

Chapter 2

Land Reforms in Kerala: An Aid to Ensure Sustainable Development

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2.1 Introduction

2.1.1 *The Issue of Land Governance and Land Reform*

In any agrarian society, such as India, there is a strong linkage between land and societal status (Srinivasulu 2002). Land is the most valuable, imperishable possession from which people derive their economic independence, social status and a modest and permanent means of livelihood. In addition, land also assures land owners an identity and dignity and creates conditions and opportunities for them to realise social equality as stated in the Draft Land Reforms Policy by the Government of India (Department of Land Resources, Ministry of Rural Development, Government of India 2013). As a problem, insecurity of tenure has different meanings, i.e. the likelihood of forced eviction, inequitable land distribution between races and lack of secure jobs for farm workers. This may also refer to discrimination against the disadvantages, such as women and the minority, in favour of the rich and the powerful people.

Land governance is about policies, processes and institutions by which land, property and natural resources are managed (Enemark, McLaren and van der Mole 2010). Land reform requires the redistribution of wealth and power. Government plays the key role in this process because “it is the only actor with authority [and power] to command compliance” [International Fund for Agricultural

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Development (IFAD) 2006, p. 2]. International agencies, such as the IFAD, the United Nations Development Programme (UNDP) and the World Bank, explained that rural poverty cannot be eradicated without land reform and believes that poor people in the rural areas must have access to and control over land and other natural resources to eradicate extreme poverty (Enemark et al. 2010; Saturnino et al. n.d.).

Governments in different states in India have redistributed land by setting ceilings on how much land could be owned and leased to individuals. Land-holdings that were in excess of the ceilings were redistributed to peasants (UNDP 2008).

2.1.2 Research Objectives

The central theme of this chapter is to revisit the concepts of land governance, land reform, and the relationship between land governance and sustainable development. This chapter also investigates (i) land reform movement in Kerala, India, and (ii) challenges of land reform in this state. The chapter ends with some recommendation and a conclusion.

2.2 Theoretical Foundation and Research Methodology

The theoretical foundation of this chapter has been built on Marx's Theory of Alienation (Kaplan 1972). The most obvious argument in favour of land reform is equity. In a land-scarce country with a significant proportion of the rural population living below the poverty line, the case for ensuring that everyone has access to some minimum amount of land seems compelling from this point of view. In his works, Marx highlights that within the class system, there are two main classes, namely the bourgeoisie (capitalists) who are the upper class and have ownership of private property, and the proletariat (workers) who are the lower class and do not have ownership of private property (Rummel 1977). In his theory, Marx states that the working class invest their labour into the production of things to which they have no relationship. This theory holds good when we discuss about the land reforms and issues of the poor. Since they do not own the fruits of their labour, the products, they are therefore contributing to a world outside of their own and are thus alienated from the products. Land reform has been back in the international and national agendas. The findings of the study by Deininger, Songqing and Nagarajan (2007) suggested that there were "robust positive impact of land reform on income, consumption and asset accumulation" (p. 5). However, the impact of reform initiatives may decrease over time due to many political and socio-economic constraints (Deininger et al. 2007).

Thus, this chapter adopts a case study approach to explain why land reform is essential based on the above theoretical foundation and also examines the enactment of land reform legislation in the light of the sustainable development ideas as proposed by the Food and Agriculture Organization of the United Nations. Secondary data have been collected via scholarly literature and non-scholarly publications from reports, acts, documents published by governments, international and national non-governmental organisations. The state of Kerala, a tiny state in India, has been selected for this study because of its fabulous governance outcome. Kerala has received worldwide attention due to its remarkable achievement in significant reduction in poverty in the last several years. Land reform measures to address issues of social and human developments, and redistribution systems with reasonable social security have contributed to its success (Kannan 2005). Hence, it is worth to investigate the case of Kerala.

2.3 Literature Review

2.3.1 *Land Reforms and Land Governance*

Land, forest and other natural resources provide a platform for livelihoods and a basis of socio-cultural and religious practices (UN Economic Commission for Europe and Food and Agriculture Organization 2013). Secure tenure rights and equitable access to all relevant recipients are one of the means to eradicate hunger and poverty which, in turn, can support sustainable development and enhance the state of environmental protection. This helps people produce food for their own consumption and for earning their living. In this context, land reform refers to “the redistribution of land from those who have excess of land to those who have none, with the objective of increasing the income and bargaining power of the poor” in the rural areas (Jain and James 2011, p. 3). Land reform also embraces the way in which ownership, leasing conditions, sales and inheritance of land is regulated.

A working definition for land governance commonly used in discourses depicts it as the process by which decisions are made regarding the access to and use of land, the manner in which those decisions are implemented or not implemented and the way that conflicting interests in land are reconciled. Palmer et al. (2009) defined land governance as

the rules, processes and structures through which decisions are made about access to land and its use, the manner in which the decisions are implemented and enforced, the way that competing interests in land are managed. (p. 9).

Land policies and processes, land-use planning, land reform and land administration reform, all are governance challenges. As proposed by the United Nations Human Settlements programmer (UN-HABITAT 2008), the nine principles of good land governance are summarised in Table 2.1.

Table 2.1 Principles of good land governance

<ul style="list-style-type: none"> • Security—Security of tenure with no forced eviction, land and property rights to all and an effective governance mechanism would contribute to addressing post-disaster and post-conflict vulnerabilities sensitively
<ul style="list-style-type: none"> • Sustainability—A balanced use of land would consider the socio-economic and environmental constraints and stakeholders' needs, and a land administration system which make land affordable to even the poor, and accessible to all relevant stakeholders. Specific capacity building to ensuring sustainability to all concerned is required. Proper land use and management can address the challenges of climate change and related consequences of natural disasters, food shortage, etc.
<ul style="list-style-type: none"> • Equity—Equity refers to supporting the poor, considering the gender differences, alienated and marginalised groups, such as tribes, the minority, the scheduled caste and the disabled and ensuring continuity of land rights
<ul style="list-style-type: none"> • Effectiveness and efficiency—This principle prompts service delivery by virtue of having a strong land administration, simplified rules and procedures by reducing the amount of paperwork and red tape
<ul style="list-style-type: none"> • Subsidiarity—It is important to decentralise decision-making and management through engaging the grass-root governance machinery, such as panchayat, local bodies and oorukkootoms (tribal) in the process of land governance and administration
<ul style="list-style-type: none"> • Rule of law—Laws should consider all the different classes of needy or take due consideration of legal pluralism
<ul style="list-style-type: none"> • Transparency—Stakeholders should have free, fair and timely access to any information pertaining to rules, procedures, costs and decision-making processes. Digitisation of information and records would ensure this to a large extent
<ul style="list-style-type: none"> • Accountability—Government should prevent any forms of corruption regarding land-use planning and management. A number of common factors as a result of poor public land management have been identified. Some of the examples are “ambiguity in authoritative roles and responsibilities, a lack of accountability or methodology in the systems of allocation, appropriation, disposal or use of public land, and a lack of information on state assets” (Burns and Dalrymple 2008, p. 13). Burn and Dalrymple (2008) further explained that weak land governance has directly and indirectly affected citizens, hindered the socio-economic development process as well as the peace and national security
<ul style="list-style-type: none"> • Civic engagement or participation—It is important that government engages the public in land governance by frequent interaction with relevant groups of stakeholders and getting consensus in decision-making (Palmer et al. 2009)

2.3.2 Objectives of Land Reform: National and State Levels

At the national level, some key objectives of land reform in India are to (1) improve the productive capacity of land by improving the working and socio-economic conditions of farmers, who either are land owners or land leasers, so that they are more interested in investing in and improving agriculture, (2) ensure distributive justice regarding land use and ownership and create a classless society by eliminating all forms of discrimination and exploitation, (3) create a system of land ownership for all respective stakeholders and (4) redistribute income from the minority “high-income” earners to the majority “low-income” earners in order to stimulate the demand for consumer goods (Subramanian 2013).

The situation of land reform is different in different states in India. West Bengal and Kerala have introduced the notable land reform programs which have produced “a positive impact on agricultural production, poverty alleviation and economic growth” (Quizon 2005, p. 6).

The Kerala Land Reforms Act (1963) provides a legal foundation for imposition of the ceiling on land holdings. Actually, it “was inserted as Item 39 in the 9th Schedule to the Constitution” of India (Khanna 2008, p. 208). Land reform in Kerala aims to (i) weaken the control and power of landlords and ensure security of land tenure to the landless and poor farmers (Griffin, Khan and Ickowitz 2001), (ii) stimulate the growth of the agricultural sector via increasing productivity and output by eliminating feudal and semi-feudal systems of land control, (iii) develop rural markets via redistributing factors of production, such as land, and increase in public investment in rural farming, (iv) improve human development through greater investment in education and healthcare and (v) empower the minority, such as Dalits, women and tribal people, in order to address caste and gender oppression (Enemark et al. 2010; Subramanian 2013).

2.3.3 Land Governance and Sustainable Development

There is a link between land governance and sustainable development. According to the World Bank’s declaration on land governance in support of the Millennium Development Goals (MDGs) (Enemark et al. 2010), sustainability in land governance can be achieved if government and relevant groups of stakeholders adopt the strategies stated in Table 2.2. Apparently, effective land governance can help countries achieve three out of eight goals of the MDGs, namely (i) reduction and elimination of “extreme poverty and hunger” by productive use of land, (ii) promotion of “gender equality” and women empowerment and (iii) ensuring “environmental sustainability” (United Nations 2013, p. 9).

2.4 Case Study of Land Reform in Kerala

2.4.1 Introduction About the State of Kerala

Kerala, also known as Keralam, is located at the extreme southern tip of the Indian subcontinent. The state, with an area of 38,863 km² and 1.18 % of India’s land-mass, “is situated between the Arabian Sea to the west and the Western Ghats to the east. Kerala’s coast runs 580 km in length, while the state itself varies between 35–120 km in width” (Office of the Commissioner of Civil Supplies, Government of Kerala n.d., p. 9). Similar to other states and countries, land is one of the most invaluable resources of Kerala.

Table 2.2 Strategies for sustainable land governance

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- It is important for government, working with relevant stakeholders, to “*provide* transparent and easy access to land for all and thereby reduce poverty”

 - Economic growth can be facilitated via “*securing* investments in land and property development”

 - Government, working with non-state sectors, to search for strategies and mechanisms which can “*avoid* land grabbing and the attached social and economic consequences”

 - In order to achieve the MDGs, it is important to “*safeguard* the environment, cultural heritage and the use natural resources”

 - Land governance should “*guarantee* good, transparent, affordable and gender” responsiveness which can generate benefit for all recipients, including the most vulnerable groups, such as the disabled, the minority and the disadvantaged.

 - Government and other groups of stakeholders should consider various factors when enacting and *applying* “a land policy that is integrated into social and economic development policy frameworks”

 - Government, working with other sectors, should adequately and timely *address* the challenges associated with “climate change and impacts of natural disasters, food shortage, etc.”

 - Finally, state and non-state sectors should *recognise* the rapid increase in urbanisation which is one of the key challenges to “sustain future living and livelihoods”

Source Adapted from Enemark et al. (2010, p. 8)

Kerala is the state with the lowest population growth rate in India (3.44 %) and has a density of 819 people per km². The Human Development Index (HDI) of Kerala is 0.92, the highest score in the country, according to the Human Development Report 2011 (Office of the Commissioner of Civil Supplies, Government of Kerala n.d.). The state has the highest female literacy rate (92 %), and the lowest rate of maternal mortality in India (SA 2013). Interestingly, the state has more female population than male.

2.4.2 Land Use and Land Reforms in Kerala

Land reform is not only a national but also a state affair and is subject to the political will of the state government. In the agrarian structure in Kerala in 1951, the per capita net sown area was lowest among all states in India, i.e. 0.038 acres, compared to the average net sown area (1.09 acres) in other states in India (Besley 2000). Kerala also had “a much lower percentage of peasant proprietorship, a higher percentage of tenants and non-cultivating renters (absentee landlords) and a significantly high percentage of agriculture labourers than the all-India average” (Eashvaraiah 1993, p. 120). Thus, the agricultural structure of Kerala exhibited an altogether different pattern from the rest of the country. The agrarian system just prior to initiation of land reforms in the state had the following characteristics:

- There was a highly skewed distribution of land in support of the rich and powerful landowners (e.g. the Brahmin and the Nair) who cultivated their land with the help of Dalit tenants;
- There were a large number of landless agrarian households; and
- There were small, poor and powerless farmers who were allotted only small pieces of land for making their living (Dasgupta 1981).

Land is the essential and often only productive asset of poor people. Franke (1992) explained that the main initiatives had been carried out in Kerala during the land reform period are:

- Setting a cap (ceiling) on the absolute size of holdings and the excess would be distributed to those who did not have land previously;
- Abolishing the system of “rice land tenancy” which would lead to “the abolition of rental payments from actual operators to non-cultivating landlords” (Franke 1992, p. 85). The reform aims at preventing landlords from throwing tenants off the land.
- “The abolition of tenancy in house garden lands and thus the abolition of rents to the landlords who held title to them. As with provision 2, eviction stays kept tenants from being thrown off the land” (Franke 1992, p. 85).

The Kerala’s land reform movement enables the Kudikidappukaran. This term refers to a person “who does not have an estate or any land exceeding five cents in value, and who has been allowed to use and occupy a small portion of land as his shelter by the lawful owner of the land, as owner or as tenant, with or without an obligation to pay rent” (Kerala Real Estate Legal Service n.d. para. 1) to retain the shelter and land and also purchase land surrounding their shelter to a limit. The land reform allowed the land users to compensate the land owners by paying only 25 % of the market value. The land occupants needed to pay only 50 % of the total value in 12 annual instalments, and the government took care of the balance 50 % (Franke and Chasin 1989).

Here, the aftermath of land reform was not only for the landless and the poor to have a new piece of land to cultivate or an increase in their family income but also to acquire the ownership right of the farmstead where they have been living on for a long time. This, to a great extent, provided some relief to the poor peasants. It should be reckoned that the reform measures had dismantled the fortress between different economic classes and minimised the caste inequality in Kerala society. To a great extent, landlordism and the *janmi* system had been removed, and ownership of land holdings had been extended to the majority (Krishnakumar 2004). It also provided protection to those who leased land from eviction and provided more land for building of housing for thousands of families (Krishnakumar 2004). Land reform also included social security schemes for workers in the agricultural sector. The Kudikidappukars could now possess land ownership which was a unique feature of land reform in the Kerala state. The Kudikidappukars and their families were free from fear and anxiety. It also abolished bonded labour system in land (Mishra 2002). The proportion of land

owners who own fewer than 5 acres increased from 91 % in 1966–1967 to 96.7 % in 1976–1977, whereas the percentage of owners of bigger land areas (more than 5 acres) reduced. As a result, the areas of smaller land plot, i.e. below 5 acres, increased nearly double (Isaac 2008).

2.4.3 Hurdles in Land Reform

Even though there were factual data available regarding the emancipation brought about by enactment of land reforms in Kerala, there were a lot of stumbles towards ensuring a sustainable socio-economic, agricultural and environmental development in this state. Even though there were more owners of smaller land plots as discussed in the above section, huge land inequalities remain (Franke 1992). Land which has been appropriated could not be distributed to the landless. The distributed land remains fallow and is not adding the agricultural productivity of the state since agricultural practices have become disincentive to the farmers. Non-availability of disaggregated data in terms of gender, caste and class adds to the difficulty. In Kerala, during enactment of the reform, it was expected that there were four lakh Kudikidappukar, but the state barely received requests from one-fourth of the estimated number. Data state that in 1966–67, hundred thousands of acres of land were with the feudal land lords and religious institutions (Raj and Tharakan 1983). This would result in the inference that 40 percentage of the agricultural land was held by only 0.7 percentage of the population. It is to be doubted whether a reverse tenancy is happening in the state. For both agricultural and non-agricultural purposes, national and international companies have come to Kerala and accessed land on lease for long term. Some of them even purchased land for unimaginable price because the farmers and/or governance mechanisms have not ensured proper usage of land in a productive and sustainable manner. Even the community farming initiatives which could be successfully run by cooperative/self-help groups are grabbed by contract farming agencies where the small owners will be reconverted to mere agricultural labourers (Singh 2011; Singh and Asokan 2005). Even though it is proposed that contract farming agreements would provide the framers with quality inputs. *The Kerala Land Reforms (Amendment) Bill* (2002) explained that the *Kerala Land Reforms Act, 1963*, imposed a limit or a ceiling on holdings. Nevertheless, certain types of lands were exempted from the ceiling limit. They include plantations and private forests. Tea, coffee, cocoa, rubber, cardamom or cinnamon plants are categorised under plantation (Krishnakumar 2004; Narayan 2003). Since the supply of the above agricultural products, such as tea, coffee and cocoa, has increased whereas the prices of such products have decreased, landholders have little incentives to cultivate such products.

Lands cultivated with plantation will not get the exemption from ceiling limits, if they are used for non-plantation purposes (Krishnakumar 2004). Cashew estates having an adjoining extent of ten acres or more were originally not subject to the

ceiling limits. However, the *Kerala Land Reforms (Amendment) Act, 1969* (Kerala Act 35 of 1969), removed this exemption, and this took effect from 1 January 1970. This has negatively affected the traditional cashew industry in Kerala. Besides, pharmaceutical plants have been in high demand all over the world. The owners of these plants have sought exemption of their lands from ceiling provisions. The relevant authorities have granted exemption to cashew and medicinal plants from the ceiling limits stated in the *Kerala Land Reforms Act, 1963* (Krishnakumar 2004). This means landholders can request for converting their lands from normal use to other plantation purposes in order to be exempted from the ceiling provisions.

This argument is categorically negated by experts like Khanna (2008) as the crops do not depend on the size of holdings. Khanna (2008) also fears that such exemptions would only lead to concentration of land in the hands of a few. This amendment was implemented in the year 2012 with minor modifications. Discussion and debates among officials in charge of the implementation of land reforms in the state have identified the following major gap depicted in Table 2.3.

2.4.4 Land Reform and Sustainable Development in Kerala

As discussed in Sect. 3.3.1, land reform, a major component of land governance in Kerala, can contribute to the achievement of some development objectives, including the achievement of the MDGs. Landlessness in the rural areas is often considered “the best predictor of hunger and poverty” since the poorest are usually

Table 2.3 Issues of land reform in Kerala

• The landless and the marginalised did not really benefit from land reform significantly. The real beneficiaries were still upper class and land owners since they could find ways to be exempted from being a subject of the ceiling provisions
• Plantation owners became a new class of landlords
• Some communities were totally left out, such as the fishing community
• Land reform activities could not improve agricultural productivity as there was no linkage between the distribution of land and development of infrastructure facilitating agriculture
• There was drastic declaim of paddy cultivation due to several difficulties faced by small farmers
• There were problems with boundaries of surplus land because of procedural irregularity and loss of survey record and other administrative procedures
• Due to time and resource constraints, information about resurveying and renumbering has not been updated, and thus, the status of land was not reflected in revenue records
• There was difficulty in locating holdings exceeding the ceiling limit due to manual maintenance of land records
• Land challenges are constantly evolving due to lack of clear solutions and social and institutional complexity. Also, multiple actors with various interests which did not converge with one another added into these challenges

landless or land-poor (Wickeri and Kalhan 2010, p. 1). Thus, provision of equal opportunities to access to land and other natural resources is a direct factor contributing to alleviation of hunger and poverty. This has addressed the first MDG which is “eradicating extreme poverty and hunger” (United Nations 2013, p. 9). The introduction of new land tenure has promoted equality among all classes and income groups, including gender equity. Such initiatives could promote women empowerment and make them more powerful in agricultural production (Allendorf 2007). To a certain extent, land reform can achieve the third MDG, i.e. “promote gender equality and empower women” (United Nations 2013, p. 9). Rights to land are also linked to other access and resource rights, such as water, pasture, timber and non-timber forest. The outcome of this activity may partially meet the requirement of the seventh MDG, i.e. ensure environmental sustainability (United Nations Development Group n.d.). This emphasises that adequate supply of affordable land is critical to the prevention of the growth of new slums.

2.5 Further Steps for Effective Land Reforms–Policy Recommendations

Apart from challenges of land reform discussed in the above section, lands illegally amassed by encroachers were reclaimed by government. False documents have been detected and seized, and a lot of administrative and political actions have been initiated since 2010. Yet land grabbing and destruction of environment to a major extent have been observed during land reform in Kerala. Land reform initiatives had actually faced a lot of socio-political hardships. Given the challenges faced by the government of Kerala and the loophole of land reform legislation, some recommendations have been discussed below.

Firstly, land reform must be effective which should essentially lead to agricultural and sustainable development initiatives. The government of Kerala can help owners who have fragmented holdings to exchange holdings for productive land use. This can be applied to land owners who own wet/agricultural land but who are unwilling to do farming on their land. These land owners should be encouraged to sell or lease out land to small farmers who have no other means of earning a living without losing their ownership rights. Since this process requires a lot of political and administrative will and paper work, computerisation of land reform and administration is essential to achieve this objective (Meena et al. 2005). This process will not affect the interest of the rich land owners as cultivation on their land is not the main source of their income. New mechanisms to incentivise agriculture, such as cooperative farming and group farming, should be tested with. The state should aim for an agrarian structure characterised by small- and medium-size holdings and enable them to make agriculture remunerative.

Secondly, land use by the population, both in the rural and urban areas, vary due to the heavy constrain and pressure over the available land. There should be

specific provisions for women, fishermen, slum dwellers and other marginalised groups in order to ensure equal opportunity for land access and land use. Also, legal reform must be accompanied by legal-literacy campaigns to ensure that all groups of recipients are aware of clauses/articles changes in land legislation (Bruce et al. 2007). Proper utilisation of the *Mahatma Gandhi National Rural Employment Guarantee Act* (MGNREGA), enacted in 2005, aiming at improving the income sources of the recipients, is recommended since the act aims to “provide for the enhancement of livelihood security of the households in rural areas of the country by providing at least one hundred days of guaranteed wage employment in every financial year to every household” (Sharma 2010, p. 7).

Thirdly, the state should revisit the reform act and its amendments, incorporating the public opinion, feedback and consensus. There have been a lot of amendments made under the consideration of various factors. Comprehensive revisit of acts and amendments would help to decide whether such amendments dilute the basic objectives of law.

Fourthly, to ensure sustainability, both environmental and developmental, the state should explore the possibility of coupling land reform with agricultural reform (Herring 2000). From environmental perspective, soil and water should be protected and used judiciously. Other techniques include enrichment of the land by proper irrigation through maintenance of channels, small waterways, etc.

Finally, there have been insufficient mechanisms to evaluate the effectiveness of land reform initiatives. Hence, the Land Governance Assessment Frame Work proposed by the World Bank can be utilised to gauge the far-reaching socio-economic consequences of enactment of land reforms in Kerala (Deininger, Selod and Burns 2012).

2.6 Conclusion

This chapter has discussed land use, land reform and the links between sustainable development and land management in general and in Kerala, India. It has explained how land reform has been carried out in Kerala, and the results of the reform. Land reform aims to redistribution of land and ensure land equity to all respective recipients. However, the findings suggest that not all benefits of land reform have been materialised due to many constraints and hurdles during the implementation process. The poor, the landless and the powerless still did not have insufficient land to cultivate and increase their standard of living due to legal loopholes. Therefore, a number of recommendations have been proposed to improve the effectiveness of land reform, namely (i) exploration of new ways to redistribute land via exchange of fragmented holdings or non-cultivated land and provision of incentives for agricultural development, (ii) promotion of equality regarding land use and opportunities for income generation, (iii) revision and modification of relevant acts and amendments, (iv) provision of legal education and (v) carrying land reform together with agrarian reform. It is difficult to

measure the political and socio-economic success or failure of land reform, and therefore, collective efforts among various groups of stakeholders are required to search for innovation and novel mechanisms to implement land reform and evaluate the outcome of such land reform.

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