

പതിനാലാം കേരള നിയമസഭ  
ഏഴാം സമ്മേളനം

നക്ഷത്രചിഹ്നമിടാത്ത ചോദ്യം നം. 2977

21-08-2017-ലെ മറുപടിയ്ക്ക്

കർഷക ആത്മഹത്യകൾ

ചോദ്യം

മറുപടി

**ശ്രീ. അബൂൽ ഹമീദ് പി.**

**ശ്രീ. വി. എസ്. സുനിൽ കുമാർ**  
(കൃഷി വകുപ്പ് മന്ത്രി)

(എ) ഈ സർക്കാർ അധികാരത്തിൽ വന്നതിനു ശേഷം സംസ്ഥാനത്ത് കർഷക ആത്മഹത്യകൾ ഉണ്ടായിട്ടുണ്ടോ; ഉണ്ടെങ്കിൽ എത്രയെന്നു വ്യക്തമാക്കുമോ; വിശദാംശം വെളിപ്പെടുത്തുമോ;

(ബി) കോഴിക്കോട് ജില്ലയിലെ ചെമ്പനോട് വില്ലേജ് ഓഫീസിൽ കർഷകൻ ആത്മഹത്യ ചെയ്തതുമായി ബന്ധപ്പെട്ട് അഡീഷണൽ ചീഫ് സെക്രട്ടറി എന്തെങ്കിലും റിപ്പോർട്ട് തയ്യാറാക്കിയിട്ടുണ്ടോ; പ്രസ്തുത റിപ്പോർട്ടിന്റെ പകർപ്പ് ലഭ്യമാക്കുമോ ?

(എ) ഈ സർക്കാർ അധികാരത്തിൽ വന്നതിന് ശേഷം കർഷക ആത്മഹത്യകൾ റിപ്പോർട്ട് ചെയ്തിട്ടില്ല. & (ബി) എന്നാൽ കോഴിക്കോട് ജില്ലയിൽ ജോയ് തോമസ് എന്നയാൾ മറ്റ് കാരണങ്ങളാൽ ആത്മഹത്യ ചെയ്തിട്ടുണ്ട്. ഈ വിഷയത്തിൽ അഡീഷണൽ ചീഫ് സെക്രട്ടറിയുടെ റിപ്പോർട്ട് ഉള്ളടക്കം ചെയ്യുന്നു.

  
സെക്ഷൻ ഓഫീസർ

**ENQUIRY REPORT ON THE SUICIDE INCIDENT AT  
CHEMBANODA VILLAGE OFFICE, KOYILANDY TALUK,  
KOZHIKODE DIST. ON 22<sup>ND</sup> JUNE 2017**

As per the instruction from Hon'ble Minister for Revenue, I visited Chembanoda village, Koyilandy taluk, Kozhikkod district on 24.06.2017, in connection with the tragic suicide of Sri. K.J. Thomas @ Joy on 22-6-2017.

The aired allegation was that, the deceased was harassed by officials of the village office, by denying the Basic Tax for 80 cents of land belonging to Smt. Molly Thomas wife of deceased Shri K.J. Thomas @ Joy.

**Details of visit:** My first visit was to the village office Chembanodu. The District Collector Kozhikode, ADM Kozhikode and the Dy. Collector (LR) Kozhikode have also accompanied me. As the Village Officer Sri Sunny P A was already suspended I could not meet him. The Village Officer Sri Haridasan K of Eravattoor village who was put in additional charge of this village and the Village Assistant, and the VFA were present. As the connected records were already seized by the Police/Vigilance I could not peruse the records in original. However copies of the village file dealing with the matter of payment of tax of Mrs. Molly Thomas were seen by me. I also had discussion with present Village Officer, Village Assistant and the Village Field Assistant.

The electronic media and news papers have reported the high handed behaviour by Sri. Sileesh Thomas who was a Village Assistant in this office from 16-12-2013 to 8-2-2016. Shri Sileesh was working in another Village viz Changaroth till 31-3-2017. on promotion as UD Clerk he was again posted back to this village as special village officer and worked in that capacity from 1-4-2017 to 31-5-2017 and he was transferred as SVO Koorachundu. The District Collector had suspended him and the Village Officer Mr. Sunny P A. who was working in the office from 22-1-2015 upto 22-6-2017. I was told by the District Collector and ADM that Sri. Sileesh was transferred based on the public complaints.

As part of collecting more information and to identify the persisting problems in the village, I had attended a people's gathering arranged in a library near by the Village Office. This meeting was also attended by many panchayath level people's representatives. The issues raised by them in the meeting were as follows;

- a. The harassment from Village and Forest officials are rampant in the area citing excess land and forest land notification issues
- b. Since, resurvey is not completed, the demarcation of cadastral limit from the unsurveyed forest lands including the areas declared under Ecologically Fragile Lands [EFL] is creating lot of confusion among the general public as well as on the officials

- c. The lack of sensitisation on Kerala Land Reforms Act, 1963 and its irrelevance on Kerala Land Tax Act, 1961, among the officials is causing lot of difficulty for the land holders.
- d. The land taxes are not being collected from land holders who are issued with Revenue Recovery notices. This is obviously an action with no legal sanction.
- e. Public also complained that the Village officials have always behaved in a high handed and authoritarian manner and were not service oriented at all.
- f. A lot of land holdings in the Village do not have correct titles as only very few people have obtained patta through the land tribunal for the land they have devolved from erstwhile jennies. This basically means that the Revenue officials for decades failed to send suomoto reports to the land tribunals for issuing Purchase certificate. Instead of doing so the officials have done a mutation (Pokkuvaravu) based on the transfer documents for land which had no clear title. The present case of Smt. Molly Thomas is a perfect example.

I also visited the aggrieved family along with the people's representatives and the officials including the District Collector concerned. Information was also gathered from the family members and relatives for getting more clarity on the issue, from the perspective of the aggrieved.

Final round of meeting with all the connected officials was conducted at Collectorate, Kozhikkode where Tahsildar Koyilandi and his concerned staffs were also present. I have perused the copies of files in the Taluk Office as well. All the petitions and representations received from the general public during the public meeting was handed over to the District Collector and was given specific instructions to look in to each and every matter with a definite time frame.

**Issues connected with the land in question:** Sri. KJ Thomas @ Joy S/o Joseph. Kavil Purayidathil devolved the following extents of land from his father in Chembanod village which is a bifurcated village of Perambra village, formed in the year 1978.

Sl. No.	Deed number	Extent in acres
1	70/2002	0.80
2	651/1995	1.00

He also owns another one acre of land of which he purchased from his brother and the family resides in that land now.

Since the resurvey of the village has not been finalised so far. Only a field survey was done and bigger parcels maps were prepared generally containing many hectares. Individual holdings were not surveyed and mapped. Village officers have been depending on such NOT FINAL RECORDS [NFR], for accepting land tax as per Land Tax Act, 1961. As the land records are not finalised as per Section 13 of Kerala Survey and Boundaries Act, 1961

the taxes on POSSESSED and ENJOYED properties are collected only TEMPORARILY which is legally correct as well. Since, there are no OFFICIALLY RECOGNISED survey numbers most of the land transactions are happening without mentioning the survey numbers in Registration Documents which is against Section 21 [1] of Registration Act, 1908 and Rule 3[1] of Document Writer's Licence Rules, 1960. This aggravates the popular pressure on Village Officers who are forced to collect land tax for such properties sometimes more than one time in a financial year, which is also unheard in the legal parlance.

**The immediate issue:** The deceased Sri. K.J. Thomas @ Joy who devolved an extent of 0.80 acre of land through the document 70/2002 from his father, executed a gift deed bearing number 2641/2014 in favour of his wife Smt. Molly Thomas. The Village Officer collected TR fee of Rs.100/- from Smt. Molly Thomas on 29-5-2014. A possession certificate was given to this land on 30-5-2014. Obviously the land was mutated on that day. Then another land tax for the same land was collected from Smt. Molly Thomas.

The Village officers later realised that, the actual mutation was wrongly done from 1.00 acre property devolved through document number 651/1995 by Sri. K.J. Thomas @ Joy from his father. Actually this should have been from 0.80 acres of property which was devolved through document number 70/2002 from his father. There was a correction on this in the village record only.

Smt. Molly Thomas had given a representation to the Tahsildar and Village Officer to correct the mistake and to accept the land tax for 0.80 acres of land after proper mutation. This wrong mutation has probably created a rift with the officials in the village. The Tahsildar, based on the petition from Smt. Molly Thomas has sought a report from the Chembanadu Village Officer on 28-11-2014. On receipt of the letter from the Tahsildar the Village officer has sought survey of the 80 cents of land through Taluk surveyor. It is seen that the Head Surveyor has given his report on 23-5-2016 after a lapse of 18 months in the hands of Surveyor and him. It is reliably learnt that Sri K.J. Thomas @ Joy had been running from pillar to post as he was in dire need of a possession certificate and a land tax receipt for getting some loan. Around this time somebody from the public viz Mr. Vijayan Putharipara has filed a petition before the Chief Minister's Sutharya Keralam alleging that Sri K.J. Thomas @ Joy and his brothers are holding lands without proper records and in excess of ceiling limit. The petition was filed in August 2015. The petitioner further sought that the ceiling surplus land should be taken over and distributed among the land less.

In the meantime, based on the report of Survey Officials the Tahsildar, Koyilandi had given a direction to the Village Officer to accept the land tax temporarily vide proceedings dated 24-5-2016. However, the direction was not complied at all by the Village Officer, Chembanodu. It is seen from the Village & Taluk files that the Village Officer instead of squarely complying the orders of Tahasildar started sending reports after reports quoting irrelevant Rules and Acts which are not at all connected with this case. In one such report bearing No.16/2016-17 dated 04-6-2016, the Village Officer had suggested initiation of TLB case against father of Sri K.J. Thomas @ Joy for holding the surplus lands as well as against Sri K.J. Thomas @ Joy for encroaching Government land in unsurvey No.360. This is not

correct as per the prevailing legal provisions. An excess land case cannot be booked against the person who died long back and had alienated the properties prior to the 7E amendment in Kerala Land Reforms Act 1963. For the lands allegedly encroached by Sri K.J. Thomas @ Joy the Village Officers could have initiated the proceedings under Kerala Land Conservancy Act 1957 by submitting a report in Form No.A to the Tahasildar. Through the letter dated 11-7-2016 in file No.32/2016-17 the Village Officer further reiterated the above mentioned points. If the Village Officer had any apprehensions with respect to holding land in excess of ceiling limits or encroachments on government lands he could have taken actions contemplated under respective Laws instead he arbitrarily acted which has resulted the non-collection of land tax from Sri K.J. Thomas @ Joy.

This may be due to the petition filed regarding the surplus land held by Sri K.J. Thomas @ Joy which was received in the Village office from the Taluk Office in September 2015. It can be presumed that the Tahsildar has considered all the matters and allowed the collection of tax. The Village Officer had acted in a insubordinate manner. Had he received the Tax in pursuance of the Tahsildar's order the matter should have come to an end then and there. The VO could have enquired further about the surplus land matter and could have reported to the Taluk Land Board if found necessary. It is clear from the records that the Village Officer and other officials is knowing very well that Sri K.J. Thomas @ Joy and his family members were holding only 2.80 Acres of land on record. This refusal of receiving Tax, it appears is based on some extraneous pressures on them. Obviously the Village Officials have fallen prey to such unscrupulous elements. Obviously the refusal of tax from Smt. Molly Thomas even after the order of Tahsildar might have made Shri K.J. Thomas @ Joy to believe that the Village Officers were hand-in-glove with his enemies. It is also learnt that around this time with the support of the public Sri K.J. Thomas @ Joy had sat in 'dharna' in front of the Village Office. However, he continued his effort by going to the Taluk office and Village office again and again. Probably this has resulted further rift with the Village officials, which is said to be the immediate cause of suicide, which also warrants further investigation by Police or any other appropriate agency.

The version of the revenue officials are that, since there are no officially recognised survey numbers, finalised as per Section 13 of the Kerala Survey and Boundaries Act, 1961 and as the records with NOT FINAL survey numbers are not legally dependable, it is highly risky to deal such cases based on popular pressure. This is the reason why they kept delaying things and just pass on the responsibility to Taluk Surveyors, for giving reports again and again. However, I am not inclined to accept these arguments in the case of Smt. Molly Thomas as similarly placed lands belonging to her husband's brothers were mutated and promptly taxes collected for decades without any inhibition. I do not find any reason for not accepting the tax from Smt. Molly Thomas.

**My opinion:** I have considered all the matters including the version of all the stakeholders connected with the issue and found that, this issue would not have happened if the Village officers had complied the directions of Tahsildar dated 24.05.2016 in file number K Dis 16872/14/B2. Further the deceased should have been told about the problems associated with such transactions, in a polite and appealing manner instead of alleged arrogance on the part of

the Village Officers. The version that, the land tax was not collected as there is a report for initiating ceiling case, is not legally correct. There is no provision in Kerala Land Reforms Act, 1963 to deny payment of land tax even if there is a ceiling case on land, only the sale of land is banned as per Section 120A of the Act. Moreover, the ceiling case can be initiated by the concerned Taluk Land Board only after getting permission and/or intimation from State Land Board, which has not happened in this case. So legally and officially there is no ceiling case on this land as on date.

I conclude that the Village Officer, Chembanode Shri Sunny P A who disobeyed the order of the Tahasildar dated 24-5-2016 to collect tax from Smt. Molly Thomas is primarily responsible for harassment of Shri K J Thomas and his wife. As mentioned earlier I strongly believe that such a unacceptable behaviour of Shri Sunny could be through external influence and probably Shri Sileesh Thomas who is resident of the nearby village and was working in the village in 2014, 2015 and 2016 as Village Assistant and also for two months, April & May 2017 as SVO could have an influence on the Village Officer I am not able to find direct link of any involvement of Shri Sileesh Thomas as per records. Shri Sileesh Thomas and Shri P A Sunny were suspended by the District Collector on 22<sup>nd</sup> June. The disciplinary proceedings against them should be logically concluded by the District Collector at the earliest.

I also hold the Tahasildar Koyilandi during the period of June 2016 to June 2017 also responsible for inaction on her part. While Shri K J Thomas/Smt. Molly Thomas is said to have approached Tahasildar during this period she could not take any decision on the request of them to pay tax by giving proper direction to the Village Officer to redress the grievance by collecting tax as ordered by her predecessor on 24-5-2016.

The Land Revenue Commissioner shall initiate action against Smt. Ramla N, Tahasildar Koyilandi.

**General Recommendations:** Based on the inputs from my field visit and perusal of connected files, the following interventions of the level of Government and the Land Revenue Commissioner/Survey Director are suggested for non-repetition of similar incidents:

- a. Lack of Scientific Land Records is the major problems faced by the Revenue field officials in dealing with all matters with land in the State. Murky Land Records is primarily responsible for alleged corruption in the Village and Taluk Offices and it would be difficult to root out the malice without creation of a clean land records. Hence I recommend that complete survey and settlement of the land in the State using modern technology by engaging competent agencies be carried out within a time frame of two years. The first priority for survey shall be given to unsurveyed village of Malabar, such as Chembanodu.
- b. The matter of issuing 'possession certificate' and 'location sketches' to land owners for securing loans from Banks/Financial institutions needs a relook as I believe that it is not compulsory for creation of mortgage. The possession and

enjoyment of the land and its location sketch can be sourced by the Bank by their own mechanism. The Village Officer shall be required to give only an Ownership Certificate based on records. This aspect needs to be taken up with the State Level Bankers Committee(SLBC)/Reserve Bank of India.

- c. Similarly the need for Possession Certificate from the Village Office by other departments of Government for housing scheme needs to be dispensed with. The Officers of such departments anyway visit the land of beneficiary who could themselves certify the possession and enjoyment. Only ownership and non-attachment certificate shall be issued by the Village Officer. A decision on this may be taken by the Government on this matter at the earliest.
- d. Government shall issue a clear cut circular that collecting land tax from the land owner recorded as such in the revenue record is the duty of the Village Officer. As it is a tax imposed by the Legislature no officer has the right not to collect land tax on flimsy grounds. Such behaviour by Village Officials is rampant in the State now and has no sanction under Law.

I also understand that there are many certificates are to be issued by the Village Officers under Government orders or circulars from other departments and the issue such GOs/Circulars often without any consultation with the Revenue Dept. It is seen that many such certificates can be dispensed with and the duty of verification etc. can be done by the concerned department officials himself.

Insistence on certificate by the Village Officer was a practice established in Government in the 1950/60s when many departments didn't have any field staff at the village/Taluk level. Now the bureaucracy has expanded so much in other departments, many such works should be handled by officers of that such department and in many case certification by village officer is a duplication. Land Revenue Commissioner have asked to a list of such certificate and a decision has to be taken at Government level to dispense with many of them.

- e. The relation of Village officials with the public is very sour. As the Village officials are saddled with a lot of certificate works, they turn back the citizens approaching for them for revenue related works very often. Revenue officials at Village and Taluk level often behave as if they are 'Lord of Land' under their jurisdiction. The land related laws are quiet complicated and their numbers are very high. The officials themselves are ignorant on the consequences of many such Laws. They often misinterpret the provisions of Law and harass the Land Owners approach them. They do not part with the right information to an approaching citizen. Keeping knowledge on these Laws to themselves give them powers to make the citizens run from pillar to post. The officials of the Revenue Dept. Taluk and Village level needs to be more closer with the citizens. Post RTI Act and Right to Services Act period public are in fact more empowered and a high handedness of officials are not tolerated.

To improve the relations with the citizens I suggest that 'Bhoo Sakshratha' campaign shall be organised at the village level as a dialogue between the public and the village officials. It shall be held outside the village office and all the staff of the village office and one senior officer in the rank of Tahasildar and above upto District Collector needs to attend. It will not be an 'Adalat' to settle their issues but to make them aware the issues involved in land matters and the remedies available under Law. This will also bring the public closer to the Village office and will have a better relations with them. This will also reduce the 'headweight' feeling of the revenue officials.

- f. The revenue officials must be given adequate and compulsory training on "Citizen centric governance" and also on Kerala Land Reforms Act, 1963, Kerala Land Tax Act, 1961, Transfer of Registry Rules, 1966 & Land Conservancy Act 1957 etc.
- g. A detailed circular clearly mentioning the provisions under Section 7 of the Kerala Land Tax Act, 1961 may be issued.
- h. The infrastructure in the Village Office needs immediate enhancement provision of sanitation facility drinking water etc. Needs to be provided urgently. There is budget provision available during this financial year for this and has to be planned and executed well in time. Further provision has to be made in the rest of the 13<sup>th</sup> five year plan period so as to achieve a decent level of infrastructure at the village office.

P.H KURIAN  
Additional Chief Secretary to Govt.  
Revenue Dept.

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