

LAND LEGISLATION IN KERALA STATE (1800-1960)

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KERALA, situated at the southern tip of the Indian peninsula, had been isolated from the vicissitudes of cultural and political changes that transformed the social values elsewhere in India. On this account it retains in its pure form the original institutions and laws, not excepting those concerning land. This note aims at tracing the evolution of the legal framework intended to define and regulate the interests of various landed classes. In this context it should be mentioned that the terms 'tenure' and 'tenancy' are almost synonymous.

I. INTRODUCTION

Kerala State came into existence with the Indian States re-organisation, by merging the district of Malabar, previously a part of the Madras State, with Travancore-Cochin. The erstwhile State of Travancore-Cochin was formed by the merger of the two Princely States after independence. Therefore we find three distinct parts in Kerala: Travancore, Cochin and Malabar. Though basically they were part of the ancient Kerala, sharing the same laws and customs, due to their division into three political regions they tended to deviate from each other in their customs and show slight variations from each other. Nevertheless, we can say that the changes brought about in ancient land law were more in Malabar than in the other two regions, the reason being the attempt on the part of the British Government to give native institutions English colours. This note doesn't attempt to discuss these three areas separately. The divisions are merely chronological.

II. FIRST PHASE : up to 1850

The land systems in ancient Kerala were not governed by any written laws but were subject to customary law. The sources of such law that can be traced today are some of their old scriptures.¹ The

¹ The indigenous writings on the subject include *Kerala Mahatmyam* and *Keralopathi* (the origin of Kerala), the former in Sanskrit and the latter in