A broad popular movement of the entire peasantry and all democratic-minded people is rising in Kerala.

This movement cuts across political parties, communal and regional considerations and is against the attempts of the Congress Government of Kerala who at the behests of the feudal interests of the State, are out to bury the Agrarian Relations Act and bring in its place a new Bill designed to advance the interests of the landlords.

The **Kerala Karshaka Sangham**, the **Kisan Mazdoor Panchayat** and the **Labour Kisan Party** of Father Vadakkan have already come out against the move and are considering steps to come together for defending the interests of the peasantry.

A delegation is proceeding to Delhi on behalf of the Kerala Karshaka Sangham to meet the Union Government and the Planning Commission on the issue.

The Kisan Mazdoor Panchayat has formed an Action Council with a view to organising a movement.

The Kisan Labour Party of Father Vadakkan has announced the decision to organise one day mass satyagraha of the peasants in Trichur district to protest against the move on the Kerala Government.

In the article on this page, **E. M. S. Namboodiripad**, the former Chief Minister of Kerala under whose stewardship the Agrarian Relations Act was passed, discusses the background of the present move of the Kerala Government.

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A Poser To Planning Commission

Why A New Agrarian Bill In Kerala ?

Will the Central Government allow itself to be used in the game, played by the vested interests in Kerala, of utilising certain decisions of the Kerala High Court and the Supreme Court of India to go back on the great advance made by the State in the matter of Agrarian reform?

This question has been sharply posed by the developments which have taken place during the last several months in Kerala.

by

E. M. S. Namboodiripad

IT should be recalled, in this connection, that the Communist-led government of Kerala had drafted in 1957, an Agrarian Relations Bill which was hailed throughout the country as an earnest effort at making the agrarian reforms as beneficial to the peasants as possible. The merit of that Bill was that is plugged as many loopholes as can be plugged through legislation; it made adequate provisions *for rent reduction, prevention of evictions, right of the tenants to acquire owners' right, fixation of ceilings and distribution of surplus land, etc.*

The Planning Commission itself had, for some time, been giving expression to its concern that agrarian reform was being so implemented by various State governments as to defeat its purpose. Apart from the various loopholes through which the landlords could circumvent the provisions of the legislation, the machinery for implementation of the legislations was inadequate to deal with the suboteurs properly.

All these had been kept in view by the Communist-led government of Kerala when it drafted the Bill. Naturally, therefore, the vested interests opposed it tooth and nail. The 'amendments' and 'improvements' suggested by them were all meant to create those very loopholes which existed in the other State legislations but which were guarded against in the Kerala Bill.

The then opposition in the State legislature, including the Congress which claims to be the 'father of the land reform proposals' made by the Planning Commission, became the champions of these vested interests. *Their opposition, however, was defeated not only because the then government of Kerala had behind it the support of the mass of peasantry in Kerala, but also because the provisions contained in the Bill were in conformity with the ideas elaborated by the Planning Commission.*

Opposition to the Bill, however, did not end with the efforts made in the legislature. Its representatives went to the central government and the President of the Indian Union with the request that the Presidential assent should be withheld from the Bill. They were optimistic about this because the central government had dismissed the ministry which piloted the Bill; a mid-term election was being held; if the Communists were defeated in the election, the new government could be persuaded to advise the centre that the old Bill should be scrapped and a new Bill introduced.

Their mid-term election resulted in the way in which they had hoped. The central government too was anxious that the new government should not be disappointed. The President, therefore, refrained from giving assent to the Bill as it was passed in the Legislature. He sent it back to the new Legislature with certain suggestions all of which were meant to satisfy the vested interests.

As a matter of fact, some of the amendments like validating the several thousands of land transfers that had taken place since the introduction of the Agrarian Relations Bill, the elbow room given to the plantation owners and certain other categories of landlords in the matter of ceiling and resumption, the new and wider definition of the term 'small holder,' and above all, the change in the machinery of implementation, created so many loopholes with which the landlords would be able to defeat the main purposes of land reform.

The Centre was thus allowing itself to be used by the state government for that very nefarious purpose with which, according to its own view, several state governments were creating loopholes in the land reform legislations.

The central government, however, was not, at that time, prepared to accede to the request of the state government to its full exent. It had not allowed the landlord classes to regain all that they had lost when the original Bill had been introduced. Many of the major provisions contained in the Bill, as passed in the Legislature, remained intact.

The vested interests, therefore, decided to carry the fight into the Courts. They filed writ petitions both in the High Court of the state as well as in the Supreme Court of the country. They hoped that what they would not get from the State Legislature and from the central government they could get from the Courts.

In this again, they had the indirect and covert support of the state government. The conduct of the case by the government was nothing but formal. It failed to argue the case with the zeal which is expected of a government against whom the landlords are fighting in the Courts. This was clear from the fact that the Supreme Court itself in its judgement made the following remark:

"There is no reason to put tea, coffee, rubber and cardamom plantations in a class as distinguished from similar sizes of plantations as of arecca and pepper. None at least has been shown by the State of Kerala to exist. The only ground shown in the affidavit of the State of Kerala seeking and justifying the classification of tea, coffee, rubber and cardamom in one class is that arecca and pepper are not generally grown on a plantation scale. I am unable to think that these afford sufficient justification for making a discrimination in favour of tea, coffee, etc." (*Kunhikoman Vs State of Kerala — Supreme Court Judgement* — A.I.R. 1962, pp. 741.)

Both the High Court and the Supreme Court, therefore gave verdicts against the Act in certain material respects. This gave the landlords their long-awaited opportunity.

If the state government were sincere in the acceptance of the main purpose and content of the Act, it would have continued to implement those parts of the Act which had not been struck down by the Courts. This itself would have been a matter of great relief to the peasants because the provisions in the Act relating to tenancy — security of tenure, rent fixation, right of purchasing ownership, etc. — remained intact even after the decision.

Furthermore, if the government were sincere in its acceptance of the need for putting a ceiling on land holdings, it would have taken the advice of the central government and the Planning Commission as to what should be done to meet the new situation. Instead of doing either of these two things, however, the state government took advantage of the Court's decision to suspend the whole Act.

The calculations of the state government and of the landlord classes, however, were not fulfilled. The central government saw that the decisions of the Court in relation to the Kerala Act would not affect Kerala alone; ceiling legislations in relation to all the ryotwari areas in the country would be declared unconstitutional if the interpretation of the Court on the constitutional point is allowed to stand. Here, therefore, was a situation analogous to what had arisen, over a decade ago, in relation to the Zamindari lands. It came to the conclusion that, just as in the case of the Zamindari lands then, so in the case of ryotwary lands now, "*the Constitution has to change whenever there is a conflict between correct public policy and the formal provisions of the Constitution*".

They, therefore, framed a new Constitution (Amendment) Bill extending to ryotwari lands what had earlier been done in relation to Zamindari lands. All reform legislations in relation to ryotwari lands in all states were thus validated, including the Kerala Act.

This naturally roused the indignation of the vested interests throughout the country. The Swatantra Party raised its voice against the Constitution (Amendment) Bill. Landlord interests from the various States have been demanding that this amendment should be withdrawn.

Government of Kerala gave them not only indirect, but direct support: it told the central government that what is required to meet the situation is only to amend the particular Article in the Constitution; it was not necessary to include the Kerala Agrarian Relations Act in the schedule. It also proceeded with the work, which it had been carrying on, in connection with the preparations of the Amendments to the Act.

It is obvious that this attitude to the Constitutional amendment is only a continuation and carrying forward of the line adopted by the Congress Legislature Party in Kerala, when it was in opposition and when it stoutly opposed the Agrarian Relations Bill originally drafted by the Communist-led government.

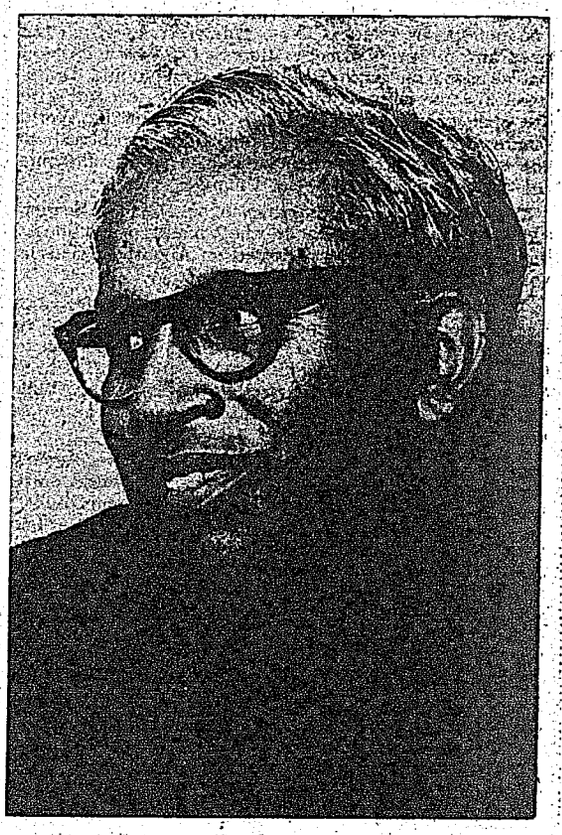
For, all questions of policy as well as of constitutionality which had been raised against it have been fully solved — the former when the Bill was subjected to close scrutiny by the centre which proposed certain amendments to it, and finally gave sanction to the form in which it was ultimately passed; and the latter by the new amendment to the Constitution.

The government, however, still insists on further amending the Act; it still insists that the Kerala Act should be included in the Schedule of the Constitution, only after it is amended along the lines in which they want it to be amended.

Already, by their suspension of the Act, the state government did serious damage to the cause of the peasantry in Kerala. Several months have been lost, precious months in which important provisions of the Act (which have not been struck down by the Courts) could have been implemented.

★ ON FACING PAGE

- ★ HANDS OFF THE AGRARIAN RELATIONS ACT OF 1959
- ★ INCLUDE IT IN THE NINTH SCHEDULE OF THE CONSTITUTION
- ★ PASS THE CONSTITUTION AMENDMENT BILL
- ★ NO NEED FOR A NEW BILL



A Poser to Planning Commission

FROM FACING PAGE

The present effort at still further amending the legislation will lead to still further loss of time.

As if this is not enough, the content of the amendments is such tha the main purpose of the legislation will be still further watered down.

The new basis on which ceiling is to be fixed, the still further widening of exemption from ceiling, the greater latitude given to the landlords to resume for personal cultivation, the new terms on which the tenants are to purchase ownership rights — all these are further concessions to the landlord classes and put heavier burdens on the peasantry. In other words, they are creating further loopholes in the framework of the agrarian legislation, giving wider opportunities to the landlords to defeat the purpose of land legislation.

All this is bound to create acute discontent among the peasantry, further difficulties in the implementation of those plans of agricultural production about which the leaders of the government are speaking from the house-tops. *The question is whether the central government and the Planning Commission will allow themselves to be used for this purpose.*

(August 9)