cent per annum shall accrue on the purchase price and the tenant shall be bound to pay the purchase price with such interest. Where the price is payable in instalments, the amount outstanding after payment of each instalment shall bear interest at the rate of 5 per cent per annum.

47. Purchase price recoverable as arrears of land revenue.—If a tenant fails to deposit the amount of the purchase price or any
instalment thereof on the due date, such amount shall be recoverable as an arrear of land revenue under the provisions of the Revenue Recovery Act for the time being in force and on such recovery, shall be deposited to the credit of the Land Board.

48. Land Board to issue certificate of purchase.—On the deposit of the purchase price in a lump sum or of the last instalment of such price, the Land Board shall issue a certificate of purchase in the prescribed form to the tenant in respect of the land. Such certificate shall be conclusive evidence of the purchase.

49. Purchase to be ineffective in certain cases.—(1) Where a tenant fails to pay the lump sum within the period fixed under section 46 he shall not be entitled to the benefits under sub-section (8) of section 44 and shall be bound to pay the purchase price under sub-section (7) of that section. Where a tenant is at any time in arrears of three instalments the purchase by the tenant shall, subject to the provisions of sub-section (2), be ineffective and the rights of the landlord in the land shall vest in the Government and the tenant shall be deemed to hold under the Government. Thereupon any amount deposited by such tenant towards the price of the land shall be refunded to him after deducting the rent payable in respect of the holding during the period of default.

(2) Where a tenant is in arrears of three instalments, he may within a period of three months from the date of the default of the last instalment, apply to the Land Tribunal to condone the default on the ground that he was incapable of paying the instalments, and if the Tribunal, after holding such enquiry as it may think fit, is satisfied that the default was for sufficient reasons, it may condone the default.

(3) If the tenant thereafter commits default in payment of the instalments of purchase price, the purchase by the tenant shall be ineffective and the provisions of sub-section (1) shall apply.

50. Landlord entitled to compensation.—(1) Where any land shall be deemed to have been purchased by a tenant under the provisions of section 40, the rights of the landlord in the land shall be extinguished and the landlord shall be entitled to compensation for the extinguishment of his rights.

The compensation shall be the aggregate of—

(i) the amount calculated on the basis of scales specified in Schedule II, and

(ii) the value of any structures, wells and embankments, of a permanent nature, if any, constructed or laid by the landlord:

Provided that where the amount of compensation is paid in a lump sum, 75 per cent of the aggregate amount computed as above shall alone be payable as compensation.
Explanation.—For the purpose of this section a land shall be deemed to have been purchased by the tenant notwithstanding the fact that such purchase has become ineffective under section 49.

(2) Where there are intermediaries in respect of a holding the amount of compensation payable shall be apportioned among the land-owner and the intermediaries in proportion to the profits derived by each from the land.

Explanation.—"Profit derived from the land" shall, for the purpose of this sub-section, mean, in the case of the land-owner, the rent to which he is entitled and in the case of an intermediary, the difference between the rent due to him from his tenant and the rent to which he is liable to his landlord.

51. Landlord to apply for assessment and payment of compensation.—Any landlord whose land shall be deemed to have been purchased under section 40 may apply to the Land Board for the assessment and payment of compensation to which he is entitled under section 50.

52. Appointment of Compensation Officers and preparation of compensation assessment rolls.—(1) The Government shall appoint the Land Tribunals as the Compensation Officers for the preparation of the compensation assessment rolls.

(2) The Compensation Officer shall prepare a draft compensation assessment roll showing—
(a) the particulars of the holdings in respect of which compensation is to be paid;
(b) the names of the tenants deemed to have purchased the land;
(c) the names of the landowners and the intermediaries, if any, and the amount of compensation payable to each; and
(d) such other particulars as may be prescribed.

53. Publication of draft compensation roll.—(1) After the draft compensation roll is prepared under section 52 the Compensation Officer shall—
(a) publish a notice in such manner as may be prescribed to the effect that the compensation roll has been prepared and is open to inspection by the persons interested;
(b) serve or cause to be served on the landlord and other persons concerned a notice along with a copy of the compensation roll.

(2) The notice under subsection (1) shall call upon all persons interested including members of the family of the land-owner or intermediaries claiming any portion of such compensation whether by way of a share or by way of maintenance or otherwise, to appear and file objections and claims within such period as may be prescribed.
(3) If any objection or claim is filed within the time prescribed, it shall be registered by the Compensation Officer, who shall fix a date for hearing the same and shall give intimation thereof to the land-owner, intermediaries and to any person interested who may have appeared in reply to the notice under sub-section (2).

(4) In hearing and deciding the objections and claims filed under sub-section (3), the Compensation Officer shall, in so far as they may be applicable, have all the powers of a civil court, and subject to such modifications as may be prescribed, follow the procedure laid down in the Code of Civil Procedure, 1908, for the hearing and disposal of suits relating to immovable property.

54. Orders of Compensation Officers and appeals therefrom.—
(1) The order of the Compensation Officer in deciding an objection under section 53 shall contain a concise statement of the case, the points for determination, the decisions thereon and the reasons for such decision.

(2) Any person aggrieved by the order of the Compensation Officer may appeal to the District Court having jurisdiction over the area in which the land is situate and the order of the District Court upon such appeal shall be final.

(3) The draft compensation roll published under section 53 shall be modified in accordance with the orders of the Compensation Officer or where such orders have been modified in appeal, in accordance with such orders of the appellate authority, and the draft so modified shall be final.

55. Corrections to final compensation rolls.—Except as provided by or under this Act, no correction shall be made in the compensation roll after it has become final, provided that the Compensation Officer, having jurisdiction for the time being, may at any time before the payment of compensation either of his own motion or on any application filed by a person interested, correct any clerical or arithmetical mistake or any error arising therein from any accidental slip or omission.

56. Payment of compensation.—(1) During an enquiry held under section 44 the Land Tribunal shall determine any encumbrances created by the landlord and lawfully subsisting on the land on the day on which the land is deemed to have been purchased.

(2) If the determination of such encumbrances involves any question of law regarding the validity of the encumbrance, the claim of the holder of the encumbrance or any question regarding the amount due in respect of the encumbrance, the Land Tribunal shall in the manner prescribed refer the question for decision to the District Judge within the territorial limits of whose jurisdiction the land is situate. On receipt of such reference the District Judge shall, after giving notice to the parties concerned, try the questions referred to and record
findings thereon and send the same to the Land Tribunal. The Land Tribunal shall then give the decision in accordance with the said findings.

(3) Where the land deemed to have been purchased forms part of a property which is subject to such encumbrance, the Land Tribunal shall for the purpose of discharging the encumbrance on the land so deemed to be purchased, apportion the entire encumbrance on the property between the land so deemed to be purchased and portion of the property remaining, in proportion to the values of the two portions of the property and discharge the encumbrance only to the extent to which it attaches to the land deemed to be purchased.

(4) Subject to the provisions of sub-section (5) the compensation payable under section 50 shall be paid by the Land Board to the persons whose names have been entered in the final compensation roll as being entitled thereto.

(5) Where the land deemed to have been purchased is subject to any encumbrance created by the landlord the value of the encumbrance shall be deducted from the compensation amount towards payment of the encumbrance and the balance alone shall be paid to the persons entitled to the compensation. If any person has a right to receive maintenance or alimony from the profits of the land, the Land Tribunal shall also make deductions for payment out of the compensation amount. If the total amount of such encumbrance is more than the amount of compensation the compensation amount shall be distributed in the order of priority and on such payment the liabilities in respect of the encumbrances shall stand extinguished, and no amount shall be payable to the persons entitled to the compensation.

(6) The compensation or the value of encumbrance, as the case may be, shall be paid either in cash or in non-negotiable bonds carrying interest at 3 per cent per annum with effect from the date on which the land is deemed to have been purchased by the tenant and shall be payable in the prescribed manner in twenty equal annual instalments.

(7) Where any amount has been deducted for payment of maintenance or alimony the same shall be paid in cash to the person entitled thereto.

(8) Where a person entitled to the compensation or the value of encumbrance, as the case may be, dies before it is paid to him, it shall be paid to his legal representatives.

(9) Where the person entitled to receive the compensation or the value of encumbrance is a trust or endowment or a minor or a person suffering from some legal disability or a limited owner, the compensation or the value of encumbrance may,
notwithstanding anything contained in any law, but subject to any general directions that the Government may give, be deposited for and on behalf of the person with such authority or Bank as may be prescribed.

(10) Where before any Court or authority any suit or proceeding is pending which directly or indirectly affects or is likely to affect the right of any person to receive the whole or part of the compensation or the value of encumbrance payable under this Act, the Court or authority may require the Compensation Officer to place at its disposal the amount so payable and thereupon the same shall be disposed of in accordance with the orders of such Court or authority.

57. **Payment of compensation to be full discharge.**—The payment of compensation or the value of encumbrance, maintenance or alimony to the landowner or intermediary or other persons entitled thereto in the manner prescribed by or under this Act shall be a full discharge of the liability for payment of compensation and no further claims for payment of compensation shall lie.

58. **Provisions of sections 40 to 57 not to apply to certain leases of lands.**—Nothing in sections 40 to 57 (both inclusive) shall apply to lands leased or given under any other transaction to a tenant by a public religious or charitable institution or public trust:

Provided that the entire income from such lands are appropriated for the purpose of such institution or trust.

59. **Cultivating tenant’s right to purchase the rights of the intermediary.**—(1) Where in respect of a holding there is an intermediary or there are intermediaries holding between the land-owner and the cultivating tenant, the intermediary or intermediaries shall be bound to sell his or their rights in respect of the holding to the cultivating tenant if so required by the cultivating tenant and on payment of the purchase price determined in accordance with the provisions of sub-section (2).

(2) The purchase price payable by the cultivating tenant for the purchase of the rights of the intermediary or each of the intermediaries in the holding shall be the same as that the intermediary would have been entitled to under sub-section (2) of section 50 if the tenant had been deemed to have purchased the holding under section 40.

(3) If any intermediary refuses or fails to sell his rights to the cultivating tenant when so required by the latter under sub-section (1), the cultivating tenant may apply to the Land Tribunal for the sale of the interest of the intermediary to him. The Land Tribunal shall, on receipt of such application and after giving an opportunity to the intermediary and other persons interested to show cause, determine the purchase price payable to the intermediary or each of the intermediaries and determine the date before which the amount shall be deposited with the Land Tribunal for payment to the intermediary or intermediaries.
(4) Any person aggrieved by the orders of the Land Tribunal under sub-section (3) may appeal to the District Court having jurisdiction over the area in which the land is situate within such time as may be prescribed and the orders of the District Court on such appeal shall be final.

(5) On deposit of the purchase price, the Land Board shall pay the amount to the intermediaries entitled to receive the same and issue a certificate of purchase in the prescribed form to the cultivating tenant in respect of such rights of the intermediary or intermediaries in the land. Such certificate shall be conclusive evidence of the purchase and the cultivating tenant shall thereafter hold the land directly under the landowner and shall be liable to pay the rent which the intermediary holding directly under the landowner was liable to pay.

CHAPTER III

RESTRICTION UPON HOLDING LAND IN EXCESS OF CEILING AREA AND DISPOSAL OF EXCESS LANDS

60. Exemption.—(1) The provisions of this Chapter shall not apply to—

(a) lands owned or held by—

(i) the Government of Kerala or the Government of any other State in India or the Government of India or any local authority;

(ii) a public religious or charitable institution;

(b) lands comprised in mills, factories or workshops and which are necessary for the use of such mills, factories or workshops.

(2) The Government may, if they are satisfied that it is necessary to do so in public interest on account of any special nature of the use to which any land is put, by notification in the Gazette, exempt such land from the provisions of this Chapter subject to such restrictions and conditions as they may deem fit to impose.

61. Interpretation.—For the purpose of this Act—

(i) "ceiling area" of land shall be—

(a) in the case of a person or a family consisting of not more than five members, 15 acres of double crop nilam or its equivalent; and

(b) in the case of a family consisting of more than five members, 15 acres of double crop nilam or its equivalent increased by one acre of double crop nilam or its equivalent for each member in excess of five, so however that the total extent of land shall not exceed 25 acres of double crop nilam or its equivalent;
(ii) "plantation" means any land used immediately before 18th December, 1957, principally for growing tea, coffee, rubber or cardamom or such other kind of special crops as may be specified by the Government by notification in the Gazette;

(iii) "to hold land" as an owner or tenant shall mean to be lawfully in actual possession of land as an owner or tenant, as the case may be.

Explanation.—For the purpose of calculating the ceiling area lands which are not cultivable by ordinary processes of husbandry shall be excluded.

62. Persons not to hold land in excess of the ceiling area.—
(1) Subject to the provisions of sub-section (2), with effect from such day as may be notified by the Government, it shall not be lawful for any person to hold, whether as owner or as tenant, or partly as owner and partly as tenant, land in excess of the ceiling area.

(2) Nothing contained in sub-section (1) shall prevent a person from holding plantations admeasuring more than the ceiling area, provided that he does not hold any other land except the site of his dwelling house and the land required for the convenient enjoyment of the dwelling house.

Explanation.—For the purposes of this section 'person' shall include family.

63. Certain voluntary transfers to be null and void.—(1) Notwithstanding anything contained in any law for the time being in force all voluntary transfers by way of sale or gift effected by persons having more land than the ceiling area after 18th December, 1957, shall be null and void.

(2) Notwithstanding anything contained in any law for the time being in force, all voluntary transfers of lands effected otherwise than for valuable consideration or effected otherwise than out of natural love and affection, bona fide, by persons having more land than the ceiling area on and after the 11th April, 1957, shall be null and void.

64. Surrender of excess lands.—Any land in excess of the ceiling area which a person is authorised to hold under section 62 shall be surrendered by him to the Government within such time as may be prescribed.

65. Excess land obtained by gift, etc., to be surrendered.—Where any person comes by any property on account of gift, purchase, lease, surrender or any other kind of transfer inter vivos or by bequest and in consequence thereof, the total land held by such person exceeds the ceiling area such excess land shall be surrendered to the Government within six months of his date of coming into ownership or possession.

66. Person surrendering land entitled to compensation.—When a person surrenders lands to the Government as provided for in section 64 or section 65 he shall be entitled to be paid compensation. The compensation shall be the aggregate of—

(i) the amount calculated on the basis of scales specified in Schedule II; and
(ii) the value of any structures, wells and embankments of a permanent nature:

Provided that where the amount of compensation is paid in a lump sum in cash, 75 per cent of the aggregate amount computed as above shall alone be payable as compensation:

Provided further that where the surrender is by a tenant of his leasehold right, the compensation payable shall be such portion of the purchase price calculated as above which would have fallen to his share if such purchase price were divided between the landlord and the tenant in proportion to their respective interests in the land.

67. Payment of compensation.—(1) The Compensation Officer appointed under section 52 shall prepare the compensation roll for the payment of compensation under section 66 and in doing so, he shall follow the same procedure laid down in sections 52 to 55 and the provisions of the said sections shall apply thereto.

(2) Where the Compensation Officer finds that the land surrendered to the Government is subject to any encumbrance lawfully subsisting on the date of surrender, he shall, after conducting such enquiry as he may deem fit, fix the value of the encumbrances the land is subject to. Where the determination of the encumbrance involves any question of law regarding the validity of the encumbrance, the claim of the holder of the encumbrance or any question regarding the amount due in respect of the encumbrance, the Compensation Officer shall follow the procedure laid down in sub-section (2) of section 56 and the provisions of that sub-section shall apply to the determination of the encumbrance.

(3) Except in regard to a matter referred to the District Judge under sub-section (2), any person aggrieved by the decision of the Compensation Officer may appeal to the District Court having jurisdiction over the area in which the land is situate and the decision of the District Court in appeal shall be final.

(4) Where the land surrendered forms part of a property which is subject to encumbrance, the Land Board shall, for the purpose of discharging the encumbrance on the lands so surrendered, apportion the entire encumbrance on the property between the land so surrendered and the portion of the property remaining, in proportion to the values of the two portions of the property and discharge only the encumbrance to the extent to which it attaches to the land surrendered.

(5) If the total amount of the encumbrance is less than the compensation payable under section 66, the value of the encumbrance shall be deducted from such compensation and the balance alone shall be shown as payable to the person surrendering the land in the final roll.

(6) Where the compensation payable under section 66 is equal to or less than the value of the encumbrance, no compensation shall be shown as payable to the person surrendering the land.
(7) The value of encumbrance deducted from the compensation payable under sub-section(5) shall be paid to the persons holding the encumbrances and the balance alone shall be paid to the person surrendering the land.

(8) In cases falling under sub-section (6) the entire compensation shall be distributed among the holders of encumbrances in the order of priority and thereupon the liabilities in respect of the encumbrances shall stand extinguished.

(9) Subject to the first proviso to section 66 the compensation shall be paid either in cash or in non-negotiable bonds carrying interest at 3 per cent per annum with effect from the date on which the land was surrendered to the Government and payable in the prescribed manner in twenty equal annual instalments.

(10) Where a person entitled to the compensation dies before it is paid to him, it shall be paid to his legal representatives.

(11) Where the person entitled to receive the compensation is a trust or endowment or a minor or a person suffering from some legal disability or a limited owner, the compensation may, notwithstanding anything contained in any law, but subject to any general directions that the Government may give, be deposited for and on behalf of the person with such authority or Bank as may be prescribed.

(12) Where before any Court or authority any suit or proceeding is pending which directly or indirectly affects or is likely to affect the right of any person to receive the whole or part of the compensation payable under this Act, the Court or authority may require the Land Board to place at its disposal the amount so payable and thereupon the same shall be disposed of in accordance with the orders of such Court or authority.

68. Payment of compensation to be full discharge.—The payment of compensation to the person surrendering the land or other persons entitled thereto in the manner prescribed by or under this Act shall be a full discharge of the liability for payment of compensation and no further claims for payment of compensation shall lie.

69. Application to Land Board.—Any person who has no lands or has lands less in extent than the ceiling area may apply to the Land Board for assignment of lands.

Explanation.—For the purpose of this section and sections 70 and 71, “assignment” includes transfer of land by way of lease.

70. Assignment of rights over lands vested in Government.—(1) The Land Board may assign the rights over lands surrendered to the Government under section 64 or section 65 or the rights over lands vested in the Government under section 49 to persons who have no lands or have lands less in extent than
the ceiling area and in doing so the Board shall have regard to
the following considerations in determining the order of priority
for such assignment:

(i) a tenant whose land has been resumed under section 6;
(ii) a landlord who has lost his rights over lands on account
of the provisions of section 40 and who does not have lands in
his actual possession more than 3 acres of double crop nilam or
its equivalent;

(iii) co-operative farming societies whose members are
agricultural labourers who have no land;
(iv) agricultural labourers who do not have any land except
Kudikidappu;
(v) adjoining cultivators.

(2) The Land Board shall not assign to any person more
than five acres of double-crop nilam or its equivalent.

(3) Notwithstanding anything contained in sub-section (1),
it shall be lawful for the Land Board to modify the order of
priority having regard to any special consideration which may
arise in any particular case.

71. Payment of purchase price.—(1) On the assignment of the
lands by the Land Board, the assignee shall deposit with the
Land Board, the purchase price of the land so assigned either
in a lump sum or in cases where the Board so allows, in annual
instalments not exceeding twelve.

(2) The purchase price shall be the aggregate of—

(i) 16 times the rent on the land calculated at the maxi-
mum rates specified in column (3) of Schedule I for the class of
land to which it belongs; and

(ii) the value of any structures, wells and embankments
of a permanent nature in the land.

(3) The Land Board may allow payment of the purchase
price in instalments if, after such enquiry as it deems necessary,
it is satisfied that the economic position of the assignee is not
such as to enable him to pay the purchase price in a lump sum.

(4) Where the purchase price is payable in instalments, the
amount outstanding after payment of each instalment shall bear
interest at the rate of 5 per cent per annum.

(5) All amounts due from the assignees shall be a first charge
on the land assigned and shall be recoverable as an arrear of
land revenue under the Revenue Recovery Act for the time being
in force.

72. Management of surrendered lands till assignment.—The
Land Board shall, subject to such rules as may be made by the
Government in this behalf, manage the lands surrendered to
them until they are assigned under section 70, by making
arrangements for their cultivation and protection.
73. Constitution of Land Board.—There shall be constituted a Land Board for the whole State which shall consist of the member of the Board of Revenue in charge of land revenue administration, who shall be the Chairman, and two other officers of Government who may be nominated by the Government.

74. Powers of Land Board.—The Land Board shall have the full powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:

(a) summoning and enforcing the attendance of any persons and examining them on oath;
(b) requiring the discovery and production of any document;
(c) receiving evidence on affidavit;
(d) issuing commissions for the examination of witness or for local investigation; and
(e) any other matter which may be prescribed.

CHAPTER IV

MISCELLANEOUS PROVISIONS

75. Special provisions for application of the Act.—If any difficulty arises in the application of the provisions of this Act to any area on account of local variations between the tenures prevailing in that area (by whatever name such tenures may be known) and the corresponding tenures prevailing in the remaining part of the State, the Government may, by notification published in the Gazette, direct that the said provisions shall apply to the aforesaid area subject to such adaptations, exceptions and modifications as may be specified in this behalf in such notification.

76. Rent under certain contracts of tenancy not to be affected.—

(1) Where coconut is the major produce of a holding and the pattam fixed therefor under the contract of tenancy is payable by the verumpattamdar in money, the provisions of sub-section (2) of section 5 of the Cochin Verumpattamadors Act, VIII of 1118, shall not apply and shall not be deemed to have applied to the pattam payable by the verumpattamdar under the contract of tenancy for the period from the first day of Chingam 1124, up to the date of commencement of this Act, and the pattam payable by him in respect of the holding for the said period shall only be the amount due for that period under the contract of tenancy.

(2) Where a verumpattamdar to whom the provisions of sub-section (2) of section 5 of the Cochin Verumpattamadors Act, VIII of 1118, apply, had by himself or through his predecessor-in-interest been, at the commencement of the said Act in possession of a holding as verumpattamdar and had thereafter renewed the contract of tenancy and undertaken to pay pattam
in kind or higher pattam in money, the verumpattamdar shall, notwithstanding such renewal of the contract or undertaking, be liable to pay for the period from the first day of Chingam 1124 up to the date of commencement of this Act, pattam only at the rate fixed in the contract of tenancy subsisting immediately prior to the commencement of the Cochin Verumpattamdars Act, VIII of 1118.

77. Apportionment of land value in cases of acquisition.—

(1) Where the land comprised in a holding is acquired under the law for the time being in force providing for the compulsory acquisition of land for public purposes, the compensation awarded under such law in respect of the land acquired shall be apportioned among the landowner, intermediaries, cultivating tenant and the kudikidappukaran in the manner specified in sub-sections (2) to (4).

(2) The compensation for any building or other value of improvements shall be awarded to the person entitled to the same.

(3) The Kudikidappukaran shall be entitled to the full value of the land occupied by his homestead or hut.

(4) The landowner shall be entitled to one-half of the balance remaining after making the payments referred to in sub-sections (2) and (3) and the other half shall be apportioned among the intermediaries and cultivating tenant in proportion to the profits derived by each from the land acquired immediately before such acquisition.

Explanation. — “Profits derived from the land” shall be deemed to be equal to, (i) in the case of an intermediary, the difference between the rent for which he was entitled from his tenant and the rent for which he was liable to his landlord and (ii) in the case of the cultivating tenant, the difference between the net produce and the rent payable by him.

(5) Where the land acquired is comprised in the holding of a kudiyan, as defined in the Travancore Jenmi and Kudiyan Act of 1071, or a kanam tenant as defined in the Kanam Tenancy Act, 1955, or a pattadar as defined in the Devaswom Verumpattamdars (Settlement) Proclamation, XXIII of 1118, the compensation amount to be apportioned under sub-sections (2) to (4) shall be the share of the Kudiyan, the kanam tenant or the pattadar as ascertained under section 45 of the Travancore Jenmi and Kudiyan Act of 1071, or section 48 of the Kanam Tenancy Act, 1955 or section 7 of the Devaswom Verumpattamdars (Settlement) Proclamation, XXIII of 1118, as the case may be.

(6) A pattadar under the Devaswom Verumpattamdars (Settlement) Proclamation, XXIII of 1118, shall be deemed to be a landowner for the purposes of apportionment of the compensation amount among the pattadar, intermediaries, cultivating tenant and the kudikidappukaran.
78. Amendment of Cochin Proclamation XXIII of 1118.—
Section 9 of the Devaswom Verumpattamolars (Settlement)
Proclamation, XXIII of 1118, shall be omitted.

79. Collector's power to require land left uncultivated to be
leased.—(1) If at any time after the commencement of this Act,
any land is left uncultivated for a continuous period of two years,
the Collector of the district may by order require the owner or
other person in lawful possession of such land to lease it for
agricultural purposes to such person on fair rent and within such
time as may be specified in the order:

Provided that no such order shall be passed without giving
the owner or other person in lawful possession a reasonable op-
portunity either to cultivate such land himself or to lease it out
for agricultural purposes.

(2) Where the owner or other person in lawful possession
fails to lease the land in accordance with, and within the time
specified in the order issued under sub-section (1) the
Collector may execute a lease deed on behalf of the owner or
other person in lawful possession in favour of the person, and
for the term, specified in such order; and the lease deed so
executed shall, for all purposes, have the same effect as
if it had been executed by the owner or other person in lawful
possession himself.

80. Penalty for contravention of the provisions of the Act or
the rules made thereunder.—If any person fails to comply with
the provisions of section 64 or section 65 or of any rules made
under this Act, he shall on conviction be liable to fine not ex-
ceeding one hundred rupees.

81. Protection of action taken under Act.—No suit, prose-
cution or other legal proceeding shall lie against any person for
anything in good faith done or intended to be done under this
Act or the rules made thereunder.

82. Bar of jurisdiction of Courts.—No order of the Land Tri-
bunal, Compensation Officer or the Land Board under this Act
shall be called in question in any Court except as provided in
this Act.

83. Act to override other laws, etc.—The provisions of this
Act shall have effect notwithstanding anything in any other law or
any custom or usage or in any contract expressed or implied
inconsistent with the provisions of this Act.

84. Power to remove difficulties.—If any difficulty arises in
giving effect to the provisions of this Act, the Government may,
as occasion may require, by order, do anything which appears
to them necessary for the purpose of removing the difficulty.

85. Power to make rules.—(1) The Government may make
rules to carry out all or any of the purposes of this Act.
(2) In particular and without prejudice to the generality of the foregoing power such rules may provide for the following matters:

(a) the fees payable for the determination of fair rent and the persons by whom and the period within which such fee shall be paid;

(b) the registers to be kept and maintained by the Land Tribunal, the Compensation Officer or the Land Board and the particulars to be entered therein;

(c) the procedure to be followed in the preparation of compensation rolls;

(d) the filing of returns and statements before the Land Tribunal, the Compensation Officer or the Land Board;

(e) the procedure to be followed by the Land Board;

(f) the assignment of lands by the Land Board under section 70;

(g) any other matter which under this Act is to be or may be prescribed.

(3) The rules shall be published in the Gazette and upon such publication shall have effect as if enacted in this Act. The rules shall be placed on the table of the Legislative Assembly as soon as may be after they are published and shall be subject to such modifications by way of repeal or amendment as the Assembly may make during the session in which they are so laid.

86. Repeal.—(1) The enactments mentioned in Schedule III are hereby repealed.

(2) (a) The Proclamation VI of 1124 (Cochin) dated 12th January 1949, the Kerala Stay of Eviction Proceedings Act, 1957 and the Madras Tenants and Ryots Protection Act, 1949, are hereby repealed and all suits, appeals, revisions, reviews and proceedings in execution of decrees stayed by the said enactments may be disposed of in accordance with the provisions of this Act.

(b) The costs in respect of the suits, appeals, revisions, reviews and execution proceedings stayed by the enactments specified in clause (a) shall be in the discretion of the Court.

(3) Any decree passed before the commencement of this Act for the eviction of a tenant from his holding but which is pending execution may, on the application of the tenant or the landlord, be reopened and the matter may be disposed of in accordance with the provisions of this Act.

(4) (a) Where the decree-holder, plaintiff, appellant or petitioner, as the case may be, is a person entitled to resumption under section 6, he shall have the right to apply to the Court to pass a decree ordering resumption of the holding or any part thereof to which he is entitled.
(b) The application under clause (a) shall be made within one year from the commencement of this Act and shall contain a statement of facts in support of the claims of the applicant and also the names and addresses of all persons who have an interest in the holding either as owner, lessee or kudikidappukaran.

(c) The court shall dispose of the application as if it were a suit for resumption instituted under section 6.

(5) Notwithstanding anything contained in section 11 of the Code of Civil Procedure, 1908, the right conferred on the decree-holder, plaintiff, appellant or petitioner, as the case may be, under clause (a) of sub-section (4) shall not be deemed to take away or in any manner affect his right to institute a suit for resumption under section 6.
### SCHEDULE I

*(See section 10)*

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Class of land.</th>
<th>Fair Rent.</th>
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<tbody>
<tr>
<td></td>
<td></td>
<td>Maximum.</td>
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<tr>
<td>(1)</td>
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</tr>
<tr>
<td>1</td>
<td>Dry land converted into wet land by tenant’s labour.</td>
<td>$1/6$th of the gross paddy produce.</td>
</tr>
<tr>
<td>2</td>
<td>Wet land not falling under item 1 or item 4.</td>
<td>$1/4$th of the gross paddy produce.</td>
</tr>
<tr>
<td>3</td>
<td>Land cultivated on the Kaipad system.</td>
<td><em>$1/12$th of the gross paddy produce.</em></td>
</tr>
<tr>
<td>4</td>
<td>Wet lands in Wyanaad Taluk— (a) Converted by tenant’s labour.</td>
<td><em>$1/20$th of the gross paddy produce and an amount equal to the annual basic tax and local cesses payable.</em></td>
</tr>
<tr>
<td></td>
<td>(b) Not falling under item (a) above.</td>
<td><em>$1/12$th of the gross paddy produce plus an amount equal to the annual basic tax and the local cesses payable.</em></td>
</tr>
<tr>
<td>5</td>
<td>Cocoanut gardens— (a) Cocoanut trees in respect of which the landlord is bound to pay compensation under the law relating to payment of compensation for tenants’ improvements on eviction.</td>
<td>$1/12$th of the gross cocoanut produce.</td>
</tr>
<tr>
<td>Sl. No.</td>
<td>Class of land</td>
<td>Fair Rent.</td>
</tr>
<tr>
<td>---------</td>
<td>---------------</td>
<td>------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Maximum</td>
</tr>
<tr>
<td>(1)</td>
<td>(2)</td>
<td>(3)</td>
</tr>
<tr>
<td>(b) Cocoanut trees in respect of which the landlord is not bound to pay compensation under the law mentioned in item (a) above.</td>
<td>1/3rd of the gross cocoanut produce.</td>
<td>1/4th of the gross cocoanut produce.</td>
</tr>
<tr>
<td>6</td>
<td>Arecanut gardens—</td>
<td></td>
</tr>
<tr>
<td>(a) Arecanut trees in respect of which the landlord is bound to pay compensation under the law relating to payment of compensation for tenants' improvements on eviction.</td>
<td>1/12th of the gross arecanut produce.</td>
<td>1/20th of the gross arecanut produce.</td>
</tr>
<tr>
<td>(b) Arecanut trees in respect of which the landlord is not bound to pay compensation under the law mentioned in item (a) above.</td>
<td>1/4th of the gross arecanut produce.</td>
<td>1/5th of the gross arecanut produce.</td>
</tr>
<tr>
<td>7</td>
<td>Pepper gardens—</td>
<td></td>
</tr>
<tr>
<td>(a) Pepper vine in respect of which the landlord is bound to pay compensation under the law relating to payment of compensation for tenants' improvements on eviction.</td>
<td>1/8th of the gross pepper produce.</td>
<td>1/12th of the gross pepper produce.</td>
</tr>
<tr>
<td>Sl. No.</td>
<td>Class of land.</td>
<td>Fair Rent.</td>
</tr>
<tr>
<td>--------</td>
<td>----------------</td>
<td>------------</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Maximum</td>
</tr>
<tr>
<td></td>
<td></td>
<td>(3)</td>
</tr>
<tr>
<td>(b)</td>
<td>Pepper vine in respect of which the landlord is not bound to pay compensation under the law mentioned in item (a) above.</td>
<td>1/4th of the gross pepper produce.</td>
</tr>
<tr>
<td>8</td>
<td>Dry land not falling under item 9.</td>
<td>* 1/16th of the gross produce.</td>
</tr>
<tr>
<td>9</td>
<td>Dry land lying fallow for not less than three years immediately preceding the commencement of this Act.</td>
<td>* Twice the basic tax.</td>
</tr>
<tr>
<td>10</td>
<td>Punam cultivation.</td>
<td>* Twice the basic tax.</td>
</tr>
<tr>
<td>11</td>
<td>Punam cultivation on lands not assessed.</td>
<td>* Rent payable on similar lands in the neighbourhood.</td>
</tr>
</tbody>
</table>

*The maximum and minimum rates of fair rent in these cases are the same.
SCHEDULE—II

(See sections 80 and 66)

<table>
<thead>
<tr>
<th>Extent of land deemed to be purchased or surrendered.</th>
<th>Scale of compensation.</th>
</tr>
</thead>
<tbody>
<tr>
<td>(1)</td>
<td>(2)</td>
</tr>
<tr>
<td>First 5 acres</td>
<td>16 times fair rent on the land calculated at the maximum rates specified in column (3) of Schedule I for the class of lands to which it belongs.</td>
</tr>
<tr>
<td>next 5 acres</td>
<td>14</td>
</tr>
<tr>
<td>next 5 acres</td>
<td>12</td>
</tr>
<tr>
<td>next 5 acres</td>
<td>10</td>
</tr>
<tr>
<td>next 30 acres</td>
<td>8</td>
</tr>
<tr>
<td>next 50 acres</td>
<td>6</td>
</tr>
<tr>
<td>above 100 acres</td>
<td>5</td>
</tr>
</tbody>
</table>

SCHEDULE—III

(See Section 86)

1. The Cochin Verumpattamolars Act, VIII of 1118.
3. The Malabar Tenancy Act, 1929.
5. The Madras Cultivating Tenants (Payment of Fair Rent) Act, 1956. As in force in any part of the State of Kerala.
STATEMENT OF OBJECTS AND REASONS.

It is considered necessary to enact a measure fixing a ceiling for the extent of holdings, and regulating and defining the rights and obligations of all categories of tenants including cultivators on various types of precarious tenures and arrangements.

2. Schedule I appended to the Bill fixes the maximum and the minimum rates of fair rent in respect of various classes of land. Government are empowered to fix the rates of fair rent applicable to lands in different local areas subject to the maxima and the minima fixed in the said Schedule. Land Tribunals are to be constituted with power to fix the rent payable by a tenant in respect of a holding, taking into account the rates of fair rent fixed by the Government. The rent payable by the tenant is the fair rent so determined or the rent payable under the contract of tenancy or under any law in force immediately before the Bill becomes law, whichever is less.

3. The Bill also provides for the compulsory purchase of the rights of the landlord by permanent tenants on payment of a purchase price. The cultivating tenants are given also the right to purchase the interest of the intermediaries in the holding.

4. The ceiling on holdings is fixed at 15 acres of double crop nilam or its equivalent. In the case of families consisting of more than five members, a higher ceiling has been fixed, allowing 1 acre for each member in excess of five, subject, however, to a maximum of 25 acres. All lands held in excess of the ceiling area have to be surrendered to the Government. Compensation will be paid for the lands so surrendered. The excess lands surrendered to Government are proposed to be assigned subject to a maximum of 5 acres, to tenants and landlords who have lost their rights in their holdings under this Bill, co-operative forming societies, agricultural labourers, etc., on payment of purchase price.
FINANCIAL MEMORANDUM.

The Bill contemplates issue of non-negotiable bonds by Government to the parties entitled to compensation and recovery of the purchase price from the parties who purchase the lands. The extent of lands liable for purchase by permanent tenants and for surrender to Government cannot be ascertained at this stage. According to the provisions of the Bill, however, Government will not have to incur any expenditure from the Consolidated Fund of the State on account of this measure, except probably part of the administrative cost for the implementation of this law, as the income by way of purchase price is expected to cover the compensation payable. The administrative expenditure for implementing the provisions of this law is estimated at Rs. 20 lakhs per year till the work of the distribution of lands is substantially completed.

K. R. GOURI.