

Kerala Land Reforms Act, 1963

1 of 1964

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An Act to enact a comprehensive legislation relating to land reforms in the State of Kerala. Preamble.- Whereas it is expedient to enact a comprehensive legislation relating to land reforms in the State of Kerala; Be it enacted in the Fourteenth Year of the Republic of India as follows:-

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Kerala Land Reforms Act, 1963.
- (2) It extends to the whole of the State of Kerala.
- (3) The provisions of this Act, except this section which shall come into force at once, shall come into force on such date as the Government may, by notification in the Gazette, appoint; Provided that different dates may be appointed for different provisions of this Act, and any reference in any such provision to the commencement of this Act, shall be construed as a reference to the coming into force of that provision.

2. Definitions :-

In this Act, unless the context otherwise requires,-

- [(1) "adult unmarried person" means an unmarried person who has attained eighteen years of age;] 2[1A)] "agricultural labourer" means a person whose principal means of livelihood is the Income he gets as wages, in connection with the 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 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[(2A) "appellate authority" means an appellate authority constituted under Section 99A];

(3) "ceiling area" means the extent of land specified in Section 82 as the ceiling area;

(4) Cochin" means the area comprising- 0) the portion of the State of Kerala which before the first day of July, 1949, formed the State of Cochin, excluding 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 Stats of Travancore-Cochin under the said Order;

(5) "commercial Site" means any land 4[{not being a kudiyimppu or a kudikidappu or karaima)] which is used principally for the purposes of any trade, commerce, industry manufacture or business;

(6) "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 of part thereof to which any legal proceeding under this Act relates;

(7) "cultivate" with its grammatical variations means cultivate either solely by ones 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 5[and in the case of a member of the Armed Forces or a seaman, "cultivation7 includes cultivation on his behalf by any other person.]

Explanation.- For the purposes of this clause, "members of family" shall mean,-

(i) in the case of lands held by a joint family, members of such family; and

(ii) in any other case, wife or husband, as the case may be, and the lineal descendants;

(8) "cultivating tenant" means a tenant who is In actual possession of, and is entitled to cultivate, the land comprised In his holding;

(9) "customary dues¹ means anything, other than rent, michavaram or renewa] fees-

(i) landlord; or

(ii) allowed to be taken by the landlord from the holding, periodically or on the happening of any event or on the occasion of any festival, and includes onakazhcha, utsavakoppu, perunnalkazcha and aradiantharam;

(10) "double-crop nilam" means nilam on which more than one crop of paddy is ordinarily raised in an agricultural year;

(11) "dry land" means land which is not nilam, garden, palliyal land or plantation:

(12) "eviction" means the recovery of possession of land from a tenant or the recovery of a kudikidappu from the occupation of the kudikidappukaran;

(13) "fair rent" means the rent payable by a cultivating tenant under Section 27 or Section 33;

(14) "family" means husband, wife and therr unmarried minor children or such of them as exist;

(1B) garden" means land used principally for growing coconut trees, arecanut trees or pepper vines, or any two or more of the same;

(16) "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 or dry land, means the normal produce of that garden or dry lands; 6[xxxx] 7[(17) "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 I.- Where by act of parties or by operation of law, the interest of the tenant in his holding has been severed before the commencement of the Kerala Land Re;orms (Amendment) Act, 1969. splitting up the holding into two or more parts, or where a portion of the holding has been sub-leased, before the commencement of this Act, each such part or, as the case may be, each of the portions retained by the tenant and subleased, shall be deemed to be a separate holding.

Explanation II.- Any land in respect of which a person is deemed to be a tenant under Section 4, Section 4A, Section 5, Section 6, Section 6A, Section 68. Section 7, Section 7A, Section 7B, Section 7C, Section 7D, Section 8, Section 9 or Section 10 or, presumed to

be a tenant under Section 11 shall be a holding for the purposes of this Act,

(18) the term "improvement" means any work or product of a work which adds to the value of the holding, and includes-

(a) the erection of dwelling houses, buildings appurtenant thereto and farm buildings;

(b) the construction of tanks, wells, channels, dams and other works for the storage or supply of water for agricultural or domestic purposes,

(c) the preparation of land for irrigation;

(d) the conversion of single-crop into double-crop land;

(e) the drainage, reclamation from rivers or other waters or protection from floods or from erosion or other damage by water, of land used for agricultural purposes, or of wasteland which is culturable;

(f) the reclamation, clearance, enclosure, or permanent improvement of land for agricultural purposes;

(g) the renewal or reconstruction of any of the foregoing works or alterations therein or additions thereto; and

(h) the planting or protection and maintenance of fruit trees, timber trees and other useful trees and plants;

(19) "intermediary" means any person who, not being a landowner, has an interest in the land and is entitled, by reason of such interest, to possession thereof, but has transferred such possession to any other person. Explanation,- Where such a person has transferred possession only of a portion of the land which he is so entitled to possess, he shall be deemed to be an intermediary in respect of that portion;]

(20) "joint family" means a Hindu undivided family, a Marumakkathayam tarwad or tavazhi, an Aliasanthana Kudumba or Kavaru or a Nambudiri Iyam;

[(21) "kaipad system of cultivation" means the system of cultivation, by whatever name called, under which paddy is cultivated on land which is saline either throughout the year or during any part of the year, by raising small mounds of earth and sowing seeds or planting seedlings thereon, whether the mounds are demolished after such sowing or planting or not;

(22) "kanam means,-

(a) the transfer for consideration, in money or in kind or in both, by a person of an interest in specific immovable property to another person and described in the document evidencing the transaction as kanam or kanapattam. the incidents of which transfer include-

(i) a right in the transferee to hold the said property liable for the consideration paid by him or due to him;
(ii) the liability of the transferor to pay to the transferee interest on such consideration unless otherwise agreed to by the parties; and
(iii) payment of michavaram or customary dues, or renewal on the expiry of any specified period; or

(b) the transfer for consideration in money or in kind or in both by a person of an interest in specific immovable property to another person for the latter's enjoyment, whether described in the document evidencing the transaction as otti, karippanayam, panayam, pattapanayam, nerpanayam or by any other name and which has the incidents specified in sub-clauses (a)(i) and (a)(ii) and also one or more of the following incidents:-

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

(B) payment of michavaram;

(c) payment of customary dues; 9[x x x x]

Explanation.- For the purposes of this clause, 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 payment of renewal fees, it shall be deemed that there has been a provision for such renewal in the document;]

(23) 10[Kanam-Kuzhikanam" means a transfer by a landlord to another person of garden lands or of other lands or of both-

(i) with all or any of the trees, if any, standing thereon at the time of the transfer; or

(ii) without such trees, for the purpose of planting trees or pepper vines or both thereon and for the enjoyment of the trees transferred, if any, 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:

IE[(23A) "Karalma" means a transfer of lands situate in the Kozhikode district or in the Malappuram district, in consideration of ground rent, principally for the purpose of erecting a homestead, and described in the document, if any, evidencing the transfer, as Karaima or Panayapattom, Panayachit, or by whatever name called which possesses the characteristics of Karalma:

Explanation, For the purposes of this clause, so much of the land appurtenant to the land under the Karaima belonging to the landlord or any person claiming through him and in the possession

and beneficial enjoyment of the Karaima holder or his legal representative or any other person claiming through him as on the 1st day of January, 1970 shall, subject to a maximum of three cents in Municipal Corporation area five cents in Municipal Council area and ten cents in Panchayat area, inclusive of the land under Karaima, be deemed to be Karaima:

Provided that where the extent of the land appurtenant in the possession and beneficial enjoyment is in excess of the extent specified above as on the 1 st day of January, 1970, such land shall also be deemed to be Karaima;] 13[(23B) "Karinilam" means-

(a) lands generally known as karinilam and situate in the district of Kottayam, Alleppey or Ernakulam; and

(b) Lands, by whatever name known:-

(i) reclaimed from swampy areas called "kari with black and loose peaty soil, the sub-soil of which consists of partially decomposed organic matter; and

(ii) in which paddy is cultivated, and situate in any part of the State;]

(24) "kole nilam" means land in the bed of any kayai, or lake, or any waterlogged land in areas adjoining or lying within the vicinity of any kayal, lake or river, on which paddy is cultivated by raising bunds on one or more sides and draining the water away by mechanical or other means, and includes- (i) kole or punjakole nilam in the districts of Palghat and Trichur; and (ii) water-logged land in the taluks of Hosdrug and Kasargod commonly known as Avi" land, on which paddy is cultivated by raising bunds on one or more sides and draining the water away by baling;

4[(25) -kudikidappukaran" means a person who has neither a homestead nor any land exceeding in extent three cents in any city or major municipality or five cents in any other municipality orten cents in any panchayat area or township, in possession either as owner or as tenant, on which he could erect a homestead and-

(a) 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

(b) 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; and "kudikidappu" means the land and the homestead or the hut so permitted to be erected or occupied together with the easements attached thereto:

1s[xxxx] Explanation I.- In calculating the total extent of the land of a kudikidappukaran for the purposes of this clause, three cents in a city or major municipality, shall be deemed to be equivalent to five cents in any other municipality, and three cents in a city or major municipality or five cents in any other municipality shall be deemed to be equivalent to ten cents in a panchayat area or township.

Explanation II.- For the purposes of this clause,-

(a) "hut" means any dwelling house constructed by a person other than the person permitted to occupy it-

(i) at a cost, at the time of construction, not exceeding seven hundred and fifty rupees; or

(ii) which could have at the time of construction, yielded a monthly rent not exceeding five rupees, and includes any such dwelling house reconstructed by the kudikidappukaran in accordance with the provisions of Section 79; and

(b) homestead" means, unless the context otherwise requires, any dwelling house erected by the person permitted to have the use and occupation of any land for the purpose of such erection, and includes any such dwelling house reconstructed by the kudikidappukaran in accordance with the provisions of Section 79.

[Explanation MA.- Notwithstanding any judgement, decree or order of any Court a person, who, on the 16th day of August, 1960, was in occupation of any land and the dwelling house thereon (whether constructed by him or by any of his predecessors-in-interest or belonging to any other person) and continued to be in such occupation till the 1st day of January, 1970, shall be deemed to be a kudikidappukaran:

Provided that no such person shall be deemed to be a kudikidappukaran-

(a) in cases where the dwelling house has not been constructed by such person or by any of his predecessors-in-interest, if-

(i) such dwelling house was constructed at a cost, at the time of construction, exceeding seven hundred and fifty rupees: or

(ii) such dwelling house could have, at the time of construction, yielded a monthly rent exceeding five rupees: or

(b) if he has a building or is in possession of any land exceeding in extent three cents in any city or major municipality or five cents in any other municipality or ten cents in any panchayat area or township, either as owner or as tenant on which he could erect a building,;

Explanation ML- Where any kudikidappukaran secures any

mortgage with possession of 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 other homestead or any land exceeding three cents in any city or major municipality or five cents in any other municipality or ten cents in any panchayat area or township in possession either as owner or as tenant, on which he could erect a homestead.

Explanation IV.- Where a mortgagee with possession erects for his residence a homestead, or resides in a hut already in existence, on the land to which the mortgage relates, he shall, notwithstanding the redemption of the mortgage, be deemed to be a kudikidappukaran in respect of such homestead or hut, provided that at the time of the redemption-

(a) he has no other kudikidappu or residential building belonging to him, or any land exceeding three cents in any city or major municipality or five cents in any other municipality or ten cents in any panchayat area or township, in possession either as owner or as tenant, on which he could erect a homestead; and

(b) his annual income does not exceed two thousand rupees.

Explanation V.- Where a kudikidappukaran transfers his right in the kudikidappu to another person, such person shall be deemed to be a kudikidappukaran, if-

(a) he has no other homestead or any land in possession, either as owner or as tenant, on which he could erect a homestead; and

(b) his annual income does not exceed two thousand rupees.

Explanation VI.- For the purposes of this clause, a person occupying any hut belonging to the owner of a plantation and situate in the plantation shall not be deemed to be a kudikidappukaran if such person was permitted to occupy that hut in connection with his employment in the plantation, unless-

(a) he was, immediately before the commencement of this Act, entitled to the rights of a kudikidappukaran or the holder of a protected ulkudi or kudikidappu under any law then in force; or

(b) he would have been entitled to the rights of a kudikidappukaran if the area in which that hut is situate had not been converted into a plantation subsequent to his occupation of that hut;]

17[Explanation VII- For the removal of doubts it is hereby declared that a person occupying a homestead or hut Situate on a land held or owned by the Government of Kerala or the Government of any other State in India or the Government of India shall not be deemed to be a kudikidappukaran;]

(26) "kudiyiruppu" 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;

(27) Kuttanad area" means the area covered by the villages specified in Schedule I;

18[(27A) "Kuzhichuvaipum kudiyiruppum* means a transfer by a landlord to another person of garden lands or of other lands or of both situate in Malabar reserving the right to enjoy the fruit-bearing trees standing thereon at the time of the transfer, for the purpose of making Improvements thereon and described as such in the contract of tenancy;]

13[(28) Kuzhikanam" means a transfer by a landlord to another person of garden lands or of other lands or of both with all or any of the trees, if any, standing thereon at the time of the transfer or without such trees, for the purpose of planting trees or pepper vines or both thereon, and for the enjoyment of the trees transferred, if any;]