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The  
Kerala Agrarian Relations Bill, 1957

As finally passed by the Kerala Legislative Assembly

on

10-6-1959



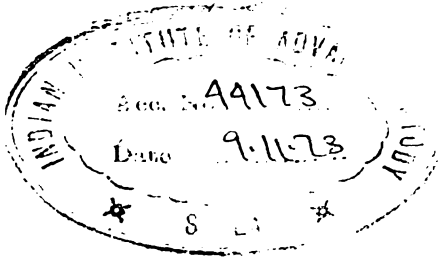
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# COMPARATIVE TABLE

Nos. of Clauses as in Select Committee Report	Nos of Clauses as in the Bill finally passed	Re- marks	Nos. of Clauses as in Select Committee Report	Nos, of Clauses as in the Bill finally passed	Re- marks
1	—		31	—	33
2	—		32	—	34
3	—		33	—	35
4	—		34	—	36
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5	—		36	—	38
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# THE KERALA AGRARIAN RELATIONS BILL, 1957

[As passed by the Assembly]

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 Tenth 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, 1959.

(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*—In this Act, unless the context otherwise requires—

(1) “agricultural labourer” means a person whose principal means of livelihood is the income he gets as wages, in connection with agricultural operations he performs.

(2) “agricultural year” means the year commencing with the 1st April in any year and ending with the 31st March of the 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 year and ending with the 14th June of the 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 ;

(3) "ceiling area" means the area of land specified in section 56 as the ceiling area ;

(4) "Cochin" means the area comprising :

(i) the portion of the State of Kerala which before the first day of July 1949 formed the State of Cochin *less* the enclaves absorbed in the Malabar District under the provinces and States (Absorption of Enclaves) Order 1950 ; and

(ii) the enclaves which formed part of the Malabar District absorbed in the State of Travancore-Cochin under the said Order.

(5) "court" means, where a 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 the holding or part thereof to which any legal proceeding under this Act relates ;

(6) "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, or both, 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;

(7) “customary dues” means *onakazhcha*, *utsayakazhcha*, *perunnalkazhcha* or *aradiantharam* or the like, due annually or periodically on specific dates or at periodical intervals, or on the happening of any event or on the occasion of any festival specified or not but do not include rent or *michavaram* specified as such in the contract of tenancy;

(8) “double crop nilam” means nilam on which more than one crop of paddy is ordinarily raised in an agricultural year;

(9) “double crop nilam or its equivalent” means double crop nilam or its equivalent of any other class or classes of land computed on the basis that one acre of double crop nilam is equivalent to—

(i) one acre of cocoanut garden or arecanut garden;

(ii) one and a half acres of single crop nilam;

(iii) two acres of—

(a) pepper garden;

(b) orange orchards and graft mango orchards;

(c) paramba, other than that principally used for growing cashew-nut trees;

(d) plantation; or

(e) palliyal land; and

(iv) two and a half acres of—

(a) paramba principally used for growing cashew-nut trees; or

(b) *tharisu* land;



(10) “eviction” means the recovery of possession of land from a tenant or Kudikidappukaran;

(11) “fair rent” means the rent determined under section 16 as the fair rent in respect of a holding;

(12) “family” for the purposes of this Act means husband, wife and their unmarried minor children or such of them as exist;

*Explanation:*—When a divorce is effected, the husband or wife, as the case may be, shall be deemed to be non-existing so far as the other party is concerned;

(13) “garden” means land used principally for growing cocoanut trees, arecanut trees or both or used principally for growing pepper vine;

(14) “gross produce” in the case of a nilam, means the normal produce of that nilam less the cost of harvesting and in the case of a garden, paramba or tharisu means the normal produce of that garden, paramba or tharisu;

(15) “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 or are bound to treat as a separate holding;

*Explanation:*—Where by act of parties or by operation of law, the interest of the tenant in his holding has been severed splitting up the holding into two or more parts, before the commencement of this Act, each such part shall be deemed to be a separate holding, provided that the rights of the landlord to recover proportionate rent and to exercise the right of resumption, if any, are not affected thereby;

(16) the term “improvement” shall have the meaning assigned to it under the Kerala Compensation for Tenants’ Improvement Act, 1958;

(17) “intermediary” means any person who, not being a landowner or mortgagee has an interest in the land, and is entitled, by reason of such interest, to possession thereof, but has transferred such possession to any other person otherwise than by way of mortgage;

(18) “kanam” 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, whether described in the document evidencing the transaction as kanam or kanapattom, 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;

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

(c) payment of michavaram, or customary dues or renewal on the expiry of any specified period, and in areas in the State other than Malabar includes such transfer of interest in specific immovable property which is described in the document creating the transaction as Otti, Karipanayam, Panayam, Nerpanayam or by any other name and which has the incidents specified in items (a) and (b) specified above and also the following incidents:—

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

(ii) payment of customary dues;

Provided that kanapattom or any other demise governed by the Travancore Jenmi and Kudiyan Act of 1071 or the Kanom Tenancy Act, 1955, shall not be deemed to be a kanom.

*Explanation:*—For the purpose of this clause, in a case where there has been no stipulation in the document evidencing the transaction for renewal on the expiry of any specified period, but there has been a renewal or has been payment of renewal fees it shall be deemed that there had been a provision for such renewal in the document;

(19) “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 ‘kanartham’; and

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

(20) “kudikidappukaran” means a person who has no homestead or land, either as owner or as tenant in possession, to erect a homestead, and—

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

(ii) who has been permitted by a person in lawful possession of any land to occupy, with or without an obligation to pay rent, a hut belonging to such person and situate in the said land,

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:

Provided that a person shall not be deemed to be a Kudikidappukaran if the aforesaid permission was granted after the 11th day of April, 1957, by a mortgagee in possession or by a tenant from whom the land in which the kudikidappu is situate is liable to be resumed.

*Explanation I*—For purposes of this clause “hut” means any dwelling house which has a value not exceeding four hundred rupees or the monthly rent of which does not exceed four rupees;

*Explanation II*—Any person who was in occupation of a kudikidappu on the 11th day of 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 III*—Where any kudikidappukaran secures any mortgage with possession over the land in which the kudikidappu is situate, his kudikidappu right shall revive on the redemption of the mortgage, provided that he has at the time of redemption no homestead or land, either as owner or as tenant in possession, to erect a homestead.

(21) “kudiyirippu” means a holding or part of a holding consisting of 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 easements attached thereto, but does not include a kudikidappu;

(22) “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;

(23) “landlord” means a person under whom a tenant holds and to whom he is liable to pay rent and includes a landowner;

(24) “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, Danom or any other tenure;

(iii) a landholder holding Sreepadam lands on Sreepadam pattam or other favourable tenures;

(iv) a kudiyan as defined in the Travancore Jenmi and Kudiyan Act of 1071 and a Kanom tenant as defined in the Kanom Tenancy Act, 1955, but does not include a Jenmi as defined in the said Acts, and

(v) a tenant holding under Pattazhi Devaswom.

*Explanation:*—“Pattazhi Devaswom” means the Pattazhi Devi Temple in Pattazhi Village of Pathanapuram Taluk of the State of Kerala.

(25) “Land Board” means the Land Board constituted under section 72 ;

(26) “Land Tribunal” means the Land Tribunal constituted under section 12 ;

(27) “licensee” means any person who is in occupation of any nilam belonging to another and who, under any local custom or usage or under an agreement, cultivates that nilam with paddy for a fixed remuneration, and with the risk of cultivation but does not include a person who so cultivates the nilam 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 any nilam, may plead, adduce evidence and prove that he is a licensee;

(28) “Malabar” means the Malabar district referred to in sub-section (2) of section 5 of the States Reorganisation Act, 1956;

(29) “michavaram” means whatever is agreed by a kanamdar to be paid periodically as residual rent, in money or in kind or in both, to or on behalf of, the landlord, but does not include customary dues ;

(30) “net income” means income derived from any property after deducting therefrom cultivation expenses or maintenance charges and taxes and cesses due to the Government or any local authority;

(31) “nilam” means land adapted for the cultivation of paddy ;

(32) “normal produce” in respect of any land means the produce which would be raised if the rainfall and the seasons were of a normal character ;

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 or by the tenant shall be determined as if the Nilam had not been so irrigated:

Provided further that in the case of any Nilam registered as double crop Nilam in the registers of Government, account shall be taken as though only a single paddy crop which shall be the principal crop has been raised on the land if it had been converted from single crop into double crop Nilam at the tenant's expense and as though two paddy crops have been raised on the lands if they have been so converted at the landlord's expense.

*Explanation:—*In ascertaining the normal produce in areas where the Malabar Tenancy Act was applicable 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.

(33) "odacharthu" means an agreement for cutting bamboos in Malabar;

"(34) "owner" means a person entitled to the absolute proprietorship of land and includes—

(a) a trustee in respect thereof;

(b) a kudiyan as defined in the Travancore Jenmi and Kudiyan Act of 1071 and a kanom tenant as defined in the Kanom Tenancy Act, 1955, but does not include a jenmi as defined in the said Acts;

(35) "palliyal land" means land which is used ordinarily for raising seedlings of paddy and includes

land so used and known as Pallimanayal, Myal, Potta, Njal, Nattadi or Banabettu;

(36) “paramba” means dry land on which perennial cultivation exists but shall not include a garden;

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

(38) “person” shall include a company, family, association or other body of individuals whether incorporated or not and any institution capable of holding property;

(39) “plantation” means any land used 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 Gazzette, and includes lands used for the purpose of, or ancillary to, the cultivation of such crops, or the preparation of the same for the market;

(40) “possession” in relation to land includes occupation of land by a varomdar, licensee, odacharthudar or a person claiming under an odacharthudar referred to in Section 4 or kumri or punan cultivator;

(41) “prescribed” means prescribed by rules made under this Act;

(42) “private forests” means forests other than those belonging to the Government and declared as such under this Act by notification in the Gazette;

(43) (i) “punam or kumri cultivation” means fugitive or intermittent cultivation of paddy on Tharisu lands in Malabar;

(ii) “punam or kumri cultivator” means a person who has raised crops by punam or kumri cultivation in



any year between 1953 and 1959 and, where there are successive cultivators in respect of the same land, the cultivator who raised crops last by such cultivation during the said period;

(44) "purchase price" means the purchase price referred to in sub-sections (3) & (5) of section 17 or in sub-section (2) of section 36 or in section 45 or in section 72;

(45) "rent" means whatever is lawfully payable in money or in kind or in both by a person permitted to have the use and occupation of a land to the person so permitting, and includes michavaram but does not include customary dues;

(46) "resumption" means the recovery of possession of land from a tenant;

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

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

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

(50) (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—

- (a) an intermediary;
- (b) a verumpattamdar of any description;
- (c) a kanamdar;
- (d) a kanam kuzhikanamdar;
- (e) a kuzhikanamdar;
- (f) a punam or kumri cultivator;

(g) a licensee in Kuttanad taluk;

(h) a varomdar or odacharthudar or any person claiming under an odacharthudar, entitled to fixity of tenure under section 4;

(i) the holder of a kudiyiruppu; and

(j) a vechupakuthidar,

but shall not include a person holding land under a transaction known as Irakkipanayam.

*Explanation:*—Where in a document a person is described as a ‘Sambalapattomdar’, ‘Sambalachittudar’, ‘Coolipattomdar’ or an agent in respect of any paddy land situate in Palghat district he shall be presumed to be a tenant:

Provided that such presumption shall stand rebutted if it is proved that the ‘Sambalapattomdar’, ‘Sambalachittudar’, ‘Coolipattomdar’ or the agent has not undertaken any risk of cultivation;

(ii) “cultivating tenant” means a tenant who actually cultivates the land comprised in his holding.

*Explanation:*—Where a cultivating tenant only cultivates a portion of the land comprised in a holding he shall be deemed to be the cultivating tenant only in respect of that portion;

(51) “tharisu” means cultivable land which is not a nilam, garden, paramba or palliyal land;

(52) “timber trees” means trees which are not fruit-bearing trees; and “fruit-bearing trees” means trees the income from which has to be taken into account for the fixation of fair rent;

(53) “to hold land” means to be in possession of land as owner or as tenant or partly as owner and partly as tenant;

(54) “varom” means an arrangement between the varomdar and the owner or other person in lawful possession of any nilam for the cultivation of paddy and sharing of the paddy produce and includes the arrangements known as pathivarom, pankuvarom, or panku-pattom;

(55) “varomdar” means a person who cultivates under a varom arrangement;

(56) “vechupakuthy” means a transaction where a landowner of land transfers the possession of that land to another (called the vechupakuthidar) with the following stipulations:—

(i) the vechupakuthidar should improve the land by planting within a specified period;

(ii) at the end of the period so specified—

(a) the land shall be partitioned between the owner and the vechupakuthidar in a specified proportion;

(b) upon such partition, all the rights of either party over the portion of the land set apart for the other shall stand transferred to and vest in the other;

and

(iii) during the period between the transfer of the land and the partition thereof the vechupakuthidar shall pay to the owner such rent as may be specified;

(57) (i) “verumpattomdar” means a lessee or sub-lessee of immovable property whether called verumpattomdar, or venpattomdar, who has expressly or impliedly contracted to hold the same under a lease with or without security for rent and includes a tharikuthukaran in the Palghat district 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.

(iii) “Mulgeni” means a tenancy in perpetuity at a fixed invariable rent created in favour of a person called the Mulgenidar.

## CHAPTER II

### PROVISIONS REGARDING TENANCIES

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

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

Provided that leases over lands escheated to the Government shall not be deemed to be leases of land belonging to or vested in the Government, if such leases subsisted at the time of the escheat and continued to be in force at the commencement of this Act, or

(ii) leases of buildings including a house, shop or warehouse, and the site thereof, with the land, if any, appurtenant thereto.

*Explanation:*—Permission given to a Kudikidappukaran to occupy a hut shall not be deemed to be a lease of building for the purpose of this clause; or

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

(iv) tenancies of land or of buildings or of both granted by the Administrator-General or the Official Trustee or an Official Receiver or Officer appointed by a court under the provisions of any law or by any person holding under or deriving title from any of the officers aforesaid; or

(v) tenancies in respect of land or of buildings or of both created by mortgagees in possession or by persons deriving titles from such mortgagees;

Provided that nothing in this clause shall apply to tenancies created by mortgagees in possession, in respect of lands situate in that portion of Malabar where the Malabar Tenancy Act, 1929, was not in force immediately before the commencement of this Act if the tenants were in continuous possession for a period of five years ending with the 14th day of April, 1959: or

(vi) tenancies in respect of land or of buildings or of both created by persons holding only life interest or other limited interest in the land or in the building or in both;

*Explanation:*—For the purposes of this clause a Sthanee or 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 shall not be deemed to be a person having only life interest or other limited interest in ownership.

Provided that the provisions of this chapter relating to fixity of tenure shall apply to tenancies falling under clauses (v) and (vi) so long as the mortgage, life interest or other limited interest subsists; or

(vii) leases of private forests.

Provided that nothing in clauses (i) to (vii) shall affect the rights of persons who were entitled to fixity of tenure under the Malabar Tenancy Act, 1929, or the Cochin Verumpattomdars Act, VIII of 1118, or Section 7 of the Hindu Succession Act, 1956; or

(viii) tenancies in respect of plantations admeasuring more than 30 acres; or

(ix) lands transferred for felling trees; or

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

4. *Certain Odacharthudards and persons claiming under them to be tenants*—Notwithstanding anything contained in any law or in any contract, custom or usage to the contrary an Odacharthudar or a person claiming under him who was actually cultivating on the 11th day of April, 1957 and is continuing to cultivate at the commencement of this Act, the land or any portion of the land to which the Odacharthu relates shall be deemed to be a tenant in respect of the land or the portion of the land so cultivated.

5. *Certain deeds of surrender of leasehold rights to be invalid*—Where on or after the 11th day of April, 1957, a tenant holding land less in extent than the ceiling area has executed a deed surrendering his leasehold right to the landlord, but has not actually transferred possession of the land to the landlord, such deed

shall be deemed to be invalid and the tenant shall continue as tenant”.

6. *Right of tenants to fixity of tenure*—(1) Notwithstanding anything contained in any law, custom, usage or contract or in any decree or order of court, to the contrary, every tenant shall have fixity of tenure in respect of his holding and no land from the holding shall be resumed except as provided in this Act.

(2) Nothing in sub-section (1) shall confer fixity of tenure on a tenant holding under a landlord serving in the Armed Forces if the tenancy was created by such landlord within a period of three months before he was recruited to the Armed Forces or while he was serving as a member of the Armed Forces:

Provided that no land from such tenant shall be resumed except at the end of an agricultural year or before the expiry of the period fixed in the contract of tenancy:

Provided further that such tenant shall be deemed to have fixity of tenure in respect of his holding if such landlord has not resumed, or applied for the resumption of the land comprised in the holding within one year from the date on which he ceases to be a serving member of the Armed Forces or within a period of one year from the commencement of this Act or within one year from the expiry of the period of tenancy, whichever period expires last:

Provided also that the provisions of this sub-section shall not apply to tenants who were entitled to fixity of tenure under the Malabar Tenancy Act, 1929, or the Cochin Verumpattamdars Act, VIII of 1118.

7. *Restoration of certain tenants*:—(1) Notwithstanding anything contained in any law or contract or in any decree or order of court, any tenant, who was entitled to fixity of tenure immediately before the commencement of this Act, under any law then in force, and has been evicted in execution of a decree from his holding on or after the 1st day of November 1956, on the ground of non-payment of rent, shall, subject to the provisions of sub-sections (2) to (8), be entitled to be restored to the possession of the land.

(2) No tenant shall be entitled to restoration under sub-section (1) if the person who evicted the tenant has *bona fide* transferred, by registered document, the possession of the land to any other person before the 18th day of December 1957.

(3) Any person seeking restoration under sub-section (1) shall within a period of six months from the commencement of this Act, apply, in such form as may be prescribed, to the Land Tribunal for the restoration.

(4) The Land Tribunal may, after such enquiry as may be prescribed, order the restoration of the applicant to the possession of the land where he is entitled to such restoration or reject the application where he is not so entitled.

(5) Where restoration is ordered, the Land Tribunal shall direct the applicant to pay to the person from whom restoration is ordered—

- (i) the amount paid by such person to the applicant towards the value of the improvements effected by him and existing at the time of the restoration;



- (ii) the value of the improvements, if any, effected *bona fide* by such person between the date of the eviction and the date of the application;
- (iii) where at the time of the eviction of the applicant any amount was due from the applicant as arrears of rent and such amount or any portion of it remains unpaid at the time of the order of restoration, one half of the amount outstanding; and
- (iv) any other amount received by the applicant on account of the eviction.

(6) The arrears of rent or portion thereof remaining after payment under clause (iii) of sub-section (5) shall be paid within a period of six months from the date of the order of restoration with interest at six per cent per annum and there shall be a charge for such amount on the interest of the applicant in the land restored to him subject to the priority of the rights of the Government and any local authority for arrears of tax, cess or other dues.

(7) Any person aggrieved by an order passed by the Land Tribunal under this section may appeal against the order within such time as may be prescribed to the court of the sub-ordinate Judge having jurisdiction over the area in which the holding is situate. The decision of the court on such appeal shall be final subject to the provisions of section 76.

(8) An order for restoration may be executed through the court as if the order were a decree passed by it.

(9) Any person who has been restored to possession of land under this section shall be deemed to be a tenant for the purposes of this Act.

8. *Restoration of land to certain persons who were cultivating on Varom arrangement—*

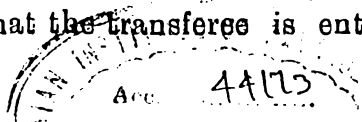
(1) Notwithstanding anything contained in any law or contract or in any decree or order of court, where a person who commenced cultivation of any nilam under a varom arrangement and who continued to cultivate it even after the expiry of the term of the varom arrangement, was evicted after the 11th day of April 1957, from the nilam in pursuance of a decree or order of court shall, subject to the provision of sub-section (2), be entitled to be restored to the possession of the nilam.

(2) The provisions of sub sections (2) to (8) of section 6 shall, as far as may be, apply to the restoration under sub-section (1).

(3) Any person who has been restored to the possession of land under this section shall be deemed to be a tenant for the purposes of this Act.

9. *Right to prove real nature of transaction—*(1) Notwithstanding anything in the Indian Evidence Act, 1872 (Central Act I of 1872), or in any other law for the time being in force, any person interested in any land situate in Malabar may plead, adduce evidence and prove that a transaction purporting to be a mortgage, Otti, Karipanayam, Panayam, or Nerpanayam of that land is not in fact such a transaction but a transaction by way of kanam, kanankuzhikanam, kuzhikanam, verumpattam or other lease, under which the transferee is entitled to fixity of tenure in accordance with the provisions of section 5 and other rights of a tenant under this Act.

(2) Where under the last foregoing sub-section the court holds that the transferee is entitled to fixity of



tenure in accordance with the provisions of section 5 it shall be lawful for the court to pass a decree containing directions regarding the application of the sum, in any, advanced to the landlord and making other suitable alterations in the terms recorded in the instrument executed by the parties.

10. *Resumption of land held by a tenant having fixity—*

(1) The land comprised in a holding may be resumed—

(a) for the extension of any place of public religious worship;

(b) for the construction of buildings for residential purposes; or

(c) for self cultivation

in accordance with the provisions of sub-sections (2), (3) and (4) respectively.

(2) *For extension of places of public religious worship—*A trustee or owner of a place of public religious worship may resume from a tenant of such public religious institution the whole or any portion of the holding when the same is needed for the purpose of extending the place of public religious worship and the Collector of the District certifies that the same is so needed.

(3) *For building purposes—*A landlord may resume from a tenant the holding or any portion of the holding when the same is needed *bona fide* for the purpose of constructing a building for the residence of himself or of any member of his family:

Provided that—

(a) no landlord shall be entitled to resume any land so as to reduce the extent of the holding in the possession of the tenant below 20 cents; and where the

resumption would reduce the extent of the holding in the possession of the tenant below one acre, the landlord shall not resume more than 20 cents; and

(b) the total extent of land that may be resumed from the holding—

(i) by one landlord shall not exceed 20 cents and

(ii) by two or more joint or co-landlords shall not exceed 50 cents;

Provided further that no landlord shall be entitled to resume under this sub-section, any land comprised in a holding in the possession of a tenant belonging to the Scheduled Castes or Scheduled Tribes.

(4) *For self cultivation*—(a) A landlord who does not own land more than the ceiling area requiring the holding *bona fide* for cultivation by him or by any member of his family may resume from the tenant having in his possession or in the possession of the members of his family land in the aggregate exceeding the ceiling area, the whole or any portion of the holding so as not to reduce the extent of the land in the possession of the tenant or in the possession of the members of the family in the aggregate, below the ceiling area, nor to raise the extent of the land in the possession of the landlord above 5 acres of double crop nilam or its equivalent:

Provided that in no case shall the landlord be entitled to resume under this sub-section more land than half the extent of land in excess of the ceiling area in the possession of the tenant that would be liable to be surrendered if section 59 were to apply.

(b) A landlord, who does not own more than ten acres of double crop nilam or its equivalent, and who

holds only less than five acres of such land, requiring the holding *bona fide* for cultivation by him or by any member of his family, may resume from his varomdar a portion not exceeding one half of the area demised by him, so however as not to raise the extent of land in his possession above 5 acres of such land.

(5) (i) Notwithstanding anything contained in sub-sections (2), (3) and (4), no kudiyiruppu shall be resumed;

(ii) Notwithstanding anything contained in sub-sections (3) and (4), no land from a tenant shall be resumed under the said sub-sections by a Sthani or by his successor in interest in that holding, or by the trustee or owner of any place of public religious worship or of any other public religious or charitable institution or endowment.

(6) Resumption of land under sub sections (2), (3) and (4) shall also be subject to the following conditions :—

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

Provided that where the landlord is a minor or a person subject to any mental or physical disability 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;

(ii) the right to resume in respect of a holding shall be exercised only once ;

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

(iv) 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 Kerala Compensation for Tenants' Improvements Act, 1958.

*Explanation:—* Where only a portion of the holding is resumed, the solatium payable shall be proportionately reduced.

(7) A landlord desiring to resume any land shall apply to the Land Tribunal within whose jurisdiction the land is situate for an order for resumption.

(8) In an application under sub-section (7) all persons who have interest in the land including a kudi-kidappukaran shall be made parties. Each such party may put forth and establish his objections to, or claims for, resumption, value of improvements, arrears of rent or any other matter in regard to the land sought to be resumed and the Land Tribunal shall adjudicate such objections and claims and pass orders settling the rights of such party and specifying the person entitled to resumption.

(9) Where the Land Tribunal finds that the resumption sought may be allowed, it may pass an order allowing resumption specifying the extent and location of the land, the rent payable in respect of the portion, if any, that would be left after resumption and such other particulars as are deemed necessary, and directing

the landlord to make payments to extinguish the rights of the cultivating tenant and intermediaries, if any, who would be affected by such resumption. Where any land is resumed all the rights of the cultivating tenant and such intermediaries, in respect of the land shall stand extinguished.

(10) Any person aggrieved by an order passed by the Land Tribunal under sub-section (9) may appeal against the order within such time as may be prescribed to the Court of the Subordinate Judge having Jurisdiction over the area in which the holding is situate. The decision of the Court on such appeal shall be final subject to the provision of section 76.

(11) An order for resumption may be executed through the court as if the order were a decree passed by it.

(12) Where in respect of any land there are more landlords than one, the landlords mentioned below and in the order of their priority alone shall be entitled to resumption, the landlord nearer to the cultivating tenant excluding the more remote :—

(a) persons entitled to fixity of tenure under the Malabar Tenancy Act, 1929, or the Cochin Verumpattomdars Act, VIII of 1118, or the Devaswom Verumpattomdars (Settlement) Proclamation, XXIII of 1118, (Cochin);

(b) Kanomdar;

(c) Owner.

*Explanation*:—Where a landlord who has preferential right for resumption does not demand resumption the landlord next in the order of priority shall be entitled to resumption.

11. *Tenani'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 sub-section (2) or sub-section (3) of Section 10, if within three years of such resumption, the person resuming the land fails to extend the place of public religious worship or to construct the building for the extension or construction of which the land was resumed or transfers any of the lands which was resumed, to any person on kanam, kanam-kuzhikanam, kuzhikanam or verumpattom, or lease of any other kind the cultivating tenant shall, subject to the provisions of Section 12, be entitled to apply to the Land Tribunal for the restoration to him of the possession of the land which was resumed and to hold it with all the rights and subject to all the liabilities of a cultivating tenant.

(2) The provisions of sub-sections (8), (9), (10) and (11) of section 10 shall, as far as may, be applicable to the form and procedure in regard to the application for restoration and the right of appeal against and the manner of execution of, the orders for restoration.

12. *Limitation for application for restoration under Section 11*—An application for restoration under sub-section (1) of section 11 shall be made within one year from the date of the transfer by the person resuming the land if the application is based on that ground and within four years after the resumption in other cases.

13. *Persons entitled to Restoration*—(1) Where restoration of any land resumed is ordered under section 11 the cultivating tenant shall hold the land directly under the landlord from whom restoration has been ordered and the rights of the intermediaries extinguished under sub-section (9) of section 10 shall not revive.



(2) Before such restoration the cultivating tenant shall pay to the person who resumed the land—

(i) amounts paid by such person to the cultivating tenant and to the intermediary, if any, towards the value of the improvements effected by them and existing at the time of restoration ;

(ii) value of the improvements, if any, effected *bona fide* by such persons between the date of resumption and the date of the application ; and

(iii) any amount other than solatium received by the cultivating tenant from such person on account of resumption.

(3) The rent payable by the cultivating tenant after the restoration of the holding shall be the fair rent.

14. *Rates of normal rent*—(1) The rates of normal 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) Subject to the provisions of sub-section (4), the Government may, by notification in the Gazzete, fix the rates of normal rent applicable to lands in any local area subject to the maxima and minima specified in Schedule I. In fixing such rates the Government shall take into account 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 provisions of sub-section (4) and subject to the maxima and minima specified in schedule I.

(4) A draft of the notification proposed to be issued under sub-section (2) or sub-section (3) shall be laid before the Legislative Assembly for a period of ten days and the Legislative Assembly may approve the draft with or without modification or disapprove the draft during the period in which it is so laid. On the approval of the draft by the Legislative Assembly the Government shall publish the notification, as approved, in the Gazette. If the Legislative Assembly does not—

- (i) approve with or without modification; or
- (ii) disapprove

the said draft during the period aforesaid it shall be lawful for the Government to publish the notification in the Gazette in terms of the draft.

15. *Constitution of Land Tribunal*—(1) The Government may by notification in the Gazette, constitute for any area within the jurisdiction of one or more local authorities in the State a Land Tribunal consisting of three members for the purpose of performing the functions of a Land Tribunal under this Act. Of the three members, one shall be a person nominated by the Government from advocates with not less than three years' standing at the Bar or from persons who are or had been, judicial or revenue officers. He shall be the presiding officer of the Tribunal. The other two members shall be elected from among themselves by the members of the local authority or the local authorities of the area for which the Land Tribunal has been constituted.

(2) The functions of the Land Tribunal may be exercised by a bench consisting of all the members of

the Tribunal or by a bench consisting of the presiding officer and one of the other members.

(3) Where any matter is heard by a bench consisting of all the three members of the Tribunal and the members differ in opinion on any point, the point shall be decided in accordance with the opinion of the majority.

(4) Where any matter is heard by a bench consisting of the presiding officer and one of the other members, and the presiding officer and the other member, are divided in their opinion on any point, they shall state the point upon which they differ and the matter shall then be heard upon that point only by the third member and such point shall be decided according to the opinion of this third member.

(5) The Government may by rules prescribe the term of office and the conditions of service of the members of the Land Tribunal.

*Explanation:*—For the purposes of this section 'local authority' shall mean the Corporation of the City of Trivandrum or any Municipality constituted under the Travancore District Municipalities Act, 1116, or the Cochin Municipal Act, XVIII of 1113, or the Madras District Municipalities Act, 1920, or any Panchayat constituted under the Travancore-Cochin Panchayats Act, 1950, or the Madras Village Panchayats Act, 1950.

16. *Determination by the Land Tribunal of rent payable*—(1) Any cultivating tenant may apply to the Land Tribunal for determining the fair rent 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 fair rent

shall be the rent calculated at the rates applicable to the holding fixed by the Government under section 14 or the rent payable, immediately before the commencement of this Act, whichever is less.

*Explanation:*—Where in respect of a holding, the fair rent fixed under the Malabar Tenancy Act, 1929, is higher than the rent which was payable under the contract of tenancy, the rent payable immediately before the commencement of this Act shall, for the purposes of this sub-section, be deemed to be the rent which was payable under the contract of tenancy:

Provided that in the case of plantations the contract rent shall be deemed to be the fair rent.

(2) Where the rent payable under the contract of tenancy the fixed in money, such rent shall, for the purpose of determining the fair rent, be computed in commodity at the average of the prices of such commodity for a period of six years immediately preceding the date of the application under sub-section (1).

(3) Where it is necessary to ascertain the value of any commodity for the purpose of determining the fair rent, the value of such commodity shall, unless it has been specified in the document evidencing the contract of tenancy, be deemed to be the average of the prices of such commodity for a period of six years immediately preceding the date of the application under sub-section (1).

(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 fair rent 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 an order passed by the Land Tribunal under sub-section (4) may appeal against the order within such time as may be prescribed to the court of the subordinate Judge having jurisdiction over the area in which the holding is situate. The decision of the court on such appeal shall be final subject to the provisions of section 76.

(6) The fair rent determined under sub-section (4) or sub-section (5), as the case may be, shall not be liable to alteration or revision except upon the application of the cultivating tenant for the reduction of the fair rent on any of the grounds specified in section 24:

Provided that where the rates of normal rent are varied by the Government by notification under sub-section (3) of section. 14, it shall be lawful for the landlord or the cultivating tenant to apply for the revision of fair rent on the basis of the new rates.

17. *Rent payable when Land Tribunal has not determined rent*—Where in a case the rent payable in respect of a holding has not been determined by the Land Tribunal, the landlord shall be entitled to receive and the tenant shall be bound to pay the rent that was payable immediately before the commencement of this Act:

Provided that where the fair rent has been determined in respect of a holding, the order determining the fair rent shall take effect from the date on which the tenant filed the application for such determination and any amount in excess of such fair rent, paid by the tenant to the landlord till the date of determination of the fair rent shall be adjusted towards the payment of future fair rent or purchase price.

*Explanation:*—Where in respect of a holding, the fair rent fixed under the Malabar Tenancy Act, 1929, is higher than the rent which was payable under the contract of tenancy, the rent payable immediately before the commencement of this Act shall for the purposes of this section, be deemed to be the rent which was payable under the contract of tenancy.

18. *Special provisions regarding small holders*—  
(1) For the purposes of this section “small holder” means a person who either as landowner, intermediary, or as tenant of land not subject to resumption under section 10, or in two or more such capacities together has an extent of land not exceeding five acres of double crop nilam or its equivalent:

Provided that where a person had in any one or more of such capacities land exceeding five acres of double crop nilam or its equivalent in the aggregate immediately before the 18th day of December, 1957, but on or subsequent to that date the extent of such land was reduced, by partition or transfer, to five acres of double crop nilam or its equivalent or less, he shall not be deemed to be a small holder; nor shall such transfer or partition entitle the transferee or the allottee to exercise the rights conferred under this section in respect of the land covered by the transfer or partition.

(2) Where in respect of any land the cultivating tenant was entitled to fixity of tenure, immediately before the commencement of this Act under any law, custom or contract or under any decree or order of court—

(a) The tenant holding under a small holder may, at his option—

(i) elect to continue as tenant in respect of the entire holding; or

(ii) elect to purchase the entire land comprised in the holding;

(b) Where both the small holder and the tenant agree, the tenant shall be entitled to surrender one half of the holding to the small holder and retain the other half.

*Explanation:—*For the purposes of this sub-section a cultivating tenant shall be deemed to have fixity of tenure in respect of his holding if he has either paid renewal fees or taken a renewal or is entitled to obtain a renewal with respect to that holding, even though by any other law he is not entitled to it.

(3) (a) Where a tenant elects to continue as tenant in respect of the entire holding under clause (a) (i) of sub-section (2) he shall pay to the small holder as rent for the land comprised in the holding 75 per cent of the contract rent or where fair rent has been fixed in respect of the holding under any law in force immediately before the commencement of this Act, such fair rent.

(b) Where a tenant elects to purchase the entire land comprised in the holding under clause (a) (ii) of sub-section (2) he shall pay to the Land Tribunal in a lump in such manner as may be prescribed, a sum equal

to 12 times the contract rent or where fair rent has been fixed under any law in force immediately before the commencement of this Act, 12 times such fair rent.

*Explanation:—*For the purposes of this sub-section where in respect of a holding, the fair rent fixed under any law in force immediately before the commencement of this Act, is higher than the rent which was payable under the contract of tenancy the contract rent shall be deemed to be the fair rent fixed under any such law.

(c) Where a tenant surrenders one-half of the holding and retains the other half under clause (b) of sub-section (2)—

(i) for the improvements, if any, belonging to the small holder and the other landlords or their predecessors in interest if any, in the land retained by the tenant the small holder shall be entitled to receive from the tenant such amount as compensation as he would have been entitled to under the Kerala Compensation for Tenants Improvements Act, 1958, if he were a tenant evicted from such land and if those improvements belonged to him;

(ii) for the improvements, if any, belonging to the tenant on the land surrendered to the small holder the tenant shall be entitled to get from the small holder such amount as compensation as he would have been entitled to under the Kerala Compensation for Tenants Improvements Act, 1958, if he were evicted from such land;

(iii) the right, title and interest of the small holder and other landlords, if any, over the land retained by the tenant shall, in consideration of the surrender of the rights of the tenant over the other half to the small



holder, vest in the tenant free from all encumbrances created by the small holder and other landlords, if any; and

(iv) the small holder shall pay to the other landlords, if any, compensation for the extinguishment of their right, title and interest over the land retained by the tenant. Such compensation shall be an amount equal to 12 times one-half of the rent payable by the small holder in respect of the entire holding.

(4) In the case of a holding held by a tenant not falling under sub-section (2) the small holder may at his option—

(a) require the tenant holding under him to surrender one-half of the holding in which case the tenant may at his option either continue as tenant in respect of the other half or purchase that other half; or

(b) permit the tenant holding under him to continue as tenant in respect of the entire land comprised in the holding.

(5) (a) Where one-half of the holding is surrendered to the small holder under clause (a) of sub-section (4), the tenant shall be entitled to receive from the small holder such amount as compensation for the improvements belonging to him as he would have been entitled to under the Kerala Compensation for Tenants Improvements Act, 1958, if he were evicted from such land.

(b) Where a tenant opts to continue as tenant in respect of the other half under clause (a) of sub-section (4), he shall be liable to pay to the small holder 75 per cent of one-half of the contract rent or where fair rent has been fixed in respect of the holding under any law in force immediately before the commencement of this

Act, such fair rent in respect of the entire holding and where the tenant opts to purchase that half under the said clause, he shall be liable to pay 12 times one-half of the contract rent in respect of the entire holding as purchase price.

(c) Where a tenant is permitted to continue as tenant in respect of the entire land comprised in the holding under clause (b) of sub-section (4) he shall pay to the small holder rent calculated at 75 per cent of the contract rent or where fair rent has been fixed under any law in force immediately before the commencement of this Act, such fair rent.

*Explanation I*—For the purpose of this sub-section, in determining the rent payable by a varomdar the provisions of clause (ii) of the Explanation to sub-section (1) of section 45 shall apply.

*Explanation II*—For the purposes of this sub-section where in respect of a holding, the fair rent fixed under any law in force immediately before the commencement of this Act, is higher than the rent which was payable under the contract of tenancy the contract rent shall be deemed to be the fair rent fixed under any such law.

(6) Nothing in this section shall be deemed to take away from the small holder or restrict any of the rights or benefits under any other provisions of this Act to which he would be entitled if he were not a small holder.

(7) The purchase price payable under clause (b) of sub-section (5) by a tenant shall be paid in 12 equal annual instalments as determined by the Land Tribunal with interest on each such instalment at the rate of 4½

per cent per annum from the date of purchase to the respective dates of payment.

(8) The tenant holding under a small holder or the small holder, as the case may be, may stating the option if any, exercised by him, apply in such form as may be prescribed, to the Land Tribunal to grant the relief he is entitled to within such time as may be specified in such an application all persons who have any interest in the land including a kudikidappukaran shall be made parties. Each such party may put forth and establish his objections and claims for value of improvements, compensation, purchase price, encumbrance, maintenance or alimony, arrears of rent, the rent payable or any other claim in regard to the land concerned and the Land Tribunal shall adjudicate such claims and pass orders settling the rights of each such party. In passing orders regarding claims of intermediaries or claims for encumbrance, maintenance or an alimony, the Land Tribunal shall have regard to the provisions of sections 49, 50 and 54. An order passed by the Land Tribunal under this sub-section may be executed through the court as if the order were a decree passed by it.

(9) (a) The purchase price shall be a first charge on the land, subject to the charges for any dues payable to the Government and to any local authority and the instalments due shall be recoverable as an arrear of land revenue under the provisions of the Revenue Recovery Act for the time being in force.

(b) On the payment of the purchase price in lump under sub-section (3) (b) or on the payment of the first instalment of the same under sub-section (5) (b), the Land Board, on intimation of the same from the Land

Tribunal, shall issue a certificate of purchase in the prescribed form to the tenant in respect of the land purchased and thereupon the land shall vest in the tenant free from all encumbrances. Such certificate shall be conclusive evidence of the purchase.

(c) Where a tenant has become the purchaser of any land under the provisions of this section, the rights of the small holder and other landlords if any in the land shall be extinguished for which they shall be entitled to compensation which shall be equivalent to the purchase price payable by the tenant. The compensation shall be apportioned among the small holder and the other landlords in proportion to the profits derived by each from the land.

The compensation shall be paid by the Land Board to them in cash where the purchase price is paid in lump, and where the purchase price is payable in instalments, the compensation shall be paid either in cash or in negotiable bonds redeemable in 10 years and carrying interest at the rate of 4½ per cent per annum with effect from the date of purchase.

*Explanation:—*For the purpose of this clause “profits derived from the land” shall mean, in the case of the landowner, the rent to which he is entitled and in the case of any other landlord, the difference between the rent due to him from his tenant and the rent for which he is liable to his landlord.

(d) Pending the determination of the purchase price under sub-section (3) or sub-section (5) or where there has been an appeal against the determination of the purchase price, pending orders on such appeal, the tenant shall deposit with the Land Tribunal an amount

equal to the rent which would have been payable by him on the dates on which such rent would have become due if the land were not purchased. The Land Tribunal shall after intimating the Land Board pay such amount to the small holder and other landlords, if any, as part payment of the compensation on taking proper security in case it is found that they are entitled to such amount. The amount so paid by the tenant shall be deducted from the purchase price payable by him and he shall be liable to pay only the balance.

(10) Any person aggrieved by any order of the Land Tribunal under this section may appeal against such order within such time as may be prescribed to the court of the subordinate Judge having jurisdiction over the area in which the holding is situate. The decision of the court on such appeal shall be final subject to the provisions of section 76.

(11) Where there has been any modification in appeal from the orders of the Land Tribunal, such orders shall be modified accordingly.

(12) Where any land has been surrendered to the small holder who is an intermediary, under clause (b) of sub-section (2) or clause (a) of sub-section (4), the right, title and interest of the landowner and the intermediary, if any, between the landowner and the small holder in the said land shall vest in the Government with effect from the date of the surrender and the small holder shall be entitled to get such right, title and interest assigned to him. The provisions of sections 41 to 55 (both inclusive) shall as far as may be, apply to the vesting and assignment of such right, title and interest.

(13) The rights conferred by this section on small holders shall be exercised only by the following categories of landlords:—

- (i) the kanomdar,
- (ii) the kanamkuzhikanomdar,
- (iii) the customary verumpattamdar, and
- (iv) the landowner.

Where in respect of any land there are more landlords than one belonging to the categories mentioned above, such rights shall be exercised in the order of priority, the landlord nearer to the cultivating tenant excluding the more remote. The rights conferred by this section shall be exercised only once in respect of a holding.”

19. *Mode of payment of rent*—(1) Where the rent is payable in kind it shall be paid either in kind or in money at the option of the tenant and the tenant shall be entitled to a receipt in writing signed by the landlord receiving the rent, showing the amount of the rent in kind or money received, and the year for which it is credited together with the details of the land for which it is paid.

(2) The money value of the rent payable in kind unless it is specified in the document evidencing the contract of tenancy shall be computed with reference to the rates published in the Gazette under section 26 or the date on which the rent is payable and if no such rate is published for that date, at the rate for the nearest previous date for which a rate is so published.

Provided that where in respect of any commodity the price has not been published in the Gazette, the money value of such commodity shall be calculated at

the market rate prevailing on the date on which the rent is due.

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

*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 subleases having been created before the commencement of this Act. 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.

21. *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 the security for rent, if any. The court shall pass a decree apportioning these amounts and directing the execution of a 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.

22. *Liability for assessment*—(1) As between the tenant and the landowner the former shall be liable for any cess or special charges leviable by the Government for special or additional crops raised.

(2) A tenant making any payment towards basic tax or any tax payable to the Government or to any local authority shall be entitled to deduct the same from the rent payable by him to his landlord unless under the contract of tenancy or under any law for the time being in force the tenant is liable to make such payment:

Provided that no such reduction shall be made if the rent payable by the tenant to the landlord is less than the basic tax.

23. *Remission of rent*—(1) Where there has been a damage to or a failure of crops owing to causes beyond the control of the tenant in any holding, the tenant shall be entitled to a remission of the rent payable by him in proportion to the extent of such damage or failure.

(2) The District Collector shall, on an application to him by the tenant, determine the extent of damage to, or failure of crops under sub-section (1) and order such remission of rent as appears to him just and proper. The decision of the Collector shall be final and



the tenant shall be entitled to get the benefit of the remission so ordered.

24. *Abatement in rent in cases of acquisition of land, etc.*—(1) A tenant shall, when a portion of the land comprised in the holding is acquired under any law for the time being in force 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.

(3) Where in any instance under sub-section (2) the holding has been rendered permanently unfit for the purpose for which it was let, the tenant shall be entitled thereupon to surrender the holding to the landlord.

25. *Invalidity of claims of dues other than rent payable*—(1) Notwithstanding any contract to the contrary, express or implied, no tenant shall be liable to pay to his landlord as rent any customary dues or renewal fees or anything more or anything else than the rent payable under section 16 or section 17 or section 18, as the case may be, and interest if any, thereon.

(2) Arrears of rent shall carry interest at the rate of six per cent per annum or at the contract rate whichever is less.

26. *Publication of prices of commodities*—The Government shall cause to be published every month in the Gazette and at the Taluk Headquarters lists of prices prevailing in each taluk of commodities, the commutation rates of which are necessary for the purposes of this Act.

27. *Summary Jurisdiction of Munsiffs*—(1) Munsiffs may summarily try and dispose of suits by landlords for recovery of arrears of rent, 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 *resjudicata* 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.

28. *Decision non-appealable*—The decision passed in a suit under section 27 shall not be appealable.

29. *Application to Court when landlord refuses to accept a tender*—If the landlord refuses to accept a tender of the rent or if 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, accrued thereon.

30. *Procedure on application under section 29*—When an application and deposit have been made under section 29 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, order the payment of the amount to the person entitled or bound to receive it and make directions regarding any 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 a full acquittance to the tenant in respect of the amount recovered by it.

31. *Priority of claim for arrears of rent*—Arrears of rent due to the landlord, together with interest thereon 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 and any local authority for arrears of tax, cess or other dues, be a first charge on such interest of the tenant.

32. *Notice to landlord and intermediary when the interest in the holding of the tenant is acquired*—(1) Any person deriving 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 the intermediaries, if any. 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 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 a person who has acquired interest only in a portion of the holding, 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 persons 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.

33. *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.

34. *Discharge of arrears of rent*—(1) All arrears of rent outstanding on 11th April 1957 from a tenant belonging to any of the class specified in column 1 below to his landlord, whether the same be payable under a decree or order of court or under any law of contract shall be deemed to be fully discharged if payment of the amount specified against it in column 2 is made within one year of the commencement of this Act,

<i>Class of tenant.</i>	<i>Amount payable for the discharge of entire arrears.</i>
(1)	(2)
I. Tenant holding less than 5 acres of double crop nilam or its equivalent in the aggregate.	One year's rent or the actual amount in arrears whichever is less.
II. Tenant holding 5 acres and more but less than 15 acres of double crop nilam or its equivalent in the aggregate.	Two years' rent or the actual amount in arrears whichever is less.
III. Tenant holding 15 acres of double crop nilam or its equivalent or more in the aggregate.	Three years' rent or the actual amount in arrears whichever is less.

Provided that where an intermediary has collected rent in excess of the amount payable under this subsection, for any period prior to 11th April 1957 and has not paid the same to his landlord, he shall be liable to pay such excess also to his landlord.

*Illustration*—A has leased 3 acres of land to B on an annual rent of Rs. 100 and B has sub-leased it to C on an annual rent of Rs. 150. B has collected from C

all the rent up to and inclusive of 11th April 1957 but has kept rent in arrears to A for 3 years. B must pay to A Rs. 300, that is, arrears of all the three years and not Rs. 100 the rent for one year:

Provided further that no intermediary shall be liable to pay his landlord anything in excess of what he is entitled to receive.

*Illustration*—A has leased 9 acres of land to B who has sub-leased it equally to three tenants, falling under clause I above. B's tenants are in arrears for three years and B also is a defaulter in payment to A for the corresponding period of three years. B is entitled to collect from his tenants arrears for one year only and hence the liability of B to A is in respect of arrears for one year and not two years :

Provided further that the provisions of this sub-section shall not apply to the arrears of rent due to a small-holder within the meaning of section 15 by a tenant having in his possession land in excess of 15 acres of double crop nilam or its equivalent.

(2) Any rent paid by a tenant after the 11th day of April 1957 shall be deemed to be payments towards the rent accrued due after that date and the balance, if any, shall be credited towards arrears accrued due before the said date.

(3) Where before the commencement of this Act, any court has ordered eviction of a tenant on the ground that he has not paid arrears of rent but the tenant has not been actually evicted, the decree for eviction shall be annulled on the tenant depositing the rent due as provided in sub-section (1).

(4) In computing the period of limitation for the institution of suits or proceedings for recovery of arrears

of rent, the time during which such institution was prohibited by section 4 of the Kerala Stay of Eviction Proceedings Act, 1957 and the period of one year allowed under sub-section (1) of this section for the payment of arrears of rent shall be excluded.

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 sprouting and 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 if he does not require, 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 had spontaneously sprouted and grown 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. *Right of tenant of kudiyruppu to purchase the rights of landlord*—(1) Every tenant of a Kudiyruppu shall be entitled to purchase the rights of the landlord in the Kudiyruppu, free of all encumbrances on payment of twelve times 75 per cent of the annual rent payable by him in twelve equal annual instalments together with interest at  $4\frac{1}{2}$  per cent per annum on the amount outstanding at the time of payment of each instalment.

(2) The tenant of a Kudiyruppu may apply to the Land Tribunal for the purchase of the rights of the landlord in the Kudiyruppu making all persons interested as parties to such application. The Land Tribunal shall on receipt of the application and after giving an opportunity to all persons interested to be heard, determine the purchase price, fix the dates for payment of the same and its apportionment among the interested parties.

(3) On deposit of the first instalment of the purchase price the Land Tribunal shall intimate the fact to the Land Board and the Land Board shall thereupon issue a certificate of purchase in the prescribed form to the tenant which shall be conclusive proof of the vesting of the ownership in the tenant. The Land Tribunal shall also order payment of the deposit money to the parties entitled to it. The balance of the purchase price shall be a first charge on the land subject to any charge for the dues to the Government or to any local authority and shall be recoverable as arrears of land revenue and upon such recovery it shall be paid to the parties entitled to it.



(4) The cost of the proceedings shall be in the discretion of the Land Tribunal.

(5) Any person aggrieved by an order passed by the Land Tribunal under this section may appeal against that order within such time as may be prescribed to the court of the subordinate Judge having jurisdiction over the area in which the holding is situate. The decision of the court on such appeal shall be final subject to the provisions of section 76,

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 two years; 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.

*Explanation:—*For the purpose of the sub-section “a Kudikidappukaran” shall not be deemed to have ceased to reside in the Kudikidappu if a near relative of his, who was residing with him in the Kudikidappu for a continuous period of not less than one year, continues to reside in the Kudikidappu after the Kudikidappukaran has ceased to reside therein, in which case such near relative shall be liable to pay the rent, if any, payable by the Kudikidappukaran. “Near relative” for the purpose of this Explanation means, husband or wife,

children, grand children, father, mother, brother and sister.”

(2) Notwithstanding anything contained in subsection (1), the person in possession of the land on which there is a home-stead or hut in the occupation of a Kudikidappukaran, may if he requires the land bonafide for building purposes for himself or for any member of his family or for his major sons and daughters, demand the Kudikidappukaran, on payment of the price of the homestead, if any, erected by the Kudikidappukaran, to shift to a new site fit for erecting a homestead within one mile of the existing Kudikidappu the possession and ownership of which shall be transferred by such person 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 before he so shifts, from the person providing the alternate site the expenses reasonably required to shift to the new site.

(3) Notwithstanding anything contained in subsections (1) and (2) where a person does not hold more than 25 cents of land within the limits of the Corporation of Trivandrum or of any Municipality constituted under any law for the time being in force relating to the constitution of Municipalities, and there is a homestead or hut in the occupation of a Kudikidappukaran on such land, he may, if he requires the land occupied by such homestead or hut, for constructing a building for his

own residence, apply to the Government for the acquisition of land to which the Kudikidappu may be shifted. In such application he shall offer to deposit, whenever called for, the cost of acquisition of 5 cents of land, if the Kudikidappu is located within the limits of the Corporation of Trivandrum or of any major Municipality and of 10 cents of land in other cases. If there are not less than 20 such applications in respect of Kudikidappus situated within the limits of the Corporation of Trivandrum or a Municipality, an officer authorised by the Government in this behalf may, after collecting the cost of acquisition from the applicants, acquire lands within such limits under the Land Acquisition Act for the time being in force, allot such lands to the Kudikidappukars and require them to shift to the lands so allotted. The Kudikidappukars shall thereupon be bound to shift the new sites. A Kudikidappukaran shall be entitled before he so shifts to receive from the person in possession of the land on which his homestead or hut was originally located, the expenses as determined by such officer to be reasonably required to shift to the new site.

*Explanation:—*For the purpose of this section “major municipality” shall mean the municipalities of Cannanore, Calicut, Trichur, Mattanchery, Fort Cochin, Ernakulam, Alleppey, Quilon and Kottayam.

38. *Rent Payable by kudikidappukaran*—All arrears of rent if any, payable by a kudikidappukaran on the date of the commencement of this Act whether the same be payable under any law, custom, or contract or under a decree or order of court shall be deemed to be discharged, if he pays one year's rent or the actual amount in arrears whichever is less. On and after the

commencement of this Act, notwithstanding any contract, decree or order of court a Kudikidappukaran shall not be required to pay more than six rupees yearly as rent in respect of his kudikidappu which is not situated within the limits of the Corporation of Trivandrum or of any Municipality constituted under any law for the time being in force relating to the constitution of Municipalities.

Provided that a Kudikidappukaran who was not liable to pay any rent in respect of his kudikidappu immediately before the commencement of this Act shall not be liable to pay any rent; nor shall a Kudikidappukaran be liable to pay any rent in excess, of that which he was paying before the commencement of this Act.

39. *Filing of suits against Kudikidappukaran in certain cases*—If the Kudikidappukaran does not comply with the demand made by the person in possession of the land under sub-section (2) of section 37 to shift to a new site, the person in possession of the land may institute a suit against him for the purpose. The court on being satisfied that the person in possession has complied with all the conditions mentioned in sub-section (2) of Section 37 may pass a decree for shifting the Kudikidappu:

Provided that no such suit shall be instituted without giving the Kudikidappukaran one month's notice by registered post.

40. *Right of kudikidappukaran to be heritable but not alienable*—(1) The rights of a kudikidappukaran in his kudikidappu shall be heritable, but not alienable:

Provided that where a near relative, not being a legal heir of the Kudikidappukaran, was residing with

him continuously for a period of not less than one year immediately before his death and no legal heir was residing with him, the rights of the Kudikidappukaran shall devolve on such near relative to the exclusion of his legal heirs.

*Explanation:*—For the purpose of this sub-section “near relative” means and includes father, mother, sister, brother and sons and daughters of such brother or sister.

(2) The Kudikidappukaran shall have the right to maintain, repair and rebuild the homestead erected by him, without exceeding the dimensions of the original homestead, at his own cost.

41. *Vesting in Government of landlords' rights in lands held by protected tenants*—(1) For the purposes of this section and section 44, the expression “protected tenant” with reference to a holding means a cultivating tenant other than the tenant of a kudiyrippu from whom no part of the holding is liable to be resumed.

(2) On the appointed day to be notified by the Government in the Gezette, all rights, title and interests of the landowner and the intermediary, if any, over lands held by protected tenants shall vest in the Government free from all encumbrances created by the landowner and the intermediary, subsisting thereon on the said day.

42. *Vesting in Government of landlords' rights in lands held by other tenants*—

(1) Where—(i) no application has been made for resumption of a holding under section 10 ; or

(ii) any such application made has been rejected; or

(iii) resumption of only a part of the holding has been allowed ;

all rights, title and interests of the landowner and the intermediary, if any, over the holding or over the land left after resumption, as the case may be, shall, vest in the Government free from all encumbrances created by the landowner and the intermediary, subsisting thereon with effect from the date of expiry of the period for filing the application for resumption or the date on which the final order of rejection of the application or the final order allowing the resumption of part of the holding was passed, as the case may be.

(2) Where—(i) an intermediary has resumed any land under section 10; or (ii) where any tenant has been restored to the possession of any land under the provisions of this Act; or (iii) where any serving member of the Armed Forces has not claimed resumption of the land leased by him within the period specified therefor under the second proviso to subsection (2) of section 6, the right, title and interest of the landowner and the intermediary, if any, other than the intermediary mentioned in clause (i), in respect of the said lands shall vest in the Government free from all encumbrances created by the said landowner and intermediary with effect from the date of resumption, date of restoration or the date of expiry of the period aforesaid, as the case may be.

43. *Tenants' right to assignment*—(1) The intermediary who resumed land under section 10, and the cultivating tenant of the lands the right, title and interest over which have vested in the Government under section 41 or section 42 shall be entitled to assignment of such right, title and interest, subject to

the condition that by such assignment the total extent of land owned by the intermediary or the cultivating tenant or where such intermediary or the cultivating tenant is a member of a family, by such family as the case may be, does not exceed the ceiling area fixed under section 58.

(2) Any tenant entitled to assignment of the right, title and interest over lands under sub-section (1) may apply to the Land Tribunal within six months from the date of the vesting under section 41 or section 42 as the case may be, for such assignment to him.

(3) The application for assignment shall contain the following particulars :—

(a) the Village, Survey number and extent of the land to which the assignment relates ;

(b) the nature of his interest in the land ;

(c) the name and address of the landowner and the intermediaries, if any, and also of every other person interested in the land and the nature of their interest so far as they are known to him ; and

(d) such other particulars as may be prescribed.

(4) Where a tenant is entitled to get assignment in respect only of a portion of the land held by him, he may indicate in the application under sub-section (2) this choice of the land to which the assignment shall relate.

44. *Land Tribunal to issue notices and determine the price of land to be paid by tenants*—(1) As soon as may be after the receipt of the application under section 43, 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) the landowner and intermediaries, if any, under whom the applicant holds; and

(b) all other persons interested in the land, the right, title and interest over which have vested in the Government;

to appear before it on the date specified in the notice. The Land Tribunal shall issue a notice individually to each such landowner, intermediary and also, as far as practicable, to other persons mentioned in clause (b) calling upon them to appear before it on the date specified in the public notice.

(2) It shall be open to any person interested in the land to apply to the Land Tribunal even where notice under sub-section (1) has not been received by him, stating the nature of the claim or objection and the relief he requires.

(3) Where any tenant fails to apply within the period mentioned in section 43 he shall continue as tenant holding under the Government and shall be liable to pay to the Government rent payable in respect of the land from the date on which the right, title and interest over the land vested in the Government, such rent being recoverable as arrears of land revenue under the provisions of the Revenue Recovery Act for the time being in force. Notwithstanding anything contained in section 3, the provisions of sections 6, 16 and 17 shall apply to such tenant.

Provided that the land Tribunal may admit an application after the expiry of the aforesaid period, if the applicant satisfies the Land Tribunal that he was prevented by any sufficient cause from making such application in time.



(4) The Land Tribunal may after giving an opportunity to the landowner, intermediary and other persons interested in the land to be heard and after enquiry, by order, allow the application. The order shall specify the extent, survey number and such other particulars as may be prescribed, of the land to which the assignment relates and the purchase price to be paid by the tenant for the assignment. Where a tenant is entitled to assignment relating only to a portion of the land comprised in his holding, the land to which the order of assignment relates shall, as far as practicable, be within a survey number or contiguous survey numbers.

45. *Purchase Price*—(1) The purchase price payable by the tenant shall be the aggregate of—

(i) (a) 12 times the rent payable under the contract of tenancy in respect of the land or, where fair rent has been fixed under any law in force before the commencement of this Act 12 times such fair rent; or at the option of the tenant;

(b) 16 times the fair rent determined under this Act in respect of the land;

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

(iii) one half of the value of timber trees belonging to the landowner or the intermediaries, if any.

*Explanation*—For the purpose of this sub-section—

(i) where the rent is payable in paddy, its money value shall be computed at the average of the prices for

paddy for six years immediately preceding the commencement of this Act;

(ii) the rent payable by a varomdar shall be deemed to be the average of the value of the share of the landlord in the produce for the three years immediately preceding the commencement of this Act or, where a varomdar was not cultivating the land continuously for the said period of three years, the rent payable by him shall be deemed to be the value of the share of the landlord for the year in which the varomdar cultivated the land last, immediately before the commencement of this Act; and

(iii) where in respect of a holding the fair rent fixed under any law in force before the commencement of this Act is higher than the rent which was payable under the contract of tenancy, the contract rent shall be deemed to be the fair rent fixed under the said such law.

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

(3) Notwithstanding anything contained in sub-section (2) 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 seventy-five per cent of the amount as calculated under sub-section (1).

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 order of the Land Tribunal determining the purchase price, from the date on which the appellate authority passed the final order on such appeal. Where a person elects to pay the purchase price in a lump sum, he shall nevertheless pay the instalment, if any, which falls due before the date fixed for payment of the lump sum and credit shall be given to the instalment so paid at the time of payment of the lump sum.

(2) Where a tenant fails to deposit the first instalment on or before the due date on assignment shall be made to him and he shall continue as tenant, holding under the Government, and such tenant shall be liable to pay the rent payable in respect of the land to the Government from the date on which the right, title and interest over the land vested in the Government.

Notwithstanding anything contained in section 3, the provisions of sections 6, 16, and 17 shall apply to such tenant.

(3) Where the purchase price is paid in instalments, the second and subsequent instalments shall be deposited in the Government Treasury in the prescribed manner to the credit of the Land Board.

(4) Pending an appeal under Section 45, the tenant shall deposit on the due date the purchase price or the instalments thereof as determined by the Land Tribunal. On the final decision of the appeal, the excess if any, in the deposit shall be adjusted towards the future instalments and where there is no such future instalment it shall be refunded to the tenant.

(5) Where a tenant has taken an assignment, interest at the rate of  $4\frac{1}{2}$  per cent per annum shall accrue on the purchase price from the date on which the right, title and interest of the landlord vested in the Government and the tenant shall be bound to pay the purchase price with such interest. Where the purchase price is payable in instalments, the amount outstanding after payment of each instalment shall bear interest at the rate of  $4\frac{1}{2}$  per cent per annum.

(6) Pending the determination of the purchase price under section 44 or where there has been an appeal against the determination of the purchase price, pending orders on such appeal, the tenant shall deposit with the Land Tribunal, an amount equal to the rent which would have been payable by him on the dates on which such rent would have become due if the right, title and interest over the land were not vested in the Government. The Land Tribunal shall after intimating the Land Board, pay such amount to the landowner and the intermediaries in proportion to the rent due to them immediately before the vesting on the Government as part payment of the compensation on taking proper security in case it is found that the landlord is entitled to such amount. The amount so paid by the tenant shall be deducted from the purchase price payable by him and he shall be liable to pay only the balance amount.

(7) A tenant to whom an assignment has been made under section 43 shall be liable to pay to the Government and to any local authority all taxes, cesses and other public charges due in respect of the land to which the assignment relates as from the date on which the right, title and interest vested in the Government.

(8) Notwithstanding anything contained in this Act or in section 10 of the Land Tax Act, 1955, any person continuing as tenant under Government under sub-section (4) of section 44 or sub-section (3) of section 46 shall be liable to pay to the Government and to any local authority all taxes, cesses and other public charges due in respect of the land.

47. *Purchase price recoverable as arrears of land revenue*—For the purchase price there shall be a first charge on the land subject to the charges for any dues payable to the Government and any instalment in default of the purchase price shall be recoverable as an arrear of land revenue under the provisions of the Revenue Recovery Act for the time being in force.

48. *Land Board to issue certificate of purchase*—On the deposit of the purchase price in a lump sum or of the first instalment of such price, the Land Board shall make the assignment as provided in section 43 in such form as may be provided.

49. *Determination of value of interest of land-owner and intermediary*—In the enquiry held under section 44 the Land Tribunal shall determine by an order the value of the interests of the land-owner and the intermediary, if any, in the land, the right, title and interest over which vested in the Government, after giving an opportunity to them to be heard. The value of the interest of the landlord shall, where there is no intermediary be the purchase price determined under section 45. Where there is an intermediary the value of interest of the landlord and the intermediary shall be such portion of the purchase price as would fall to the landowner and the intermediary respectively on a

division of the purchase price in proportion to the profits derived by each from the land. Where there has been no assignment the value of interest shall be determined at—

(i) 12 times the rent payable under the contract of tenancy or

(ii) 16 times the fair rent determined under this Act in respect of the land according as the tenant was paying the contract rent or fair rent immediately before the vesting.

*Explanation*—“Profits derived from the land” shall, for the purpose of this sub-section, mean in the case of the landowner, 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 for which the intermediary is liable to his landlord.

50. *Determination of encumbrances by the Land Tribunal*—(1) In the enquiry held under section 44 the Land Tribunal shall determine by an order—

(i) any encumbrances created by the landowner and the intermediary, if any; and

(ii) any maintenance or alimony charged on the land and lawfully subsisting on the day on which the right, title and interest of the landlord and the intermediary vested in the Government.

(2) Where the right, title and interest vested in the Government, form part of the security for an encumbrance, maintenance or alimony, the Land Tribunal shall for the purpose of discharging the same, apportion the entire encumbrance, maintenance or alimony, between the security vested and the portion of the security

remaining, in proportion to the values of the two portions of the security.

(3) No order under sub-section (1) or sub-section (2) shall be passed without giving the parties affected an opportunity to be heard.

51. *Appeals*—(1) Any person aggrieved by any order of the Land Tribunal under section 44, section 49 or section 50 may appeal against such order, within such time as may be prescribed, to the Subordinate Judge or the Principal Subordinate Judge as the case may be, of the Subordinate Judge's Court having jurisdiction over the area in which the land is situate. He shall hear the appeal as *persona designata* and his decision thereon shall be final.

(2) Where there has been any modification in appeal from the orders of the Land Tribunal such orders shall be modified accordingly.

52. *Landlord entitled to compensation*—Where any right, title and interest of the landlord and intermediary have vested in the Government, the landowner and the intermediary shall be entitled to compensation for the extinguishment of their rights. The compensation shall be the aggregate of—

(i) the value of structures, wells and embankments of a permanent nature situated in the land and belonging to the landowner or the intermediary, as the case may be; and

(ii) the percentage of the value of interest of the land owner or the intermediary in respect of the land and the improvements other than these falling under clause (i) according to the scales specified in schedule

II—with interest at the rate of 4½% per annum with effect from the date of vesting.

Provided that in cases where the landowner or the intermediary is a public religious or charitable institution or public trust, the compensation due to such landowner or intermediary shall be the full value of interest as calculated under section 49.

53. *Preparation of valuation statements*—(1) Within two weeks after the expiry of the period of appeal from the orders of the Land Tribunal prescribed under section 51 or where there has been an appeal within two weeks after the disposal of the same, the Land Tribunal shall prepare a statement showing the following particulars:—

(a) a description of the land the right, title and interest over which have vested in the Government;

(b) the name of the cultivating tenant of the holding;

(c) the amount of purchase price;

(d) the names of the landowner and the intermediary, if any, of the land;

(e) the value of the interest of the landowner and the intermediary, if any, in the land;

(f) the names of the holders of the encumbrances, maintenance or alimony and the amount payable to each; and

(g) such other particulars as may be prescribed.

A copy of the statement so prepared shall immediately be forwarded to the Land Board by the Land Tribunal.



(2) On receipt of the statement under sub-section (1), the Land Board shall determine the amount of compensation payable to the landowner and the intermediary, if any, and the amount payable to the holders of the encumbrances, maintenance or alimony.

54. *Payment of compensation, amount of encumbrance, maintenance or alimony*—(1) Subject to the provisions of subsection (2) the compensation payable under section 52 shall be distributed by the Land Board to the persons entitled thereto.

(2) Where right, title and interest vested in the Government are subject to any encumbrance, created by the landowner or the intermediary the value of the encumbrance shall be deducted from the compensation amount payable to the landowner or the intermediary, as the case may be, and the balance alone shall be paid. If there is any charge for maintenance or alimony on such right, title and interest, the Land Tribunal shall also make deductions for payment out of the compensation amount due to the persons liable for such maintenance or alimony. If the total amount of such encumbrance, maintenance or alimony is more than the amount of compensation, the compensation amount shall be distributed in the order of their priority and on such payment the liabilities in respect of the encumbrance, maintenance or alimony shall stand extinguished :

Provided that in cases where the encumbrance on the right, title and interest vested in the Government is in respect of a debt under an overdraft agreement with a Banking Company as defined in the Banking Companies Act, 1949, the creditor shall have the right

to proceed against the other assets or the person of the debtor for the balance outstanding, if any.

(3) The compensation and the amount of encumbrance shall be paid either in cash or in negotiable bonds redeemable in ten years and carrying interest at the rate of 4½ per cent per annum with effect from the date of vesting in the Government or partly in cash and partly in such bonds :

Provided that the liability to pay the compensation due to a public religious or charitable institution or public trust shall be discharged by the Government by annual cash payments in perpetuity, each payment being one-twentieth of the amount of such compensation.

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

(5) Where a person entitled to the compensation, the value of encumbrance, maintenance or alimony dies before it is paid to him it shall be paid to his legal representatives.

(6) Where the person entitled to receive the compensation or the value of encumbrance is a private 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.

(7) 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 amount of encumbrance or maintenance or alimony 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 the court or authority.

55. *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.

56. *Provisions of sections 41 to 55 not to apply to certain holdings*—The provisions of sections 41 to 55 (both inclusive) shall not apply to a holding held by a tenant under a small holder as defined in section 18 except to the extent otherwise specifically provided in this Act.

RESTRICTION UPON OWNERSHIP AND POSSESSION OF  
LAND IN EXCESS OF CEILING AREA AND  
DISPOSAL OF EXCESS LANDS.

57. *Exemption*:—(1) The provisions of this Chapter shall not apply to -

(a) Lands owned or held by the Government of Kerala or the Government of any other State in India or the Government of India or a local authority or any other authority notified by the Government in this behalf;

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

(c) private forests;

(d) house sites, that is to say, sites occupied by dwelling houses, tanks, wells or any other structures together with the land necessary for the convenient enjoyment of the same;

(e) unculturable waste lands;

(f) sites of temples, churches, mosques and cemeteries;

(g) sites of buildings including warehouses;

(h) commercial sites;

(i) lands occupied by educational institutions including lands necessary for the convenient use of the institutions and playgrounds attached to such institutions; and

(j) lands, if any, vested in the Bhoodan Yagna Committee.

(2) The Government may, subject to the provision of subsection (3) if they are satisfied that it is necessary to do so in public interest on account of any special use to which any land is put or on account of any land being *bonafide* required for the purpose of conversion into plantation or for the expansion or preservation of existing plantation, 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.

(3) A draft of the notification proposed to be issued under subsection (2) shall be laid before the Legislative Assembly for a period of ten days and the Legislative Assembly may approve the draft with or without modification or disapprove the draft during the period in which it is so laid. On the approval of the draft by the Legislative Assembly the Government shall publish the modification as approved in the Gazette. If the Legislative Assembly does not

- (i) approve with or without modification, or
- (ii) disapprove,

the said draft during the period aforesaid, it shall be lawful for the Government to publish the notification in the Gazette in terms of the draft.

58. *Interpretation:*—(1) The ceiling area of land shall be—

(a) in the case of a family consisting of not more than 5 members, 15 acres of double crop nilam or its equivalent, and in the case of a family consisting of more members, an additional extent of 1 acre of double crop nilam or its equivalent for each member in excess, so however that the total extent of the land

shall not exceed 25 acres of double crop nilam or its equivalent;

(b) in the case of an adult unmarried person, 7½ acres of double crop nilam or its equivalent.

(2) For the purposes of this Chapter all the lands owned or held individually by the members of a family or jointly by some or all of the members of such family shall be deemed to be owned or held by the family.

(3) In calculating the extent of land owned or held by a family or an adult unmarried person, the shares of the members of the family or the adult unmarried person, as the case may be, in the lands owned or held by a Company, Co-operative Society, Firm, or other body of individuals or by an Institution or by a Joint Hindu Family, Marumakkathayam Tarwad, Aliyasanthana Family or Namboodiri Illom shall be taken into account.

*Explanation:—*For the purposes of this subsection, the share of a member of the family or the adult unmarried person in the lands owned or held by a Company, Co-operative Society, Firm, or other body of individuals or by an Institution or by a Joint Hindu Family, Marumakkathayam Tarwad, Aliyasanthana Family or Nambudiri Illom shall be deemed to be the extent of land which would be allotted to such member or person had such lands been divided or partitioned, as the case may be, at this commencement of this Act.

(4) Where after 18th December, 1957, any class of land specified in clauses (i), (ii), (iii) or (iv) of subsection (9) of section 2 has been converted into another class of land, the extent of land that may be owned

or held by a family or adult unmarried person owning or holding such land at the time of the conversion shall be determined without taking into account such conversion.

(5) The lands owned or held by a private trust or a private institution shall be deemed to be lands owned or held by the person creating the trust or establishing the institution, or if he is not alive, by his successors in interest

(6) In computing the ceiling area, lands exempted under section 57 shall be excluded

*Explanation I:*—For the purposes of this section where any person has two or more living wives and such plurality of wives is recognised by the personal law governing the parties, such person together with the wife he chooses and her minor unmarried children shall be deemed to be a family, and each of the other wife together with her minor unmarried children shall be deemed to be an adult unmarried person, with the right to an increase of one acre of double-crop nilam or its equivalent for each member in excess of five, subject to a maximum of fifteen such acres.

*Explanation II:*—A divorced husband or a divorced wife, shall be deemed to be an adult unmarried person, provided that where there are minor unmarried children of such husband or wife, the husband or wife legally entitled to the custody of such children shall, along with the children, be deemed to be a family.

Provided if they re-marry, the re-married person, will form a family with his or her wife or husband as the case may be.

59. *Persons not to own or hold lands in excess of the ceiling area:*—(1) Subject to the provisions of subsection (2) and (3) with effect from such date as may be notified by the Government, it shall not be lawful for any family or any adult unmarried person to own or to hold or possess under a mortgage executed after 18th December, 1957, land in the aggregate in excess of the ceiling area.

(2) Notwithstanding anything contained in subsection (1)

(a) it shall be lawful for any family or adult unmarried person to own or hold any plantation exceeding the ceiling area if it is a plantation at the commencement of this Act and also

(i) an extent of land not more than twenty per cent of, and lying contiguous to, such plantation; and

(ii) other lands not exceeding one half of the ceiling area of such family or adult unmarried person;

(b) it shall be lawful for any family or adult unmarried person to own or hold any cashew estate if it was a cashew estate on 11th April, 1957, and continued as such at the commencement of this Act and also other lands not exceeding one half of the ceiling area of such family or adult unmarried person.

*Explanation I:* For the purpose of this clause, "Cashew Estate" means lands principally planted with cashewnut trees and having a contiguous extent not below ten acres.

*Explanation II:* Where after the 18th December, 1957, rubber, coffee or tea has been interplanted in any garden, the land interplanted shall not be deemed to be a plantation for the purposes of this sub section;



Provided that the benefits conferred by this sub-section shall be available to the family or the adult unmarried person as the case may be only so long as the plantation or the cashew estate remains as such.

(3) Notwithstanding anything contained in subsection (1) it shall be lawful for any adult member in a family to own or hold land in excess of the ceiling area to the extent necessary to make up the ceiling area of his lineal descendants, other than his minor unmarried children, who are alive on the date notified under subsection (1) and who would inherit his lands on his death:

Provided that the aforesaid adult member shall take into account all acquisitions of land or interests in land made by such lineal descendants or the members of their families for fixing the total extent that such adult member shall be entitled to own or hold, from time to time, and shall be bound to surrender the excess.

*Explanation:*—In the case of lineal descendants who are members of other families the ceiling area shall be that applicable to their families.

(4) After the date notified under subsection (1) it shall not be lawful for any public, religious, charitable or educational institutions to acquire ownership, or possession as owner or as tenant over lands if such institution owns or holds immediately before the said date, lands in extent not below fifteen acres of double-crop nilam or its equivalent or if by such acquisition the extent of the land owned or held by such institut-

ion will exceed fifteen acres of double-crop nilam or its equivalent:

Provided that the Government may, if deemed fit, allow any such institution to acquire any extent of land, after the aforesaid date subject to such conditions and reservations as they may impose.

*Explanation:*—For the purpose of this section ‘to hold land’ shall include possessing land under a usufructuary mortgage created on or after 18th December, 1957.

60. *Certain voluntary transfers to be null and void:*—Notwithstanding anything contained in any law for the time being in force, all voluntary transfers effected after 18th December, 1957, otherwise than

(i) by way of partition; or

(ii) on account of natural love and affection; or

(iii) in favour of a person who was a tenant of the holding before the 18th December, 1957, and continues to be so till the date of transfer by a member of a family or an adult unmarried person owing or holding land in excess of the ceiling area, shall be deemed to be transfers calculated to defeat the provisions of this Act and shall be invalid:

Provided that without prejudice to any other right of the parties to any such transfer, when any compensation is payable under section 52 or under section 64 for any land covered by the said transfer, it shall be competent for the Land Tribunal to award to the transferee, out of the compensation amount in respect of such land, such sum as the Land Tribunal may consider it just and proper.

61. *Surrender of Excess Lands*:—(1) Where a family or an adult unmarried person owns or holds land in excess of the ceiling area on the date notified under section 59, such excess shall be surrendered by the person who is competent to do so, within such time and to such authority as may be prescribed:—

Provided that where any person bonafide believes that the ownership or possession of any land owned or held by him or by the members of his family is to vest in the Government under sections 41 or 42 or resumed under section 10 or section 18 the extent of the land so liable to vest or to be resumed shall not be taken into account in calculating the extent of the land to be surrendered under this sub-section.

(2) Where a family or adult unmarried person owns or holds lands in excess of the ceiling area, the husband or in his absence, the wife or in the absence of both, the guardian of the minor children or, as the case may be, the adult unmarried person shall, within a period of six months from the commencement of this Act, file a statement before the Land Board intimating the location, extent and such other particulars as may be prescribed, of all the lands owned or held by the family or adult unmarried person, and indicating the lands proposed to be surrendered.

*Explanation I*: Where lands owned or held by a family stand in the name of more than one member of the family the identity of the land, ownership or possession or both of which is to be surrendered shall be indicated with the concurrence of all the members in whose name they stand.

*Explanation: II* Where land to be surrendered is owned or held by two or more persons jointly, whether or not as members of a company, co-operative society, firm, or other body of individuals or of an institution or of a joint Hindu family, Marumakkathayam Tarwad, Aliyasanthana family, or Nambudiri Illom, the identity of the same shall be indicated as far as practicable with the concurrence of all the persons who own or hold such land.

(3) Where after the final settlement of claims for resumption under section 10 or 18 of lands held by a family or adult unmarried person as tenant, such family or person holds land in excess of the ceiling area; or

where after the vesting of the rights, title and interests of the landowner in the Government under sections 41 or 42 in respect of lands owned by a family or adult unmarried person such family or person owns land in excess of the ceiling area;

such excess shall be surrendered by the person who is competent to do so within a period of three months from the date of the final settlement or vesting, as the case may be. At the time of the surrender he shall file a statement before the Land Board containing the particulars specified in sub-section (2) of the land held by him. The provisions of sub-section (2) shall, as far as may, apply in regard to the calculation of the excess land and the procedure for the surrender of the same.

(4) On receipt of the statement under sub-section (2) or sub-section (3), the Land Board shall

(a) Cause the particulars mentioned in the statement to be verified;

(b) Ascertain whether the family or person to which or to whom the statement relates, owns or holds any other lands; and

(c) Determine the identity of the land to be surrendered.

(5) In determining the identity of the land, the Land Board shall as far as practicable accept the choice indicated under sub-section (2) or sub-section (3)

Provided that where in such determination the interests of other persons are likely to be affected the Land Board shall, except in cases where all the persons interested have agreed to the choice indicated, afford an opportunity to such other persons to be heard and pass suitable orders regarding the land to be surrendered.

(6) Where any person fails to file the statement specified under sub-section (2) or sub-section (3), the Land Board shall, after necessary enquires by order determine the extent and other particulars of the land the ownership or possession or both, of which is or are to be surrendered;

Provided that before such determination the Land Board shall give an opportunity to the persons interested in the land, to be heard.

(7) Where the Land Board determines the extent of the land to be surrendered by any person interested, such person may within 60 days from the date of such determination apply to the Land Board to set aside the order and if he satisfies the Land Board

that he was prevented by any sufficient cause from appearing before the Land Board, it shall set aside the order and shall proceed under sub-section (4) or sub-section (6), as the case may be.

62. *Vesting of excess lands in Government.* (1) On the determination of the extent and other particulars of the lands the ownership or possession or both of which is or are to be surrendered under section 61, the Land Board shall issue a notice to the person bound to surrender demanding the surrender within a specified date, not being earlier than 30 days from the date of the notice, of the lands or the ownership of lands to such authority as may be specified therein and intimating that in case of default the ownership or possession or both, as the case may be, of the lands determined by the Land Board shall be assumed by the Government within a specified date.

(2) On receipt of such notice, such person shall make the surrender demanded in such manner as may be prescribed.

(3) Where any person fails to make the surrender demanded, the Land Board may authorise any officer to take possession of the land by going to the land, demarcating it, and by proclaiming by beat of tom-tom that possession or possession and ownership, as the case may be, of the land has passed to the Government.

Provided that where the surrender is only of ownership of land, the assumption of ownership shall be made by a declaration in writing by the Land Board to that effect and duly published in the manner prescribed.

(4) Upon the surrender under sub-section (2) or the assumption under sub-section (3), as the case may be, the land or the ownership or possession of the land shall, as the case may be, vest in the Government. Where in respect of any such land there is an intermediary the rights of the intermediary over that land shall stand extinguished.

63. *Excess land obtained by gift, etc., to be surrendered.*

(1) Subject to the provision of the proviso 2 to sub-section (3) of section 59 where any person comes by any land after the date notified under sub-section (1) of section 59 on account of gift, purchase, mortgage with possession, lease, surrender or any other kind of transfer inter-vivos or by bequest or inheritance or otherwise, and in consequence thereof, the total extent of land owned or held by the family of such person or by such person, if he is an unmarried adult, exceeds the ceiling area such excess shall be surrendered to such authority as may be prescribed within six months of the date of his coming into ownership or possession.

(2) The provisions of sections 61 and 62 shall, as far as may apply to the surrender to and vesting in the Government of the ownership or possession or both of lands under sub-section (1)

64. *Persons surrendering land entitled to compensation.*

(1) When a person surrenders ownership or possession or both of land as provided in section 61 or section 63 he shall be entitled to compensation.

(2) The Compensation payable to any person surrendering ownership, possession or equity of redemption over any land shall be the aggregate of—

(i) the full value of any structures, wells and embankments of a permanent nature situate in the land and belonging to him; and

(ii) the percentage of the market value of the land and improvements other than those specified in clause (i), calculated as follows:—

On the first Rs. 15,000/- of the market value of his interests in all the lands surrendered 60 per cent.

On the next Rs. 15000 of the market value of his interests in all the lands surrendered 55 per cent.

On the next Rs. 15000 of the market value of his interests in all the lands surrendered 50 per cent.

On the next Rs. 15000 of the market value of his interests in all the lands surrendered 45 per cent.

On the next Rs. 15000 of the market value of his interests in all the lands surrendered 40 per cent.

On the next Rs. 15000 of the market value of his interests in all the lands surrendered 35 per cent.

On the next Rs. 15000 of the market value of his interests in all the lands surrendered 30 per cent.

On the balance of the market value of his interests in all the lands surrendered 25 per cent.

*Explanation:—*For the purposes of this clause “the interest of any person” in the land surrendered shall not include his interest with respect to structures, wells and embankments of a permanent nature.

(3) Where the landowner surrenders ownership of excess land, the compensation payable to him and



the intermediary, if any, shall be at the same rate as is payable under section 51 as if the right, title and interest of the landowner and the intermediary, if any, vested in the Government.

(4) Where a tenant surrenders possession of excess land the compensation payable to such tenant and the intermediary, if any, shall be such portion of the compensation payable for the surrender of full rights as would fall to the share of the tenant or the intermediary if the amount of compensation were divided among the landowner, intermediary and tenant in proportion to the respective profits derived by each from the land.

*Explanation:—*“Profits derived from the land” shall mean

(i) in the case of the landowner, the rent which he was entitled to get from the tenant holding immediately under him;

(ii) in the case of the tenant surrendering possession, the difference between the net income from the land and the rent payable by him to his landlord; and

(iii) in the case of the intermediary the difference between the rent due to him from his tenant and the rent for which he is liable to his landlord.

(5) Where an owner of land surrenders the equity of redemption over any land the amount due to the mortgagee under the mortgage shall be deducted from the compensation amount and the balance alone shall be paid to the owner.

(6) Pending the determination of the amount of compensation payable to any person under this section it shall be competent for the Land Board to pay such

amount as it considers proper to such person as part payment of the compensation on taking proper security in case it is found that he is entitled to such amount. The amount so paid shall be deducted from the compensation payable to such person and the Land Board shall pay to him only the balance."

65. *Preparation of valuation statement:—*

(1) As soon as may be after the Land Board has determined the extent and particulars of any land, the ownership or possession or both of which is to be surrendered, the Land Board shall, forwarding the necessary documents, direct the Land Tribunal to prepare and submit to the Land Board a statement of the market value of such land and of the interests in the land showing the following particulars:—

(a) the description of the land or interests in the land valued;

(b) Name and address of the person surrendering;

(c) names and addresses of the cultivating tenant, intermediary and landowner;

(d) the market value of the land or as the case may be, of the interests of the cultivating tenant, landowner and intermediary;

(e) the names of the holders of the encumbrances, maintenance or alimony pertaining to the interests valued and the amount payable to each; and

(f) such other particulars as may be prescribed.

(2) On receipt of the direction under sub-section (1), the Land Tribunal shall determine the market value of the interests directed to be valued and the amount of the encumbrances, maintenance or alimony

subsisting on such interests after giving to all persons interested an opportunity to be heard.

(3) Where any land the ownership or possession or both of which is surrendered to or assumed by the Government forms part of the security for an encumbrance, maintenance or alimony, the Land Tribunal shall for the purpose of discharging the same apportion the entire encumbrance, maintenance or alimony between the land surrendered and the portion of the security in proportion to the values of the two portions of the security.

66. *Appeals* (1) Any person aggrieved by the orders of the Land Tribunal under section 65 may appeal against such order, within such time as may be prescribed, to the Subordinate Judge or the Principal Subordinate Judge as the case may be, of the Subordinate Judge's Court having jurisdiction over the area in which the land is situate. He shall hear the appeal as *personal designata* and his decision thereon shall be final.

(2) Where there has been any modification in appeal from the orders of the Land Tribunal such orders shall be modified accordingly.

67. *Preparation of valuation statements:—*(1) Within two weeks after the expiry of the period of appeal from the orders of the Land Tribunal prescribed under section 66 or where there has been an appeal, within two weeks after the disposal of the same, the Land Tribunal shall prepare a statement showing the particulars mentioned in section 65. A copy of the statement so prepared shall be forwarded immediately to the Land Board by the Land Tribunal.

(2) On receipt of the statement under sub-section (1), the Land Board shall determine the amount of compensation payable to the landowner, the cultivating tenant and the intermediary, if any, in accordance with the scales specified in section 64 and the amount payable to the holders of the encumbrance, maintenance or alimony.

(3) Subject to the provisions of sub-section (4), the compensation payable under section 64 shall be distributed by the Land Board to the persons entitled thereto.

(4) Where the land or the ownership or possession of land which has been surrendered, is subject to any encumbrance, maintenance, or alimony, the value of the encumbrance, maintenance or alimony shall be deducted from the compensation amount payable to the person liable for such encumbrance, maintenance or alimony. If the total amount of such encumbrance, maintenance or alimony is more than the amount of compensation, the compensation amount shall be distributed to the holders of the encumbrance, maintenance or alimony in the order of priority and on such payment the liabilities in respect of the encumbrance, maintenance or alimony shall stand extinguished.

Provided that where the encumbrance is in respect of a debt under an over-draft agreement with a Banking company as defined in the Banking Companies Act, 1949, the creditor shall have the right to proceed against the other assets or the person, of the debtor.

68. *Payment of compensation, amount of encumbrance, maintenance or alimony:—*

(1) The compensation or the amount, of encumbrance as the case may be, shall be paid either in cash or in negotiable bonds redeemable in ten years and carrying interest at the rate of  $4\frac{1}{2}$  per cent per annum with effect from the date on which the ownership or possession or both of the land has or have vested in Government under section 62 or section 63 or partly in cash and partly in such bonds.

(2) The provisions in sub-sections (4), (5), (6) and (7) of section 54 shall, as far as may, apply to the payment of compensation, and the amount of encumbrance, maintenance or alimony.

69. *Payment of compensation to be full discharge:—*  
The payment of compensation in the manner specified in section 68 shall be a full discharge of the liability for payment of compensation and no further claim therefor shall lie.

70 *Application for assignment of land:—*Any person who does not possess any land or possesses only less than five acres of double crop nilam or its equivalent may apply to the Land Board for assignment of lands to him.

*Explanation:—*For the purpose of this section “assignment” includes transfer of land by way of lease.

71. *Assignment of lands vested in Government:—*

(1) The Land Board shall after reserving in each village the lands necessary for public purposes, assign the balance of the lands vested in the Government under section 62 as specified below:—

(i) The holdings in which there are kudikidappukars shall as far as possible be assigned to such kudikidappukars;

(ii) out of the remaining area available for assignment—

(a) fifty per cent shall be assigned to landless agricultural labourers of which one half shall be assigned to landless agricultural labourers belonging to Scheduled Castes or Scheduled Tribes residing in the same village or adjacent villages;

(b) thirtyfive per cent shall be assigned to small holders and other landlords who are not entitled to resume any land;

(c) the remaining fifteen per cent shall be assigned to the cultivators who do not possess more than 5 acres of double crop nilam or its equivalent:

Provided that where the excess land that is available for assignment is either Kayal or Kole nilam, such land shall be assigned only to co-operative societies formed by landless agricultural labourers.

*Explanation:—*For the purposes of this subsection, a kudikidappukaran or a tenant of a kudiyirippu shall be deemed to be a landless agricultural labourer if he does not possess any other land.

(2) The Land Board shall not assign to any person more than 5 acres of double crop nilam or its equivalent.

(3) Where a person possesses any land only so much land as will make the extent of land in his possession five acres of double crop nilam or its equivalent shall be assigned.

72. *Payment of purchase price:*—(1) The purchase price of the land assigned on registry under section 71 shall be the aggregate of—

(i) the full value of any structures, wells and embankments of a permanent nature situate in the land; and

(ii) 55 per cent of the market value of the land improvements other than specified in clause (i) and shall be payable in 16 equal instalments, the first instalment being payable before the assignment.

(2) Where the purchase price is payable in instalments, the amount outstanding after payment of each instalment shall bear interest at the rate of  $4\frac{1}{2}$  per cent per annum.

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

73. *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 71, by making arrangements for their cultivation and protection.

## MISCELLANEOUS PROVISIONS

74. *Constitution of Land Board.* The Government shall constitute a Land Board for the whole State for performing the functions of the Land Board under this Act. It shall consist of three members, namely.

(i) the Head of the Land Revenue Department who shall be the Chairman of the Board;

(ii) a person who is or has been a Judicial Officer not below the rank of a District Judge, nominated by the Government; and

(iii) a person elected by the members of the Legislative Assembly.

(2) (a) The functions of the Land Board may be exercised by a Bench consisting of all the members of the Board or by a Bench consisting of two members constituted by the Chairman or in the event of the office of a member other than the Chairman being vacant, by a Bench consisting of the Chairman and the other member;

(b) When any matter is heard by a Bench consisting of all the three members of the Board and the members differ in opinion on any point the point shall be decided in accordance with the opinion of the majority;

(c) When any matter is heard by a Bench consisting of two members and the members are divided in their opinion on any point, they shall state the point upon which they differ and the matter shall then be heard upon that point only by the third member



and such point shall be decided according to the opinion of the third member.

*75. Powers of the Land Board and the Land Tribunal:—*

(1) The Land Board and the Land Tribunal constituted under this Act shall have all the powers of 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 person and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) issuing commissions for the examination of witnesses or for local investigation; and

(e) any other matter which may be prescribed.

(2) The Land Board shall have superintendence over all the Land Tribunals and the Land Board may

(a) call for returns from the Land Tribunals,

(b) make and issue general rules and prescribe forms for regulating the practice and proceedings of the Land Tribunals,

(c) prescribe forms in which books, entries and accounts shall be kept by the Land Tribunals, and

(d) on the application of any of the parties and after notice to the parties and after hearing such of them as desired to be heard or of its own motion, without such notice, transfer any application or other proceeding pending before any Land Tribunal to any

other Land Tribunal or retransfer the same for trial or disposal to the Land Tribunal from which it was originally transferred.

76. *Revision by High Court.* (1) Any person aggrieved by—

(i) any final order passed in an appeal against the order of the Land Tribunal; or

(ii) any final order passed by the Land Board under this Act;

may within such time as may be prescribed, prefer a petition to the High Court against the order on the ground that the appellate authority or the Land Board, as the case may be, has either decided erroneously, or, failed to decide any question of law;

(2) The High Court may, after giving an opportunity to the parties to be heard, pass such orders as it deem fit regarding the question of law and the orders of the appellate authority or the Land Board, as the case may be, shall, wherever necessary be modified accordingly.

77. *Application of the provisions of section 5 of the Indian Limitation Act.* Unless otherwise specifically provided in this Act, the provisions of section 5 of the Indian Limitation Act, 1908 shall apply to all proceedings under this Act.

78. *Delegation of powers.* The Land Board may, by general or special order in writing, delegate to the Land Tribunal any of its powers under this Act subject to such conditions and reservations as it may deem fit.

79. *Special provision relating to leases for commercial or industrial purposes.* Notwithstanding

anything contained in this Act or in any other law or in any contract or order or decree of court, where on any land leased for commercial or industrial purpose the lessee has constructed buildings for such commercial or industrial purpose before the 18th December, 1957, he shall not be liable to be evicted from such land but shall be liable to pay rent under the contract of tenancy. Such rent shall be liable to be varied every twelve years on the motion of the lessor or the lessee, in such manner as may be prescribed.

80 *Appointment of officers for special purposes:*— The Government may appoint any officer for bringing to the notice of the Land Tribunal or the Land Board, as the case may be, any fact or information material for the purpose of implementing the provisions of this Act or for moving the Land Tribunal or the Land Board to take any action necessary for such purpose.

*Explanation:*—If between the 18th December 1957 and the date of commencement of this Act any decree or order of court has been executed and any person dispossessed by delivery, such person shall on application before the Land Tribunal be entitled to restoration of possession;

Provided that he shall not be so entitled if the property has passed on to the possession of a *bonafide* transferee for value;

Provided further that such person shall be liable to pay compensation for any improvements effected subsequent to the delivery.

81. *Constitution of the Agriculturist Rehabilitation Fund:*—A Fund called the Agriculturist Rehabilitation Fund may be constituted by the Government to be

administered by the Revenue Department, in such manner as may be prescribed. It shall consist of the surplus, if any, of the purchase price after the disbursement therefrom of the compensation, grants or loans by or from the State Government or the Central Government and other moneys, if any, raised by the Government in accordance with the rules, framed by the Government in this behalf. The fund shall be utilised for rendering help by way of loan, grant or otherwise to persons affected by this legislation who are eligible for the same in accordance with the rules framed by the Government.

82. *Special provisions for application of the Act:—*

(1) If any difficulty arises in the application of the provisions of this Act to any area on account of local variations or difference in nomenclature 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, subject to the provisions of subsection (2), by notification in the Gazette, direct that the said provision shall apply to the aforesaid area subject to such adaptations, exceptions and modifications as may be specified in this behalf in such notification.

(2) A draft of the notification proposed to be issued under sub-section (1) as also a draft of the notification proposed to be issued under sub-section 44 of Section 2 shall be laid before the Legislative Assembly for a period of ten days and the Legislative Assembly may approve the draft with or without modification or disapprove the draft during the period

in which it is so laid. On approval of the draft by the Legislative Assembly, the Government shall publish the notification as approved, in the Gazette. If the Legislative Assembly does not

(i) approve with or without modification; or

(ii) disapprove,

the said draft during the period aforesaid it shall be lawful for the Government to publish the notification in the Gazette in terms of the draft.

83. *Rent under certain contracts of tenancy not to be affected:*—Notwithstanding anything contained in sub-section (2) of section 5 of the Cochin Verumpattamdars Act, VIII of 1118, the pattam payable by a Verumpattamdar, to whom the provisions of the said sub-section applied, for the period subsequent to the first day of Chingom, 1124 till the date of commencement of this Act, shall only be the amount payable immediately before the commencement of the said Verumpattamdars' Act, whether or not such contract was renewed after such commencement.

84. *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 improvements shall be awarded to the person entitled to such building or other improvements.

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

(4) The balance remaining after making the payments referred to in sub-sections (2) and (3) shall be apportioned among the land owner, the intermediaries and the cultivating tenant in proportion to the profits derivable by them from the land acquired immediately before such acquisition.

*Explanation:* — “Profits derivable from the land” shall be deemed to be equal to (i) in the case of a landowner, the rent which he was entitled to get from the tenant holding immediately under him (ii) in the case of an intermediary the difference between the rent which he was entitled to get from his tenant and the rent for which he was liable to his landlord, and (iii) in the case of a cultivating tenant the difference between the net income and the rent payable by him; and the rent payable by the cultivating tenant and the intermediary for the purpose of this explanation shall be as calculated under the provisions of section 16.

(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 of a Kanam Tenant as defined in the Kanam Tenancy Act, 1955, the compensation amount to be apportioned under sub-sections (2) to (4) shall be the share of the Kudiyan or the Kanam Tenant as ascertained under section 45 of the Travancore Jenmi and Kudiyan Act of 1071, or

Section 48 of the Kanom Tenancy Act, 1955, as the case may be.

85. *Amendments to certain enactments:—*(1) Sections 7 and 9 of the Devaswom Verumpattamdars (Settlement) Proclamation XXIII of 1118, shall be omitted.

(2) In the Explanation I to section 45 of the Travancore Jenmi and Kudiyan Act of 1071, for the words "Sixteen and two third times" the words "eight and one third times" shall be substituted.

(3) In the Explanation I to section 48 of the Kanom Tenancy Act, 1955, for the words "Sixteen and two third times" the words "eight and one third times" shall be substituted.

86. *Appearance before the Land Tribunal or the Land Board:—*(1) Any appearance, application or act in or to any Land Tribunal or Land Board required or authorised by law to be made or done by a party in such Land Tribunal or Land Board, may be made or done by the party in person or by his recognised agent or by a pleader appearing, applying or acting as the case may be on his behalf;

Provided that any such appearance shall if the Land Tribunal or Land Board so directs be made by the party in person.

(2) The recognised agents of parties by whom such appearances, applications and acts may be made or done are persons holding powers of attorney authorising them to make and do such appearances, applications and acts on behalf of such parties.

87. *Court fees.*-Notwithstanding anything contained in the Kerala Court Fees and suits valuation Act, every application or appeal made under this Act to the Land Tribunal or the Land Board shall bear a court-fee stamp of such value as may be prescribed.

88. *Members of the Land Board and the Land Tribunal to be deemed public servants.* The members of the Land Board and the Land Tribunal or any officer appointed under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.

89. *Penalty.*-(1) Whoever wilfully contravenes the provisions of sub-section (3) of Section 41 or sub-section 2 of section 61 or section 63 or of any rules made under this Act, shall on conviction be liable for the first offence to fine not exceeding one hundred rupees and for every subsequent offence to fine not exceeding one thousand rupees.

(2) An offence for the contravention of the provisions of sub-section (2) of section 61 or section 63 or of any rules made under this Act shall be cognisable.

90. *Protection of action taken under Act.* No suit, prosecution or other legal proceeding shall lie against any officer for anything in good faith done or intended to be done under this Act or the rules made thereunder.

91. *Bar of jurisdiction of Courts.*-No order of the Land Tribunal or the Land Board under this Act shall be called in question in any court, except as provided in this Act.



92. *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, express or implied inconsistent with the provisions of this Act.

93. *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 not inconsistent with the provisions of this Act, which appears to them necessary for the purpose of removing the difficulty.

94. *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 on applications or claims made before the Land Tribunal or the Land Board 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 and the Land Board and the particulars to be entered therein;

(c) the procedure to be followed in the preparation of valuation statements;

(d) the filing of statements before the Land Tribunal and the Land Board;

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

(f) the assignment of lands by the Land Board under section 71;

(g) the management of land before assignment under section 73;

(h) 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 for a period of fourteen days 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 or the session immediately following.

95. *Repeal.* (1) The enactments mentioned in Schedule III are hereby repealed,

(2) (a) The Proclamation XVI of 1122 (Cochin) dated 14th February, 1947, 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 eviction has not been effected 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) Any suit for restoration filed under section 24 or section 25 of the Malabar Tenancy Act, 1929, and pending disposal at the commencement of this Act shall be disposed of in accordance with the provisions of the said Act as if that Act had not been repealed.

(5) (a) Where the decree-holder, plaintiff, appellant or petitioner, as the case may be, is a person entitled to resumption under section 10 he shall have the right to apply to the court to allow 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 interest in the holding either as owner, lessee or Kudikidappukaran.

(c) The court shall dispose of the application as if it were an application for resumption before the Land Tribunal under section 10.

(6) 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 (5) shall not be deemed to take away or in any manner affect his right to apply for resumption under section 10.

Sl. No.	Class of land	(See Section 14)	
		Maximum	Minimum
(1)	(2)	(3)	(4)
1	Lands converted into nilam by tenant's labour other than those falling under items 5 and 6	1/6th of the gross paddy produce	1/12th of the gross paddy produce.
2	Single crop nilam converted into double crop nilam by tenant's labour other than that mentioned in the second proviso to subsection (32) of section 2, and not falling under items 5 and 6		
	(i) For first crop	1/4th of the gross paddy produce.	1/6th of the gross paddy produce.
	(ii) For second crop	1/6th of the gross paddy produce.	1/12th of the gross paddy produce.
3	Kole lands	1/6th of the gross paddy produce.	1/8th of the gross paddy produce.
4	Land not being Kari nilam cultivated on—		
	(i) Kaipad system	1/8th of the gross paddy produce.	1/12th of the gross paddy produce.

SCHEDULE I (Contd.)

(1)	(2)	(3)	(4)
	(ii) Palliyal system	1/8th of the gross paddy produce.	1/12th of the gross paddy produce.
5	Nilams in Wynad Taluk		
	(i) converted by tenant's labour	1/20th of the gross paddy produce plus an amount equal to the annual basic tax and local cesses payable.	1/20th of the gross paddy produce plus an amount equal to the annual basic tax and local cesses payable.
	(ii) not falling under item (i) above	1/12th of the gross paddy produce plus an amount equal to the annual basic tax and local cesses payable.	1/12th of the gross paddy produce plus an amount equal to the annual basic tax and local cesses payable.
6	Nilams in the Taluks of Devicolam, Peermade and Udumbanchola and Attappady Valley and other similar areas to be notified by the Government—		

SCHEDULE I (Contd.) .

(1)	(2)	(3)	(4)
	(i) <i>converted by tenant's labour</i>	1/16th of the gross paddy produce.	1/20th of the gross paddy produce
	(ii) <i>not falling under item (i) above</i>	1/8th of the gross paddy produce.	1/12th of the gross paddy produce.
7	Nilams not falling under item 1, item 2, item 3, item 4, item 5, or item 6	1/4th of the gross paddy produce.	1/6th of the gross paddy produce.
8	Garden—		
	(a) Coconut trees in respect of which the landlord is bound to pay compensation under the Kerala Compensation for Tenants Improvements Act, 1958.	1/12th of the gross coconut produce.	1/16th of the gross coconut produce.
	(b) Coconut trees in respect of which the landlord is not bound to pay compensation under the Kerala Compensation for Tenants Improvements Act, 1958.	1/3rd of the gross coconut produce.	1/4th of the gross coconut produce.
	(c) Arecanut trees in respect of which the landlord is bound to pay compensation under the Kerala Compensation for Tenants Improvements Act, 1958.	1/12th of the gross arecanut produce.	1/20th of the gross arecanut produce.

SCHEDULE I (Contd)

(1)	(2)	(3)	(4)
	(d) Arecanut trees in respect of which the landlord is not bound to pay compensation under the Kerala Compensation for Tenants Improvements Act, 1958.	1/4th of gross arecanut produce.	1/5th of the gross arecanut produce.
	(e) Pepper vine in respect of which the landlord is bound to pay compensation under the Kerala Compensation for Tenants Improvements Act, 1958.	1/8th of the gross pepper produce.	1/20th of the gross pepper produce.
	(f) Pepper vine in respect of which the landlord is not bound to pay compensation under the Kerala Compensation for Tenants Improvements Act 1958.	1/4th of the gross pepper produce.	1/5th of the gross pepper produce.
9	PARAMBA	1/8th of the gross produce.	1/16th of the gross produce.
10	(i) Tharisu land cultivated with ground nut or other crops notified by the Government.	1/8th of the gross produce	1/16th of the gross produce.
	(ii) Tharisu land not falling under item (i) above.	Rs. 15 per acre.	Rs. 3 per acre.
11	Lands under Punam or Kumri cultivation.	Rs 5 per acre.	Rs. 3 per acre.
12	Lands the gross produces of which cannot be ascertained as per the provisions of this Act.	Contract rent.	Contract rent.

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## SCHEDULE II

(See Section 52)

### Scales of Compensation.

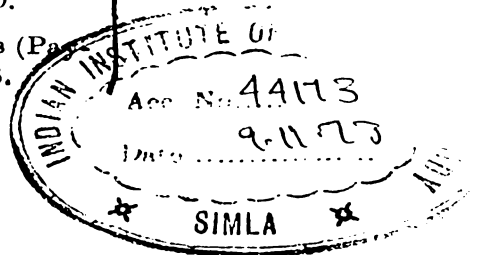
Value of interest	Rate
On the first Rs. 15,000	100 per cent
On the next Rs. 10,000	95 per cent
On the next Rs. 10,000	90 per cent
On the next Rs. 10,000	85 per cent
On the next Rs. 10,000	80 per cent
On the next Rs. 10,000	75 per cent
On the next Rs. 10,000	70 per cent
On the next Rs. 10,000	65 per cent
On the next Rs. 10,000	60 per cent
On the next Rs. 10,000	55 per cent
On the next Rs. 10,000	50 per cent
On the next Rs. 10,000	45 per cent
On the next Rs. 10,000	40 per cent
On the next Rs. 10,000	35 per cent
On the next Rs. 10,000 and above	30 per cent

## SCHEDULE III

(See section 96)

- 1 The Cochin Verumpattomdars Act, VIII of 1918
- 2 The Travancore-Cochin Prevention of Eviction of Kudikidappukars Act, 1955.
- 3 The Malabar Tenancy Act, 1929.
- 4 The Madras Cultivating Tenants (Payment of Fair Rent) Act, 1956.

As in force in any part of the State of Kerala.





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