

Land Tenure in Kerala and the Communist Agrarian Reform of 1958

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*P*rior to its formation in 1956, the State of Kerala was divided into three regions: Malabar in the north, Cochin in the center, and Travancore in the south. These regions presented different types of land tenures and tenant conditions were worse in Malabar, which pertained to the British Empire, than in Cochin and Travancore. When Kerala became a State, most of the land was in the hands of a select few and tenants were frequently evicted. The Kerala Agrarian Relations Bill, piloted by the first communist ministry, sought to prevent this concentration and redistribute land to landless farmers. This legislation disproportionately affected Kerala's major land-owning community of Nairs, and Mannath Padmanabhan, the leader of the Nair Service Society, organized a liberation movement to overthrow the Government. He worked in close collaboration with other aggrieved community organizations, including the Catholic Congress. In 1959, the struggle culminated with the dismissal of the communist ministry in Kerala by the Union Government, under Article 356 of the Constitution of India. Thus, the first-ever elected communist government in Asia came to an end.

Tenencia de la tierra en Kerala (La India) y la reforma agraria comunista de 1958

PALABRAS CLAVE: Kerala, arrendatarios, gobierno, reforma agraria.

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Antes de su formación en 1956, el estado de Kerala (India) se dividía en las regiones de Malabar, Cochin y Travancore. Esas tres regiones habían mantenido diferentes sistemas de tenencia de la tierra. Los arrendatarios de Malabar, al formar parte del Imperio británico, tenían peores condiciones que los de Cochin y Travancore. Con la creación de Kerala, la tierra se concentró en manos de una minoría selecta y en muchos casos los arrendatarios fueron expulsados. La Agrarian Relations Bill, dirigida por el primer ministro comunista, buscaba prevenir esa concentración de tierra y proponía su distribución entre campesinos sin tierra. La importancia de esta ley reside en que fue la primera desarrollada por un gobierno comunista que trató de redistribuir tierra. Esta legislación afectó de lleno a la comunidad Nair, que concentraba la mayor parte de la tierra. Por ello, tras la aprobación de la ley en 1958, la Nair Service Society se opuso frontalmente al Gobierno. Mannath Padmanabhan, líder de la sociedad Nair, organizó una lucha de liberación en estrecha colaboración con otros grupos perjudicados por la ley, en especial con la Asamblea Católica. Esa lucha acabó con la destitución en 1959 del gobierno de Kerala, que fue reemplazado por un gobierno de la Unión en virtud del artículo 356 de la Constitución de la India. Fue así como el primer gobierno comunista de Asia elegido en unas elecciones llegó a su final.

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1. INTRODUCTION

Up until the 1960s, the historical land systems of the three regions of Kerala (Malabar, Cochin, and Travancore) presented a different and complex system of land tenures. The problem was more complex in Malabar since its occupation by the British in 1792¹. Since land revenue was one of the main sources of revenue of the British, they tried to extract as much revenue as possible. The absence of government land in Malabar further increased the miseries of the tenants. The liberal rulers of the princely states of Travancore and Cochin took several steps to alleviate the grievances of the peasantry. But these measures could not completely redress the grievances of the peasants and tenants. In these three regions, the landlords exploited tenants in several ways—eviction from land, collection of exorbitant rents, imposition of illegal dues, and the concentration of land in the hands of a few. On Indian independence in 1947, the continuous governments came to power in these regions, but they could not do much to the cause of the peasantry. When the Kerala State was formed in 1956, amalgamating Malabar with Travancore-Cochin, the society was composed of three major religious groups: the Hindus, Christians, and Muslims. The Hindus formed 60 percent of the population, while the non-Hindu population got divided between Christians forming 21 percent and Muslims locally known as Moplahs, having strength of 18 percent. The Hindu community was divided into much number of castes (Brahmins, Kshatriyas, Nairs, Ezhavas, Scheduled Castes, and Scheduled Tribes). The first three were considered as upper castes while the last three as lower castes. The Brahmins and Kshatriyas were numerically insignificant, while the Nairs, forming around 15 percent of the population, were major landowners. The Christians of Kerala fell into two major divisions, the Roman Catholics, and the Protestants. The Roman Catholics were divided into either Latin Catholics or Syrian Catholics and this distinction was based mainly on the language in which the religious service held in the churches. The Protestants were divided into several denominations such as Marthomites, Jacobites, and the Churches of South India. The Muslims and Syrian Christians provided to some degree a trading and business community. In this background, the first communist government came to power in united Kerala and regarded land reform as an urgent measure leading to the introduction of the Kerala Agrarian Relations Bill in the Assembly in 1957.

1. Malabar formed the northern part of present-day Kerala.

2. AGRARIAN REFORMS: A HISTORICAL SKETCH

2.1. Malabar

Malabar was initially under the rule of myriad chieftains. But the Mysorean ruler Tipu Sultan defeated the Malabar chieftains one by one, and he occupied their territories. The imperialist policy of the British brought the war between the English East India Company and Tipu Sultan inevitable. In the third Anglo-Mysore war, the British defeated Tipu Sultan and entered into the Treaty of Seringapatam in 1792 under which the British got Malabar (Logan, 1891: 39-46). Soon after the British extended their rule to Malabar, they reversed the land policy of the Mysore rulers. Initially, they leased out land to numerous minor rulers, but the British resumed its direct control as the minor rulers were not successful in collecting the revenue.

With the primary motive of collecting maximum land revenue, the British created a feudal class. It disturbed the customary land relations in Malabar. The *jennmis* or customary landowners, *viz.*, temple managements, Namboodiri Brahmins and Naduvazhis, were declared as sole proprietors of land subject to the condition that they would pay revenue to the government (Namboodiripad, 1952: 31). The holders of *kanam* tenure (inferior tenant) and holders of *verupattam* tenures (superior tenants) came under the ordinary category of tenant or *kudian* under the new land relations. The *kanam* tenants leased land from *jennmis* or landlords on the payment of annual rent in a lump sum (*kanam*) and it was renewable at the regular interval of every twelve years since the *kanam* tenure was granted for a temporary period of twelve years. It was this deliberate change in the customary land relations between the customary landowners and tenants and its ruthless implementation created large-scale discontent among the tenants leading to violent uprisings of Muslims forming the majority of tenants. Nearly twenty-two uprisings occurred during the period from 1836 to 1853.

The British Government conducted inquiries to know the reasons for discontent. Only in 1887, it came to realize that the main reason behind the discontent was the destruction of traditional land relations when tenants had enjoyed some security of tenure. It then enacted the Malabar Compensation for Tenants Improvement Act 1887. Another act was passed in 1900 rectifying some defects in the original act. However, this act failed to check the arbitrary eviction of tenants' (Government of Kerala, 1968: 20). The tenants were reluctant to challenge the landlords or *jennmis* who adopted various devices to evade the law. An inquiry immediately after the implementation of these acts into the land tenures suggested that the tenants were to be protected from rack-rents, exorbitant renewal fees, evic-

tions, and other extractions. It recommended that the peasants who cultivated land for fifteen years be offered occupancy rights. The British took half-hearted efforts to redress the plights of the peasantry.

Since the First World War, organized demand for tenancy reform was raised through the Indian National Congress. The leadership of the Congress in the early days was in the hands of landlords and other rich men (Abdur Rahman, 1964: 27). But most of the landlords left the organization after the political convention at Manjeri in 1920, where a resolution demanding tenancy reform was passed against the strong opposition of landlords. Thus the leadership of Congress –and the representation of Indian interests across India– fell into the hands of the peasants and middle class.

Kerala politics in the 1920s reflected the national turn towards peasant issues. Shortly after the Vaikom Satyagraha (protest demanding the opening of the gates of the Vaikom temple to the lower-caste Hindus) in 1924, the nationalist movement in Kerala acquired the character of an agrarian struggle demanding reforms for the tenancy rights, security of tenure and ban on eviction (Fic, 1970: 12). A galaxy of prominent Nair peasant leaders belonging to agricultural families like G. Sankaran Nair, K. P. Raman Menon, and Mannath Krishnan Nair provided leadership to the peasant movements. The success in organizing the peasant movement prompted the leaders to convene the First Peasant Conference of Kerala at Ernakulam in April 1928. The Conference adopted a resolution demanding new and far-reaching legislation regarding tenancy. Mannath Krishnan Nair introduced a tenancy bill containing provisions to redress the long-standing grievances of the peasantry in the Madras Legislative Council. The bill was reconsidered and passed on 2 September 1926 (Poduval, 1969: 29). But the Governor rejected the bill under pressure from the vested interests. A committee under the chairmanship of Raghava Aiyer was appointed to examine the plight of the tenants in Malabar and it resulted in the passage of Madras Tenancy Law in 1929. The Madras Tenancy Act of 1929, for the first time curbed the eviction, provided for a limited form of fixity of tenure, made certain provisions for the fixation of a fair rent and regulated the levy of renewal fee (Menon, 1958: 6). But this law failed in many respects to protect the rights of the actual tiller. The rights of tenants included compensation from the landlords in case they made some improvements on the land.

The 1930s witnessed very significant developments in the peasant movement. The first Karshaka Sangham in Kerala was formed in Chirakkal Taluk (present Taliparembu) in July 1935. It aimed to protect peasants from the clutches of landlords. The demands of the Karshaka Sanghan were the abolition of feudal levies, renewal fees, advance rent, and the stoppage of eviction of tenants by landlords on the ground for personal cultivation. One

of the characters of the peasant agitation during this period was congress radicals who began to actively work among the peasants and workers. All Indian Kisan Sabha (peasant organization) was formed at the national level in Lucknow in April 1936 with Swami Sahajanand and N. G. Ranga as president and general secretary respectively (Chandra, Mukherjee & Mukherjee, 1989: 345). It boosted peasant movements in Malabar. Now marching of processions became a popular and effective form of peasant agitation. A. K. Gopalan, congress socialist leader, led a procession to Madras in July 1936 demanding the redressal of peasants' grievances. But the Madras government suppressed it with the police force. In 1937 elections, in most of the provinces, the congress party won the majority and formed ministries. It gave a new impetus to the peasant movements. The same period witnessed the formation of All Malabar Karshaka Sangham (peasant organization) with P. Narayanan Nair as president and K. A. Keraliyan as secretary. The Karshaka Sangham organized powerful campaigns demanding the amendment of the Malabar Tenancy Act of 1929 and observed 6 November 1938 as the Malabar Tenancy Act Amendments Day. The All Malabar Karshaka Sangham appointed a committee headed by R. Ramachandran Nedungadi to enquire into tenure problems and made certain recommendations. The Kerala Pradesh Congress Committee endorsed these recommendations on 20 November 1938. Resolutions were passed all over Malabar District demanding tenancy reforms. In response to the popular demand, the congress government in Madras appointed a tenancy committee to examine the tenure problems. However, by the time the committee submitted its report in 1940, the congress ministries had already been resigned and no immediate progress was possible.

With the resignation of congress ministries in 1939, a period of struggle and oppression started in Malabar. The Malabar Karshaka Sangham was banned in 1940, though it continued to function with a new name, *viz.*, the All Kerala Kisan Sangham (All Kerala Peasant Organization). With the formation of the communist party in 1939, the communists became the leaders of Kisan Sangham. The communists passed radical proposals for agrarian reform and transformed a mere peasant agitation into a militant mass action (Gopalan, 1959a: 14).

With the achievement of independence, the communist party of India launched an insurrectionary movement throughout India to overthrow the new government (Overstreet & Windmiller, 1959: 270-80). The communist party was consequently banned in several states, and so was the All Kerala Kisan Sangham. During the ban, the Kisan Sangham was not in a position to function effectively. But in 1951, when the ban was lifted, the Kerala Kisan Sangham revitalized its activities and put forward more specific demands like fixation of fair rent, cancellation of all arrears of the rent, restoration of lands resumed by landlords. It forced the government to bring an amendment to the Malabar Tenancy Act

(1929) in 1951. These amendments formally granted fixity of tenure to all tenants. But the *verumpattom* (superior) tenant was required to deposit one year's rent as security. Further, *verumpattom* tenants were liable to be evicted in case they did not pay rent on time. Also, the landlords enjoyed the right to evict the tenants under the excuse of constructing a building for his dwelling purpose or personal cultivation for maintenance of himself and his family. Moreover, landless agricultural laborers were not provided with protection. This Act caused acute resentment to the peasantry. In 1954, this Act was further amended to the advantage of the tenants. This amendment curtailed the right of resumption to the landlord. The provision regarding compulsory deposit of arrears of rent was withdrawn and tenants were protected from eviction.

2.2. Cochin and Travancore

Cochin and Travancore were princely states under the rule of liberal rulers till the amalgamation of these states in 1949. During the period of prominent rule of Sakthan Thampuran in Cochin from 1790 to 1805, he confiscated the lands of all feudal lords who resisted setting up a centralized government². Thus a good portion of lands became *pandaravaka* or ruler's property. Further, Colonel Munro, the resident-cum-dewan of Cochin, enhanced the position enjoyed by the government as the chief landlord. He acquired 179 temples in Cochin and provided for their maintenance from out-of-state funds (Varghese, 1970: 30-2). Thus by 1812, about 40 percent of the cultivated lands in Cochin came under the ownership of the government. Lands in Cochin were classified into two main tenures *viz.*, *pandaravaka* or ruler's property and *puravaka* or land of *zamindars*. *Pandaravaka* lands were held under subsidiary tenures like *verumpattom* tenants, *kanam* tenants, *dana* (gift), etc. In the case of *puravaka* lands, proprietorship was vested in the *jenmis*. The earliest law in Cochin on tenancy reform was the Theetorum (decree) of the Raja of Cochin in 1863, preventing the eviction of *kanam* tenants (Oommen, 1971: 26). It was not strictly implemented. By the Settlement Proclamation of 1904, proprietorship was granted to holders of *pandaravaka* or government land, subject to the payment of state tax. The tenants clamored for more reforms. As a result, Landlord-Tenant Commission was appointed in 1909 to study the problem of the tenants. On the recommendation of this Commission, Cochin Tenancy Act was passed in 1915. It gave the fixity of tenure to those who took holdings before 1885 and also provided for the payment of compensation for improvements made, in case of evictions. But as a tenancy reform, the Act did not go far enough. The Proclamation of 1936 and the Cochin Tenancy Act of 1938 further improved the conditions of *kanam* tenants by granting them fixity of

2. Sakthan Thampuran was one of the most powerful rulers of Cochin between 1790 and 1805.

tenure. Likewise, the Proclamation of 1936 protected *kudikidappukars* (squatters) from eviction. However, the conditions under which fixity was granted gave sufficient scope for the eviction of tenants. The Cochin Verumpattamdars Act of 1943 assured the *verumpattom* tenants of similar benefits.

Travancore was one of the most progressive princely states and vigorously pursued a policy of annexing lands of local chieftains. Marthanda Varma, who came into power in Travancore in 1729, was an illustrious ruler. He confiscated the lands of the feudal chiefs and consolidated Travancore (Menon, 1996: 292). Under his rule, Travancore rose into prominence as a powerful military state. His rule continued up to 1758. Rama Varma succeeded Marthanda Varma in 1758 and he was at the helm of affairs of Travancore up to 1798. He further consolidated the territorial gains and introduced a settled administration. In 1790, the Mysorean ruler Tipu Sultan attacked Travancore. Hence, the ruler of Travancore sought the support of the English East India Company against Tipu Sultan. In 1792, in the battle of Seringapatam, Tipu Sultan was defeated and Travancore was saved from annexation. In September 1793, the Raja of Travancore requested the supreme government of British at Calcutta to conclude a permanent treaty for the defense of Travancore against foreign enemies. Tipu was still powerful. His alliance with the French and their victories in Europe alarmed Rama Varma and the English. So they concluded a treaty in 1795 by which the English agreed to defend Travancore in return for an annual payment, both in peace and war. The Raja was required to meet the expenses of three battalions of soldiers together with one company of European artillery and two companies of lascars. The proposed treaty was signed between the Governor of Bombay, on behalf of the Governor-General of India on the one part and the Raja of Travancore on the other. After the conclusion of this treaty, Travancore became the protected ally of the British. Almost all provisions of the treaty were favorable to the British to establish their supremacy over the affairs of Travancore. The British government appointed a resident in the Travancore court to protect their interests. Through this provision, the company maintained its army without any expense. But, the Travancore government failed to make payments to the company regularly. Hence, Colonel Munro, the resident-cum-dewan of Travancore, acquired the properties of 378 wealthy temples in Travancore to pay the arrears to the company and provided maintenance to the temples out of state funds in 1811. By the middle of the 19th century, 80 percent of the cultivated land and the whole of the wasteland became government lands or *pandaravaka* (Oommen, 1975: 1573). The remaining 20 percent of the cultivated land was called *jennom* land owned by a small number of landlords.

Both the state-owned lands called *pandaravaka* and *jennom* lands owned by *jennmis* were leased out for cultivation. The tenants held *pandaravaka* lands on various tenures

like *pandarapattom*, *inam*, *viruthi*, *thiruppuvaram*. The *jenmom* lands were regarded as the absolute private property of the owner. The *jenmis* created subordinate tenures such as *kanappattom*, *verumpattom*, *koolikanam*, *koolikarazhma*, *otti*, etc. At the time of the revenue settlement in 1886, there were 436 types of subtenures in the state-owned and private lands. (Jayachandran, 1965: 154). The third category of landowners was various chieftains leasing lands under various tenures as Edavakai, Sree Pandaravaka, Kandukrishi, and Sree Padamvaka.

Unlike the British rulers in Malabar, the government of Travancore favored the interests of cultivators and promoted agricultural development. Those who converted wastelands into cultivable lands were given remission of taxes and concessions (Eashvaraiah, 1993: 116). Syrian Christians and Ezhavas benefited from this policy and became government tenants since they had invested much to transfer wastelands to cultivable lands. For a long time, the landlords and tenants generally exercised their respective rights without prejudice to each other. But as the population increased and as society changed its character under the impact of western civilization, the situation changed significantly. During the British regime, the law began taking the place of custom. The eviction was given legal status under the British and made applicable to all kinds of tenants. But, under the age-old customs, a *kanappattom* tenant was seldom evicted. A sense of insecurity on account of the *jenmis*' right of eviction became a chief cause of complaint by the cultivating peasants. The *jenmis* also began to demand exorbitant rents. It led to serious discontent among the agricultural classes. Therefore, the maharaja of Travancore through the Royal Edict of 1829 instructed the courts to regulate unreasonable eviction of tenants by *jenmis* or landlords. The Royal Edict of 1829 failed to protect the tenants from eviction by the *jenmis* because the judiciary itself acted as a force of the vested interest; being itself drawn mainly from the landowning Brahmins. It defeated the spirit of the Edict. It attracted state intervention to protect the interests of tenants.

In Travancore, the Pattom Proclamation of 1865 was the earliest attempt towards land reforms. It was hailed as the Magna Carta of the Travancore ryots. It conferred full ownership rights on the tenant-cultivators of lands owned exclusively by the government only. Thus the era of state landlordism ended in Travancore and the age of peasant proprietorship emerged. It converted a large body of tillers from the position of mere tenants at will to that of full proprietors. But no relief was granted to the tenants of private lands. But the Jenmi Proclamation of 1867 prohibited the *jenmis* from evicting their tenants so long as they paid the stipulated rent and other customary dues. However, it did not seek to confer ownership on the tenant. The Proclamation of 1867 did not satisfy either the *jenmis* or the *kudiyan* in its operation. So the Jenmi-Kudiyan Regulation of 1896 was passed. It mainly affected *kanam* tenants. Under this proclamation, all *kanappattom* ten-

ants under Malayalee Brahmins and *kanappattom* tenants holding the land consecutively for a period of twenty-five years were given fixity of tenure. Only in cases where tenants deliberately denied the will of the landlords and refused to pay the rent continuously for twelve years would be evicted. Renewal after the expiry of the period of twelve years was made compulsory.

Notwithstanding the good intentions of the state, the tenants did not benefit much from the proclamation of 1896 since the implementing agencies subverted the act at the instance of landowning groups. So the Jenmi-Kudiyam (amendment) Act of 1932 was passed. It cut the Gordian knot of the *jenmi* and *kudiyam* problem. By this Act, the tenants became the absolute owners of the land. Different kinds of dues to the landlords such as *michavaram*, renewal fee, and presents were abolished. But the tenants were required to pay rent to the *jenmis* called *jenmikaram* through the state. The state was made responsible for remitting rent to the respective *jenmis*. Tenants' rights became transferable and hereditary. Thus the 1932 regulation was no doubt a progressive measure. After independence in 1947, some improvements were made to the agrarian laws of Travancore.

In 1949, Travancore and Cochin merged to form the state of Travancore-Cochin. Prevention of Eviction of Kudikidappukars Act was passed in 1949 to prevent the arbitrary eviction of *kudikidappukars*. It gave the *kudikidappukaran* permanent right of occupancy in his *kudikidappu* (residential land) subject to certain conditions. The praja socialist ministry under Pattom Thanu Pillai attempted a comprehensive land reform in 1954 and introduced six separate bills to prevent the eviction of tenants and to put a ceiling on land holdings (Sukumaran, 1970: 21). But these bills were not passed as the ministry was compelled to resign. The next congress-led ministry put two of them on the statute book – the Travancore–Cochin Prevention of Eviction of Kudikidappukras Act, 1955 and the Kanam Tenancy Act, 1955. These laws were intended to provide uniform protection to the *kudikidappukars* and the *kanam* tenants of Travancore and Cochin. Another significant development of this period was the passage of the Edavagai Rights Acquisition Act, 1955. It conferred on the government all the edavagai rights of four edavagais (Edapally, Kilimanoor, Poonjar, and Vanjipuzha) by paying compensation. The Travancore-Cochin Compensation for Tenants' Improvement Act, 1956, was brought up to the select committee stage before the congress ministry fell³. It is pointed out that the fall of these ministries had been engineered by the landed interests of the state (Joseph, 1959: 130).

The agrarian problem in Kerala acquired a new dimension with the decision of the first President's rule in Travancore-Cochin (1956-57) to evict all illegal occupants of gov-

3. The Parliament passed the Bill when the state was under President's rule.

ernment forests. Thousands of peasants, rich as well as poor, had occupied government forests in Travancore-Cochin since the time of the Second World War either on payment of rent or by illegal trespass. The Travancore-Cochin Karshaka Sangham took up their cause and organized agitations. It was at this juncture the state of Kerala was formed and the communist party elected to power. The communist ministry took the agrarian question as the most urgent one and, pending the drafting of a comprehensive bill, issued an ordinance on 11 April 1957 staying all proceedings for the eviction of tenants and *kudikidappukars*. Later, the ordinance replaced an act.

3. KERALA AGRARIAN RELATIONS BILL, 1958

The Kerala Agrarian Relations Bill sought to confer fixity of tenure on all tenants. The Bill allowed landlords to resume possession of land from their tenants only for three specific purposes: a) for the extension of any place of religious worship; b) for the construction of buildings for residential purposes; and c) for self-cultivation. But in no case would land be resumed from a permanent tenant. In all cases, the tenant whose holding was to be resumed should be given a solatium equal to one year's rent, or compensation under the Kerala Compensation for Tenants' Improvement Act, 1958.

Another feature of the Bill was the fixation of fair rent. It fixed the maximum and minimum rent in respect of the different classes of land and empowered the government to determine actual rates for different localities, considering the yielding capacity of the land and law prevailing in the area immediately before the start of this Act. It made provisions for the creation of a land tribunal consisting of a single official not below the rank of a *munsiff* (judicial officer) or *tahsildar* (administrative officer at *taluk* level) having jurisdiction in defined areas to fix the fair rent.

The Bill provided for the scaling down of the arrears of rent which accrued due before 11 April 1957. All arrears of rent were deemed to be fully discharged on payment of one year rent in the case of tenants holding less than five acres, three years' rent in the case of tenants holding between five and fifteen acres, and six years' rent in the case of above fifteen acres.

The Bill gave fixity of tenure to tenants too. No tenant would be evicted except under the following conditions: a) that he had "alienated" his residential land; b) that he had rented or leased it; c) that he had ceased to reside in his residential land continuously for one year; and d) that he had another residential land or had obtained possession of land within one mile on which a hut might be erected. But the landlord enjoyed the right to

shift a tenant to another site within a mile at the landlords' will. In such a case the tenant should be paid the price of the hut and ownership rights over the new site which should not be less than five cents in a major municipality and ten cents in any other area. According to the Bill, all arrears of rent payable by a tenant were to be deemed discharged at the commencement of the Act. Rent payable by any agreement after the commencement of the Act was never to exceed six rupees per annum. The rights of tenants were declared heritable but not alienable.

Another important feature of the Bill was that all rights and title of the land in the possession of a permanent tenant or other tenants in certain circumstances would be deemed to have been bought from landlords on an appointed day called "Peasant Day". The tenants would have this purchase right only up to the ceiling area fixed. A tenant holding land under different landlords was enjoyed the choice to purchase the lands he preferred. It involved the fixation of the compensation due to the landlord and the purchase price to be paid by the tenant. The purchase price was to be equal to sixteen times the maximum rent given in the first schedule of the Act, or sixteen times the rent payable before the commencement of the act, whichever was smaller, plus the value of structures on the land. If the tenant was ready to pay the entire purchase price in a lump sum, the amount would be equal to twelve times the fixed tent. The tenants were given the choice to deposit the purchase price with the land tribunal onto the credit of the land board. Any person aggrieved by the determination of purchase price by the land tribunal enjoyed the option to appeal to the district court.

The Bill sought to tackle the problem of unequal distribution and excessive accumulation of land in a few hands. The ceiling area of land was fixed as fifteen acres for double cropland or its equivalent, *i. e.* 22½ acres of a single crop or 15 acres of garden land or 30 acres of dry land for an adult unmarried person or a family of five members. For a family consisting of more members, every additional member would get an extra acre subject to a maximum of 25 acres. But in the larger interests of the economy, certain lands were exempted from the provisions of the ceiling, such as lands required for mills and factories, and plantations of rubber, tea, coffee, and cardamom. It must be noted that the Bill had exempted lands owned or possessed by public religious and charitable institutions. Further, it empowered the government to exempt in the public interest any other land through special notification. Holders of land more than the ceiling were bound to surrender to the government the lands in excess. But, they were entitled to compensation equal to the sum of the value of the land calculated based on the second schedule. The Bill sought to invalidate transfers of land made after particular dates by owners of land above the ceiling. It permitted transfers after 11 April 1957 made on account of sale or natural affection but disallowed even such transfers after 18 December 1957.

The lands surrendered to the government were to be distributed by the land board among the landless and those who possessed less than the ceiling. The land board was to take into consideration the claims of tenants whose lands were resumed, the claims of small-holders, agricultural laborers, etc. while choosing between the applicants for distribution. The purchase price of such lands assigned to persons should be equal to the total value of structures and sixteen times the maximum rent payable for such lands under the first schedule. The amount was to be deposited with the land board in lump or installments as permitted by the latter.

The Bill provided for the creation of a land board consisting of three members appointed by the government, one member of the board of revenue, and two other officers. It would have the full powers of a civil court. No order of the land board under the Act should be called in question in any court of law. Further, the bill empowered the district collectors to require the owner or other persons in lawful possession of land left uncultivated to lease it out for agricultural purposes.

After the introduction of the Bill in the Legislative Assembly on 21 December 1957, it circulated for eliciting public opinion. It received 1152 opinions in total from different organizations, general public, rural and urban local bodies, political parties, and individuals. More than a hundred opinions came from various landholders' organizations, and an equally good number came from different units of the Karshaka Sangam. The large chunk came from individuals in support of or against the Bill.

The Bill was then referred to a select committee on 2 April 1958. The committee held 60 sittings in all, of which 19 sittings were devoted to the recording of evidence (Kerala State Legislative Assembly, 1959: 2795). For recording evidence the committee sat for one day at Kasargod, in the northern part of the state, and two days each at all district headquarters. The committee examined 249 witnesses and got a large number of memorandums. The committee used the remaining days to examine the provisions of the Bill. It presented a report on 24 March 1959 after the lapse of about one year.

The Legislative Assembly started the consideration of the report of the select committee on 16 April 1959 and passed it on 10 June 1959. Some of the important amendments accepted at the second reading stage can be looked into. Regarding the provision relating to smallholders, in areas where there was fixity of tenure, option was given to the smallholder. The definition of a smallholder was also slightly modified. Another amendment accepted at this stage was that introduced by the minister for vesting the rights of land in the government instead of in the tenants. The house also accepted an additional provision granting *kudikidappukaran* the right to repair his homestead without exceed-

ing the existing dimensions. At the third reading, the minister moved 18 amendments and got them passed. They were all verbal or consequential amendments.

4. RESPONSES TO THE KERALA AGRARIAN RELATIONS BILL

On the responses to the Kerala Agrarian Relations Bill (KARB), the Karshaka Sangham whole-heartedly welcomed it. It was the only large organization of peasants and agricultural laborers that existed at that time and acted as a branch of the communist party. The sangham was popular where the communist party had strength. The Karshaka Sangham was stronger in Malabar than in Travancore and Cochin. A convention of the Kerala Karshaka Sangham was held at Kalady in October 1957. The chief minister, revenue minister, and other leaders of the communist party attended it and discussed the principles of ensuing KARB (Poduval, 1969: 136). The convention also asked the government to introduce the Bill in the coming session of the assembly.

The Karshaka Sangham units made an organized effort to send opinions on the Bill when it was circulated for eliciting public opinion. They demanded lowering of the ceiling to ten ordinary acres, reduction of the purchase price to twelve times the fair rent, etc. It attracted the wrath of the landlords. The hooligans of landlords' killed Pappachan, the Karshaka Sangham leader in Pampavalley, on 21 December 1957 as vigilante violence was common throughout the country. The Karshaka Sangham staged a demonstration at Trivandrum on 27 March 1958, a few days before the assembly referred the Bill to a select committee. The units of the Karshaka Sangham held meetings and collected opinions in all districts and submitted recommendations to the Select Committee wherever it met. The sangham organized huge demonstrations and rallies in Hosdurg, Kannur, Kozhikode, Palakkad, and Thrissur.

The Nair community launched main offensive. Mannath Padmanabhan launched a crusade against the Bill because the Nairs were the principal land-owning community in the Travancore-Cochin area and the Bill adversely affected their interests. A deputation consisting of the representatives of the Land Policy Committee appointed by the Board of Directors of the Nair Service Society met the Chief Minister on 25 October 1957 and submitted a memorandum suggesting that the proposed legislation should not affect the interests of the Nair's.

The *Malayala Rajyam*, a pro Nair Service Society Malayalam daily, wrote an editorial on 1 January 1958 entitled "throw the legislation away" as it aimed at expropriating the landowners, most of whom belonged to the Nair community. One of the protest meet-

ings held at Trivandrum on 28 January 1958 under the banner of the Land Policy Committee of the Nair Service Society proposed several changes in the KARB to protect the interests of the members of the community. It also called upon all those who were against the Bill to form a united opposition.

The Nair Service Society demanded that the basis for fixing the ceiling should be taken as the income from land and not its area, and also the individual should be taken as the unit for the purpose instead of family. Landholders should be free to resume lands from tenants beyond the ceiling area, and compensation for excess lands surrendered should be given in cash. The meeting also appointed a special committee under Mannath Padmanabhan to meet Chief Minister E. M. S. Namboodiripad and to submit a memorandum incorporating their demands.

The Nair Service Society further demanded that the whole Bill should be revised and suggested that all the affected parties should be consulted. The special committee appointed by the Nair Service Society Land Policy Committee pleaded with the government to save the peasant proprietors of Kerala from the sad prospect of being wiped out of existence, as a result of the legislation. The representatives of the Land Policy Committee of the Nair Service Society headed by Mannath Padmanabhan met the chief minister again on 28 February 1959 and submitted another memorandum indicating the lines, on which the Bill should be amended. Important proposals put forward were that the ceiling proposed should apply only to future acquisitions of land and not existing holdings, the unit should be the individual and not the family, and the criterion should be income from land and not the extent of land.

The ceiling should be fixed in such a way as to enable each member of a family to earn at least 150 rupees per month. A period of not less than one year should be given to the landlords to dispose of excess land. The delegation warned the Chief Minister that they would resort to agitation if their suggestions were not accepted by the government. The Nair Service Society had made these proposals fully realizing that in case of their non-acceptance it had to use the Bill as a political issue against the communist government.

When the KARB was referred to the select committee on 2 April 1958, the Nair Service Society submitted again a memorandum and pressed the committee for amending the Bill on the lines suggested earlier. In this regard, their leaders tried to pressurize the Nair members of the communist party. Mannath Padmanabhan personally briefed the Nair members of the Legislative Assembly of the Communist Party of India. As a result, the report of the select committee was delayed for about a year. When the select committee submitted its report on 24 March 1959, the political atmosphere in the state was charged

with emotions roused by the anti-education bill agitation started by the Christians. Since the KARB affected the landed interests of the Nair community, the Nair Service Society joined the agitation. As soon as the Bill was introduced in the state legislature, the Malayala Manorama, the Christian mouthpiece, on 28 December 1957 condemned it as politically motivated, and that it was introduced to injure the interests of the landowners who had invested their entire fortune in the land to make out an existence.

Like the Nairs, the Christians also held a large number of protest meetings in which the Bill was subjected to severe criticism. Many proposals were made for amending the Bill, to minimize its effects upon the landowners. The Malayala Manorama on 20 February 1958 argued for several changes in the Bill. The ceiling on the land should be fixed according to the income and a family should be permitted to own as much land as necessary for a net income of 6000 rupees per annum. Compensation for excess lands taken over should be given in cash in terms of the market value. A period of not less than two years should be given to the landlords to dispose of excess lands.

The All Kerala Catholic Congress in its memorandum to the government sought several amendments to the Bill. The memorandum demanded that the ceiling on existing holdings with permanent improvements should be exempted. The lands leased out or rented out should be returnable for the owner's personal use and the lands on which coconut trees, areca nut trees, and pepper vines were grown to be treated as estates and also be exempted from the operation of the provisions for ceiling. These demands were intended to save the interests of landlords and plantation owners. The Bill in providing for fixity of tenure, fair rent, ceiling, etc., did not offend the legitimate interests of the tenant, a considerable number of whom were Christians themselves.

Since majority of the Ezhavas were not a landed interest, they were to support any measure aimed at the redistribution of land in the state. When the KARB was published, the Board of Directors of the Sree Narayana Dharma Paripalana Yogam, as the organization of the Ezhava community in Kerala, welcomed it and appointed it on 31 December 1957 a special committee consisting of seven members headed by its president to study and report on the Bill. The committee submitted its report on 25 February 1958. It viewed the Bill as the first step towards socialism and suggested amendments to provisions relating to ceiling, compensation for excess lands taken over, and fair rent. The individual, not family, should be the unit for the ceiling, which should be fixed on the basis of both income and area.

The attitude of the Indian Union Muslim League (IUML), which represented the Muslim community largely of agricultural laborers, on the whole, supported the KARB.

When the KARB was introduced in the legislature, the IUML did not express any misgivings about its objectives. The league member M. P. M. Ahmed Kurikkal congratulated E. M. S. Namboodiripad and Revenue Minister K. R. Gouri for introducing the Bill and assured his party's complete support to it. He, however, wanted amendments to some provisions of the KARB affecting the religious freedom of the Muslims. The Muslim League members on the select committee expressed the view that since the personal law of the Muslims permitted a man to marry more than one woman, the provision for ceiling and definition of family should be so made that they should not be left as landless. In their dissenting note to the report of the select committee, the Muslim League members pleaded for special concessions to religious and charitable institutions (Kerala State Legislative Assembly, 1957: 9-10). Surrender of excess lands to religious and charitable institutions should be lawful. Since the economic condition of the backward communities in some places was worse than that of the Scheduled Castes, provisions should be made for reservation of a percentage of excess land to be distributed to them. The annual convention of the League held in 1958 also passed a resolution confirming this attitude towards the KARB.

Though there were differences of opinion among the Muslim League members towards the KARB, on the whole, the party favored the Bill. In this regard, C. H. Muhammad Koya, an influential Muslim League member, welcomed the Bill and lauded the communist government, and described the KARB as beneficial legislation for the good of the people (Kerala State Legislative Assembly, 1958: 2247). Hassan Gani, the League member, who spoke on the day of the final passing of the Bill, praised the KARB as a beneficial measure that would enhance the welfare of the masses (Kerala State Legislative Assembly, 1959: 5911).

The landowners had no state-wide organization of their own and hence no central agency for effective lobbying or agitation. But, of course, some local organizations existed at that time in Malabar. And several new organizations were formed at various places to send memorandums and hold demonstrations. Several landowners' associations passed resolutions to the following effect: a) certain paddy growing areas and coconut gardens should be exempted from the purview of the Bill; b) the right to ownership should be given to inferior tenants; c) tenants should be evicted without compensation if indulged in violence; d) intermediaries should be denied any right through the Bill; e) compensation to the landowners should be paid, based on the market value of the property and the amount should be paid in cash, in a lump sum (Oommen, 1975: 1577). Not only were such resolutions passed by the landowners but eviction of hutment dwellers and pressure on tenants to make them surrender the land they cultivated was started by them.

The landowners in the Palghat district objected to certain provisions of the KARB and suggested amendments to improve the measure if it was to be passed into law. They argued that a) it was a confiscatory measure depriving landowners of valued and well-established rights in hard-earned lands; b) it would impoverish the entire middle class; c) it would ruin agriculture due to excessive fragmentation of holdings; d) certain provisions of the Bill violated the fundamental rights guaranteed by the Constitution of India; e) there was discrimination between Travancore-Cochin and Malabar without justification; f) even mere licensees were given permanent rights against the landlord (Memorandum on the Kerala Agrarian Relations Bill submitted by the Palghat District Landholders Association, 1957: 1-2).

When the KARB was introduced, the Indian National Congress, the major political party in the state, took a stand favorable to landlords. The Kerala Pradesh Congress Committee opposed the Bill under pressure from prominent community organizations in the state. A joint session of the Kerala Pradesh Congress Committee and Congress Legislative Party held that ceiling should be based on income from land, pepper orchards, and backwater lands should be exempted from the ceiling; landowners should be permitted to transfer excess land within one year from the operation of the act. The compensation to the landowners should be based on market value, tenants on the lands of public charitable and religious institutions should not be given the right of purchase, and a landlord having land less than the ceiling limit was to be allowed to evict the tenants to reach ceiling. The congress members on the Select Committee such as P. T. Chacko, K. K. Viswanathan, R. Raghava Menon, A. A. Rahim, K. Koshy Kuttan, K. R. Narayanan, and E. P. Maleth Gopinatha Pillai in the minutes of dissent also suggested identical changes in the Bill. The congress members had slight differences regarding the Bill. The Christian members did not very strongly oppose the provisions relating to the fixity of tenure and fair rent (Menon, 1959: 20). Some Nair members from Travancore were very vehement in criticizing the Bill during its second and third readings (Kerala State Legislative Assembly, 1959: 5895-5901).

Outside the assembly, congressmen were busily engaged in supporting the agitation started by the Nair Service Society, the Christian community, and others. Thus the response of the Indian National Congress to the KARB was fundamentally reactionary. Though they were not against agrarian reforms, their attitude favored the land-owning class in the society that showed the class character of the Congress Party. When the KARB was introduced, the members of the Praja Socialist Party seemed divided. Some members of the party expressed their support and willingness to cooperate for the successful passage of the Bill, while others voiced their objection to it.

5. LIBERATION STRUGGLE

The genesis of the liberation struggle might be traced back to the very day the communists assumed power in the state. Since then, the opposition political parties had been working towards toppling the communist ministry. But all its attempts failed. The Kerala Education Bill was the first comprehensive legislative measure of the first communist ministry and it irked the Catholic Church and the Nair Service Society got irritated with the Kerala Agrarian Relations Bill. It brought the two powerful communities in Kerala against the government. Both the Catholic Church and the Nair Service Society demanded the withdrawal of the controversial provisions of the Kerala Education Bill and the Kerala Agrarian Relations Bill through petitions and demonstrations. But the communist ministry did not heed it. When they realized that the pressure and persuasion were not enough to resist the communist onslaught on them, the Christians and Nairs were left with no other choice but to decide an all-out political war to oust the communists from power (Government of Kerala, 1959: 16-20). Soon, the agitations of the Catholic Church and the Nair Service Society and the opposition political parties merged into one and they adopted the non-heard extra-constitutional method of the liberation struggle to oust the communist government from power. In the struggle, all the major opposition political parties (Congress Party, Praja Socialist Party, Muslim League and Revolutionary Socialist Party) and the community organizations (Catholic Church and Nair Service Society) joined together under the leadership of Mannath Padmanabhan, the Nair Service Society Leader, with the support of All India Congress Committee.

The Catholic Church and the Nair Service Society forged a united front against the communist government not because of their theoretical or dogmatic opposition to Marxism but more because of the practical difficulties to which these two communities were subjected under the communist regime. The necessary money and men for the agitation were given by the Catholic Church. Thus, the agitation brought for the first time the Catholic Church in cooperation with the Nair Service Society. The opposition political parties saw the Catholic Church and Nair Service Society alliance as an opportunity to oust the communist government and joined with them. The end of the communist rule was the only thing on which the Nair Service Society, Catholic Church, and the opposition political parties unanimously agreed while on other matters they remained disagreed. Mannath Padmanabhan voiced for the scrapping of the Kerala Agrarian Relations Bill. While the low caste communities such as Ezhavas, landless depressed classes, and Muslims sympathized with agrarian reforms since they were its main beneficiaries. So mere amendments alone in controversial legislation would not pacify all the conflicting interests. The Catholic Church used religion to mobilize faithful against the government. The Nair Service Society also followed suit. The opposition political parties mustered the sup-

port of the top brass of the national leadership and the congress government at Centre. On the other hand, the communist government committed the political blunder of offending the two most powerful interest groups same time in Kerala (the Catholic Church and the Nair Service Society). The non-compromising attitude of the communist government and its failure to suppress the opponents only intensified the agitation. The struggle had two phases.

The first phase was from early April to early June 1959. During this period the liberation struggle was at its formative stage. The second phase, known as Direct Action, was from early June to the dismissal of the ministry. This phase witnessed the use of violent methods against the government. The liberation struggle succeeded with the dismissal of the first communist ministry under Article 356 of the Constitution of India on 31 July 1959. The dismissal of the ministry was discriminatory in the sense that no action was taken against the congress-ruled states facing similar agitations (Gopalan, 1959a: 5-12). The liberation struggle amply demonstrated that no progressive socio-economic programs would not be implemented in Kerala without due regard to the interests of the dominant social groups, especially the Nairs and Christians.

6. KERALA AGRARIAN RELATIONS BILL AFTER THE DISMISSAL OF THE COMMUNIST MINISTRY

The dismissal of the first communist government was a great loss to the peasantry. Immediately after the dismissal of the ministry, President's rule was imposed on Kerala on 31 July 1959. After six months of President's rule, mid-term elections were conducted on 1 February 1960. The communist party lost the election. However, a coalition of the forces behind the liberation struggle (Congress Party, Praja Socialist Party, and Indian Union Muslim League), naturally with the support of Nair Service Society, the Catholic Church, and Central government got the majority and formed a government popularly known as United Front Government.

Naturally, the United Front Government introduced many amendments in the Kerala Agrarian Relations Bill favorable to the landlords and passed the Kerala Agrarian Relations Act with several modifications. It got the President's assent on 21 January 1961 and was published in the state on 3 February 1961 and came into force on 15 February 1961 as the Kerala Agrarian Relations Act (KARA) of 1960. The changes introduced were significant as it began a process of erosion of land reform ideas which effectively diluted the original intention.

1. It did not provide for rehabilitating the tenants who had been evicted after the formation of Kerala State as originally provided for in the KARB of 1959. It legalized thousands of evictions.
2. It excluded not only plantations from the ceiling provisions but also contiguous and interspersed agricultural land within the boundaries of plantations, and specifically permitted evictions of laborers from small allotments of land given for hutments within the plantation areas.
3. The new Act redefined “smallholder” as one with less than 10 acres of double-crop paddy land.
4. Land belonging to religious, charitable, and educational institutions of public nature and trusts were exempted from the purview of the Act.
5. The political representation was provided in the land board and bureaucrats and nominees replaced the land tribunals.

The united front government did not implement the Kerala Agrarian Relations Act, 1960, due to the stiff opposition from the vested interests and widespread agitations. Innumerable litigations were filed in the High Court and Supreme Court, following which the High Court of Kerala suspended the implementation of the Act. Hence, the government of Kerala was forced to prepare another bill leading to the passage of the Kerala Land Reforms Act of 1963. It was included in the ninth schedule of the constitution of India to save the act from the purview of judicial review. The act conferred on the tenants’ security of tenure and uniform fair rent (Kerala Land Reforms Act, 1963). But the government did not implement it due to its fall in 1964. In the same year, the communist party got divided into the Communist Party of India (Marxist) and the Communist Party of India in the background of communist China’s attack on India. The former strictly followed Marxist ideology, while the latter made suitable modifications in the Marxist ideology according to Indian conditions.

In the mid-term election held in 1965, no party won a majority, and Kerala was placed under President’s rule and it continued up to 1967. In the election held on 6 March 1967, the communists won a majority with the support of coalition partners and formed the government. E. M. S. Namboodiripad and K. R. Gouri who had served as the chief minister and the revenue minister in the first communist government held the same posts in the second communist government as well. Once come to power, the second communist government tried to introduce another bill incorporating the provisions of the Kerala

Agrarian Relations Bill 1958 (Menon, 1959: 12). But, the government fell with the withdrawal of support by the coalition partners due to serious differences with them.

On the fall of the Namboodiripad headed communist (Marxist) government in Kerala, C. Achutha Menon, the leader of the Communist Party of India (non-Marxist), formed another government on 1 November 1969. The Communist Party (Marxist) became the main opposition party in the State Legislative Assembly. The Achutha Menon government amended the Kerala Land Reforms Act of 1963 and it came to force on 1 January 1970. This act abolished landlordism in Kerala once for all and conferred full rights of ownership on the tillers of the soil. It opened a glorious chapter in the history of contemporary Kerala becoming a model for other societies in land reforms.

7. CONCLUSION

The Malabar showed only limited agrarian reforms beneficial to the farmers as elsewhere under the rule of the British who were mainly interested only to extract as much money as possible at the cost of the peasants. Peasant movements became strong in Malabar when the communist party took over the leadership of it. While on the other hand, the princely states of Travancore and Cochin introduced many liberal reforms aiming at the protection of the interests of the peasants throughout the ages. On coming into power, the first communist government introduced the long-awaited agrarian reforms across the state and thus Kerala became the first state in India in the introduction of agrarian reforms aiming lands to the tillers. The Kerala Agrarian Relations Bill was a comprehensive legislative measure dealing with all the important aspects of the problems of land relations in Kerala. It dealt with the problems of granting fixity of tenure, purchase rights to tenants by paying compensation to landlords, and the imposition of ceiling upon existing and future acquisitions in the land. The Land Legislation Bill was given the central place in the program for social and economic progress in the state. All these programs were orientated towards the peasants and workers who belonged to the poor communities. But, the above Bill irked the Nair community being one of the prominent land-owning communities in Kerala. The Nair Service Society, the organization of the Nair community, in close collaboration with other aggrieved sections (Catholic Christians and Congress Party) organized the liberation struggle to dismantle the communist government. While the landless Ezhava and Muslim communities supported the Bill. The congress government at Centre blessed the liberation struggle with the dismissal of the lone communist ministry. The governments succeeded to the communist ministry in Kerala diluted the main intention of the Kerala Agrarian Relations Bill of 1958 and finally, land reforms were introduced in Kerala in January 1970.

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