The rates of land tax worked out on the basis of this net income were fixed as follows :

| Settlement | Class of land | Tax per hectare | | |
|---|---|---|---|---|
| | | Wet land | Dry land | Uncultivated lands |
| (1) | (2) | (3) | (4) | (5) |
| | | Rs.P. | Rs.P. | Rs.P. |
| Pondicherry .. .. | 1st class | 15.94 | 12.65 | 2.81 |
| | 2nd class | 13.12 | 9.84 | 1.87 |
| | 3rd class | 10.31 | 7.50 | 0.75 |
| | 4th class | 7.50 | 5.15 | — |
| | 5th class | 4.69 | 3.28 | — |
| | 6th class | 1.87 | 1.40 | — |
| Karaikal .. .. | 1st class | 15.94 | 12.65 | 2.81 |
| | 2nd class | 13.12 | 8.90 | 1.87 |
| | 3rd class | 10.31 | 5.15 | 0.75 |
| | 4th class | 7.50 | 1.40 | — |
| | 5th class | 4.69 | — | — |
| | 6th class | 1.87 | — | — |
| Mahe .. .. | 1st class | 15.00 | 22.50 | 2.00 |
| | 2nd class | 12.00 | 17.50 | 1.00 |
| | 3rd class | 10.00 | 13.75 | 1.00 |
| | 4th class | 7.50 | 10.00 | — |
| | 5th class | 5.00 | 6.25 | — |
| Yanam .. .. | 1st class | 15.00 | 1.50 | — |
| | 2nd class | 10.31 | 0.75 | — |
| | 3rd class | 7.50 | — | — |
| | 4th class | 4.22 | — | — |
| | 5th class | 1.87 | — | — |

The above rates of land tax were in force upto 1943. Then due to World War II, food stuff and other essential commodities became scarce everywhere. Consequently, the prices too increased. Paddy which was sold at the beginning of the war at Rs. 2 1/2 per kalam was sold at Rs. 4 1/2 in 1943. The price of one *baram* of groundnut rose from Rs. 24 to Rs. 80 and Rs. 85. Such was the case of other cereals also. Administrative expenditure also increased. Thus, the administration thought it was high time to raise the rates of land tax fixed ten years ago. A proposal was therefore submitted to the **Conseil Général** for doubling the rate of land tax. [38] Although the **Conseil Général** shared the views of the Government, the rate proposed by the Government was considered exhorbitant. The **Conseil Général** was agreeable to an increase in the rate by 40 per cent only. The **déliberation** of the **Conseil Général**, taken to this effect on 8 November 1943 was approved by the Government. This new rate was in force for a period of seven years.

The last change in the rate of land tax occurred in 1951. In its sitting of 20 September 1950, the Representative Assembly decided to raise the rate to 50 per cent from 40 per cent. [39] The new rates were made applicable with effect from 1 January 1951, and continues to be in force even now.

The income from land revenue since 1956 as furnished in the Administration Reports is given below :

| | Rs. |
|---|---|
| 1956–57 .. .. | 4,16,382 |
| 1957–58 .. .. | 4,05,081 |
| 1958–59 .. .. | 3,68,907 |
| 1959–60 .. .. | 4,41,642 |
| 1960–61 .. .. | 4,18,156 |
| 1961–62 .. .. | 3,45,869 |
| 1962–63 .. .. | 3,14,481 |
| 1963–64 .. .. | 3,89,045 |
| 1964–65 .. .. | 3,57,360 |
| 1965–66 .. .. | 4,59,878 |

| | Rs. |
|---|---|
| 1966-67 .. .. | 4,70,221 |
| 1967-68 .. .. | 11,69,270 |
| 1968-69 .. .. | 3,94,735 |
| 1969-70 .. .. | 7,08,516 |
| 1970-71 .. .. | 6,47,319 |
| 1971-72 .. .. | 5,21,545 |
| 1972-73 .. .. | 5,99,123 |
| 1973-74 .. .. | 5,89,983 |

The present rate of land tax in the Territory is low compared to those obtaining in the neighbouring state of Tamil Nadu.

*System of collection* :

The system of collection of land tax and other direct taxes under the French Administration was quite different from that in other parts of India. The assessment work and collection work were not carried out by one and the same authority. They were entrusted to different heads of offices viz. **Chef du Service des Contributions** and **Trésorier-Payeur**. The separation of the collection machinery was meant to safeguard the interests of tax payers and to avoid any coercion from the assessing authority in the matter of collection of tax.

For the purpose of assessment, the territory was divided into **contrôles** comparable to the taluks in Tamil Nadu. Each **contrôle** was placed in charge of a **contrôleur** equivalent to a Tahsildar or Deputy Tahsildar. Similarly, each **contrôle** was divided into areas consisting of a number of revenue villages covering an extent of 1,600 hectares on an average. Each such area was placed in-charge of a **Surveillant du Domaine** who was assisted by **Agents auxiliaires**. The following statement gives the organisational set-up at the headquarters and at the level of **contrôles**.

**At the Headquarters**

| | Pondicherry | Karaikal | Mahe | Yanam |
|---|---|---|---|---|
| **Chef du Service des Contributions** .. | 1 | — | — | — |
| **Inspecteur des Contributions** | 2 | 1 | — | — |
| **Délégué du Chef du Bureau du Cadastre** .. | 1 | 1 | **Délégué du Chef du Service des Contributions** | **Délégué du Chef du Service des Contributions** |
| **Arpenteurs** (Surveyors) .. | 8 | 3 | — | — |
| | 12 | 5 | — | — |

**At the level of the Contrôles**

| Region | **Contrôle** (Tahsil Headquarters) | No. of Contrôleurs | No. of Surveillants du Domaine | No. of Agents Auxiliaires (*Talayarys*) |
|---|---|---|---|---|
| Pondicherry | Pondicherry .. | 1 | 1 | 2 |
| | Ozhukarai .. | 1 | 4 | 8 |
| | Villiyanur .. | 1 | 8 | 16 |
| | Bahur .. | 1 | 7 | 14 |
| Karaikal | Karaikal .. | 1 | 8 | 16 |
| Mahe | .. | 1 | 1 | 2 |
| Yanam | .. | 1 | 1 | 2 |
| | | 7 | 30 | 60 |

Annual demand rolls were prepared in French by the **Contrôleurs** revenue village-wise in accordance with the **Règlement** dated 15 February 1888 for every calendar year. The rolls consisted of two parts. The names of the land-owners and the tax to be paid by them were written in the first part. The second part was reserved for various notings by the **percepteurs** who formed the backbone of the collection machinery.

The **contrôleurs** sent the rolls to the Chief of the Contributions Department for his approval. The Chief of Contributions Department signed them and forwarded to the **Bureau des Finances** for obtaining the concurrence of the Governor. After obtaining the Governor's concurrence, the **Bureau des Finances** recorded the figures and transmitted the rolls to the **Trésorier-Payeur** in the first week of January every year.

The demand rolls in respect of all taxes were to be approved by the Governor (Art. 160 of the **décret** dated 10 December 1912). This power was subsequently delegated to the Chief of Contributions under the **arrêté** No. 95 F. dated 31 January 1955. From the date of reorganisation of the Department i.e. from 1-5-1969, this power is being exercised by the Deputy Collectors (Revenue) in their respective divisions (regions).

The control of the treasury was the responsibility of the Treasurer--*cum*-paymaster (**Trésorier-Payeur**). He was assisted by **percepteurs** who had their offices in the places mentioned below :

| Region | **Perception** (Headquarters) | No. of **Percepteurs** | No. of **Agent de recettes** | No. of **Huissiers** |
|---|---|---|---|---|
| Pondicherry | Pondicherry .. | 1 | — | — |
| | Ozhukarai .. | 1 | 4 | 8 |
| | Villiyanur .. | 1 | 6 | 12 |
| | Bahur .. | 1 | 4 | 8 |
| Karaikal | Karaikal .. | 1 | 3 | 6 |
| Mahe | Mahe .. | 1 | 1 | 2 |
| Yanam | Yanam .. | 1 | 1 | 2 |

In Pondicherry and Karaikal the land tax was to be paid in two instalments i.e. for the first crop (2/3) before 1st October and for the second crop (1/3) before 1 April in respect of wet lands. It had to be paid in a lumpsum not later than 1 April every year for all waste lands.

In Mahe, the land tax was recovered in eight equal instalments on the first of January, February, March, April, September, October, November and December every year.

As regards Yanam, the tax was payable in four instalments on the first of February, April, October and December every year.

The following are the details of procedure for the collection of taxes :

Demand notices were served on the tax payers in their homes. The date of serving the notice was noted on the counterfoil of the tax roll. The notice was in white paper and no fee was levied for serving those notices.

No coercive steps could be taken by the **percepteur** for the recovery of tax without serving a notice. In case, the assessee fails to pay the tax within 10 days from the date of service of the white notice, three kinds of coercive steps were prescribed for the collection of tax.

A summon or **sommation** printed on yellow paper was served on the defaulter after the expiry of 10 days. After three days, a notice called **commandement** printed on blue paper was served. If even after that the tax was not paid, attachment of the properties was effected as per the notice printed on red paper.

The crops were the first items to be attached. Movable properties except bed, clothes, tools of artisans, utensils and agricultural implements were attached next. Finally, the immovable properties were attached and sold through public auction after observing the prescribed formalities and after obtaining a court order.

The procedure outlined above was considered rather cumbersome and ineffective. There was delay in the preparation of assessment rolls and the issue

of demand notices to the tax payers. Under the French system, the *onus* was always with the Government to demand the arrears, and not with the tax payers to pay the arrears without any notice. This ineffective procedure naturally resulted in accumulation of vast arrears amounting to over Rs. 20 lakhs which were left uncollected for nearly two decades. Besides, the arrears left uncollected for more than five years lapsed unless the demand notices were issued in the meanwhile. Consequently, there was considerable loss of revenue to the Government. To make the system effective and quick and also to avoid any loss of revenue to the exchequer due to lapse, the Pondicherry Revenue Recovery Act, 1970 (Act No. 14 of 1970) was enforced with effect from 1 August 1970. This was drawn up on the model of the Madras Revenue Recovery Act, 1864 and is now in force throughout the Union Territory.

*Administrative reorganisation*:

The office of the **Trésorier-Payeur** continued to exist till 1955. As per the **arrêté** of 11 May 1955 this office was merged with the Contributions Department. Following this order, the Chief of Contributions Department was placed in charge of both assessment and collection.

For the purpose of Revenue Administration, the Union Territory was declared with effect from 9 April 1967 as Revenue District with the Secretary dealing with Revenue as Collector. The four regions constituted a Revenue Division each. There was a Sub-Collector or Deputy Collector in charge of each division. The Chief of Contributions Department at Pondicherry was redesignated as Deputy Collector (Revenue) for the Pondicherry Division. Each division was divided into taluks or sub-taluks with a Tahsildar or Deputy Tahsildar for each Taluk or Sub-Taluk as the case may be. The taluks or sub-taluks were divided into firkas and revenue villages. Villages were regrouped into firkas on the basis of the proposals of the Directorate of Survey.

Revenue Inspectors were placed in charge of a firka each comprising eight to ten villages. *Karnams* attended to both assessment and collection work in each village. Except in a few cases, a *karnam* was generally in charge of a village.

The following statement shows the total number of revenue divisions, firkas, taluks and villages in the Territory.

| Sl. No. | Name of the revenue division | Name of taluk/ sub-taluk | Total No. of firkas | Total No. of villages in each taluk/ sub-taluk | Total No. of Karnams in each taluk |
|---|---|---|---|---|---|
| (1) | (2) | (3) | (4) | (5) | (6) |
| 1. | Pondicherry | Pondicherry Taluk .. | 4 | 20 | 23 |
| | | Villiyanur Sub-taluk .. | 4 | 39 | 33 |
| | | Bahur Sub-taluk .. | 3 | 22 | 22 |
| 2. | Karaikal | Karaikal Taluk .. | 6 | 37 | 36 |
| 3. | Mahe | Mahe Sub-taluk .. | 1 | 5 | 2 |
| 4. | Yanam | Yanam Sub-taluk .. | 1 | 6 | 3 |

Shortly after the re-organisation of the Revenue Department i.e. with effect from 1 April 1968, the Treasury Offices were transferred to the control of the Pay and Accounts Officer (Director of Treasuries). The institution of **Contrôleurs** and **Percepteurs**, however, continued for purposes of assessment and collection work till 1 May 1969, when the new set up was introduced.

The Revenue Department also functions as the collecting agent under the Cotton Cess Act 1926. The receipts are credited into the Central Government. As Excise Commissioner for the purpose of Medicinal and Toilet Preparation Act and rules made thereunder, the Chief of Contributions Department is responsible for the overall administration of the Act and the collection of excise duties levied by the Central Government from time to time. Under the Molasses Control Order, 1961 as extended to the Union Territory with effect from 7 June 1965 the Department regulates the possession and sale of molasses and makes allocation of molasses to actual users as well as to authorised wholesalers.

The Department is also responsible for land acquisition in the Territory. The Revenue Department also functions as the Collection Agency of loans granted by the Industries Department, the Block Development Offices and the Agriculture Department.

The items constituting the central revenues are administered by the Central Government direct. However, in cases where the officers of the Central Government cannot themselves recover the amount without resorting to the coercive processes, they make requests to the Revenue Department for recovery under the Revenue Recovery Act.

**Karaikal :**

Prior to 1788 the land revenue system in Karaikal was different from that of Pondicherry. While the land-holders were ordinary tenants in the settlement of Pondicherry, individual land-holders of Karaikal, like their neighbours of Thanjavur District owned the lands with full proprietory rights. The land tax was paid in kind. Half of the harvest went to the Government and the other half to the land-holder. Soon after taking over possession of the Karaikal settlement, the French Government undertook a general study of the rights of the people over the lands, the nature of the land, the kind of production, the expenses for the collection of kist, etc. However, in order to reconcile the royal interests with those of the inhabitants of the territory, the administration introduced a crop settlement for the royal possessions in Karaikal on 15 May 1788.

As per the conditions of this settlement, the inhabitants of Karaikal were generally recognised as fulfledged owners of lands in their possession. In all 15 per cent of the gross produce of the wet lands went to meet the wages of the agricultural labour i.e. for the harvest of crops and for the payment of *kalavazhy*, *soudandiram*, *kuruvy maniom*, *artamaniam*, *velivazhy iraivazhy*, etc. The remaining 85 per cent was equally shared by the Government and the land-holder.

The dry lands were assessed to a tax known as *pathukattu* or ten bundles of paddy payable in two instalments, 2/5 at the end of the harvest of *khar* crop and 3/5 at the end of the harvest of *samba* crop. The garden lands were exempt from land tax. This settlement lasted till 1854. The landholders were content with the yield of the land. The land owners were not under any obligation to pay any fixed tax. Reluctant as they were to pay more to the government they made no efforts to improve their lands. They were satisfied merely by sharing the poor yield with the government.

The above system of collection of land tax in kind was found defective. The system, instead of promoting agricultural development, led the farmers to a state of lethargy. Hence the Government decided to abolish the crop settlement of 1788 and passed the arrêté of 27 April 1854. The new arrêté provided for the collection of land revenue in cash with effect from the *fasli* year 1264 irrespective of the yield or the nature of land.

The above order classified the lands into wet lands, dry lands and cultivable *poromboke* lands. The wet lands and the dry lands were again subdivided into (1) cultivated wet lands and waste wet lands, (2) cultivated dry lands and waste dry lands.

The tax in kind, as already mentioned, was replaced by a fixed amount to be paid in cash by each village, proportionate to the extent of land and according to the composition of the soil, i.e. as per the above classification. The tax was calculated as follows :

(a) For cultivated wet lands 1/3 of the average yield of one *vely* during the preceding 10 years.

(b) For waste wet lands 1/4 of the average yield during the preceding 10 years.

(c) For cultivated dry lands, the tax known as *pathukattu* paid since the year 1836.

(d) For waste dry lands, 5 **francs** 90 **centimes** per *vely*. For *poromboke* lands, 2 **francs** per *vely*.

The conversion into cash was made at the rate of one **franc** 30 **centimes** per *kalam* of paddy and in the local currency at the rate of 2 **francs** 40 **centimes** per rupee.*

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* It was fixed in francs because at that time the budget was drawn up only in francs. However, the collection was to be made only in rupees after conversion. At that time, one rupee was equal to 2 frs. 40. The amount worked out at this rate was fixed at Rs. 70,000.

The total revenue worked out as above amounted to 1,70,000 **francs** per annum to be shared by all the villages of Karaikal. The order of 23 September 1854 fixed the tax to be paid by each village and each of its holdings. Village registers were maintained to show the names of the *mirasdar*, the extent of lands owned by him in the village with the description of the class of land, the amount of tax in cash, etc. Following the introduction of this order, arrangements were made to open a tax register for each village. The collection was made on the basis of this register.

The above amount of 1,70,000 francs was to be collected invariably every year from the village. While fixing this amount, the Government also stipulated that on no account this limit should be exceeded. Up to 1884, the whole system appeared to work well. Since 1884 the value of rupee began to depreciate. Between 1885 – 1895 the exchange rate had fallen from 2.40 fr. to 1.66 fr. per rupee. In spite of these developments in the international exchange rate, the Adminstration continued to collect the same amount of Rs. 70,000 orginally fixed. Soon it was realised that under the new exchange rate, the Administration was subjected to a loss of revenue. A proposal was, therefore, brought forward by the Government to raise the amount fixed to Rs. 85,000. The **Conseil Général** did not agree to the proposal. The members of the **Conseil Général** wanted time to study the problem further. The matter was postponed from year to year for one reason or another. At last, as per the **délibération** of 27 January 1920, the **Conseil Général** agreed to the proposal to raise the amount to Rs. 93,000. In the meanwhile i.e. by 1919 the survey works at Karaikal came to a close. The **Conseil Général** reconsidered the entire question and decided to scrap the old settlement of dividing the land tax between the villages and the *mirasdars* and introduced the mode of levying land tax direct from each individual on the basis of their holdings. Based on this settlement land revenue was collected till the year 1921 when the classification of lands in Karaikal was completed and approved by the Governor.

In 1933 the rate of the land tax in Karaikal was brought on par with those in Pondicherry.[40] (vide page 951). *

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* The rate of tax was fixed as in Pondicherry at 1/8 of the produce of the land per hectare.

**Mahe :**

Prior to 1854 land tax was not in force in Mahe and in the suburban villages. The French Government decided to repeal the different laws in order to bring uniformity in the levy on land tax. An order was, therefore, issued on 20 May 1854. It prescribed that all the lands in Mahe region should be planted with fruit bearing trees in accordance with the conditions of the soil. If the land was found barren and unproductive, the owner of the property or the assignee was required to submit to the Government a declaration stating the facts. The Government enquired into the merits of the declaration and granted, if found true, remission of land tax.

In case, the owner of the lands failed to raise any plantation on the lands, a notice was issued to him giving him two years time to fulfil the conditions. If, on the expiry of the time limit, it was found that the conditions prescribed by the provisions of the Government order had not been fulfilled, the land was sold through public auction. If there were no bids, the land was transferred to the Government's account.

As per *mamool*, only the yielding trees were assessed to land tax. Trees which did not yield or had ceased to yield and were destroyed, were exempted from tax. Coconut trees were divided into two classes in conformity with the lands on which they were raised. The wet lands were called *attaveppu*. The dry lands were called *karaveppu*. *Attaveppu* lands were subdivided into two classes. *Karuveppu* lands were subdivided into three classes.

A survey of the various kinds of trees planted in the holdings was conducted once every five years. If, owing to accidents or some fortuitous circumstances, the trees had perished, the officer-in-charge of collection of tax was to be informed of the loss. A committee consisting of the *adhikary*, *menon* and two prominent men belonging to different castes other than that of the petitioner inspected the sites and proposed a remission in proportion to the extent of loss.

During the quinquennial survey, the holdings were assessed to an annual land tax as follows :

*Coconut trees*

| | | | | |
|---|---|---|---|---|
| *Attaveppu* | 1st quality per tree | in fertile land .. | 34 | caches |
| | | in less fertile land. .. | 29 | ,, |
| | 2nd ,, ,, | in fertile land .. | 29 | ,, |
| | | in less fertile land .. | 24 | ,, |
| *Karaveppu* | 1st ,, ,, | in fertile land .. | 24 | ,, |
| | | in less fertile land. .. | 22 | ,, |
| | 2nd ,, ,, | in fertile land .. | 20 | ,, |
| | | in less fertile land .. | 17 | ,, |
| | 3rd ,, ,, | in fertile land .. | 15 | ,, |
| | | in less fertile land. .. | 12 | ,, |

*Jack trees*

| | | | | |
|---|---|---|---|---|
| Tax per tree | | .. | 48 | ,, |

*Areca trees*

| | | | | |
|---|---|---|---|---|
| *Attaveppu* | 1st and 2nd qualities for every tree | in fertile land .. | 09 | ,, |
| | | in less fertile land. .. | 07 | ,, |
| *Karaveppu* | 1st quality for every tree | in fertile land .. | 06 | ,, |
| | | in less fertile land. .. | 05 | ,, |

The valuation committee fixed the rate of tax in the presence of the owner of the land. The committee was assisted in the case of lands belonging to Nayars, by two prominent members chosen from among Moppla and Thiyya communities, and in the case of lands belonging to whites by two prominent members chosen from Moppla or Thiyya community and in the case of lands owned by all other castes, by members chosen from communities other than that of the proprietor.

The tax was to be paid in eight instalments on the first of January, February, March, April, September, October, November and December every year. A register showing the kind and nature of the land, the age and the quality of the coconut trees was maintained in the Revenue Office. Soon after the coconut trees of *karaveppu* lands reached the age of 50, new trees were to be raised in between the old trees in such a way that by the time the old trees stopped yielding, the new trees began to yield. In the case of *ataveppu* lands new trees were to be planted when the old trees reached 30 years. The planting of new trees was compulsory. In case of default, the lands were to be sold in public auction. If there were no bids, the lands were to be taken over by the Government.

The wet lands known as *varges* were assessed every five years to a land tax equal to 1/3 of the value of the produce deducting the quantity required for seeds during the year.

**Yanam :**

Till 1871, the cultivators were only lessees of the lands which they cultivated. They could not carry out any improvement in the land holdings as owners of lands. The lease deeds were executed for a short or long period with the option to renew the lease deed after the expiry of the lease period.

With a view to considering the right of ownership to the holders of the lands and to collect land tax at a uniform rate, the government passed the **arrêté** dated 24 May 1871.

As per the provisions of this **arrêté**, all lands in the possesion of the lessees, the Government and those assigned to private persons were divided into three categories :

1. Wet lands or paddy fields.
2. Dry lands.
3. Grazing lands or fallow lands.

In order to confer the right of ownership, all Government lands and lands leased out to the cultivators were openly auctioned in accordance with the terms and conditions of the Auction Rules Book or **Cahier des charges.**

The land tax was the same for wet and dry lands. The grazing lands could be converted into wet or dry lands subject to the payment of 1/3 of land tax on the first year and 2/3 of land tax on the second year. From the third year, the entire tax would become payable. Permission of the Government had to be obtained to plant fruit bearing trees on all the three categories of lands.

The auction amount was paid along with the annual land tax in five annual instalments. Land-holders who were successful in the auction had the right to raise any number of crops and grow any kind of crop in their holdings.

The land tax was fixed at 1/4 of the net yield. The yield was expressed in measures under use in the District of Godavary like *kandy*, garse, *coujous* and *mamkas*. The last measure was equal to about one litre. The price of one *kandy* was Rs. 150, one garse Rs. 50 and one *mamka* 4 paise.

The lands which were assigned, continued to be enjoyed by the occupier provided the holdings were duly registered with the **'domaine'** alongwith their title deeds.

The grazing lands were assessed at the rate of 12 **francs** per annum per *kandy*. They could not be converted into wet lands or dry lands without the permission of the **'domaine'**.

This system was in force till 1925. Though some steps were taken even as early as 1922 to introduce the system of classification and taxation in Yanam as prevalent in Pondicherry, a final decision could be arrived at only in 1925 when the **Conseil Général** in its sitting of 5 December 1925 decided to classify the lands and to fix the rates of land tax as follows :—

## II. Land reforms

The agrarian problem is not the same in all the four regions. But before proceeding to recount the steps taken by the administration to tackle the agrarian problem in the various regions, it would be appropriate to spotlight attention on the agrarian conditions in the Territory.

In 1961 the population dependant mainly on agriculture stood at 60,861. Of this, the total number of peasant proprietors was 22,054. The number of tenants and categories thereof was 38,807. The number of tenants and peasant proprietors increased to 62,934 by 1971.

Lands were cultivated by owners, tenant-*cum*-owners, tenants and share-croppers. The terms were mostly oral (Mukhjabani) and adherence to the terms of the contract depended entirely on the will of the land-owners. The system of share cropping known as *varom* was in vogue only in Pondicherry and Karaikal regions which covered almost 98 per cent of the total area of the Territory. This was not the practice in the other two regions. In certain cases, written agreements were entered into between the landlords and the tenants. These were normally written on a 75 np. stamped paper and registered in the registration wing of the Revenue Department (**Bureau d'Enregistrement**). Disputes were settled through conciliation. Conflicts of a major character alone were brought to the civil courts to be dealt with under the French Civil Procedure Code. The National Council for Applied Economic Research pointed out in its report that this system led to undue exploitation of the poorer sections of the society and adversely affected output.

The pattern of distribution of holdings also showed that most of the land was owned by a few big landlords or farmers and that the bulk of other cultivators had only small patches of land. There were more agricultural labourers than cultivators in Karaikal and Pondicherry. The reverse was the case in Mahe. The overall picture was that land-holdings were concentrated in a smaller number of people in Karaikal and Pondicherry.[41]

Cultivation of land is mostly attended to by the so called low-castes although ownership of land is vested mostly in the hands of the upper castes. Big land-owners depend mostly on hired labour. Hence the number of agricultural labourers is large in the Territory.

The proportion of agricultural labourers to the total agricultural workers was 24 per cent in India and 30 per cent in Madras, but it was as high as 64 per cent in Pondicherry in 1961. This has increased to a little more than 64 per cent according to the 1971 census. The fact that emerges is that cultivation is mostly done by landless labourers in this Territory.

As for land holdings the N.C.A.E.R. pointed out (1965) that the average size of holdings in Pondicherry was one hectare and that lands were unevenly distributed. Out of the total number of owners (39,225 in 1961) 61 per cent had holdings below half an hectare, another 18 per cent between 0.50 hectare and one hectare and another 11 per cent between one and two hectares. Thus 90 per cent owned land holdings of the size of two hectares. In other words, 90 per cent of the agricultural population owned 48 per cent of the total land and the remaining 10 per cent owned 52 per cent of the land.

The National Council for Applied Economic Research said in 1965 that it was very essential to introduce land reform legislation in the Territory as a measure of social justice. It called for the early completion of tenancy records and for the conferment of full rights to the tenant. Referring to the absence of any legislation fixing the fair rent to be paid by the tenants, the Council pointed out that it should not be more than 20 per cent of the gross produce. In the opinion of the Council there has been no move to introduce other reforms such as reservation and demarcation of resumable lands and conferment of ownership on tenants in respect of non-resumable lands.

The report further said : "The extremely uneven distribution of land holding, the high pressure of population on land, and the rigid social pattern where the high caste people own most of the land but do not cultivate it, call for fixing ceilings on land-holdings. Unless there is a redistribution of the cultivated land by this process, the bulk of the small land-owners and the landless labourers, who are the real tillers, will continue to be poor. Productivity of very big holdings will also increase after redistribution, since farming could then be more intensive and personal. Therefore, the legislation fixing the land ceilings must be passed soon."

It appears that unless such measures are introduced in Tamil Nadu it would be difficult for the Territory to go ahead in this direction. Defective land records, where the ownership of tenants is not properly registered, is also said to be another reason for the slow progress of land reforms in the

Territory. Commenting on this, the Council said that although there might be some validity in this plea on political and administrative grounds, that was not a sufficient reason for holding these progressive measures. The Council further pointed out that if they were not introduced in time, the benefit of all agricultural planning will accrue only to a small section of the land owning class and the existing economic disparities will only grow sharper.

The land reform measures introduced in the country after Independence, naturally had an impact on the agriculturists in this Territory and roused their socio-political consciousness. But it must be noted that until *de jure* merger of the French establishments (16 August 1962) the Representative Assembly had little power to make laws. The administration had, therefore, to take some urgent measures under the Foreign Jurisdiction Act. Whenever such need arose, the pattern of land reform laws in force in the adjoining areas were taken as models for all the regions except Yanam.

Land reform measures should necessarily cover such aspects as abolition of intermediaries, tenancy reforms, imposition of ceiling, consolidation of holdings, besides prevention of fragmentation.

There were no *zamindars* or intermediaries in the Territory as understood under the zamindari system. No reform measure was, therefore, found necessary to abolish the system of intermediaries in the Territory.

With this broad survey of the agrarian conditions in the Territory as a background, it would now be useful to recount the land reform measures taken since merger in respect of each region.

**Pondicherry :**

Some years after merger, the Administration came forward to pass a self-contained Tenants Protection Act for Pondicherry, Karaikal and Yanam regions instead of merely amending and extending the Karaikal Tenants Protection Order to Pondicherry and Yanam regions. However, pending the introduction of such a measure, the Karaikal Tenants Protection Order was extended to Pondicherry with effect from 30 March 1960. In order to replace this order and to introduce a common tenants protection law for Pondicherry, Karaikal and Yanam, the Pondicherry and Karaikal Cultivating Tenants (Protection) Bill (1965) and the Pondicherry and Karaikal Cultivating Tenants (Payment of

Fair Rent) Bill (1965) were framed and forwarded to the Government of India. The Government of India suggested some changes which were found to be more radical than the provisions of the Bill. The matter was discussed between the representatives of the Government of India and the Administration. Following the talks, the bills were suitably revised and then sent to the Government of India.

In August 1969, a Working Group on Land Reforms was constituted with a view to pushing through land reform measures in the Territory. In the meanwhile, the draft bills sent to the Government of India met with further objections. However, finally it was received with the approval of the Government of India.

The revised Pondicherry Cultivating Tenants (Protection) Bill, 1970 and the Pondicherry Cultivating Tenants (Payment of Fair Rent) Bill, 1970 were introduced on 5 April 1970. The Fair Rent Bill was passed on 5 October 1970 and the Tenants Protection Bill, the very next day. In December 1970, the Lieutenant-Governor reconstituted the Working Group and formed a High Level Committee on Land Reforms with the Chief Minister as Chairman and the Secretary (Revenue Department) as Member-Secretary to review once in two months the progress of land reforms in the Territory.

*The Pondicherry Cultivating Tenants (Protection) Act,* 1970 *:*

This Act was brought into force on 10 April 1971 and the provisions of this Act were made applicable only to Pondicherry, Karaikal and Yanam regions. [42] Relevant rules were framed under the Act and notified on 17 May 1971.

The Act provided protection to tenants from eviction by landlords. This protection was not, however, available to those tenants who were in arrears of rent which accrued after 21 March 1970, to those who were guilty of any negligent or injurious act to land or crop, to those who had diverted the land to non-agricultural use and to those who denied the title of the landlord. Besides laying down the procedure for regulating surrenders and abandonment of tenancy the Act also provided for the restoration, on application to the Revenue Court, of the tenant who was actually in possession of land on 1 December 1969 but was not in possession of it at the commencement

of this Act. The Act, nonetheless, protects the right of the landlord to resume for personal cultivation, land not exceeding one half of the land leased out to the cultivating tenant, although he cannot do so, if the land he owns exceeds 5–1/3 hectares of wet lands, or when he is assessed to sales tax during 1967-68 or holds land as tenant of wet land exceeding two hectares.

*The Pondicherry Cultivating Tenants (Payment of Fair Rent) Act,* 1970 :*

This Act, given effect to on 1 April 1971, will be in force for a period of five years. Under this Act, fair rent was fixed as follows :

(1) in the case of wet land at 40 per cent of the average gross produce or its value in money;

(2) in the case of wet land where irrigation was supplemented by lift water at 35 per cent of the average gross produce or its value in money ;

(3) in the case of other categories of land at 33-1/3 per cent of the average gross produce or its value in money. These rates were subject to slight variations. The cultivating tenants had the right to apply to the Rent Court for fixation of fair rent, notwithstanding any agreement between the tenants and the land-owners.

This Act was made applicable to all the three regions except Mahe.

As per the Act, Rent Courts for Pondicherry, Villiyanur, Bahur, Karaikal and Yanam and a Rent Tribunal each in Pondicherry, Karaikal and Yanam were constituted. †

*The Pondicherry Occupants of Kudiyiruppu (Protection from Eviction) Act,* 1970 : ‡

The Pondicherry Occupants of Kudiyiruppu (Protection from Eviction) Act, 1970 was the third important measure introduced. The Act which received the assent of the President on 26 February 1971 sought to

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* This is similar to the Madras Cultivating Tenants (Payment of Fair Rent) Act, 1956.

† Notification No. 6896/70-E dated 22 March 1971.

‡ This Act is similar to the Tamil Nadu Occupants of Kudiyiruppu (Protection from Eviction) Act, 1961.

prevant the eviction of tenants from their homestead. Although it provided security of tenure to the occupants, it does not confer any right of lease as under section 56 of the Mahe Land Reforms Act. This Act will be in force for a period of 10 years with effect from 26 February 1971. On the expiry of this period, the provisions of section 6 of the General Clauses Act, 1897 as applicable under section 2 of the Pondicherry General Clauses Act, 1965, is to be applied as if this Act has then been repealed by a Pondicherry Act.

*The Pondicherry Occupants of Kudiyiruppu (Conferment of Ownership) Act*, 1973 :

Although the Pondicherry Occupants of Kudiyiruppu (Protection from Eviction) Act, 1970 provided security of tenure, it did not confer ownership right on the tenants. However, pursuant to the policy of the Government to bring forward progressive land reform measures, the Pondicherry Occupants of Kudiyiruppu (Conferment of Ownership) Bill, 1973 was brought forward in continuation of the Pondicherry Occupants of Kudiyiruppu (Protection from Eviction) Act, 1970 (Act 4 of 1971). The Bill as passed by the Legislative Assembly on 31 October 1973 was given effect from 1 December 1974. Under this bill any agriculturist or agricultural labourer who was not having a dwelling house or house site or a hut of his own and was occupying a *kudiyiruppu* on 27 March 1972 either as tenant or as licensee, shall, from the date of commencement of the Act, be the owner of such *kudiyiruppu* and such kudiyiruppu shall vest in him free from all encumbrances. The compensation payable to the owners of kudiyiruppu was a hundred time the rate of assessment for that land. The compensation will be paid by the Government in the first instance on behalf of the *kudiyiruppudar*. The amount of compensation will be recoverable from the *kudiyiruppudars* in instalments later. [43]

*The Pondicherry Land Reforms (Fixation of Ceiling on Land) Act*, 1973 :

The Pondicherry Land Reforms (Fixation of Ceiling on Land) Act, 1973 was passed by the Legislative Assembly on 2 November 1973 and enforced in the Territory with effect from 14 October 1974. [44] It is applicable to Pondicherry and Karaikal regions only. This Act fixes the ceiling on agricultural land holdings as well as the ceiling area for cultivating tenants. The ceiling on land provided for every person or family consisting of not more than five members, i.e. six standard hectares as on 21 January 1971. The surplus land acquired under this Act will be assigned to landless persons. The Government will collect the

value of the land either in instalments or in a lumpsum. The Sub-Collector, Pondicherry and the Deputy Collector (Revenue), Karaikal, were declared as Authorised Officers for implementing the Act. Religious trusts of a public nature and religious institutions were exempted from the purview of the Act.

**Karaikal :**

Karaikal region has a total cultivable area of 10,500 hectares. There were in all about 2,000 *pannaiyals* cultivating about 8,000 acres (3200 hectares) in the region. The main crops grown are *kuruvai* (rice) in about 3340 hectares and *samba* in about 7300 hectares. Two-thirds of the produce goes to the and-owner and only one-third to the farmer.

*The Karaikal Cultivating Tenants Protection Order,* 1958 :

Soon after merger the question of extending the Tanjore Tenants and Pannaiyal Protection Act, 1952 engaged the attention of the Administration. But even in anticipation of the introduction of the law, eviction of tenants started in Karaikal at the instance of landlords. The landlords resorted to direct cultivation with or without the assistance of hired labourers. In these circumstances it became necessary to pass the Karaikal Cultivating Tenants Protection Order, 1958 urgently (8 August 1958) under the powers of the Foreign Jurisdiction Act with a view to preventing such evictions pending application of the tenancy laws. [45] The life of this order was extended from time to time till it was ultimately repealed and replaced by the Karaikal Tenants Protection Order, 1960 which came into force on 30 March 1960. Under this order no cultivating tenant was liable to be evicted unless he used or attempted to use the land for a purpose other than agriculture or horticulture or deliberately neglected to take steps within reasonable time to cultivate the land or had not paid the rent within three months from the date of accrual. It must however be noted that agreements between the tenant and the landlord were very often entered into orally. As such the question of tenancy rights were often subjected to dispute. Tenancy certificates which could be issued by revenue authorities could no longer be issued with the changes introduced in the revenue set-up in May 1969 as they had no statutory authority to do so. Subsequently, however, the revenue authorities were given instructions to conduct preliminary enquiries and to give tenancy certificates so that those tenants who were dragged to courts could have the added weight of tenancy certificates issued by the revenue authorities. [46]

This order was repealed and the Pondicherry Cutivating Tenants Protection Act, 1970 came into force on 10 April 1971.

*The Karaikal Pannaiyal Protection Act*, 1968 :

The constitution of a Special Committee by the Pondicherry Representative Assembly (20 October 1960) to report on the need to extend the Tanjore Pannaiyal Act* to Karaikal came as an indication of the interest shown by the representatives of the people over the plight of *pannayals* in Karaikal. After about six years, the Act came into force on 1 May 1966. The Act and its provisions were made applicable only to Karaikal as it exclusively dealt with the question of agricultural labourers called *pannayals* and their wages. Although the Act defined a *pannayal* as a person engaged by the land-owner to look after the farm and do all cultivation work on the land whenever necessary in the course of an entire agricultural year (i.e. year commencing from the first of May) it did not include those who were engaged either casually or for a specific item of work. [47]

The wages of pannayals were determined as :—

(1) Two *marakkals*** of paddy for every adult male member.

(2) One *marakkal* of paddy for every adult female member, and

(3) three-fourths of a *marakkal* of paddy for every worker not being an adult.

A pannayal was not to be dismissed by a land-owner. But a land-owner or a pannayal may terminate the engagement by giving a minimum notice of 12 months ending with the expiry of the agricultural year or by mutual agreement. When, however, a land-owner terminates the engagement, he has to pay to the *pannayal* six months wages or such amounts as may be agreed upon.

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* This was passed by the Madras Government in 1952.

** 1 *marakkal* of paddy (*kuruvai*) — 2.5 kg.

1 *marakkal* of paddy (*samba*) — 2.4 kg.

The provisions of this Act did not apply to land-holders having less than one *veli* (2 2/3 hectares) whether wet or dry land irrigated from government source, or three *velis* (8 hectares) of dry land not irrigated from government source. The jurisdiction of the Civil Court or the Administrative Court was barred in regard to any order or decision or award passed by any Revenue Court or any officer under this Act. As a post-script it will suffice to add the comment of an authority on the subject : In actual fact, however, the implementation of the law seems to have adversely affected the pannayals. Most of them have been converted into daily wage earners with the result that the Act has been rendered ineffective. **48**

*The Karaikal Agricultural Labourer Fair Wages Act,* 1970 :

This was another measure of some importance under which agricultura labourers were to be assured of fair wages. The bill was passed by the Assembly on 12 June 1970, and was brought into force on 10 September 1970.

This Act was to remain in force for a period of three years and upon the expiry of the Act, the provisions of section 6 of the General Clauses Act, 1897, as applicable under section 2 of the Pondicherry General Clauses Act, 1965 was to apply as if this Act had then been repealed by a Pondicherry Act. The agricultural labourer was defined as a person who performed manual labour on the agricultural land of the land-owner. It did not include a *pannayal* as defined by the Karaikal Pannayal Protection Act, 1966 and also persons engaged in household work of the land owner or for cleaning the cattle yard or for storing manure. Complaints under the Act will be heard by the Conciliation Officer, who will be an officer of the Revenue Department not below the rank of a Tahsildar as notified in the Gazette. It will be his responsibility to ensure the payment of fair wages. An appeal against the order of the Conciliation Officer will lie with the Revenue Court and the decision of the Revenue Court will be final subject to revision by the District Court.

The Act fixed the wages for all kinds of work during the cultivation season at Rs. 3 or six litres of paddy and Rs. 1.25 per day for men and Rs. 1.75 or five litres of paddy and 25 np. per day for women. As per the Act, work did not include ploughing where bullocks and ploughs were provided by the agricultural labourer. For harvesting, the wage was fixed at six litres out of every fifty four litres of harvested paddy. For the purpose of arriving at the wages, no deduction was to be made either for *kalavady* or for any other expenses out of the harvest till the wages were paid.

The Pondicherry Cultivating Tenants (Payment of Fair Rent) Act, 1970 was made applicable to this region with effect from 1 April 1971.

**Mahe :**

*The Malabar Tenancy Act*, 1929 :

As a first step and as an interim measure, the Malabar Tenancy Act, 1929 was extended to Mahe with effect from 16 June 1958. The extension of the Act to Mahe conferred on the tenants in general security of tenure and provided for the regulation of rent. Eviction of tenants was prohibited except on grounds specified in the Act. There was, however, no provision for conferment of ownership rights on tenants. [49]

*The Mahe (Stay of Eviction Proceedings) Regulation*, 1962 :

In the meanwhile rapid changes were taking place in the adjoining State of Kerala. In the March 1961 session, the Representative Assembly passed a resolution to extend the Kerala Agrarian Relations Act to Mahe at an early date. [50] Shortly after, the Kerala Agrarian Relations Act was declared invalid by the Kerala High Court. In the meanwhile, instances of eviction of tenants came to public notice. The absence of a Legislative Assembly vested with power to initiate legislation, necessitated the passing of the Mahe (Stay of Eviction Proceedings) Regulation, 1962 by the President on 24 April 1962 in order to give protection to the tenants from eviction by land-owners. This was to be in force for a period of six months. The period expired on 28 October 1962. This was subsequently replaced by the Mahe (Stay of Eviction Proceedings) Regulation, 1963 the life of which was extended by the Mahe Stay of Eviction Proceedings (Amendment) Act, 1964 upto 31 December 1965. The amendment made specific provision for regulating surrenders and restoration of evicted tenants. The period was extended from year to year upto 31 December 1968 when a comprehensive measure called the Mahe Land Reforms Act, 1968 (Act No. 1 of 1968) was passed. With its enactment, the Mahe (Stay of Eviction Proceedings) Regulation, 1963 and section 140 of the Malabar Tenancy Act, 1929 stood repealed.

*The Mahe Land Reforms Act*, 1968 :

The Act mainly covers the question of land tenancies and ceiling on land holdings. Section 8 of the Act lays down that every tenant shall have fixity of tenure in respect of his holding and that no land from the holding shall be resumed except as provided in sections 9 to 17.

The Act also prescribed, among other things, the fair rent payable, (sections 33–34). The Land Tribunal to be constituted under the provision of the Act was to determine the fair rent in respect of the holding at the rates specified in the Act on an application by the landlord or a tenant (sections 37 and 47).

Section 56 of the Act lays down that subject to the provisions of the Act, all rights which a tenant has in his holdings shall be heritable and alienable. Further, under section 61, a cultivating tenant has the right to purchase the land-lord's rights.

The cultivating tenant (including a tenant of *kudiyiruppu* entitled to fixity of tenure is free to purchase the right, title and interest of the land-owner and the intermediaries in respect of non-resumable areas (Sections 66 to 77). The Act prohibited the eviction of *kudikidappukars* from the homestead except under certain circumstances. In case the landlord wanted to shift the *kudikidappu*, because of its inconvenient location, he was to provide to the *kudikidappukaran* the same extent of land, the price of homestead and the cost of shifting the *kudikidappu*. He had heritable but not alienable rights (Section 86) The act clearly prohibited the eviction of *kudikidappukars* belonging to the scheduled castes.

Provision is also made for constituting a Land Board at the territorial level and a Land Tribunal at the regional level for implementing the provision of the Act.

All the provisions of the Act were assented to by the President on 22 March 1968. All provisions except those relating to land ceiling were brought into force with immediate effect. The rules framed under the Act were notified on 1 February 1969. A Land Tribunal was constituted and a Deputy Tahsildar was appointed for the purpose of giving effect to the provisions of the Act.[51]

Section 2 (ii) of the Act was given effect to by notifying the agricultural year in the Official Gazette No. 39, dated 30 September 1969. Under the Act, the Government was required to take steps to prepare the tables indicating the maximum and minimum rates of compensation to be awarded for improvements and also the prices of produce, etc. contemplated under section 23 24, 49 and 50. Notification under sections 23 and 24 relating to maximum and

minimum rates of compensation and tables showing prices of produce, etc. was issued on 25 November 1969. [52] Another notification under Section 50 of the Act furnishing the statistics of gross produce of different crops in different areas was published on 4 November 1969.[53]

The notification under section 30 (1) of the Act was published on 15 October 1969.[54]

It has been claimed that by the issue of these notifications certain rights and interests have been given to small holders in their capacity of cultivating tenants. These rights are free from all encumbrances. About 80 tenants are said to have been benefited by these measures. Under this Act as many as 159 persons are also said to have been conferred homestead rights upto August 1971.[55]

As for the provisions of the Act covering land ceiling, it will suffice to say that section 92 fixed the ceiling area between 15 acres (6 hectares) and 30 acres (12 hectares). It provides for compensation equal to 55 per cent of the market value of the land and improvement.

The question of disposal of surplus lands will arise only after the provisions relating to land ceiling are given effect to and the surplus determined. However, the act stipulated that no person should be assigned more than 5 acres.

One interesting aspect is that, this Act contains as many as 140 sections. This piece of legislation is said to be too comprehensive and complex for the people who are not accustomed to such intriguing and involved provisions of law. A doubt has also been raised whether all the problems of land reforms which are provided in the Act, exist in the enclave and whether they need urgent attention of the Territorial Administration by such a comprehensive legislation.

**Yanam:**

So far as Yanam is concerned, no separate body of legislation has been enacted. As already referred to, the Pondicherry Cultivating Tenants Protection Act and the Pondicherry Cultivating Tenants (Payment of Fair Rent) Act were made applicable to Yanam region on par with Pondicherry and Karaikal regions. Separate bill for fixation of land ceiling was under preparation.*

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* As on 12 March 1974.