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Vs

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K. P. Mohammed and Others

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P. M. Kunhammed

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K. G. Thomas

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R. Kesava Pillai

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P. V. James and Another

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K. A. Abraham

Vs

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T. V. Krishnan

Vs

State of Kerala and Others

Civil Appeal No. 903 of 1979

P. V. Thomas

Vs

State of Kerala and Others

Civil Appeal No. 1019 of 1979

(P. N. Shinghal, O. Chinnappa Reddy JJ)

02.05.1979

JUDGMENT

SHINGHAL, J. ◆

1. The learned counsel for the appellants have categorically stated at the Bar that no question relating to the validity of the Kerala Land Reforms Act, 1963 (Act 1 of 1964), hereinafter referred to as the Act, or any of its provisions, arises in these appeals by special leave. We have heard them together virtually as companion appeals at the instance of learned counsel for they arise out of several judgments of the High Court of Kerala in matters relating to the implementation of the provisions for the restriction of ownership and possession of land in excess of the ceiling area and the disposal of excess land. These are the subject-matter of Chapter III of the Act, as amended from time to time. It is not necessary to refer to the dates of all the judgments of the High Court of Kerala, or to all the points of controversy there, as learned counsel have been able to channelise their arguments into three main points of controversy, which have been argued at length. It is true that all these points do not arise in all the cases before us, and some learned counsel have raised additional arguments in the peculiar facts and circumstances of their cases. It will therefore be convenient and proper to deal with the three main points first, and to take up the additional points for consideration with reference to the appeals in which they have been raised for our consideration. This, it is agreed, will be a proper and a fair course to adopt for the disposal of these appeals. It is also agreed by learned counsel that the other appeals in which such additional points have not been raised shall stand decided according to our decision on the three main points.

2. In order to understand the controversy in its proper perspective, it may be mentioned that, as in the other States in the country, the Kerala State legislature felt the necessity of making "comprehensive" land reforms in the State. The Kerala Agrarian Relations Act, 1960 (Act 4 of 1961) was accordingly passed, and received the assent of the President on January 21, 1961. Some of its provisions were brought into force with effect from February 15, 1961. This Court struck down that Act as unconstitutional in its application to the ryotwari lands of Hosdrug and Kasaragod taluks. The Kerala Ryotwari Tenants and Kudikidappukars Protection Act, 1962, was then passed for the temporary protection of tenants in those taluks. The State High Court declared it null and void in its application to the ryotwari lands of the Malabar area and most of the lands of Travancore area. So the Kerala Tenants and Kudikidappukars Protection, Act, 1963, was passed to provide some protection to tenants. It was an interim legislation. Even so it repealed the Kerala Ryotwari Tenants and Kudikidappukars Protection Act, 1962, and suspended the operation of the Kerala Agrarian Relations Act, 1960.

3. After re-examining the requirements in the filed of land reforms as a whole, the Kerala Land Reforms Bill, 1963, was published in State Gazette on September 15, 1963. It covered a wide field in the matter of land reforms and, inter alia, provided for the imposition of a ceiling on 'holdings' of lands, the surrender of excess lands, grant of compensation therefor, and the assignment of the surrendered lands in accordance with the order of priority mentioned in the Bill., collection of purchase price, constitution of Land Tribunals, and Land Board etc. The Bill was enacted as the Kerala Land Reforms Act, 1963 (Act 1 of 1964), and received the assent of the President on December 31, 1963. It was amended extensively, and in several material particulars, by Act 35 of 1969, and then by Act 25 of 1971 and Act 17 of 1972. There were other amendments also, but it is agreed that they do not bear on the controversy before us.

4. The threes main points of controversy in these appeals have been formulated by learned counsel for the appellants as follows :

> (1) Whether land converted into plantations between April 1, 1964 and January 1, 1970 qualify for exemption under Section 81(1)(e) of the Act.
>
> (2) Whether a certificate of purchase issued by the Land Tribunal under Section 72-K of the Act is binding on the Taluk Land Board in proceedings under Chapter III of the Act.
>
> (3) Whether the validity or invalidity of transfers effected by persons owning or holding lands exceeding the ceiling limit should be determined with reference to the ceiling area in force on the date of the transfer or in accordance with the ceiling area prescribed by Act 35 of 1969 - whether sub-section (3) of Section 84 retrospective in operation.

We shall examine the three points one by one but before doing so it will be advantageous to refer briefly to the substantive provisions of the Act which bear on the appeals before us.

5. It will be recalled that the Act came into existence when the other attempts to make legislative provision for land reforms did not work out satisfactorily for one reason or the other. The Act was therefore enacted by way of "a comprehensive legislation" to bring about land reforms in the Kerala State. While Chapter I of the Act contains provisions relating, inter alia, to its commencement and defines some of the important terms and expressions, Chapter II contains many provisions for the benefit of tenants and "deemed tenants", including restoration of lands and fixity of their tenure, purchase of landlords' rights by cultivating tenants and rent payable by certain categories of tenants etc. The provisions of the chapter do not apply to the leases, tenancies and transferred lands and transactions mentioned in Section 3. We are however primarily concerned with Chapter III under the general rubric "Restrictions on ownership and possession of land in excess of ceiling area and disposal of excess lands". Section 81 deals with "exemptions", including "plantation". Section 82 prescribes the "ceiling area", Section 83 prohibits the owning or holding or possessing under a mortgage lands in excess of the ceiling area. Section 84 declares what voluntary transfers shall be deemed to be invalid. Sub-section (3) of the section has attracted much controversy and we shall deal with it in due course. Section 85 makes it obligatory to surrender the excess land, and Section 86 vests such excess lands in the State Government free from all encumbrances. Section 87 makes provision for the surrender of excess land obtained by gift, purchase or mortgage, lease, surrender or any other transfer inter verves or by bequest or inheritance or otherwise if the total extent of land thereby exceeds the ceiling area. These are the main provisions which bear on the three points which have been raised for our consideration.

Point No. 1

6. The question is whether lands converted into plantations between April 1, 1964 and January 1, 1970 are exempt from the operation of the provisions of Chapter III of the Act in regard to the restriction on ownership and possession of land in excess of the ceiling area prescribed by it. It will be recalled that while Section 82 prescribes the ceiling area of the land, Section 81 states what shall be exempted from its operation. Clause (e) of sub-section (1) of that section thus specifically provides that the provisions of Chapter III shall not be applicable to "plantations". That has been so from the inception of the Act, and the question therefore is whether those who felt tempted by the

exemption in favour of plantations and converted their lands into plantations after the commencement of the Act, would get the benefit of the exemption and, if so, from which date would the conversion be recognised ?

7. This has been dealt with in sub-section (4) of Section 82 of the Act which prescribes the ceiling. It is not in dispute before us that the section came into force on April 1, 1964. The sub-section as originally enacted in Act 1 of 1964 therefore came into force on that date. It read as follows :

> 82 (4). Where, after the commencement of this Act, any class of land specified in Schedule II has been converted into any other class of land specified therein, the extent of land that may be owned or held by a family or adult unmarried person owning or holding such land at the time of the conversion shall be determined without taking into account such conversion.

Section 82 was however substantially amended by Section 66 of the Amending Act of 1969 which, inter alia, reduced the ceiling area of the land and amended the wordings of sub-section (4) also. That section came into force on January 1, 1970. It is not necessary to refer to it as the legislature amended sub-section (4) of Section 82 once again, by Section 12 of the Amending Act of 1971, which, by virtue of Section 1 of that Act, also came into force on January 1, 1970 and thereby supplanted, from the very inception, the amendment which had been brought about by the Amending Act of 1969. The amended sub-section, which is the subject-matter of the point under consideration, reads as follows :

> 82 (4). Where, after the commencement of this Act, any class of land specified in Schedule II has been converted into any other class of land specified in that Schedule or into a plantation, the extent of land liable to be surrendered by a person owning or holding such land shall be determined without taking into consideration such conversion.

8. The controversy therefore is whether the restriction of sub-section(4) of Section 82 came into force from January 1, 1970 because Section 12 of the Amending Act of (1971) was brought into force on that date, or whether it came into force on April 1, 1964, when Section 82 as originally enacted by the Act came into force. As it happens, all the three Acts contain provisions about their "commencement" and it is these which have to be interpreted for the purpose of resolving the dispute.

9. Sub-section (3) of Section 1 of the Act provides as follows :

> 1(3). The provisions of this Act, except this section which shall come into force at once, shall come into force on such date as the government may, by notification in the Gazette, appoint :
>
> Provided that different dates may by appointed for different provision of the this Act, and any reference in any such provision to the commencement of this Act, shall be constructed as reference to the coming into force of that provision.

It therefore provides thus : (i) Section 1 of the Act shall come into force at once, (ii) the other provision of the Act shall come into force on such dated as the government may appoint, (iii) different dates may be appointed for different provisions of the Act, and (iv) any reference in any such provision to the "commencement of this Act" shall be construed as a reference to the coming

into force of that provision. The Act was published in the Gazette on January 14, 1964, and, by virtue of Section 3 of the Kerala Interpretation and General Clauses Act, Section 1 came into force on that date. Section 82, as has been stated, came into force of April 1, 1964, and the reference in sub-section (4) of that section to the "commencement of this Act" meant a reference to the coming into force of that provision with effect from April 1, 1964. It may be that the first three rules or directions contained in sub-section (3) (mentioned above) were spent on the coming into force of Section 1 of the Act or its other provisions on the dates appointed for them, but, for obvious reasons, rule (iv) continued to hold the field inasmuch as it laid down the rule of construction that any reference to the "commencement of this Act" shall be construed as a reference to the coming into force of that particular provision. It was therefore applicable as a general rule of construction whenever it became necessary to ascertain the date of commencement of a particular provision of the Act other than Section 1.

10. It will be recalled that sub-section (4) of Section 82, as originally incorporated in the Act, came into force on April 1, 1964. As has been mentioned, sub-section (4) of Section 82 was amended by Section 66 of the Amending Act of 1969, which came into force on January 1, 1970, but that proved to be fortuitous because it was supplanted by Section 12 of the Amending Act of 1971 from the same date.

11. The sub-section, as amended by the Amending Act of 1971, also dealt with the conversion of land into any other class of land "after the commencement of this Act", but it added the words "or into a plantation" and provided the such conversion shall not be taken into consideration for determining the extent of land liable to be surrendered. It has been argued that the expression "the commencement of this Act" refers to January 1, 1970, on which date Section 12 of the Amending Act of 1971 was brought into force, and not to April 1, 1964 when it was first brought into force as mentioned above. Reference in this connection has been made to sub-section (2) of Section 1 of the Amending Act of 1971.

12. The argument is however untenable on the plain meaning of the proviso to sub-section (3) of Section 1 of the Act which clearly states that any reference in any provision of the Act to the "commencement of this Act" shall be construed as a reference to the coming into force of that provision. So when the "provision" of sub-section (4) of Section 82 was brought into force on April 1, 1964, its amended version would also come into force from that date. And it will be a matter of no consequence that Section 12 of the Amending Act of 1971, which amended the sub-section, came into force on January 1, 1970. It will be remembered that Section 66 of the Amending Act of 1969 which amended Section came into force on January 1, 1970, an as the legislature decided to amend it once again by Section 12 of the Act of 1971, with retrospective effect from the same date (January 1, 1970), it made a specify provision to that effect in Section 1 of the Amending Act of 1971 and left the date of commencement of the Act for purposes of sub-section (4) of Section 82 to be determined according to the proviso to sub-section (3) of Section 1 of the Act which, as has been stated, was a subsisting provision. It would follow that sub-section (4) as amended by the Amending Act of 1971 came into force on April 1, 1964. It may be that, as has been argued by Mr. Venugopal, the expression "commencement of this Act" is a term of "art". We have interpreted it as it stands, without detracting from the value attributed to it by Mr. Venugopal.

13. Mr. Warriyar has however argued that particular significance attaches to the use of expression "provisions" or "provision" in Section 1 (3) of the Act and that the High Court erred in presuming that "at all relevant times a 'provision' which resulted in certain consequences was in force from April 1, 1964 onwards". He has invited our attention to Saidu Muhammed v. Bhanukuitan (1967

KLT 947) for the contention that the true meaning of "provision" is a section or series of section forming a self-contained integral whole, that Sections 82 to 85 should be construed as a "composite provision" dealing with the ceiling area, and that the assumption that Section 82(4) alone was brought into force as a distinct provision, when Section 83 had not been brought into force, is not legally sustainable.

14. The Century Dictionary (which is an encyclopedic lexicon of the English Language) defines "provision" as follows :

> In law, a stipulation; a rule provided; a distinct clause in an instrument or statute; a rule or principle to be referred for guidance; as, the provisions of law; the provisions of the Constitution.
>
> In "Words and Pharases" (Permanent Edition) the definition is as follows :
>
> As applied to legislation, the word "provision" has this well-under-stood meaning : "Actual expression in language" - the clothing of legislative ideas in words which can be pointed out on the page and read with the eye.

A provision is therefore a distinct rule or principle of law in statute which governs the situation covered by it. So an incomplete idea, even though stated in the form of a section of a statue, cannot be said to be a provision for, by its incompleteness, it cannot really be said to provide a whole rule or principle for observance by those concerned. A provision of law cannot therefore be said to exist if it is incomplete, for then it provides nothing.

15. Examined in this perspective, Section 82 of the Act 9 (as amended by Section 12 of the Amending Act of 1971) is, to say the least, a distinct rule or clause for it provides the extent of the ceiling area in the cases mentioned in it [sub-section (1)], it effect on the lands or held individually by the members of a family or jointly by some or all of the members of the family [sub-section (2)], the taking into account of the shares of the members of the family or an adult unmarried person [sub-section (3)], the effect of conversion of any class of land specified in Schedule II into any other class of land specified in the schedule or into a plantation and the extent of land liable to be surrendered by a person owning or holding such land [sub-section (4)], lands owned by a private trust or a private institution [sub-section (5)] and exemption of lands covered by Section 81 [sub-section (6)]. The sections therefore a "provision" by any standard, and it is futile to argue that this is not so merely because the provision relating to the prohibition on the owning or holding or possessing under a mortgage lands in the aggregate in excess of the ceiling area and the surrender of excess land and its vesting in the State Government have been dealt with in the other Section (83, 85 and 86). Sections 83, 85 and 86 contain certain other provisions relating to the law of ceiling on land, but that cannot detract from the basic fact that Section 82 contains a provision - in fact an important provision - of the law relating to the imposition of ceiling on land dealt with in Chapter III. It may well be said that sub-section (4) of Section 82 is also a provision of the law by itself, for it lays down a distinct rule relating to conversion of lands for observance by all concerned.

16. We have gone through Saidu Muhammed v. Bhanukuitan (1967 KLT 947), but that was quite a different case where the section which authorised the launching of the prosecution of a defaulter was brought into force, but not the other provision which prescribed the period of limitation for the prosecution, and the High Court was persuaded to take the view that it was the legislative intent that the prosecution should be governed by the limitation prescribed by the other section. In the case

before us, however, the application of Section 82 is not dependent on any other section, so as to make it an incomplete provision by itself. It deals with "ceiling area" and is a provision by itself, so that it could be brought into force from a date different from Section 83 which prohibited the holding of land in excess of the ceiling area. It may be pointed out that the "ceiling" prescribed by Section 82 was material not only for the purpose of Chapter III of the Act, but had a direct correlation to some of the provision of Chapter II e.g. Sections 16 and 53.

17. It has next been argued by Mr. Warriyar that in view of the decisions of this Court in State of Kerala v. Philomina ((1977) 1 SCR 273 : (1976) 4 SCC 314 : AIR 1976 SC 2363) and State of Kerala v. K. A. Gangadharan ((1977) 1 SCR 960 : (1977) 1 SCC 208 : AIR 1977 SC 311), the High Court erred in taking the view that Section 82(4) came into force on April 1, 1964 because it has been held in both those cases that determination of the surplus land was to be on the basis of the situation existing on January 1, 1970, and that if any land had been converted into a plantation before that date, it had necessarily to be exempted from the operation of the ceiling law by virtue of Section 81. But they were different cases. Thus State of Kerala v. Philomina ((1977) 1 SCR 273 : (1976) 4 SCC 314 : AIR 1976 SC 2363) related to the transfer of "Kayal" lands between September 15, 1963 and January 1, 1970. As Chapter III of the Act was not applicable to those lands because of the exemption under Section 81, and as that exemption continued until January 1, 1970 when Section 65 of the Amending Act of 1969 came into force, it was held by this Court that as the exemption was not withdrawn until January 1, 1970, the transfers made between September 15, 1963 and January 1, 1970 were valid under the provision of the Act. The decision in that case thus turned on the meaning of Section 83 and 85. That view was noticed by this Court in State of Kerala v. K. A. Gangadharan ((1977) 1 SCR 960 : (1977) 1 SCC 208 : AIR 1977 SC 311) and it was held that the dominant legislative intent was the imposition of the ceiling on lands and the consequential obligation to surrender lands owned or held in excess of the ceiling area on the notified date, namely, January 1, 1970. The gifts of excess land made on March 28, 1974 were therefore ignored. That was also, therefore, a different case and cannot avail the appellants.

18. The view taken by the High Court in Ramunni Nair v. State of Kerala (1976 KLT 632) in regard to the meaning to be attached to the words "the commencement of this Act" is thus substantially correct and does not call for interference by us. It may be mentioned that learned Advocate-General has pointed out that in the Act as it stands amended at present, the expression "commencement of this Act" refers to the commencement of the Act, and while referring to the commencement of the Amending Act of 1969, the words used are "commencement of the Kerala Land Reforms (Amendment) Act, 1969" and that the Amending Act of 1971 has also been referred to as much. It is therefore futile to contend that the rule of interpretation mentioned in sub-section (3) of Section 1 that any reference in a provision of the Act to the "commencement of this Act" shall be construed as a reference to the coming into force of that provision, shall not be construed as a reference to the coming into force of that provision as originally enacted.

19. Mr. Balakrishnan tried to raise the argument that a landholder is, in any event, entitled to the benefit of the exemption under Section 81 as amended by the Act of 1969 in respect of the "extent of plantation within the ceiling area" even if it were converted into a plantation during the period April 1, 1964 to December 31, 1969. The argument is untenable because while sub-section (1) of Section 81 provides that the provisions of Chapter III shall not apply to the lands and plantations mentioned in it, that is overridden by, and is subject to, the requirement of sub-section (4) of Section 82.

20. Point No. 1 is decided against the appellants.

Point No. 2

21. The question is whether a certificate of purchase issued by the Land Tribunal under Section 72-K of the Act is binding on the Taluk Land Board in proceeding under Chapter III of the Act.

22. The provision is whether a certificate of the landlord's rights by cultivating tenants appear under that heading, and are contained in Section 53 to 74 of the Act. The Tribunal is competent to pass orders on the application for purchase, including the determination of the compensation and the purchase price under Section 72-F. Section 72-K provides for the issue of the certificate of purchase. Sub-section (2) of that section reads as follows :

> (2) The certificate of purchase issued under sub-section (1) shall be conclusive proof of the assignment to the tenant of the right, title and interest of the land-owner and the intermediaries, if any, over the holding or portion thereof to which the assignment relates.

The real question for consideration therefore is whether the certificate is binding on the Taluk Land Board for the purpose of taking a decision in regard to the ceiling area under sub-section (5) of Section 85.

23. It may be mentioned in this connection that while the Land Tribunal deals with most of the matters relating to tenants and is constituted under Section 99, the Taluk Land Board is constituted under Section 100-A and deals with statements filed under sub-section (2) of Section 85 by persons owning or holding land in excess of the ceiling area. Sub-section (5) of Section 85 provides further that the Taluk Land Board shall -

> (a) cause the particulars mentioned in the statement to be verified,
>
> (b) ascertain whether the person to whom the statement relates owns or holds any other lands, and
>
> (c) by order determine the extent and identity of the land to be surrendered.

A reading of sub-section (1) of Section 85 shows that the question for examination is not that relating to the tenancy rights of the person who files the statement, but that relating to the bona fides of his belief that the land sought to be excluded by him is liable to be purchased by a cultivating tenant. The Land Tribunal and the Taluk Land Board thus operate in their respective fields and serve the purpose of the Act.

24. Now the certificate of purchase which the Land Tribunal issues (in the prescribed form) evidences the "assignment" of the assigned land to the purchaser. Sub-section (2) of Section 72-K of the Act mentioned above merely declares that the certificate shall be conclusive proof of that "assignment" of the right, title and interest of the land-owner and the intermediaries (if any) to the tenant in respect of the holding concerned (or portion thereof). There is nothing in the sub-section which could be said to declare that the finding recorded by the Tribunal in those proceedings would be conclusive proof of any other matter which it may determine so as to bind the Taluk Land Board to discharge its own functions under Section 85(5) of the Act.

25. The Board is thus quite free to cause the particulars mentioned in the statement filed under sub-section (2) of Section 85 to be verified and to ascertain whether the person filing the statement owns

or holds any other land, and to determine the "extent" as well as the "identity" of the excess land which he is required to surrender. If a certificate of purchase is issued by the Land Tribunal to any such person and he tenders it in proceedings before the Taluk Land Board, the Board is required by law to treat it as conclusive proof of the fact that the right, title and interest of the landowner (and intermediary) over the land mentioned in it has been assigned to him. It is however not the requirement of the law that the certificate of purchase shall be conclusive proof of the surplus or other land held by its holder so as to foreclose the decision of the Taluk Land Board under sub-section (5) of Section 85.

26. Mr. Warriyar is not justified in arguing that the Taluk Land Board has power only to determine the "identity" of the surplus land, leaving every other matter to the Land Tribunal. The argument loses sight of requirement of sub-section (5) of Section 85 that the Board shall, inter alia, by order, determine not only the "identity" of the land to be surrendered but also its "extents".

27. It would thus appear that even thought the certificate of purchase issued under sub-section (1) of Section 72-K conclusive proof of the assignment of the right, title and interest of the land-owner in favour of the holder in respect of the holding concerned under sub-section (2), that only means that no contrary evidence shall be effective to displace it, unless the so-called conclusive evidence is inaccurate on its face, or fraud can be shown (Halsbury's Laws of England, fourth edition, vol. 17, page 22, paragraph 28). It may be stated that "inaccuracy on the face" of the certificate is not as wide in its connotation as an "error apparent on the face of the record". It will not therefore be permissible for the Board to disregard the evidentiary value of the certificate of purchase merely on the ground that it has not been issued on a proper appreciation or consideration of the evidence on record, or that the Tribunal's finding suffers from any procedural error. What sub-section (2) of Section 72-K provides is an irrebuttable presumption of law, and it may well be regarded as a rule of substantive law. But even so, for reasons already stated, it does not thereby take away the jurisdiction of the Taluk Land Board to make an order under Section 85 (5) after taking into consideration the "conclusive" evidentiary value of the certificate of purchase according to Section 72-K(2) as far as it goes.

28. We are therefore of the opinion that the view taken in Kunjanujan Thampuran v. Taluk Land Board (1976 KLT 716) is not quite correct. While the High Court was justified in taking the view that the scope of the enquiry in the Taluk Land Board is that relating to the surplus land with which the Land Tribunal is not concerned, the certificate of purchase has its own "conclusive" evidentiary value to the extend provided in Section 72-K(2) in proceedings before the Taluk Land Board. It will therefore be for the Board to arrive at its own decision under sub-section (5) of Section 85, according to the law, and it will be permissible for it to examine, where necessary, whether the certificate is inaccurate on its face, or has been obtained by fraud or collusion.

29. Point No. 2 is decided accordingly.

30. Mr. Bhandare tried to raise an ancillary argument in C. A. No. 2585 of 1977 that if on the date on which the Taluk Land Board undertakes an enquiry for the determination of surplus land, a proceeding is pending before the Land Tribunal for the grant of a certificate of purchase, the Board will have no jurisdiction to examine a matter which falls within the jurisdiction of the Tribunal. We find, however, that no such question was raised for the consideration of the High Court, where the controversy was confined to the genuineness of the lease, and we are therefore not required to examine the abstract point of law set out by Mr. Bhandare. It will be sufficient for us to say that the ancillary argument can easily be answered in the light of our decision on point No. 2 if and when it

arises for consideration in a given case, for the function of the Board is to determine the extent and the identity of the land to be surrendered an not matters relating to the issue of certificate of purchase. If a certificate of purchase has a bearing on what the Board is called upon to decide, we have no doubt that the Board will take it into consideration, if it is produced for its consideration, with due regard to the evidentiary value assigned to it under Section 72-K(2) in the light of our decision on point No. 2.

Point No. 3

31. Some of the persons who owned or held lands exceeding the ceiling prescribed by the Act, had voluntarily transferred some of their lands after the publication of the Kerala Land Reforms Bill, 1963, in the State Gazette on September 15, 1963. Section 84 of the Act therefore provides that, except for the transfers mentioned in the section, the transfers so made shall be deemed to be transfers calculated to defeat the provision of the Act, and shall be invalid. The section has thus been linked with Section 82 which specifies the ceiling area. As has been stated, the ceiling area was considerably reduced by the amendment which was made in Section 82 by the Amending Act of 1969. That Act amended Section 84 also, with effect from January 1, 1970. It was again amended by Act 17 of 1972 (hereafter referred to as the Amending Act of 1972) with effect from November 2, 1972, when that Act came into force. It, inter alia, inserted sub-section (3) in Section 84 as follows :

> (3) For the removal of doubts, it is hereby clarified that the expression "ceiling area" in sub-section (1) and (2) means the ceiling area specified in sub-section (1) of Section 82 as amended by the Kerala Land Reforms (Amendment) Act, 1969 (35 of 1969).

The question therefore is whether the validity of the voluntary transfer is to be determined with reference to the ceiling area in force on the date of transfer, or the reduced ceiling area prescribed by the Amending Act of 1969. As has been stated, sub-section (3) of Section 84 was inserted on November 2, 1972, and the point for determination is whether it was retrospective or retroactive in operation so as to govern the transfers effected after September 15, 1963 (date of publication of the Bill of 1963) even though the original Section 84, read with the original Section 82, invalidated only those transfers which were in excess of the higher ceiling prescribed by the original Section 82.

32. Section 84 follows Section 82 which, it will be recalled, prescribes the ceiling area, and Section 83, which prohibits the owning or holding or possession (under a mortgage) land in excess of the ceiling area. As has been observed by this Court in Gangadharan case ((1977) 1 SCR 960 : (1977) 1 SCC 208 : AIR 1977 SC 311), Section 84 has been enacted with a view to making the provision of Section 83 and 85 effective. It makes references to "ceiling area" in sub-sections (1) and (2), and sub-section (3) states what exactly is meant thereby.

33. The sub-section clarifies that the expression "ceiling area" in sub-section (1) and (2) of Section 84 means the area specified in sub-section (1) of Section 82 "as amended by the Kerala Land Reforms (Amendment) Act, 1969 (35 of 1969)". As has been mentioned, that amendment was made by Section 66 which came into force on January 1, 1970. It is true that Section 15 of the Amending Act of 1972 (which inserted sub-section (3) in Section 84 of the Act) does not state that it has been made with retrospective effect, and sub-section (3) does not, in terms, state that it shall be deemed to have come into force from the date of the amendment which was made by the Amending Act of 1969. Even so, it is necessary to examine the true effect of the insertion of the sub-section and to

decide whether it is retroactive.

34. In doing so, we shall be guided by the plain and clear language of the sub-section, as that is the primary rule of construction, for the legislature is intended to mean what it has expressed. We shall also bear in mind the other equally important rule of interpretation that a statute is not to be read retrospectively except for necessity.

35. Section 84 has been enacted for the purpose of making certain voluntary transfers invalid on the ground that they are deemed to be calculated to defeat the provision of the law relating to imposition of ceiling on land. It is therefore correlated to Section 82 (which fixed the ceiling), and if the legislature decided that the ceiling should be reduced, it is natural that the deeming provision of Section 84 should attach to transfers in excess of the reduced ceiling because the crucial date of invalidation has been stated in Section 84, right from the inception of the Act, to be September 15, 1963, irrespective of the law relating to the ceiling. It will be remembered that the Act had not even come into force on September 15, 1963, but it, all the same, invalidated the transfers made after that date in excess of the ceiling it prescribed. So, as long as September 15, 1963, contains to remain the date with reference to which the transfers are to be invalidated, the variation in the extent of the ceiling has necessarily to work back to that date. The legislature therefore inserted sub-section (3) in Section 84 to clarify that the expression "ceiling area" in the earlier sub-section would mean the ceiling area specified in Section 82(1) as amended by the Amending Act of 1969, i.e. the reduced ceiling. In taking this view we have only taken into consideration the plain and clear wordings of the sub-section, and if in doing so it so happens that sub-section (3) becomes retroactive in operation, we must hold that it is so. Any other view of the meaning and effect of sub-section (3) will amount to disregarding what the legislature has expressed and reading more in the law than what it provides.

36. It has to be appreciated that, from the inception, the Act frowned on voluntary transfers effected after September 15, 1963, for the obvious reason that the Bill was published on that date in the State Gazette and those concerned knew that they would be required to surrender the excess lands. It is not surprising that voluntary transfers of land should have been made to get over that eventuality. Section 84 therefore provided from the very beginning that such transfers shall be deemed to be calculated to defeat the provisions of the Act and shall be invalid. When the ceiling fixed by the original Section 82 was considerably reduced by the Amending Act of 1969, and when the reduced ceiling was to govern the liability to surrender the excess land, it was only natural that provision should have been made to invalidate voluntary transfers effected after September 15, 1963 with reference to that reduced ceiling. It has to be appreciated that even those who did not want to defeat the provisions of the Act by voluntary transfers after September 15, 1963 and retained the lands themselves, were affected by the amendment which was made by the Amending Act of 1969 and were not entitled to claim that this should not be so merely because the Amending Act came into force later. A doubt was however raised about the matter in V. N. Narayanan Nair v. State of Kerala (1970 KLT 659 : AIR 1971 Ker 98). It was therefore considered necessary to introduce the Kerala Land Reforms (Amendment) Bill, 1972, Clause 15 of which, inter alia, provided for the insertion of the following as sub-section (3) of Section 84 of the Act :

> (3) For the removal of doubts it is hereby clarified that the expression "ceiling area" in sub-section (1) and (2) means the ceiling area specified in sub-section (1) of Section 82 as amended by the Kerala Land Reforms (Amendment) Act, 1969 (35 of 1969).

Notes on clauses were appended to the Bill. In paragraph 10 thereof it was stated as follows :

> There have been some doubts as to the scope of the expression "ceiling area" as used in the section. It is proposed to provide that the ceiling area referred to in the section is the ceiling area under the principal Act as amended by the Kerala Land Reforms (Amendment) Act, 1969 (35 of 1969).

The legislature inserted the sub-section without any change.

37. It is true that the intention of the legislature cannot be ascertained from any statement by way of a note on the clauses of a Bill or breviate and, as has been stated, the duty of the court is to find the natural meaning of the words in a statute, in the context in which they are used, but it has always been considered permissible, and even desirable, for a court, while interpreting a statute, to take note of the history of the statute and the circumstances in which it was passed or the mischief at which it was directed. The reason is that the meaning which is to be given to a statute should be such as will carry out its object. If sub-section (3) of Section 84 is examined with due regard to all these factors, it will appear that, as has plainly been stated in it, the "ceiling area" referred to in sub-sections (1) and (2) of that section for examining the question of the validity of the transfers made after September 15, 1963 is the reduced "ceiling area" specified by the Amending Act of 1969.

38. In fact as has been stated in Craies on Statute Law, seventh edition, at page 395, to explain a former statute, the subsequent statute has relation back to the time when the earlier Act was passed. In such a case, as the Act is "declaratory", the presumption against construing it retrospectively so as to respect vested rights, is not applicable. As sub-section (3) of Section 84 in terms clarifies the meaning of the expression "ceiling area" with reference to which certain voluntary transfers are to be invalidated, it is clearly retrospective as it is meant to invalidate the transfers made after September 15, 1963 when the Bill of 1963 was published.

39. We are therefore satisfied that the view taken in Narayana Pattar v. State of Kerala (1977 KLT 64 : AIR 1979 Ker 139) and others in this respect is quite correct and point No. 3 is decided accordingly.

40. In the result, the appeals in which only point Nos. 1 and 3 have been raised for our consideration fail and are dismissed.

41. We shall now examine those appeals in which point No. 2 and/or additional points have been raised for our consideration.

C.A. No. 869 of 1979 : Isaac Joseph v. State of Kerala

42. As we have taken a different view on point No. 2, and as the purchase certificate came up for consideration in the High Court, the appeal is allowed to the extent that the High Court shall re-examine the matter in the light of our decision on that point.

C.A. No. 876 of 1979 : P. Kunhukutta Tharakan v. State of Kerala

43. Mr. Warriyar has argued that the High Court has committed an error of law in taking the view that the certificate of purchase was not conclusive proof of the assignment of the right, title or interest of the land-owner and the intermediaries over the holding. In view of our decision on point No. 2, it is necessary that the High Court should re-examine the controversy. The appeal is therefore

allowed, and it is ordered accordingly.

C.A. No. 877 of 1979 : K. Parukutty Ammal v. State of Kerala

44. In the view we have taken on point No. 2 about the evidentiary value of the certificate of purchase, the appeal is allowed and the case is sent back to the High Court for fresh disposal according to law in that respect.

C.A. No. 878 of 1979 : K. Devaki Amma (In the case-title it reads "P. Ammalukutty Amma") v. State of Kerala

45. The view taken by the High Court in regard to the evidentiary value of the purchase certificate is not correct for reasons mentioned by us while dealing with point No. 2. The appeal is therefore allowed to this extent and the High Court shall re-examine its decision in this respect.

C.A. No. 879 of 1979 : G. S. Raman Mannadiar v. State of Kerala

46. While examining revision petition No. C.R.P. No. 4988/76-C, certificate or purchase came up for consideration in the High Court. In view of our decision on point No. 2, it will be necessary for the High Court to re-examine the matter. The appeal is allowed to this extent and it is ordered accordingly.

C.A. No. 2623 of 1977 : P. Kunhilakshmi Amma v. Taluk Land Board, Talappilly

47. Mr. Warriyar has argued that the appellant is a widow and that the ancestral lands have wrongly been treated as her own lands. We have gone through the judgment of the High Court but no such point was raised for its consideration. It cannot be allowed to be raised now and as no other point has been argued in this Court, the appeal fails and is dismissed.

C.A. No. 1015 of 1976 : Chettian Veetil Ammad v. Taluk Land Board, Badagara

48. It has been argued by Mr. Warriyar that a child in the womb on January 1, 1970 is a member of the family for purposes of Section 82(1)(c) of the Act and the contrary view taken by the High Court on the basis of its decision in Balakrishna Kurup v. State of Kerala (1976 KLT 421 : AIR 1977 Ker 13) is incorrect and should be set aside.

49. Clause (c) of sub-section (1) of Section 82 of the Act provides that in the case of a family consisting of more than five members, the ceiling area of the land shall be ten standard acres increased by one standard acres for each member in excess of five, subject to the limit prescribed by the clause. The expression "family" has been defined in clause (14) of Section 2 as follows :

> "family" means husband, wife and their unmarried minor children or such of them as exist.

And the expression "minor" has been defined by clause (36-A) to mean "a person who has not attained the age of eighteen years". So two postulates are necessary for obtaining the benefit of the increase of one standard acre for each member of the family in excess of five, namely, that the member should be in existence, and it should be possible to ascertain that he had not attained the age of eighteen years on the appointed date. Both these conditions cannot be said to exist in the case of a child en ventre sa mere and it will not therefore be regarded as a member of the family for purposes

of Section 82. We are aware that a child en ventre sa mere has been regarded in some legal systems as a person "in being" for the purpose of acquisition of property by the child itself, particularly in regard to gifts, but Section 82 of the Act with which we are concerned does not deal with any such contingency or benefit to the born child. The view taken by the High Court in Balakrishna Kurup case (1976 KLT 421 : AIR 1977 Ker 13) is therefore correct and as it has been rightly followed in the appeal before us, the appeal has no merit and is dismissed.

C.A. No. 1863 of 1977 : C. A. Venkatachallam Chettiar v. Taluk Land Board, Chittor

50. It has been argued by Mr. Warriyar that the lands in question should have been treated as joint family property and if that had been done there would have been no excess land for surrender. The claim was advanced on the basis of parol evidence and was rejected by the High Court. It is therefore a finding of fact and does not call of re-examination here. The appeal fails and is dismissed.

C.A. No. 40 of 1977 : E. V. Paul v. Taluk Land Board, Talappilly

51. It is not disputed that there is a pineapple canning factory on 2.15 acres, and there is a pineapple plantation on the adjoining area of 11 acres. It has been argued that the whole of 13.15 acres should have been exempted from the ceiling limit as it was a commercial site within the meaning of Section 2(5) of the Act. But, according to that definition, "commercial site" means (leaving out the inapplicable portion) any land which is used "principally for the purposes of any trade, commerce, industry, manufacture or business". A cross-reference to sub-section (5) of Section 101 shows that such a question has to be decided after taking into account the extent of, the amount invested in, and the income from, the portion so used and the remaining portion and the other relevant matters. It has been held that the 11 acres of land did not fall within this definition and the finding of fact that it is not a commercial site does not call for interference. The appeals fails and is dismissed.

C.A. No. 2585 of 1977 : P. J. Vetrivel v. State of Kerala

52. We have made a reference to this appeal in connection with the ancillary argument of Mr. Bhandare on point No. 2. It has been argued further that although 1.50 acres was given on lease to the other appellant who held a certificate of purchase, the High Court ignored the parol evidence and the certificate of purchase. We find however that the High Court did not interfere with the finding of the Taluk Land Board because there was no lease deed and there was "absolutely no material" to prove that the land was held by the tenants. The two "demand bills" of the Panchayat dated November 1, 1974, could not possibly prove that a lease was in existence before September 15, 1963. There is nothing on the record to show that a certificate of purchase was produced for the Board's, consideration, and it is futile to argue that its evidentiary value was ignored by the board. No such argument was advanced for the consideration of the High Court. The other argument regarding exclusion of 1.75 acres, on the basis of an alleged gift to the appellant's son, was not urged for the consideration of the High Court, and does not require consideration by us. The appeal has no merit and is dismissed.

C.A. No. 2811 of 1977 : Jayashree Tea & Industries Ltd. v. Taluk Land Board, Nedumangad

53. Mr. Bhatt has argued that the High Court erred in not granting the exemption for the entire area as a coffee plantation; but the finding of fact in this respect is against the appellant. The conversion of the land has also been held to be illegal. On the claim that the land used for growing fuel was

exempt as it fell within the definition of "plantation" under Section 2(44)(a) as it was an "ancillary purpose" also, there is a finding of fact against the Company. The appeal has no merit and is dismissed.

C.A. No. 227 of 1978 : Taluk Land Board, Peermade v. Southern India Tea Estates Co. Ltd.

54. The controversy before us relates to exclusion of "fuel area" and "rested area". The Company has claimed that it has planted red gum as fuel in 924.01 acres as it was required for the "manufacture of tea". The Taluk Board found it to be an exorbitant claim and reduced it 200 acres, but the High Court has restored the entire claim. The General Manager of the Company has stated that firewood is being supplied to the employees free of cost. So the claim to plant red plant red gum all over is belied by its General Manager's statement. Moreover supply of fuel wood cannot be said to be a purpose "ancillary to the cultivation of plantation crops". The Land Board has disallowed the claim for exemption of 136.17 acres, but it has been allowed in full by the High Court. H again the High Court was not justified in interfering with the Board's finding of fact for there was nothing to show that it was an area from which crop was not gathered at the relevant time. If that had been so, it might have been an area within the plantation. In fact it appears from the order of the Board that no other estate had made any such claim. The appeal is therefore allowed to the extent that the Board's decision is restored in both these matters.

C.A. No. 1309 of 1977 : V. G. Kuriakose, Vadakkekara House v. Taluk Land Board

55. Mr. Raghavan has argued that the Land Board erred in excluding only 25 cents on account of road and 55 cents for the house site and the approach road. These are findings of fact which have not been shown to be vitiated by any error of law or procedure and the High Court has given its reason for refusing to take additional evidence in regard to the alleged dedication of the road. The appeal has no merit and it is dismissed.

C.A. No. 2070 of 1977 : Subbadra v. State of Kerala

56. The appellant has been called upon to surrender 8.75 acres of land and the claim to exclude 6.29 acres on account of a will of 1963 in favour of the granddaughter has been rejected as the will has not been found to be genuine. Mr. Raghavan has not been able to show that finding which is essentially one of fact, can be said to require reconsideration when it is admitted that the will has not been probated so far. The appeal is without merit and is dismissed.

C.A. No. 143 of 1977 : P. A. Sivasubramonian v. State of Kerala

57. Mr. Raghavan has argued that the High Court has erred in rejecting the contention that as the appellant had two unmarried daughters who had attained majority before January 1, 1970, they were entitled to 6 acres each under Section 82(1) of the Act. But the two daughters did not have any share in the property under their personal law, and the Act did not give it to them. The High Court cannot be blamed for rejecting the claim, and the appeal is dismissed.

C.A. No. 882 of 1978 : Dr. T. R. Chandrasekhar v. Taluk Land Board

58. The High Court has remanded the case in some respects, but the grievance here is that although the appellant's unmarried daughter Sheela became a major in 1969 and was given a share in the partition held on December 15, 1969, that has not been excluded from the appellant's holding. We find that there was no satisfactory evidence to prove the partition and separate possession of the

daughter. The finding of fact is therefore against the appellant and dose not call for reconsideration here. The appeal is dismissed.

C.A. No. 883 of 1979 : Smt. Unneema Antherjanam v. Taluk Land Board

59. The grievance of the appellant is that the Taluk Land Board has revised its earlier order and raised the excess land for surrender from 7.66 acres to 11.09 acres. But that is permissible under Section 85(9) of the Act. The Board has justified the correction with reference to the reports already on the record and it has not been argued before us that they were not read correctly or that the excess land has been incorrectly determined. It may be mentioned that the Collector and the Tahsildars were authorised under Section 105-A(1) to make the reports which were lost sight of when the first determination of surplus land was made, and all that the Board has done is to rectify the mistake. There is no merit in this appeal and it is dismissed.

C.A. No. 362 of 1978 : Mammad v. State of Kerala

60. It has been argued by Mr. Harindranath that Mammad son of Mohammad Kutty was a major on January 1, 1970 and he was wrongly taken to be a minor for the determination of the ceiling area. But we find from the High Court's order dated July 5, 1976 that Mohammad Kutty had himself mentioned in the statement which he filed about his holding that his son Mammad was a minor on that date. It is therefore clear that the attempt to show that he was a major on January 1, 1970 was an afterthought, and it has rightly been rejected. The appeal is dismissed.

C.A. No. 881 of 1979 : Kodoth Krishnan Nair v. Taluk Land Board, Kasargod

61. Mr. Harindranath has argued that the house, cattleshed, tank, well and outhouse should have been exempted. But no such argument was advanced in the High Court and it cannot be agitated here. The other argument that the land which was on lease with C. Ouseph should have been allowed to be surrendered, is also futile in view of the findings about the alleged lease. The appeal is dismissed.

C.A. No. 2587 of 1977 : Thomas Kuriyan v. Tahsildar, Taliparamba Taluk

62. It has been argued that out of the 30 acres of land which was taken on lease on May 2, 1962, from Haji, one Palakkat Varkey was in possession of 13 acres which he refused to surrender and that land should have been left out of consideration. It has however been found as a fact that the alleged tenancy of Varkey had not been established, and there is nothing wrong if the plea to that effect has been rejected. The appeal is dismissed.

C.A. No. 895 of 1979 : Kuttikrishnan v. State of Kerala

63. We have dealt with the evidentiary value of the purchase certificate while examining point No. 2 which has a bearing on this appeal. The appeal is therefore allowed and the case is sent back to the High Court for fresh disposal in this respect, according to the law.

C.A. No. 894 of 1979 : K. Kesava Pillai v. State of Kerala

64. The only argument which has been advanced before us related to the question whether the finding about unculturable waste land is correct. That is a finding of fact which has not been shown to have been vitiated for any reason. The appeal is dismissed.

C.A. No. 870 of 1979 : Kurian Thomas v. State of Kerala

65. It has been argued by Mr. Sudhakaran that although certificates of purchase had been obtained by some of the tenants, they were not taken into consideration by the Land Board and the High Court. We find that no such argument was advanced in the Board or before the High Court and, as it happens, there is nothing to show that even the existence of the certificate of purchase was brought to the notice of the Board or the High Court. All that was urged in the High Court was that out of 30 acres acquired in 1962, the appellant got possession of only 17 acres, and that there was a lease of some land in favour of Avirah Joseph in 1962. These were questions of fact which the High Court rightly refused to re-examine. There is no merit in this appeal and it is dismissed.

C.As. Nos. 873 and 874 of 1979 : Kandu v. State of Kerala

66. The controversy relates to the three gift deeds executed after January 1, 1970. The High Court has refused to exclude the gifted lands, and in view of this Court's decision in Gangadharan case ((1977) 1 SCR 960 : (1977) 1 SCC 208 : AIR 1977 SC 311), that decision is correct as transfers made after January 1, 1970 have to be ignored even if they are of the excepted variety mentioned in Section 84 of the Act. The appeals fail and are dismissed.

C.A. No. 875 of 1979 : T. Devidas v. Taluk Land Board, Talappilly

67. It has been argued by Mr. Ramamurthi that the High Court erred in upholding the Taluk Land Board's view that the properties received by the deceased Nanikutty Amma under the partition deed of 1117 belonged to her exclusively as the property really belonged to "tavazhi" consisting of herself, her daughter and the lineal descendants. The High Court has examined the document concerned and held that the properties were private properties of the executants of the document. This is a finding of fact and there is nothing wrong with the view that the property which fell to Nanikutty's share was her own property. There is no merit in the appeal and it is dismissed.

C.A. No. 1019 of 1979 : P. V. Thomas v. State of Kerala

68. The appellant was directed by the Taluk Land Board to surrender 18.93 acres of land. His grievance was that the land in R. S. No. 1/2 was a private forest until it was converted into rubber plantation. The Board held that the conversion took place after April 1, 1964. As in a document of December 12, 1963 the land was a private forest, the High Court remanded the case for further enquiry. The Board re-examined the evidence and found that there was satisfactory evidence to prove that the land was not a Private forest as on April 1, 1964. The High Court has upheld that finding after examining the document of 1963. In view of that finding of fact, there is no merit in this appeal and it is dismissed.

C.A. No. 890 of 1979 : K. G. Thomas v. Taluk Land Board, Vaikom

69. Mr. Nambiyar has argued that the High Court erred in upholding the finding of the Taluk Land Board that the land in question was not forest but "paramba" and its conversion into "plantation" after April 1, 1964 had to be ignored under Section 82(4) of the Act. But that is a finding of fact, which has not been shown to have been vitiated, and does not call for interference here. The appeal is dismissed.

C.A. No. 885 of 1979 : K. P. Mohammed v. Taluk Land Board, Perinthalmanna

70. The Taluk Land Board made its order on November 21, 1975 determining the extent of the land to be surrendered by the appellant. He applied to the Board much after the period of 60 days prescribed in sub-section (8) of Section 85 to have that order set aside. No real attempt was made to explain the delay and the High Court therefore rightly upheld the Board's decision that the application was barred by limitation. The appeal fails and is dismissed.

C.A. No. 886 of 1979 : P. M. Kunhammed v. Taluk Land Board, Quallandy

71. The Taluk Land Board's earlier order was set aside by the High Court to the extent mentioned in its order dated November 16, 1976 and the Board was directed to dispose of the matter afresh. The Board allowed relief to the extent of 53.59 acres by exempting it as rubber plantation. But it disallowed the claim that 3.41 acres was arecanut garden in a part of the rubber plantation as it was interspersed within the boundary of the rubber estate, because it was found from the report of the authorised officer that this was not so The High Court has given satisfactory reasons for that view and there is no occasion for us to interfere with that finding. The appeal fails and is dismissed.

C.A. No. 903 of 1979 : T. V. Krishnan v. State of Kerala

72. The main controversy was that relating to the date of birth of the daughter of the appellant. The Taluk Land Board has held that she was a minor on January 1, 1970 and was a member of the appellant's family. That finding has been based on the entire in the school certificate, and as a certified copy of the birth register was not produced, it cannot be said that the High Court erred in refusing to disturb the Board's finding. The appeal is dismissed.

C.A. No. 574-575 of 1978 : Ravi Karuna Karan v. Taluk Land Board, Quilon

73. Special leave in these appeals has been granted "limited to the question of urban lands measuring 7.19 acres". The Board gave its finding in this matter after making the necessary enquiries and "visiting" the lands. The High Court has stated in its order dated October 11, 1976 on the review petition that the question of "non-applicability of the Act to non-agricultural lands" was not urged for its consideration. As it is essentially a question of fact, it does not require consideration in this Court. The appeals fail and are dismissed.

C.A. No. 2584 of 1977 : Smt. Varghese Mariam v. Taluk Land Board

74. The evidentiary value of the purchase certificate came up for consideration in this case in the High Court. In view of our decision on point No. 2, the appeal is allowed and the case is sent back to the High Court for fresh disposal in this respect according to law.

C.A. No. 2586 of 1977 : P. M. Kuruvilla v. State of Kerala

75. In view of our decision on point No. 2, the appeal is allowed and the case is sent back to the High Court for fresh disposal according to the law insofar as the question of exclusion of 23.57 acres of land in Trikhandambe village is concerned.

76. In the result C.As. Nos. 869 of 1979, 876 of 1979, 877 of 1979, 878 of 1979, 879 of 1979, 227 of 1978, 895 of 1979, 2584 of 1977 and 2586 of 1977 are allowed to the extent mentioned above. All the other appeals fail and are dismissed. The parties are left to pay and bear their own costs.

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