Agrarian Legislation and Social Classes

A Case Study of Malabar

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During the second half of the 19th century recurrent peasant revolts drew the attention of the British colonial rulers to the immediate political necessity of allaying the mounting discontent among the peasantry.

However, the legislative attempts in this direction, though initiated with an avowed concern for the condition of the peasantry, remained half measures and, therefore, failed to afford protection to the cultivating tenants from the evils of landlordism and usury.

To understand why this happened, an analysis of the dominant social classes who exerted pressure and influence during the process of legislation becomes crucial.

This paper is concerned with an examination of this problem in connection with agrarian legislation in Malabar in the nineteenth and early twentieth centuries.

In 1782 when Malabar was annexed from Tipu Sultan, the East India Company decided to use the existing traditional administrative machinery for revenue collection, since its interest was then limited to the easy realisation of agricultural surplus. The land was, therefore, leased out to the former chieftains for lump sums equal to the assessment introduced by Tipu Sultan. These chieftains, however, could not fulfil the task assigned to them and within a few years the payment of revenue was considerably in arrears. The Company, therefore, decided, in 1800, to assume the direct responsibility of revenue collection.

The decision marked the beginning of a debate within the Company's official circle on the land revenue policy as well as the nature of the traditional agrarian structure and the interests of the various classes connected with land. The principle which emerged out of this debate and which finally guided the Company's revenue policy was clearly laid down by Thomas Warden, who was the Collector of Malabar from 1804 to 1816. In a report to the Board of Revenue he wrote:

The jennar right of Malabar vests in the holder an absolute property of the soil. Kanamkar is a mortgagee or one who has land pledged to him in security for the interest of money advanced to the jennaker, which advance is the Kanam that is ever incumbent on the land until it be reduced ... The peculiarity of the kanam or Malabar mortgage is that it is never foreclosed but is redeemable after the lapse of any number of years ... It is a prerogative inherent in the jamm right, that the kanamkar should renew his kanam deed after the lapse of a certain number of years. There is no such thing as an established division of the produce in shares between jennkar and tenant.

Warden also formulated a scheme for the distribution of the agricultural produce among the different interests in land. According to this, in the case of rice lands the cultivator was to get one-third of the produce after deducting from the gross produce "the seed and exactly the same for expenses of cultivation", and the residue to be divided in the proportion of 6/10th to the government as revenue and 4/10th to the jamm as rent.

In garden land, 1/3rd of coconut, areca and jack tree produce was deemed sufficient as the cultivator's share and the remainder was decided to be equally divided between the government and the jamm. In case of dry grain lands the government's share was to be half of the jamm's rent.

The agrarian structure in Malabar evolved by the British Colonial rule was primarily based on these principles which provided for the State's appropriation of the largest share of the agricultural produce. The three basic tenurial categories were jannam, kanam and verumptam. The jamm (the holder of a jannam tenure) was recognised by the government as the sole legal proprietor of land, subject only to the payment of the government revenue. The kanakkaran (holder of kanam tenure) and the verumptakkaran (holder of verumptam tenure) came under the general category of kudan (tenant). The kanakkaran leas-
ed or mortgaged land from the janmi in lieu of payment of a lump sum (kanam) and annual rent. The kanam tenure had to be renewed at the expiry of every twelve years on the payment of renewed fees. This interpretation given by the British Civil Courts armed the janmis with the power of evicting their tenants at the expiry of the lease, which did not exist during the pre-British period. The verumppattakkar held land on a simple lease either directly from the janmi or the kanakkar. In either case he was a tenant-at-will without any occupancy right. Generally he held land on a yearly basis.30

During the course of the 19th century the rural society of Malabar had undergone various changes. The emergence of a substantial section of kanakkar as a powerful social and economic force was one of them. It is important for the present discussion to trace the course of this development.

The monopoly of land and big landlordism, known as janmi system in its total socio-economic context, was a chief characteristic of the agrarian scene in Malabar. The major portion of jannam lands was concentrated in the hands of a few families, notably, the Zamurin of Calicut, the Raja of Nilambar, Kavalappara Nair, Kotakkal Kizhakke Kovilakam, the Raja of Kolliyode and Poomalli Nambudiri. Out of a total cultivated area of 1,229,216.88 acres in 1920-21 6,28,921.30 acres were held by 32 janmis.31 In 1915 there were 86 janmis paying more than Rs 3,000 as land revenue.32 The Zamurin of Calicut paid nearly Rs 1,20,000, Kizhakke Kovilakam Rs 56,000, Chirakkal Raja Rs 40,000, Kuttanad Raja Rs 37,325 and the Nilambur Thirimulpad Rs 21,000.33 These lands were spread over several taluks and villages. For instance, the Zamurin's lands were distributed over 6 taluks and 520 villages. Some village statistics available to us also indicate concentration of lands in the hands of a few. In a village in Ernad taluk, out of 1,300 acres held by 250 janmis, two held 250 acres each, five held 40 acres each and 150 about 3 acres each. In a village in Kurumbranad taluk, out of 1,750 acres, two held 170 acres each, nine held 40 acres each, 20 held 20 acres each and 200 held about 2 acres each.34 The janmi did not undertake direct cultivation and leased out their lands mainly on kanam tenure and in some cases on verumppatam tenure. A large number of kanakkar who obtained substantial holdings on kanam tenure themselves did not undertake cultivation, but subleased them to undertenants charging a higher rent than the janmi himself. Tables 1 and 2 illustrate this point.

Tables 1 and 2 indicate the transformation of the legally recognised category of tenants into a rent-receiving-tenant intermediary class. They were appropriating about 70 to 75 per cent of the net produce while the landlord's and the cultivator's share ranged between 2 and 12 and 15 and 25 per cent, respectively. It may also be noted that the proportion worked out by Warden in 1815 was no more valid by the end of the 19th century. The rent extracted from the cultivator was about 15 to 20 times the land revenue assessment.35 With the bulk of the rent at their command, this intermediary class was able to grab small kanam holdings and thus to push down the small kanakkar to the position of tenants-at-will. Apart from the janmi's monopoly of land, concentration of land was developing at the intermediary level of kanam holdings as well. In a practical sense this intermediary class occupied in the agrarian structure of Malabar the position of a landlord vis-a-vis the actual tiler of the soil. It is because of this that the peasant vocabulary did not make any distinction between janmi and kanakkar — both were janmi thampuran (landlord).

The data available to us about the number and extent of the intermediary holdings are very inadequate. However, it is certain that the number of intermediaries was fairly large by the third quarter of the 19th century. Logan's investigations in 1881 of 14,034 pieces of land show that 5,845 tenants held directly from the janmi and 2,149 through intermediaries.36 Logan, unfortunately, does not give information about the janmi-intermediary combination who leased out their lands to verumppattakkar without the intervention of the kanakkar. The point is that the two acre and three acre janmis we noticed earlier in Ernad-Kurumbranad villages were also kanakkar who had leased kanam lands from substantial janmis and in turn sub-leased them to tenants-at-will. In all enumerations they were included in the category of janmis and not of kanakkar. The census figures of 1911 given in Table 3 would help clarify this point.37

The reason for the census recording such a low figure of less than 6,000 non-cultivating tenants was that the kanakkar who owned both kanam and janmam lands, understandably, returned themselves as janmis.

It was the members of this intermediary class who derived maximum advantage out of the new opportunities provided by the British colonial rule. They took to Western education with enthusiasm and consequently monopolised almost all positions in the service sector.38 In the elections to the Madras Legislative Council, but for the separate electorates, all seats were held by the members of this class. The aspirations as well as the changing position of this class has found classic expression in "Indulekha", a novel written by O Chandu Menon who was himself a sub-judge in the British Government Service.39

"Indulekha" is a reflection also of the growing resentment against the influence and privileges enjoyed by Nambudiri janmis. The younger members of Nambudiri families entered into sambandam, a temporary and loose marriage alliance, with Nair women,40 since only the eldest member of a Nambudiri family was, by custom, permitted to marry within the caste. The offspring of those marriages did not inherit their father's property, nor did the Nambudiri undertake the maintenance of his Nair wife and children. In fact, taking money and material from a Nambudiri was believed to be a sin. By the second half of the 19th century, the educated middle class Nairs began to disapprove of those marriage alliances, which were so far looked upon as a matter of great prestige for any Nair family. During the Marriage Commission's visit to Malabar in 1891 several educated Nairs expres-
them to appropriate the entire surplus from the peasantry. The Sadar Court's decision of 1854 that the janmis was terminable at the expiry of the 12-year lease period, was effectively used by the janmis to evict their tenants. The figures given in Table 4 would illustrate this point.25

Evidently, the intermediary janakis would not be able to maintain their social and economic position unless the janmis were deprived of their right to eviction. This was the central issue in the tenant movement in Malabar and the demand for agrarian legislation which in reality was an outcome of the struggle between the intermediary class and the janmis for appropriating the peasant's surplus.26

II

The Madras government was considerably pleased by the recurrent peasant uprisings in Malabar which were described in official terminology as "Moplah Outrages".27 The government, therefore, appointed in 1851 a Special Commissioner, T. I. Strange, to report on the causes of these 'Outrages'. He was specifically asked "to consider whether with reference to the position of Hindus and Moplahs in their relation of landlord and tenant, mortgagee and mortgagee, any measure seemed to be necessary for defining the landed terms of the country and placing them on a better footing".28 Strange discredited the agrarian discontent argument and attributed the fanaticism of the Mappilas as the primary cause of the "Outrages".29 "The Moplah Outrages Act" and "Moplah Warknives Act" of 1855 which sanctioned mass scale fines and confiscation of property of the rebels were the result of the Commission's recommendations.

These repressive measures, however, did not have the desired effect and the revolts continued to occur. In 1880, the government received a warning from "some inhabitants of Malabar" that unless immediate steps were taken to mitigate the grievances of tenants, "disturbances and bloodshed of a kind unknown before will take place in Malabar".30 William Logan, a former Collector of Malabar, was then appointed Special Commissioner "to enquire into and report upon the general question of the tenure of land and the tenant right in Malabar, and the alleged insufficiency of compensation offered by the landlords and awarded for land improvements made by tenants".31 After a very elaborate investigation into the nature of the land tenures and the condition of the agrarian classes, Logan came to the conclusion that government should immediately provide protection, through legislation, to the actual cultivator of the soil.32 His proposal for legislation, therefore, was to confer on the actual cultivator permanency of tenure; a right to use the soil of his holding to best advantage for agricultural purposes; a right to give, sell or transfer his interest in the whole of his holding and a right to 1/3rd of the average annual net produce of his holding. It may be emphasised that Logan did not include the general category of tenants within the purview of legislation, but confined it to the actual cultivator, be he a kanakkar or a verumpattakkaran. The substantial kanakkars were deliberately left out since they "were investors of money and who contributed nothing to the wealth of country".33 Logan's contention was that apart from the immediate political necessity of allaying the discontent of the hard-pressed peasantry who were being driven to revolt, agricultural improvement demanded permanency of tenure to "the non-capitalist cottier cultivator till ing with his own hand a small extent of land".34

Logan's recommendation for a legislative intervention in favour of the actual cultivator was more against the interests of the intermediary kanakkar, than those of the janmisp.
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The Board of Revenue in a resolution passed on October 1, 1885 disapproved Logan's proposals which, in its view, were apparently inconsistent in many parts. The Board considered the jammis' position as the absolute owner of land as a settled fact and suggested a reconciliation between the interests of the jammis and kanakkars. It did not see any reason why fair rents and fixity of tenure should not be conferred upon the kanakkars simply because they were "mere investors of money".

... the Board thinks that no greater mistake could possibly be made than to sneer at or condemn those who lay out money in the agricultural improvement of their land. The earth is the source of all wealth, and those who lay out their money in developing its powers of agricultural production do more direct good to society, if their labour is remunerative, than any others, for they increase the available quality of the first necessity of life, which is food. These, therefore, are the very men who observe encouragement and the protection of law.

In view of the divergent opinions on the proposals of Logan, the government decided to give further consideration to the question of legislation. A Special Commission was, therefore, appointed to examine Logan's proposals and advise the government about the lines on which legislation could be undertaken. This Commission consisted of Sir T Madhava Rao as President and William Logan, H Wigram, C Sankaran Nair and P Karunakara Menon as members. Except Logan, all other members of the Committee were already committed to the idea of permanent occupancy right to kanakkars. The very first step taken by this Commission was to suggest an act for staying the eviction of tenants by jammis, a tenant being defined as "any person who has contractual relations, regarding the use and occupation of land, directly with the jammai". This was a clear indication of the Committee's bias in favour of kanakkars and its final report was a strong plea for the protection of the rights and interests of kanakkars. Its recommendations in the main consisted of limiting the jammai's right of ouster and of enhancing rent and renewal fees and giving permanent occupancy rights to those who held land directly from the jammai. It, however, opposed fixing of tenure to the sub-tenants since it would be "giving them what they have never had reason to expect and never expected." The Committee was conscious of the implications of its recommendations:

The sub-tenants will complain that we have listened too readily to the historical pretensions of the kanakkars... that it was the actual cultivator who needs protection than the capitalist farmer — that we have created a class of quasi-jammis who will oppress the sub-tenants more than the worst jammis who have hitherto done.

Though this was inserted more as a self-defence than self-criticism, the practical implication of these recommendations was to provide an upper hand to the intermediaries in their struggle with the jammis for extracting extravagant rents and renewal fees, for permanency of tenure would virtually place a kanakkaran in the position of a landlord. Logan, who opposed these recommendations and suggested an alternate scheme, expressed his fear that these occupancy tenants would resort to greater oppression and tyranny than the jammis themselves. If implemented, they would result in "slavery, stravation and stealing to the actual cultivator".

Apart from the strong opposition of Logan, the Committee's recommendations were disapproved by Charles Turner, Judge of the Madras High Court, to whom the Report was referred for opinion. This led to yet another enquiry. A Committee was constituted for this purpose, J G Masters as the President. The interests of both jammis and kanakkars were well represented in this Committee.

The recommendation of this Committee which believed that the best solution of the agrarian question was that which involved least interference was a compromise between the interests of the jammis and the kanakkars, with the actual cultivator sadly left out of its purview. The Committee rejected the demand for permanent occupancy right and provided for the payment of compensation for improvement effected by tenants. The concern for the actual cultivator in the initial legislative proposals had, by now, clearly given way to the question of protecting the interests of kanakkars which was equated with

| Period | Average Number of Suits | Average Number of Evictions | Average Number of Evictions Against Whom
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<td>1862-66</td>
<td>2,039</td>
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<tr>
<td>1867-71</td>
<td>2,547</td>
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<td>1872-76</td>
<td>3,974</td>
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<td>1877-80</td>
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those of tenants as a whole. The *janmis* and the *kanakkhar* were able to focus the debate on their comparative interests, thereby delegating the cultivator’s rights to the background as a non-issue.

In pursuance of these recommendations the Malabar Compensation for Tenant’s Improvement Bill was introduced in the Madras Legislative Council on March 30, 1886. The government claimed that the Bill “attempted no innovation but simply intended to enact in clear terms the right of tenants to compensation for improvements effected on the basis of the custom of the country”. It provided that “every tenant who is ejected from his holding shall, notwithstanding any custom to the contrary, be entitled to be compensated for improvements made by him or his predecessors”. The compensation to be awarded was fixed as “the amount by which the value of the produce, of the holding, or the value of that produce, is increased by the improvement”. The intention of the Bill was to provide the tenants the market value of their improvement and thus to check the growing practice of evictions.

The opposition of the *janmis* to the Bill was not very vehement. They were, in principle, not opposed to the payment of compensation for improvements. What they initially contested was the necessity of legislation since the payment of compensation was an “immemorial custom in Malabar”. They also asserted that in many taluks full market value was paid for improvements. The rate of payment, according to them, for a coconut tree varied from Rs 5 to Rs 143, for an areca tree Rs 4 to Rs 49, for a jack tree Rs 6 to Rs 56, and a pepper vine from Rs 1 to Rs 11. This was indeed questioned by the tenants who asserted that they were paid only paltry sums for their improvements, the rate being fixed for coconut at 8 annas per tree in bearing, for those below bearing at 6, 4 or 2 annas a tree according to the different stages of growth, for pepper vines at 10 pias per vine, for jack at 8 annas a tree and for areca nuts at 10 pias a tree”. The *janmis* organised themselves, under Kerala Janmi Sabha, Dharmachara Sabha, Utter Kerala Sabha and Kerala Janmi Sabha to safeguard their social and political interests. They memorialised, in vain, the Governor of Madras for the Governor-General for withholding their assent to the Bill. Having conceded the tenant’s right to compensation, their opposition did not have sufficient force to influence the government, since the legislation was looked upon purely as legalising an existing practice. The Bill was passed by the Council on October 28, 1886 and came into force as Act I of 1887. The *kanakkar* generally welcomed the Act as a first step towards a comprehensive legislation. They, however, pointed out the inadequacy of the rates of compensation sanctioned by the Act and the need to revise them if the tenants were to get some relief.

The Act did not lay down any precise guidelines for determining the value of improvements and, therefore, the interpretations given by the Courts considerably differed from the original intentions of the Act. The Courts, in most cases, did not take into consideration the market value of the improvements at all but sanctioned compensation on the basis of the money spent for effecting the improvement or for the work of planting, protecting and maintaining trees. An Amending Act was passed in 1900 which sought to rectify these anomalies by formulating in clear terms the basis for the payment of compensation. The tenant’s entitlement was fixed at the cost of improvement and 75 per cent of the value increased due to the improvement. The rates of compensation were revised and new tables were prepared on the basis of the average price of the produce and the average cost of cultivating, planting and rearing. The rates thus adopted were considerably higher than the traditional rates and the rates sanctioned by the Courts during the post-1887 period. The government considered these Acts “merely as a compromise” since the alternative would be to confer occupancy rights on the tenant which would evidently go against the interests of the *janmis*. Introducing the Amendment Bill H M Winterbotham advised the *janmis*.

If the Malabar landlords wish that this sleeping and tremendously difficult alternative should be allowed to slumber for a further indefinite term, they should be prepared to accept, if not welcome, the very moderate measure of protection to the tenant which this Bill will afford when it becomes law.

This compromise which the colonial rulers were trying to evolve was, in fact, between the interests of the *janmi* and the intermediary *kanakkar*. Though by definition, the benefits of the Act were to accrue to the tenants in general, in practice the gain of the actual cultivators comprising the small *kanakkar* and *verumpattakkar* was not very substantial. The *verumpattakkar* being tenants-at-will did not hold land for a sufficiently long period to claim any compensation. The small *kanakkar* on the other hand, could not challenge the *janmis* in a court of law due to their meagre financial resources and, therefore, were forced to submit to the landlord’s fiat. Quite often the *kanam* leases were renewed only if the entire improvements were surrendered to the *janmis*. As Logan had rightly remarked in 1882, “the compensation for improvements on evictions is at best but a sorry remedy for the real grievance that a man suffers when he is not permitted to enjoy the fruits of his own industry”. Even this “sorry remedy” provided by the Compensation Acts was denied to the actual cultivator.

The intermediary *kanakkar*, however, did gain some advantage in their struggle for rent with the *janmis*. Though the Act did not provide them security against eviction, they could use them as coercive instruments against the *janmis*. For instance, they compelled the *janmis* to sue for redemption by refusing to apply for renewal and then claimed exorbitant compensation which smaller *janmis* were incapable of paying. The Board of Revenue had taken note of this while discussing the working of the Act of 1887. It observed:

the position of the cultivating tenants in the great grain producing tracts has been hardly touched by the Act, while even in the coast-plants it has mainly operated to improve the position of intermediary capitalist *kanomdar* who are well able to protect themselves.

The *janmis* adopted several devices to defeat the intermediary *kanakkar*’s efforts to deny them a share in the rent. Their immediate objective was to evade the payment of compensation and to retain the power of eviction. The enhancement of rent and renewal fees, the reduction of rent in lieu of the improvements to be made in future, the annulissue of rent receipts, and *melcharths* were some of the methods adopted to meet this end. The *melcharth* particularly was the most effective weapon the *janmis* employed to circumvent the provisions of the Acts. In essence it was an overlease given by the *janmi* to a third party superceding the existing *kanam* rights. The *melcharth* holder could legally proceed against the *kanakkaran* for redemption.
Given the great demand for land from the affluent professional and merchant classes, the jammis were able to draw the intermediary kanakkaras to the court without involving himself in litigation. The jammis resorted to this means to frustrate the intermediary kanakkaras' effort to use the Compensation Acts for denying their rights of eviction.

The melcharth was practically unknown during the pre-British period. In 1512, the Inspector-General of Registration remarked that "sixty years ago melcharths were unknown just as much as motor cars were". Even if it had existed before, its incidence became an important feature only after the Compensation Act of 1887. In 1891 there were only 54 melcharth suits filed in the District Court of South Malabar, but it rose to 419 in 1910. The statistics regarding the melcharths registered before the 1906 period is not available. In 1906, 2,516 melcharths were registered which went up to 3,407 in 1911. This was a great threat to the kanakkaras' interests who addressed several memorials to the government pressing for the enactment of a law for ending the melcharth system.

The marginal advantages gained by the intermediary kanakkar through the Compensation Acts were thus denied by the clever manipulation of the jammis. The intention of the Acts "to secure to tenants the full market value of improvement and by doing so, to check the growing practice of eviction" was not fulfilled at all. The eviction suits instituted in the Civil Courts during the post-1887 period did not register any decrease, on the other hand it marked a sudden increase. In 1897 there were 2,819 eviction suits in the District which increased to 4,620 in 1892 and 4,296 in 1912. The percentage of suits in which compensation was paid was also very low. For instance, the total number of evictions in the District during 1890, 1891 and 1892 were 4,227, 4,132 and 4,620 respectively out of which 3,268 (77 per cent), 3,122 (75 per cent) and 3,524 (76.4 per cent) were without compensation.

The official assessment of the effects of the Compensation Acts, however, was not uniform. The District Judge of South Malabar, on the basis of the reports he received from the munsifs, held that the tenants had "little cause for dissatisfaction". The District Judge of North Malabar, on the contrary, was of the opinion that the Act had not resulted in checking evictions and that compensation awarded was very inadequate. Revising these reports, the judges of the High Court also came to conflicting conclusions. Justice Benson and Justice Philip held that the Act had been "on the whole very satisfactory", while Justice Sankaran Nair and Justice Sundara Aiyer were of the opinion that Act had practically not affected the tenants and they were still at the mercy of the landlords as before. The most emphatic criticism of the Act came from Charles Innes, the Collector of Malabar, in two extremely able reports in 1911 and 1915. With remarkable insight into the complexities of the agrarian structure, he highlighted the differentiation within the kanakkar and the jammis and the difference in the impact of the Act on each of these categories. He clearly brought out that the Act provided protection only to the wealthy tenants of the weak jammis, whereas the poor tenants of the wealthy jammis did not get any protection at all. He saw melcharth as an evil arising out of the former and eviction as a result of the latter. His conclusion was that "the tenants as a class require protection from rack- rents, from exhorbitant renewal fees, from miscellaneous actions and from evictions". He, therefore, suggested that the government should take steps to confer occupancy on actual ryots who had cultivated land continuously for 15 years and on tenure-holders not in possession, but who had acquired title 40 years ago. These proposals, if accepted, would have given fixity of tenure to all kanakkar and would have totally curbed the jammis' powers of evictions.

The discussions on Innes' proposals bring out sharply the guiding principle motivating the policy of the Colonial government in India. F B Evans, who succeeded Innes as Collector, had confined his criticism to "the creation of an equally unproductive class of landlord in occupancy kanakkar and to the inadequate protection to the veram-pattakkars. The objection of the Board of Revenue, however, was entirely different and which to their mind was more important. They thought that since the "jammis of Malabar were a political force on the side of the government, there can be no doubt that the tenancy legislation of the kind now suggested would be a grave political mistake, as it would alienate this force from the government, and the government could not count on receiving from the tenants anything in the way of gratitude to replace it." The Governor and the members of his Executive Council, during their discussion of the proposals, confessed to "the precarious condition of the tenants in ryotwari areas", but they thought that "it would be eminently unwise" to undertake legislation since "there was no active demand from this class. As education spreads, the labouring cultivator may wake up to the fact that he is being ruthlessly exploited by the ryotwari landlord and may demand a longer share of the fruits of his labour. But at present this has not occurred. The labouring class is unconscious of its ills and it is not our business to arouse agrarian discontent." Obviously, the only factor that weighed with the government in deciding the question of legislation was its possible political implications. Therefore, in the absence of organised movements in Malabar -- either tenancy or peasant movements -- and the undeniable attitude of the kanakkar, the government did not see any reason why they should commit the political mistake of antagonising the jammis, who had repeatedly pledged their "loyalty and support" to the colonial government. However, it is clear that the government's intention was not to follow a fixed policy of safeguarding the interest of one group or the other. The logic was simply political expediency. The discussions on the proposals of Innes undoubtedly give the impression that the government would not hesitate to enact legislation inimical to the landlord interests if the kanakkar were more useful than the jammis or a powerful peasant movement made the jammis' cause indefensible.

The intermediary kanakkar had so far pressed their demand for legislation through petitions and memorials to the government as well as through letters and articles in newspapers. The failure of these efforts led them to organise a tenancy movement, bringing the small kanakkar within its fold. The first step in this direction was the organisation of the Malabar Tenancy Association in 1915 under the leadership of M Krishnan Nair, K P Raman Menon, G Sankaran Nair and M M Kunhi Rama Menon. The branches of this Association were established in various parts of the district. The tenancy movement was closely linked with the activities of the Congress. In fact, the leaders of tenancy agitation were also the leaders of the Congress. Most of the Congress activists consisting of the members of the professional mid-
The struggle class had emerged from the landed intermediaries. When the first District Congress Conference was held in 1916 in Palghat, an attempt was made to pass a resolution on the tenancy question. This was abandoned due to the opposition of some jannisi participants. However, in the Manjeri Conference in 1920, a resolution demanding legislation for regulating the landlord-tenant relation was passed which led to the withdrawal of the jannisi from the Congress. The Tenancy Association also organised District Tenancy Conferences in which landlord oppression and disabilities of the kanakkar were graphically described. The first Conference was held at Palghat in 1920, the second at Pattambi in 1922 and the third at Badagara in 1924. In these Conferences resolutions urging the government to confer occupancy rights on the tenants were passed. The intermediary kanakkar thus succeeded in imparting to the tenancy problem a sense of urgency as well as political significance. The movement, however, was confined to the kanam tenants and the problem of the verumpattakkars, the bulk of whom were tenants-at-will under the kanakkar, was scrupulously left out. The jannisi tried to exploit this weakness of the movement by championing the cause of the verumpattakkars. They conceded the necessity of providing protection to the verumpattakkars and expressed their willingness to confer occupancy rights to the verumpattakkars. This was a very subtle and double-edged strategy. On the one hand, it was intended to convince the government about their concern for the suffering of the “real tenants” as well as to carry their fight to the opponents’ camp since it would be more injurious to the interests of the intermediary kanakkar. The jannisi also tried to project the idea that the verumpattakkars were better off under the jannisi than under the kanakkar and, if given a choice, they would prefer to be directly under the jannisi. It was also pointed out that the evil of eviction was more acute for the tenants of the intermediary kanakkar than for the tenants of the jannisi. The Tenancy Association was certainly alarmed by these arguments. In the Tenancy Conference at Pattambi, K P Raman Menon, the President of the Reception Committee observed:

The jannisi as a class have become efficaciously sympathetic to the verumpattam tenants and they have been hurling accusation against kanam tenants on the score of intense selfishness ... The kanam and kuzikanam tenant is the backbone of Malabar, and if anything is done to break him, the prosperity of Malabar would disappear.

The tenant question was the central issue in the elections to the Madras Legislative Council in 1923. Out of the five seats for Malabar, only two were general constituencies, the remaining three were reserved for jannisi and anjumans. The Tenancy Association put up two candidates, M Krishnan Nair and K P Raman Menon. The others in the field were A Sivarama Menon and K Madhava Raju. Though the candidates of the Tenancy Association jointly polled more votes than the other two, only one of their candidates, M Krishnan Nair, was elected. The number of votes polled by its candidates was interpreted by the Association as the popular approval of its demand.

Krishnan Nair introduced a Tenancy Bill in the Legislative Council on April 1, 1924. This was a revised version of an earlier bill he had drafted in June 1922 which provided for occupancy rights to kanam tenants in possession for 25 years. This excluded the verumpattakkars and most of the small kanakkar from the purview of the Bill. With this Bill, the Tenancy Association certainly would not have received the support of the majority of the tenants in the ensuing election and therefore it was soon redrafted. The new Bill provided for permanent occupancy rights to all kanakkar, irrespective of their period of possession and for verumpattakkars holding land for a period not less than six years.

What the Bill sought to safeguard was the interest of the intermediary kanakkar to whom it afforded protection from eviction by the jannisi without conceding the same advantage to his tenant, namely, the verumpattakkars. In spite of the vehement criticism of the landlords, the Bill was passed on September 2, 1926. However, it was vetoed by the Governor, since it proposes in respect of members of one section of the community to take away or seriously diminish the value of rights over property in which they have been confined by legal decision extending over a period of three quarters of a century and it proposes to do this without any adequate compensation.

The Tenancy Association organised several protest meetings against what it called the government’s “brazen exhuberation of jannisi partisanship”. A resolution passed in a public meeting of tenants at Calicut on July 22, 1927 demanded the recall of the Governor who “was perpetuating under government auspices an intolerable tyranny”. In withholding the assent to the Bill, the government’s intention was not to rule out the necessity of a tenancy act. In fact, during the discussion of the Bill in the Council, the Law Member had conceded the need for legislation, but had hoped that some kind of a compromise would be achieved by negotiation between the kanakkar and the jannisi. This Bill was not a compromise but, as jannisi described it, a confiscation of their rights to which the government could not accede. At the same time the government could not also overlook the fact that the tenancy movement led by the intermediary kanakkar and supported by the Congress had become a strong political force as revealed by the Legislative Council elections. The government was, therefore, groping for a solution which would, on the one hand, recognise the full proprietary right of the jannisi and, on the other, provide a fix of tenure to the kanakkar. It was with this intention that the government appointed the Malabar Tenancy Committee to report on the tenancy problem in Malabar and recommend a bill for legislation. Consequently to the recommendations of this Committee, the Malabar Tenancy Act was passed in 1929.

The basic premise of the Act was that the jannisi had absolute proprietary rights in land, the legalisation of renewal and renewal fees and the provisions for demanding and enforcing them which were welcomed by the jannisi was a recognition of this principle. But the possibility of the jannisi using them as instruments of oppression was sought to be obviated by fixing the rent and renewal fees. The acceptance of the absolute proprietary rights also did not confer upon the jannisi unconditional rights of eviction. The jannisi could evict his tenants only on certain grounds: denial of title, wilful waste, failure to obtain renewal on the expiry of the lease and the landlord requiring the land on the expiry of the lease for cultivation or for building purposes for himself or for the members of his family. This left the jannisi considerable leeway for the redemption of their lands on the expiry of the lease period. The Act also provided for “fixity of tenure” for the verumpattakkars which was virtually negated by the jannisi’s right to redemption for agricultural purposes at the end of every year.
takkar, therefore, continued as tenants-at-will without any fixity of tenure.

The demands of the intermediary kannakkar were conceded to a certain extent, safeguarding, at the same time, the basic interests of the janmis. The conditional power of eviction the janmi now possessed was inoperative in case of the intermediary kannakkar who matched the janmis in wealth and legal protection. But both the janmis and intermediary kannakkar could use it effectively against the small kannakkar and vennumpattakkar. The intermediary kannakkar did not resent the payment of fair rent and renewal fees so long as the janmi was denied the power of arbitrary eviction, thereby enabling them to extract their share of rent from the tenants.20 It was this realisation which led the janmis to object to the "fixity of tenure to mere intermediaries" in their appeal to the Governor-General for withholding his assent to the Bill.20

The reaction of the Tenancy Association to the Act, in general, and to the memorandum of the janmis, in particular, clearly revealed that its concern was primarily the interests of the intermediary kannakkar. The Association enthusiastically welcomed the Act and mobilised popular support through newspapers and public platforms. When the janmis demanded the option of non-cultivating kannakkar, after the Bill was passed, the Association sent its Secretary to Simla to canvass against it. But it did not raise its voice against the provisions regarding the vennumpattakkar who were left at the mercy of the landlords.

The contradiction within the landlord class, namely, the janmis and the intermediary kannakkar, was to a certain extent resolved by the Act. However, to the primary contradiction in the rural society between the landlords (janmis and intermediary kannakkar) and the peasantry (small kannakkar and vennumpattakkar) the Act had no solution to offer. Nor did the Congress and the Tenancy Association include within their programme issues arising out of it. This became the central issue only in the kisan movement initially under the Communist Party of India which integrated the problem of landlord exploitation in their political agitation against imperialism. The Communist Party was thus able to chart out a mass programme, independent of the Congress, which partially accounts for its popular support in Malabar by the end of the colonial rule.

Notes
1 See S Gopal: "British Policy in India", pp 154-6.
2 An exception to this tendency is Bipan Chandra's treatment of the Bengal Tenancy Act of 1885 in "Rise of Capitalism and Economic Nationalism in India", pp 445-62. Dietman Rothermund also makes a passing reference to the resistance of the landlords which caused the Government of Bengal to modify its proposals, but does not explain its connection with the Government policy. D. Rothermund: "The Phases of Indian Nationalism and Other Essays", pp 197-208.
3 The Government welcomed the agrarian agitation in Bengal during the post-1885 period, because the Lt Governor claimed that "agrarian discontent would compel the landed interests to draw closer to the authorities". S Gopal, op cit, p 155.
5 The direct collection started in 1806 only.
6 Thomas Warden's Report to the Board of Revenue, September 12, 1815, paras 6-19.
7 According to the scheme, if the crop was tenfold of the seed used in wet lands, the distribution would be as follows: 20 per cent of the gross produce would be regarded as sufficient to meet the expenditure on cultivation, and out of the rest (net produce), 33.3 per cent would be the cultivator's share, 26.7 per cent the janmi's and 40 per cent state demand. T C Verghese: "Agrarian Change and Economic Consequences", p 25.
8 C A Innes, op cit, p 316.
9 There were several variations of kannam tenure like oti, kuzhi kannam, etc.
11 Calculated from The Malabar Tenancy Committee Report 1929, pp 192-61 (hereafter referred to as MTCC).
12 C A Innes: "Notes on Tenancy Legislation in Malabar", 1915, para 41.
13 Ibid.
15 Ibid.
16 Compiled from the Appendix of F B Evans's Comments on Innes' "Notes on Tenancy Legislation".
17 Ibid, p 169.
18 RMSC, para 124.
19 Census of 1911, Madras Presidency.
20 "Kosundar form a large section of the middle class of Malabar, chiefly drawn from the professional classes, Government servants and people of like status." MRCR, P Charles Innes also observed as follows: "The kosundar is often a professional man, Vakil's clerk or kanyathan who has no tie of any kind with his kannam property and regards it merely as an investment," Innes' "Notes", para 52.
21 In this novel, published in 1889, the Nambudiri janmi is portrayed as an ignoramus whose amorous advances were treated with contempt by Indulekha, the heroine of the novel. On the contrary Madhavan, Indulekha's lover, who is from a middle-class Nair family and is English educated, is a charming personality with very progressive ideas. He joins the British Civil Service immediately after his marriage with Indulekha.
22 Nambudiris described it as an "arrangement for sleeping in the night".
23 Kerala Patrika, May 23, 1891.
24 G O I, Leg, Dept F No 205/1924. RMSC, paras 1-2.
25 The janmis saw it as a result of the social ambition of the kannakkar. "It was the desire of middle classes to step into or at last share the ambit of the Nair aristocracy of the land that was the cause of this agitation." GOI, Leg Dept F No 139/1929.
26 For a study of the causes and nature of these revolts see any article, "Peasant Revolts in Malabar in the 19th and 20th centuries in A R Desai (ed), "Peasant Revolts in India, Correspondence on Maplah Outrages in Malabar for the Years 1849-53 (Madras, -835), p 509.
27 Correspondence on Maplah Outrages in Malabar for the Years 1849-53 (Madras, 1863), p 509.
28 William Logan, op cit, i, p 584.
29 RMSC, para 21.
31 Ibid, para 325.
32 Ibid.
33 Minute by C S Crole, First Mem. Board of Revenue, December 12, 1895. G O No: 500 (Cowf) Rev Department, February 6, 1896. When the proposals of Logan were circulated for opinion, the non-officials consulted by the government were K Krishna Menon, Vakil, Mangalore, C Sanjivan Nair, Vakil. High Court of Madras and T Kunhi Raman Nair. Hither Court Judge, Trivandrum. T Kunhi Raman Nair to the Chief Secretary, August 7, 1883 and K Krishna Menon to the Chief Secretary, October 6, 1883. "Papers Relating to Malabar Land Tenures", pp 80-116. There were several letters to the Department of Kerala Mitradrutting 1881 to 1885 narrating the oppression of the landlords. The February 26, 1881 issue wrote as follows: "For every frivolous reason or any capricious act of disrespect or insolvency, often constructive, tenants will be punished with ejectment... the only effectual cure for encroachments of landlords is that the demand should be increased in order to increase the productive power of..."
the land will be to disallow the ejectionment without good and sufficient grounds." Kerala Patrika of August 23, 1890 reported an incident in which a Nambudiri landlord punished his tenant by putting her land on 'melchathir' since she refused to give her daughter to satisfy his lust.

37 K Krishna Menon to theChief Secretary, op cit.

38 It is interesting to notice that the intermediary kannakkar who benefited most from the changing socio-economic situation and who were also striving against the dominant feudal values were harping on the traditional system in order to safeguard their economic interests.

39 K Krishna Menon to the Chief Secretary, op cit.


41 Ibid.

42 GO No 2939, Revenue Department, (Conf), October 21, 1883.

43 Ibid.

44 GO No 146, Judicial Dept, January 18, 1883.

45 GO No 146, Judicial Dept, January 18, 1883.

46 GO No 53, Pol June 29, 1884.

47 GO Nos 214-15, Pol, March 27, 1885.

48 Madhava Rao Committee Report, July 17, 1884. GO No 500 Pol, July 20, 1884, para 22.

49 Ibid. para 132.

50 Ibid.

51 GO No 664, Pol, September 27, 1884.

52 Ibid.

53 Charles Turner's Minute, Madras, 1885.

54 The members of the Committee were T Madhava Rao, T Muthuswamy Aiyer, H H Shepard, S Subramanya Aiyer, H T Ross, C Ramachandra Aiyer, C Sankaran Nair, T Gopalai Nair, T V Anathan Nair, H J Stokes; K C Manancheril, K Raman Unni Elayi, K N Manikakaram Elyia Tirumulpad of Nilambur, G O No 650 Pol, September 17 1885.

55 GOI, Leg Dept, Proceedings No 1-8, December 1898.

56 GOI, No 650 Pol, September 17, 1885.

57 GOI, Leg Dept, Proceedings Nos 35-45, January 1887.

58 Clause Nos 4 and 6 of the Act of 1887.

59 Revenue Dept (Conf), GO No 509, February 6, 1896.

60 The Petition of Pukottu Thottaril Janamejayan and others, September 25, 1886. Leg Dept.

61 K P Sankaran Menon to the Asst. Registrar, April 9, 1886, GOI, Leg Dept, Proceedings, Nos 35-54, January 1887.

62 Petition of Pattumparayil Kunhomu and 38 others, August 26, 1886, ibid.

63 Leg Dept GO No 19, A, May 10, 1887 and Kerala Mitran, 1885.

64 Leg Dept GO No 191, October 19, 1886.

65 Leg Dept, GO No 5, January 25, 1887.

66 Presenting the Select Committee's Report on the Bill Subramaniam Aiyer remarked: "The principle of the Bill has been accepted by the jannis so far as to admit that compensation for improvements are to be paid and disputed only to the tenants for improvements effected by them at their cost and I think it reflects great credit on the jannis that not one of them denies the right of the tenants to claim compensation for improvements effected by them" GOI, Leg Dept, Proceedings Nos 35-64, January 1887.

67 Kerala Patrika, October 1886 and November 1886.

68 The rates sanctioned by the Act were not uniform in all taluks. But generally accepted rates were Rs 3 for coconut tree, as 8 for areca tree and pepper vine, Rs 5 for jack tree and Rs 1 for mango tree. By no standards this could be described as adequate compensation. GO No 2530, Judicial Dept, December 11, 1900.

69 Revisited and sanctioned by a correspondent in Kerala Patrika of July 21, 1888 were Rs 10 for coconut tree, Rs 2 for pepper vine and Rs 1 for jack tree.

70 GOI, Leg Dept, Proceedings, Nos 1-4, January 1900.

71 Statement of objects and reasons of the Act of 1900, ibid.

72 H M Winterbotham's statement on 24-1-1899, ibid.

73 GOI, Leg Dept, Proceedings, Nos 1-4 January 1900.

74 Madras Legislative Council Proceedings, 1886.

75 Act of 1887, clause No 1.

76 RMSC, para 346.

77 Report of H Bradley on the working of the Compensation Act, January 31, 1894, Rev Dept (Conf) GO No 4114. October 25, 1894 and Leg Dept Order No 2294. Oct 1, 1894, Rev Dept (Conf) CO No 590, February 8, 1896. For details of the various methods used by the jannis, see H Meberly to the Secretary to the Commissioners, Madras Land Rev, September 16, 1895.


81 Bradley's Report, ibid.

82 Innes: "Notes", p 25.

83 Bradley's Report op cit.

While discussing the question of extending the Compensation Acts to the South Canara and Nilgiri Districts, the Madras government called for a report on the working of the Acts. The Madras High Court collected detailed information from each taluk for preparing its report. These detailed reports are available in the Revenue Dept (Conf) GO No 9, January 2, 1914.

84 A Edington, District Judge, South Malabar, Registrar, High Court, August 12, 1911. ibid.

85 District Judge, North Malabar to the Registrar, High Court, September 4, 1911, ibid.

87 The Registrar, High Court to the Secretary to the government, October 31, 1911, Enclosures, ibid.

88 Charles Innes to the Commissioner of Land Revenue, August 26, 1911, op cit.

89 Charles Innes to the Commissioner of Land Revenue, November 13, 1911. Revenue Department (Conf) GO No 9, January 2, 1914.

90 Charles Innes to the Commissioner of Land Revenue, August 26, 1911, ibid.

91 Charles Innes, "Notes", Chapter VII.

92 F B Evans: "Comments on Innes' Notes".

93 Board of Revenue Orders on the proposals of Innes, Rev Dept, GO No 3021, September 26, 1917.

94 Rev Dept No 9021, September 26, 1917.

95 See Leg Dept File No 139-II, 1929.

96 After the Malabar Rebellion of 1921, the government of India was convinced that the arecanut-talukkar need to be given protection. But the Home Secretary wrote "I do not think that we should be on strong grounds in pressing for legislation in favour of the verumpattamder. On the political side we have no real evidence that the agrarian discontent was one of the causes of the Rebellion." The government's assumption was clear, GOI Home, Pol F No 23, 1922.


98 K Madhavan Nair, "Malabar Kalam" (Malayalam), p 87.

99 See proceedings of Tenancy Conferences at Pattrambi and Badagara.

100 Madras Legislative Council Proceedings, August 22, 1924.


102 MTCB, p 30.

103 Proceedings of the Tenancy Conference at Pattrambi, Welcome Book, p 175.

104 V R Menon. Mathrubhumiya Charithram (Malayalam), pp 80-84.

105 Leg Dept F No 42-43, B, May 1924.

106 Leg Dept F No 85-86, B, 1924.

107 Leg Dept F No 235, 1924.

108 Government Press Communique, November 1, 1926, Leg Dept, F No 232, G 1927.

109 Secretary, Malabar Tenancy Association to the government, ibid.

110 Ibid.

111 Proceedings of Madras Legislative Council, August 20, 1924.

112 Law Dept (G) CO No 2346, July 1927.

113 Ibid.

114 The Tenancy Act, 1929, clause 17.

115 Leg Dept F No 139-II, 1929.

116 The Tenancy Act, Clauses, 4-9.

117 The Tenancy Act, Clause 20.


119 G Sankaran Nair, Secretary Tenancy Association to Frank Noyer, 23rd February, 1919.

120 Memorandum of the jannis to the GO July 30, 1929, Leg Dept 1 No 139-II, 1929.