

PROCEEDINGS
OF THE
TRAVANCORE
SRI CHITRA STATE COUNCIL

Vol. XIII



DATA ENTERED

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TO THE
PROCEEDINGS
of
THE TRAVANCORE SRI CHITRA STATE COUNCIL.

Vol. XIII.

15th February, 1939 to 4th July 1939.
3rd Kumbham 1114 to 20th Mithunam 1114.

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PROCEEDINGS
of
THE TRAVANCORE SRI CHITRA STATE COUNCIL.

(OFFICIAL REPORT).

SECOND COUNCIL.

VOLUME XIII—NUMBER 1.

FOURTH SESSION—1939/1114.

Wednesday, the 15th February 1939|3rd Kumbhom 1114.

The Council met in the Legislative Chamber, Public Offices, at eleven of the clock with Sachivottama Sir C. P. Ramaswami Aiyar, Dewan-President, in the chair.

MEMBERS SWORN.

The following members took the oath and signed the rolls :—
Khan Bahadur G. S. Abdul Karim Sahib, *Commissioner of Police.*

Mr. M. Govinda Pillai, B. A., *Financial Secretary to Government.*

Mr. M. P. Joseph, B. A., B. L., *Excise Commissioner.*

Mr. Puthupalli S. Krishna Pillai, B. A., B. L., *Legal Remembrancer to Government.*

Mr. G. Narayanan Tampi, B. A., B. L., *Ag. Secretary to Government.*

Mr. M. K. Nilakanta Aiyar, B. A., B. L., *Ag. Chief Secretary to Government.*

Mr. P. Pararmeswaran Pillai, B. A., B. L., *Ag. Secretary to Government.*

Vaidyasastrakusala Dr. (Mrs.) M. Poonen Lukose, *Surgeon-General.*

Mr. M. Ramachandra Rao, B. A., *Land Revenue and Income Tax Commissioner.*

Mr. G. B. E. Truscott, *Chief Engineer.*

QUESTIONS AND ANSWERS.

The Trivandrum Public Library.

1. * **Mr. James Fletcher**: (*Kalkulam and Vilavancode cum Neyyattinkara*): Will the Government be pleased to state:

(a) for how many days the Trivandrum Public Library was closed on account of holidays during the year 1938;

(b) what is the total expenditure for one year for the staff of the reading section of the Public Library; and

(c) What extra expenditure will be required to keep the Public Library open every day of the year?

Mr. G. Narayanan Tampi: (*Ag. Secretary to Government.*) (a) 13 days.

(b) Rs. 912.

(c) Practically little or no additional expenditure will be involved in keeping the Library open every day of the year, but the holidays are allowed for other persons.

Mr. James Fletcher: Will the Government be pleased to make the necessary orders to keep the Public Library open every day?

Mr. G. Narayanan Tampi: Sir, it is not possible because certain special holidays have to be allowed to the Attenders.

Legislative Council Library.

2. * **Mr. James Fletcher**: Will the Government be pleased to state:

(a) the sum of money annually allotted for the Library of the Travancore Legislature

(b) what amounts were spent for the purchase of books or the library during the years 1111, 1112 and 1113; and

(c) whether any provision is made to make this library a well equipped one within one year from this date?

Mr. P. Parameswaran Pillai: (*Ag. Secretary to Government*): (a) The amounts sanctioned in the budget for purchase of books and periodicals under 15 General administration—Legislative Bodies during the years 1111 to 1113 are Rs. 2,000, Rs. 1,800, and Rs. 1,800 respectively. A sum of Rs. 500 was provided additionally by diversion for the year 1112.

	<i>Year.</i>	<i>Amount spent.</i>
(b)	1111	Rs. 914
	1112	Rs. 2348
	1113	Rs. 1323

(c) As in previous years, provision has been made this year also for the purchase of books to make the Library a well-equipped one.

Mr. T. Mahomed Ismail (*Nominated*): May I know whether any books have been purchased this year?

Mr. P. Parameswaran Pillai : Yes. Some books have been purchased and many more have been ordered for.

Mr. T. Mahomed Ismail : May I know whether this is a well equipped Library ?

Mr. P. Parameswaran Pillai : It is so.

*Cold storage plant in the Connemara Market
at Trivandrum.*

3. ***Mr. James Fletcher :** Will the Government be pleased to state :

(a) what is the total cost for the construction of a cold storage plant in Connemara Market, Trivandrum ;

(b) on what date was its construction completed ;

(c) what is the total expenditure incurred in connection with the working of the cold storage plant from the date of its completion to 31st December 1938 ;

(d) what is the total income from the cold storage plant from the date of its completion to 31st December 1938 ;

(e) who is now in charge of the cold storage plant; and

(f) whether the cold storage plant is working ; if not, is it in working order ?

Mr. M. K. Nilakanta Aiyar (Ag. Chief Secretary to Government) : (a) Rs. 22344-23-12.

(b) 10th Karkadakom 1113.

(c) Rs. 1316 0-11 exclusive of the cost on experiments.

(d) Rs. 1207-8-6.

(e) The superintendent of Fisheries.

(f) Yes.

Pending suits in the Munsiffs' and the District Courts.

4. ***Mr. G. Narayana Aiyar (Parur, Kunnattanad and Muvattupuzha cum Devicolam) :** Will the Government be pleased

(a) to lay on the table a statement showing the total number of cases included and kept pending in the waiting list in all the Munsiffs' Courts and in all the District Courts in the State on the 30th of Madam 1113 ;

(b) to state whether there is any restriction placed as to the age of cases to be included in the waiting list ; and

(c) to state whether there are cases included in the waiting list which are more than 2 years old, and, if so, what is the total number of such cases ?

Mr. M. K. Nilakanta Aiyar : (a) The statement is laid on the table.

(b) There is no general rule. The Courts, which keep waiting lists, do not include very old cases in the lists.

(c) Yes ; 1163.

Mr. G. Narayana Aiyar : May I know when this system was first introduced ?

Mr. M. K. Nilakanta Aiyar : I do not know the date.

Mr. G. Narayana Aiyar : May I know why it was introduced ?

Mr. M. K. Nilakanta Aiyar : The system was introduced to expedite disposal of the old cases.

Mr. G. Narayana Aiyar : May I know how far it has been successful in the speedy disposal of arrears ?

Mr. M. K. Nilakanta Aiyar : The High Court is looking into the matter.

Mr. G. Narayana Aiyar : Sir, as regards answer to part (a) it is given that 3,143 cases are included and kept pending in the waiting list on 13-9-1939. May I know the number of money suits that are included in such waiting list.

Mr. M. K. Nilakanta Aiyar : Sir, I claim notice.

Mr. G. Narayana Aiyar : May I know whether the High Court has given instructions to the subordinate courts as regards the selection of the nature of suits to be included in the waiting list ?

Mr. M. K. Nilakanta Aiyar : No particular instructions have been given by the High Court.

Mr. G. Narayana Aiyar : May I know whether Government are aware that money suits of more than two years duration have been included in the waiting list ?

Mr. M. K. Nilakanta Aiyar : No, Government are not aware.

Mr. G. Narayana Aiyar : May I know what is the file in the Krishnapuram Munsiff's Court for the year 1113 where we find 598 cases included in the waiting list ?

Mr. M. K. Nilakanta Aiyar : I claim notice.

Gradation list of Subordinates.

5. ***Mr. Sultan Muhiadheen** (*Trivandrum and Nedumangad cum Chirayinkil*) : Will the Government be pleased to state :

(a) whether in the standardisation G. O. there was an order that the gradation list should be brought up-to-date within a period of three months from the date of the order ;

(b) whether in pursuance of that order a gradation list was prepared and published in every department ;

(c) the departments which did not publish such a gradation list with reason for the same ; and

(d) whether a gradation list cannot be published as it stood on 1-2-1112 on the basis of date of first entry in service before the publication of the Public Service Commission G. O. for all with equal qualifications ?

Mr. M. Govinda Pillai (*Financial Secretary to Government*) : (a) No. But the Heads of Departments were directed to

forward the nomination lists of their subordinates for verification and necessary action. There was no order that they should be brought up to date within a period of three months from the date of order.

(b) Nomination lists have been received from all Departments and Government have issued orders on them.

(c) This does not arise in view of the answer to part (b).

(d) Gradation lists of the staff are maintained in every Department and they are corrected and maintained up-to-date. There is no necessity to prepare a new list as it stood on 1-2-1112 alone.

Appendix.

[Vide Answer to Question No. 4. (a).]

Statement showing the total number of cases included and kept pending in the waiting list in the following Munsiffs' Courts and District Courts in the State on the 30th Medom 1113.

Name of Court.	Number of cases included and kept pending in the waiting list on 30-9-1113.
District Court, Quilon, Second Bench	14
District Munsiff's Court, Adoor	4
Do. Pattanamtitta	79
Do. Krishnapuram	598
Do. Karunagapally	87
Do. Thiruvella	18
Do. Changanacherry	564
Do. Minachil	466
Principal Munsiff's Court, Kottayam	140
District Court, Alleppey, Second Bench	31
Additional District Munsiff's Court, Alleppey	248
District Munsiff's Court, Ambalapuzha	132
Do. Haripad	41
Principal District Munsiff's Court, Shertallai	50
Temporary Additional District Munsiff's Court, Shertallai	83
Principal District Munsiff's Court, Vaikom	9
District Court, Parur	7
Munsiff's Court, Parur	273
Do. Perumbavoor	304
Do. Thodupuzha	45
Total	3,143

N. 3.—In other Courts, no waiting lists are kept.

President: Order, order. I have received notices of two adjournment motions. The first is from Mr. P. Balakrishnan Tampi.

"I beg leave to move that the business of the House be adjourned for the purpose of discussing a definite matter of urgent public importance viz., the serious public dissatisfaction at the reported ill-treatment of political prisoners and under-trial prisoners in the Central Jail, and the grave public anxiety caused by the reported hunger-strike resorted to by the prisoners as a protest against the ill-treatment meted out to them."

Mr. Padiyara Joseph Kunju: (*nominated*) സർ, ഈ അടിയന്തിര പ്രമേയം ഇവിടെ അവതരിപ്പിക്കുന്നതിനെ ഞാൻ എത്രക്കുന്നു

President: Has the honourable member the leave of the House? Those in favour of leave being granted will rise in their seats.

(Two honourable members rose in their seats)

Only two members having risen in their seats, the honourable member has not the leave of the House.

The other motion is from Mr. V. S. Arumukham Pillai and it reads thus:

"I beg to move for an adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance, namely, the distress caused among the ryots of Nanjinad by the realisation of tax and water cess in respect of lands left fallow for the Kanni crop of 1114 owing to continued drought."

Has the honourable member the leave of the House to move the motion? (*The House signified their assent*) Yes, the honourable member has the leave of the House and the motion will be discussed tomorrow afternoon at the usual time.

BREACH OF PRIVILEGES OF THE LEGISLATURE COMMITTED BY THE 'MALAYALI'.

Mr. Kottur Kunjukrishna Pillai: Sir, before the business of the House is begun, I wish to raise a question of privilege of the House. In the 'Malayali' dated 9th February 1939, there appears a report of a speech made by a retired officer in which he has stated thus;

മൻ അംഗങ്ങളെ അയോഗ്യരാക്കി കഴിഞ്ഞതിനുശേഷം ഗവണ്മെൻറ പക്ഷക്കാരായ കറെമരക്കൈകൾ മാത്രമാണ് ഇപ്പോൾ ഇവിടെയുള്ളത്.

Because 19 members have been disqualified the remaining hands in the Legislature are wooden hands. He also states further that ഇവിടെ ഈ മെമ്പറന്മാരല്ലാതെ ഇപ്രകാരം മരക്കൈകൾ മാത്രം ഉണ്ടായിരിക്കുന്നത് നന്നല്ല.

In the Legislature without these members who are disqualified it is not good to have these wooden hands alone.

He also states the reason why he says that it is not good. He states that because there are a large number of important Bills coming up it is not enough to have these wooden hands. The insinuation contained in the use of the word 'wooden' is clear and unambiguous.

Mr. Padiyara Joseph Kunju : മെമ്പർ വായിക്കുന്നത് മലയാളിയുടെ ലിഡിംഗ് ആർട്ടിക്കിൾ ആണോ?

Mr. Kottur Kunjukrishna Pillai : അല്ല. മലയാളിയുടെ റിപ്പോർട്ടാണ്.

Mr. Padiyara Joseph Kunju : ആ ലേഖനകർത്താവു ആരാണെന്നു പറയാമോ?

Mr. Kottur Kunjukrishna Pillai : It is a report of the 'Malayali.' The paper has to take the responsibility of publishing this insinuation and defamatory statement about the whole legislature and the man who made the speech has not denied nor has he contradicted the report. He is a pensioned officer of the Government and he has abused this House whose privileges are guarded by the statute given by His Highness the Maharaja. I think, Sir, this House and the President of this House, who is the custodian of the rights and privileges and dignities of this House ought to take very serious notice of such action. Sir, the insinuation is all the more great because it comes from one from whom we expect greater responsibility and great rectitude in his conduct.

Mr. Padiyara Joseph Kunju : സർ, എന്റെ ചോദ്യത്തിന് ഇതുവരെ മറുപടി പറഞ്ഞിട്ടില്ല. ആ ലേഖനകർത്താവ് ആരാണെന്നാണ് എനിക്ക് അറിയാവുന്നത്.

Mr. Kottur Kunjukrishna Pillai : Sir, I replied that it is not an article.

It is a report of the Malayali.

Mr. Padiyara Joseph Kunju : ആ ലേഖനമെഴുതിയത് ആരാണ്.

Mr. Kottur Kunjukrishna Pillai : Sir, I am not aware of it. The speech quoted is put in quotation marks and the speech was made by Mr. Changanacherry Paramesvaran Pillai who was the President of that protest meeting.

I think we should not allow such conduct to go uncorrected. I think two courses are open: the paper should not be allowed the privileges of reporting in this House. The person who made the speech ought to be dealt with by Government because he gets a pension from Government. He attacks the very privileges and dignities conferred upon this House by His Highness the Maharaja.

[Mr. Kottur Kunjukrishna Pillai].

I Therefore request you, the president of this Council, to take appropriate action which would prevent such conduct in future.

President : The hon'ble member has drawn the attention of the Chair to the report in a newspaper reflecting upon the conduct and character of the members of the Travancore Legislature. I take it that the hon'ble member has placed a copy of the particular issue of the newspaper in the hands of the Secretary ; the hon'ble member may do so now if he has not done so already. (*Mr. Kottur Kunjukrishna Pillai handed over a copy of the newspaper to the Secretary*). Steps will be taken to verify the report and to ascertain the exact statement that was made.

Now, there are two points which have to be considered and ruled upon by the Chair. The first is whether this publication is a breach of the privileges of this House. As to this, I have very little hesitation in saying that it is a grave contempt of the Legislature and on the members of the Travancore Legislature, committed by those responsible for the publication. The law on the subject is perfectly clear, and has been explained at page 91 of Parliamentary Practice by Erskine May (13th edition)

“Libels upon members have been constantly punished. But to constitute breach of privilege they must concern the character or conduct of members in that capacity ; and as is explained on page 267, libel must be based on matters arising out of the transaction of the business of the House.”

The matter is explained more fully in the succeeding paragraphs.

Now, if the extract from the speech referred to by the honorable member is analysed, it will be seen that that publication suggests that in the absence of certain members of the Legislature, the other members are of no account and are to be regarded as either inanimate objects or automata ; in other words, it suggests that the members of the Legislature other than the nineteen referred to have no personality or will of their own and are thereby disentitled to be treated as an active portion of the highest deliberate body in the State. To say that is to impute the greatest possible mental and moral defect, and the gravest possible reflection is made thereby upon both the character and conduct of the members of the Legislature. I rule that the publication referred to by the honorable member is a breach of the privileges of the House and constitutes a grave case of contempt of this House.

The matter having been disposed of, the next question which arises for decision is the action to be taken. It is not possible for the House or for the President to take any action in regard to the speaker at the meeting in question ; because he is neither a member of the Legislature nor a person in any way amenable directly and

definitely to the jurisdiction of the Legislature under its existing powers. All that can be done is to place on record the opinion of this House leaving it to such constituted authorities as may have jurisdiction in the matter to exercise that jurisdiction, if they are so disposed and to exercise it effectively. Therefore, in regard to the honourable member's request that this House should directly take notice of the alleged speech at the meeting by dealing with the speaker's pension or otherwise, I must rule that portion out of order, except to the extent that the honorable member is entitled to bring to the notice of the House the contempt that has been committed, and the breach of privilege of the House that has taken place.

The case is very different with regard to the journal in question. This Council and the Sri Mulam Assembly both extend certain courtesies and facilities to the members of journalistic profession; and the uniform rule in such cases is that, if members of journalistic profession misuse the facilities and privileges given to them by being guilty of disrespect to the House or commit any contempt or breach of privilege, those facilities and those conveniences may be withheld. There are other ways in which the displeasure of the House may be expressed. But before doing so, it is the elementary duty of this House to satisfy itself that the journal has been so guilty. Steps will be accordingly taken by the Secretary to call upon the Editor and Manager of the paper concerned to show cause why steps should not be taken against such paper by virtue of and in consequence of the breach of privilege, and contempt committed by that journal and brought to the notice of the House.

Bills assented to by His Highness the Maharaja.

The Secretary to the Council then reported that the following bills had received the assent of His Highness the Maharaja:—

1. The Travancore Public Accounts Regulation Amendment Bill.
2. The Travancore Criminal Law Amendment Bill.
3. The Travancore Hindu Widows Remarriage Bill.
4. The Travancore Trade Dispute Bill.
5. The Travancore Abkari Regulation Amendment Bill.
6. The Travancore Irrigation Regulation Amendment Bill.
7. The Travancore Factories Bill.
8. The Travancore Companies Bill.

PANEL OF CHAIRMEN:

President: Under Rule 3 (i) of the Travancore Legislative Rules, I have nominated Mr. Kottur Kunjukrishna Pillai and Mr. M. Govindan to form the panel of chairmen for the current session of the Council.

LECTION OF A MEMBER TO THE PUBLIC ACCOUNTS COMMITTEE

President : The election of a member to the Public Accounts Committee from among the non-official members of the Council, in place of Mr. R. V. Thomas, will take place, after the day's business is over, under the chairmanship of Mr. M. Govindan.

STATEMENT LAID ON THE TABLE.

Mr. M. Govinda Pillai: (*Financial Secretary to Government*): Under rule 76 of the Travancore Legislative Rules, I beg to lay on the table the following statement of expenditure authorised by the Government under Section 32 of Regulation II of 1108.

Demand.	Amount in Rupees.	Particulars.
1113.		
I. Land Revenue.	3,940	For the settlement of claims in respect of Shendurney Valley Coffee Estates.
VI. Administration of Justice.	1,000	To meet the additional charges under, 6 E—Administration of Justice—Law Officers—Other Law charges.
VII. P. W. D. including Capital expenditure not charged to Revenue.	9,741	For the investigation of the construction of small storage reservoirs in South Travancore.
Do.	50,000	For the Transport Department, for works by the P. W. D. and the Electrical Departments.
VIII. Medical.	25,000	To meet the additional expenditure under 25 B—Medical—Dieting charges.
Do.	1,950	For the payment of passage money to Dr. James Simpson.

Demand.	Amount in Rupees.	Particulars.
1113.		
XI. Public Health and Sanitation.	21,500	To meet the additional expenditure under 25 G—Medical Prevention of Epidemics.
XIII. General Administration excluding Financial Secretariat, Account Office, Legislative Bodies and Public Service Commissioner.	2,000	To meet the contingent expenditure of the Secretariat.
XVIII. Industries including Clay Refining and Porcelain Factory.	500	To meet the additional expenditure under Sales Depot, Bombay.
Do.	19,000	For expenditure in connection with the construction of permanent buildings for the Ceramic works at Kundara.
XXVIII. Scientific and Miscellaneous Departments.	1,930	For payment of T. A. to the members of the Economic Development Board.
Do.	500	To meet the expenditure on account of the pay of the menial staff in the Sri Chitralayam,
XXVII. Stationery and Printing.	6,700	To meet the additional expenditure under Government Press—Piece Work establishments, etc.
1114.		
IV. P. W. D. including expenditure not charged to Revenue.	950	For urgent works to be carried out in the Pallipuram Fort.

Demand.	Amount in Rupees.	Particulars.
1114.		
IV. P. W. D. including expenditure not charged to Revenue.	5,000	For re-metalling the road from the East Fort Gate to Thiruvallam.
Do.	10,100	For widening and metalling the road around the Residency, Trivandrum.
XV. Police.	81,552	To meet the expenditure on account of the recruitment of 500 Armed Reserve Police temporarily for 6 months.
XVI. Agriculture and Fisheries.	1,011	To meet the expenditure on account of the increase in the staff of milkers, caretakers etc., of the Government Dairy Farm.
XXX. Scientific and Miscellaneous Departments.	6,555	To meet the expenditure on account of salaries, establishment, etc., of the Government Museum.
XXXI. Miscellaneous charges.	469	For the granting of financial help to poor persons rendered homeless by sea erosion between Alapad and Kuzhithura.
XXXVII. Loans—Other Loans and Advances.	2 03, 72	To meet the expenditure on account of the grant of a loan of B. Rs. 2 lakhs to the Trivandrum Central Co-operative Bank.
Do.	20,357-4-0	To meet the expenditure on account of the grant of a loan of B. Rs. 20,000 to the Metropolitan Bank Ltd., Trivandrum.

DEMANDS FOR SUPPLEMENTARY GRANTS.

DEMAND II—MEDICAL.

Vaidyasastrakusala Dr. (Mrs.) M. Poonen Lukose (*Surgeon General*) : Sir, I beg to move for a supplementary grant not exceeding Rs. 3,956- under Demand II—Medical, for the maintenance of the electrical installation in the Leper Colony, Nooranad.

Mr. Padiyara Joseph Kunju : നൂറനാട്ട് ഇലക്ട്രിക്സ് ഇൻസ്റ്റലേഷൻ ഏർപ്പെടുത്തണമെന്ന് നിശ്ചയിച്ചത് എപ്പോഴാണ്?

Vaidyasastra Kusala Dr. (Mrs.) M. Poonen Lukose : കഴിഞ്ഞ മേടമാസത്തിലാണ് ഇൻസ്റ്റലേഷൻ ഏർപ്പെടുത്തിയത്.

Mr. Padiyara Joseph Kunju : അതിനുശേഷമാണ് കർക്കടകം ബഡ്ജറ്റുസെഷൻ നടന്നത് എന്നുള്ള വിവരം അറിയാമോ?

Vaidyasastra Kusala Dr. (Mrs.) M. Poonen Lukose : അറിയാം.

Mr. Padiyara Joseph Kunju : ബഡ്ജറ്റു സെഷനിൽ ഈ തുക ആവശ്യമാണെന്നുള്ള ധനാഭ്യർത്ഥന കൊണ്ടു വരാത്തത് എന്തു കൊണ്ടാണ്?

Vaidyasastra Kusala Dr. (Mrs.) M. Poonen Lukose : മേടമാസത്തിലാണ് ഇലക്ട്രിക്സ് ഇൻസ്റ്റലേഷനെപ്പറ്റിയുള്ള എസ്റ്റിമേറ്റു കിട്ടിയത്. അതിനു മുമ്പ് മെഡിക്കൽ ഡിപ്പാർട്ടുമെന്റിലേക്കുള്ള ബഡ്ജറ്റ് എസ്റ്റിമേറ്റു ഗവണ്മെന്റിലേക്കു അയച്ചു പോയതിനാലാണ് ഈ തുക അപ്പോൾ ആവശ്യപ്പെടാൻ സാധിക്കാതെ പോയത്.

Mr. Padiyara Joseph Kunju : കർക്കടകത്തിനുമുമ്പ് ബഡ്ജറ്റു എസ്റ്റിമേറ്റു കിട്ടിയാൽ പോരേ?

Vaidyasastra Kusala Dr. (Mrs.) M. Poonen Lukose : കർക്കടകത്തിനുമുമ്പ് കിട്ടിയാൽ പോരാ. ഓരോ ഡിപ്പാർട്ടുമെന്റിലേക്കും ആവശ്യമുള്ള ബഡ്ജറ്റ് എസ്റ്റിമേറ്റു ഗവണ്മെന്റിലേക്ക് അയക്കുന്നതിനുമുമ്പ് കിട്ടിയാൽ മാത്രമേ അപ്പോൾ ആ തുക ആവശ്യപ്പെടാൻ സാധിക്കുകയുള്ളൂ.

Mr. Padiyara Joseph Kunju : ഓരോ ഡിപ്പാർട്ടുമെന്റിൽ നിന്നും സാധാരണയായി ഏതു മാസത്തിലാണ് ബഡ്ജറ്റു എസ്റ്റിമേറ്റു ഗവണ്മെന്റിലേക്കു അയച്ചുവരുന്നത്?

Vaidyasastra Kusala Dr. (Mrs.) M. Poonen Lukose : മേടമാസത്തിനുമുമ്പ് ബഡ്ജറ്റു എസ്റ്റിമേറ്റു അയക്കും.

Mr. Padiyara Joseph Kunju : മെഡിക്കൽ ഡിപ്പാർട്ടുമെന്റിലെ ബഡ്ജറ്റു എസ്റ്റിമേറ്റു അപ്പോൾ നേരത്തെ അയയ്ക്കാൻ കാരണമെന്താണ്?

Vaidyasastra Kusala Dr. (Mrs.) M Poonen Lukose : മെഡിക്കൽ ഡിപ്പാർട്ടുമെന്റിലെ ബഡ്ജറ്റു എസ്റ്റിമേറ്റു മീനമാസത്തിൽ അയച്ചു കഴിഞ്ഞു. സാധാരണയായി അയക്കുന്നതു അപ്പോഴാണ്.

Mr. Padiyara Joseph Kunju : ഗവണ്മെന്റു ഉദ്യോഗസ്ഥന്മാർ സപ്ലിമെന്ററി ഗ്രാന്റ് കൊണ്ടുവരിക എന്നുള്ളതു ഇപ്പോൾ ഒരു സാധാരണ പതിവായിത്തീർന്നിരിക്കുകയാണ്. അവരുടെ ഉപേക്ഷയോ നിയമപരമോട് അവർക്കുള്ള അവഗണനയോ അവരുടെ അലസതയോ കൊണ്ടാണ് ഇപ്രകാരം സംഭവിക്കുന്നതു. ഈ ധനാഭ്യർത്ഥന അത്യാവശ്യമായ ഒരു സംഗതിയാണെന്ന് ഞാനും സമ്മതിക്കുന്നു. പക്ഷെ, ചുമതലപ്പെട്ട ഉദ്യോഗസ്ഥന്മാരുടെ അലസതമൂലം യഥാകാലം അതായതു ബഡ്ജറ്റു കാലത്തു ഈ ധനാഭ്യർത്ഥന കൊണ്ടുവരാതെ ഇങ്ങനെ ഒരു സപ്ലിമെന്ററി ഗ്രാന്റായി കൊണ്ടുവന്നിരിക്കുന്നതുകൊണ്ടു ഞാൻ ഇതിനെ എത്രക്കുന്നു.

The motion was put to the House and carried and the grant made.

DEMAND IV—PUBLIC WORKS DEPARTMENT.

Mr. G. B. E Truscott (Chief Engineer): Sir, I beg to move for a grant not exceeding Rs. 2,20,030 under Demand IV,—Public Works Department, Rs. 2,17,910 for repairing the road between Alwaye and Munnar in connection with the introduction of the transport scheme, and Rs. 2,120 for additions and alterations to the Cantonment Bungalow.

The Demand was put to vote and carried.

The grant was made.

DEMAND VII—EXCISE.

Mr. M. P. Joseph (Excise Commissioner) Sir, I beg to move for a supplementary grant not exceeding Rs. 3,845 (Rs. 1,345 for the reorganisation of the statistics branch in the Excise Commissioner's office, and Rs. 2,500 for the construction of buildings for holding the office and the Guard posts in the Palkulam Salt Factory) under Demand VII—Excise.

Sir, the reorganisation of the statistics branch in my office was contemplated some time ago. The compilation of statistics for the purpose of trade in general and for the solution of the several

problems which arise out of the Interportal Convention, the Federation and the Cochin Harbour scheme, has been engaging the attention of Government for some time past; and the Government asked the Excise Commissioner to submit a scheme on the matter.

A special officer was sent from here to Karachi, Bombay and to the office of the Director of Commercial Intelligence to study statistics and then submit a report. He submitted a scheme which was scrutinised by my predecessor, Mr. M. K. Nilakanta Aiyar and he recommended the scheme.

President: Order, order. Details regarding the recommendations of heads of departments to Government are not in order.

Mr. M. P. Joseph: The scheme consists of two parts. The Statistics department is divided into two branches, the audit branch and the statistics branch. In the statistics branch the proposal was to have 13 clerks and in the audit branch 4 clerks. The work of the statistics branch consists in the posting and registration of several returns which are received daily from the 73 customs houses in the State. Ten of these clerks will do posting work, two of them will be engaged in the compilation of monthly and annual returns. About 600 returns are being received daily.

President: I may invite the honourable member's attention to the remarks made by Mr. Padiyara Joseph Kunju, and in any remarks that he makes the honourable member will please take care to indicate the reason why the supplementary grant was necessitated.

Mr. M. P. Joseph: Yes, Sir. A lump sum of Rs. 3,000 was allotted and granted by the Legislature at the time of the last budget session. But this was not found sufficient for the reorganisation of the Department. About a sum of Rs. 1,345 was found to be further required and so this grant is now asked for by me. That is all I have to say as to why this supplementary grant is made.

Mr. Padiyara Joseph Kunju: നിർഭാഗ്യവശാൽ ഇതിനേയും എത്ര ക്ഷണത്തിനുള്ള ചുമതലയാണു എനിക്കു വന്നുകൂടിയർക്കുന്നത്.

President: Far from a misfortune, it is a very good fortune.

Mr. Padiyara Joseph Kunju: കർക്കടകമാസത്തിൽ നടന്ന ബഡ്ജറ്റുസമ്മേളനത്തിൽ ഈ ആവശ്യത്തിലേക്കു തുക അനുവദിച്ചു എന്നും ആ തുക പോരതെ വന്നതിനാലാണു ഇപ്പോൾ ആവശ്യപ്പെട്ടു

[Mr. Padiyara Joseph Kunju.]

നതു എന്താണു അതിലേക്കു പറയുന്ന കാരണങ്ങൾ. എന്നാൽ അതു വരിച്ചു തുക എന്തുകൊണ്ടു പോരാതെവന്നു എന്തുള്ളതിനു അദ്ദേഹം തുച്ഛീകരമായ സമാധാനം പറയുന്നില്ല. അതിനെക്കുറിച്ചു എക്സൈസ് കമ്മീഷണറുടെ സമാധാനം കേട്ടാൽകൊള്ളാം.

Mr. M. P. Joseph : At that time the scheme was not sanctioned by Government and unless the scheme is sanctioned we do not know what the exact amount is. So the lump sum allotment was asked for at that time.

Mr. G. Narayana Aiyar : May I know from the member when the scheme was sanctioned by Government?

Mr. M. P. Joseph : It was sanctioned only recently.

The question was then put and the motion was carried and the grant was made.

XVII. INDUSTRIES INCLUDING CLAY REFINING AND PORCELAIN FACTORY—Rs. 30,000.

Mr. G. B. E. Truscott Sir, I move for a supplementary grant of Rs. 30,000 for finishing the works relating to the opening of the Clay Refining and Porcelain Factory at Kundara.

President : Will the honourable member enlighten the House as to the reasons for making this supplementary grant?

Mr. G. B. E. Truscott : I have to say this that in connection with the works that were hoped to be finished last year, it was found impossible to do so and so funds amounting to about Rs. 15,000 were surrendered. The remaining sum includes some extra works which have been found necessary after the last budget session.

Mr. Kottur Kunjukrishna Pillai : May I know from the member whether this is an item of expenditure that has been granted at the time of the last budget session and because the amount became insufficient an additional amount is now wanted?

Mr. G. B. E. Truscott : As I said, in regard to the works that were hoped to be finished but were not before the end of last, funds were surrendered. We hoped to be able to pay the bills for the works to be carried out that year.

Mr. G. Narayana Aiyar : May I know when is the time for the actual adjustment of accounts?

Mr. G. B. E. Truscott : After the last budget session.

Mr. Kottur Kunjukrishna Pillai: Sir, I was not able to understand under that sub-section of rule 77 this supplementary grant has been made. It has to be clearly understood that a supplementary grant can be asked only under certain conditions. The first circumstance that is stated is that the amount voted in the budget and for which the vote of the Legislature is necessary should be found to be insufficient for the purpose of the current year. The next condition is that the need should have arisen in the current year for the expenditure for which the vote of the legislature is necessary, but which could not be contemplated at the time of the regular budget for the year. Sir, about the first, the Chief Engineer stated that it was not a case in which the amount already voted became insufficient and an additional amount became necessary for the completion of the work and in the middle of the year the department finding that that amount is not sufficient is coming up with a supplementary grant. That will be a legitimate ground for a supplementary grant. But in reply to my question to the Chief Engineer he said that he had surrendered some sum last year. That is not an explanation at all for the supplementary grant under rule 77. It has no relevancy so far as this House is concerned in considering the question whether a supplementary grant is regular or not. He then stated that this is a service that was not contemplated, and that this is a new service. He says that it would come under sub-section (b). Sir, I wish to know whether the question of providing buildings for the clay refining and porcelain factory at Kundara was under the consideration of the Department at all. It is no use saying that this particular item was not under the consideration of the department. It ought to have been under the consideration of the Chief Engineer if he was making an estimate worth the name. The question certainly was before the Government and before the Chief Engineer. There is no use saying that this item was not within the knowledge of the Chief Engineer. It ought to have been within the knowledge of the Chief Engineer. Otherwise, what is the use of making estimates? What is the basis on which estimates are made? And what is the purpose of providing funds at the time of the regular budget session? I am at a loss to understand. Sir, we are insisting on the strict adherence to the rules because we know that these rules are provided for the financial control which ought to be exercised by this House. These are valuable provisions given to us to exercise control over the expenditure incurred by various departments. It is no use saying that it was not under the contemplation of the Government or of the Chief Engineer. It ought to have been under contemplation and understanding of the Chief Engineer when he prepared the estimates for this year. Otherwise, I cannot understand, Sir, why

[Mr. Kottur Kunjukrishna Pillai.]

these estimates are prepared and why we should have such a highly paid officer for this department. He must be able to anticipate the expenditure. He must provide for the amount that is likely to be incurred. He must see that it comes in the regular budget session. Otherwise he can come at any time before the House and ask for a supplementary grant for anything. If you know how to do your work, you should be able to anticipate the expenditure.

President: Order, order. The honourable member must address the Chair.

Mr. Kottur Kunjukrishna Pillai: That is all I have to say.

Mr. M. Govinda Pillai: May I explain the position, Sir?

Mr. Padiyara Joseph Kunju: I rise to a point of order.

സർ, ചീഫ് ഇഞ്ചിനീയർ ഒരു ധനാഭ്യർത്ഥന കൊണ്ടുവരികയും ഏതെങ്കിലും ഒരുമെമ്പർ അതിനെ എതിർക്കുകയും ചെയ്തതിനുശേഷം ഫിനാൻഷ്യൽ സെക്രട്ടറി അതിനു മറുപടി പറയുന്നതു എങ്ങിനെയാണു്?

President: Order, order. This is a matter relating to a procedural point in relation to a financial business. So, in all supplementary grants and in the budget, the Financial Secretary has a concurrent jurisdiction with the head of every department in regard to this matter and therefore for the purpose of elucidating what may be called the accounts or the financial side of it, he has a right to speak.

Mr. Kochikal P. Balakrishnan Tampi: May I know whether any member of the House, whether official or non-official, is not entitled to take part in the discussion?

President. Apparently what Mr. Padiyara Joseph Kunju wanted to raise was that elucidation or explanation by one officer of another official's supplemental grant should not be admitted.

Mr. M. Govinda Pillai: Sir, at the very outset, let me assure the House that Government have absolutely no intention to effect any deviation from the rules laid down in the Manual. The circumstances of this case may be briefly stated. The budget for the year 1115 contained the necessary provision for the work referred to by the Chief Engineer. The difficulty was that the works were not completed during the currency of the year 1113 and therefore it was not possible for the Chief Engineer to make the necessary payments during that year. What the Chief Engineer referred to when he said he had surrendered some amount was that under the provisions of the Financial and Account Code when he

found that the expenditure actually budgetted for could not be incurred wholly, he was bound to make the surrender of the unexpended amount. It was not because he did not contemplate the contingency of the actual payment. He did contemplate that contingency and he did make the necessary provision in the budget for the purpose. But the difficulty was that he was unable to incur the expenditure because the work was not completed. Only the preliminaries were completed and therefore the department was unable to make the full payment for the work contemplated and budgetted for. The work was completed only during the current year and the payment has only now to be made. It is a debt of honour to be incurred and as such Government are entirely within their rights and within the rules to approach the House with a request for a supplementary grant.

Mr. Padiyara Joseph Kunju : അതിലേക്കു എസ്റ്റിമേറ്റ് തയ്യാറാക്കിയിട്ടില്ലേ?

Mr. M. Govinda Pillai : The estimate was prepared, and sanction was granted by Government for the execution of the work. Everything has been completed and then the provision was made. But the difficulty was that the work was not completed within the year 1113 and it was not possible for the Chief Engineer therefore to make the payment in that year.

Mr. Padiyara Joseph Kunju : ജോലി പൂർത്തിയാക്കുന്നതിനു മുമ്പുള്ള കണക്കല്ലെ എസ്റ്റിമേറ്റ് എന്ന് പറയുന്നത്?

Mr. M. Govinda Pillai : The estimate was prepared long ago and the provision for the work was included in the budget for the year 1113.

Mr. Padiyara Joseph Kunju : എസ്റ്റിമേറ്റ് ചെയ്ത തുക തന്നെ പോരാതെ വന്നു എന്നാണോ പറയുന്നത്?

Mr. M. Govinda Pillai : No, Sir. What I was attempting to explain to the House was that the necessary provision for the payment for the work when completed was made in the budget for 1113 but unfortunately the work was not completed in time before the year closed and therefore it was not possible for the Chief Engineer to make the payment. The payment has to be made only now.

Mr. Padiyara Joseph Kunju : ആദ്യം എസ്റ്റിമേറ്റ് ചെയ്ത തുകകൊണ്ട് ജോലി പൂർത്തിയാക്കുമെന്നാണോ വാഗ്ദാനിച്ചത്?

Mr. M. Govinda Pillai : That was the expectation, certainly. The department and the government expected that the work would be completely finished and the payment would be made before the year terminated.

Mr. Padiyara Joseph Kunju : ആദ്യം അനുവദിച്ചതുകൊണ്ടുതന്നെ ആ ജോലി പൂർത്തിയാക്കാതെ എന്തുകൊണ്ടാണെന്നു പറയാമെ?

Mr. M. Govinda Pillai : Neither the Chief Engineer nor his department can possibly anticipate the difficulties that would actually occur in actual execution. As a matter of fact, the contractor was not able to finish the work. It was a physical impossibility. These are contingencies which the department could not anticipate.

President : I take it that what the Financial Secretary desires to say is that the money was originally provided for—

Mr. M. Govinda Pillai : Yes, Sir.

President : but could not be expended owing to reasons not dependent on the department's action but the difficulty of completing the work.

Mr. M. Govinda Pillai : Yes, Sir.

President : Therefore, the amount was surrendered and came back into the general exchequer. In order to complete the transaction, it has now to be paid and the money to the credit of the department is now found insufficient for the purpose and therefore it comes within your rule 77 (a). Is that the contention?

Mr. M. Govinda Pillai : Yes, Sir.

Mr. Kochikal P. Balakrishnan Tampi : May I know from the honourable member whether from the information available it was not possible to anticipate this expenditure when the annual budget was framed?

Mr. M. Govinda Pillai : Sir, the expenditure was anticipated, but, as the honourable member himself may know, every work takes time for completion and that if a work is expected to be completed before the 32nd of Karkadakam 1113 or 1114 certain contingencies may arise when the anticipation may not be realised at all. These are perfectly natural things. Even honourable members themselves will find that works will not be completed within a certain time on account of difficulties beyond their control.

Mr. G. Narayana Aiyar : May I know the actual amount that was surrendered?

Mr. M. Govinda Pillai : I am not now in a position to say what the actual figure surrendered by the P. W. D. was. But I know that the P. W. D. surrendered a substantial amount not only on account of this work but on other works as well.

Mr. Kottur Kunjukrishna Pillai : May I know why provision was not made for payment during this year?

Mr. M. Govinda Pillai : I may assert that more than once the department expected to make the payment before the end of Karkadagom. But it was not possible for them to effect the payment. The Department never expected that the work could not be completed during the last year.

Mr. T. Mahomed Ismail : May I know from the Chief Engineer whether the amount that is now demanded by the department is the same amount surrendered by the department?

Mr. G. B. E. Truscott : The P. W. D. Officers prepare the budget estimates some months ahead. At that time the department expected to complete the work and make the necessary payments for the same. Unfortunately that was found not practicable. That being so, the department surrendered the amount provided for it and we are now asking a supplementary grant.

Mr. T. Mahomed Ismail : I want a definite answer to the question *viz.*, whether the amount now demanded by the department is the same amount was returned by them.

Mr. G. B. E. Truscott : The department surrendered about 15,000 rupees and this sum is included in the amount now asked for, the remainder being for extra works sanctioned by Government.

President : The question before the House is that a sum of Rs. 30,000 for finishing the works relating to the opening of the Clay Refining and Porcelain Factory at Kundara be granted.

The motion was put and carried.

The demand was made.

XXVI. Ports.

Mr. G. B. E. Truscott : I move for a grant of Rs. 1,460 for the reconstruction of the kitchen and corridor in the Marine Bungalow at Alleppey.

During a heavy storm at the end of last year, some trees fell down and ruined the kitchen and corridor of the building. So I am asking for this grant for reconstruction of the kitchen and the corridor attached to the building?

Mr. G. Narayana Aiyar : May I know, who is occupying that building?

Mr. G. B. E. Truscott : The Port Officer.

Mr. G. Narayana Aiyar : Does he pay any rent?

Mr. G. B. E. Truscott : I do not know.

Mr. Kochikal P. Balakrishnan Tampi : I oppose the motion. As far as I know there is no permanent Port Officer of the Travancore Government who occupies the Marine Bungalow at

[Mr. Kochikal P. Balakrishnan Tampi.]

Alleppey. The Port Officership of late, has been an office more or less intended as a temporary resting place for some would be high officer of Government, whether he be the District Magistrate or the Excise Commissioner or any officer. Now I find the District Magistrate of Quilon is attending to the duties of the Port Officer. I do not want to say anything of the policy of Government during a discussion on a supplementary demand in this connection. But my point is that when there is no permanent officer, where is the necessity for improving the building that is intended as the residence of the Port Officer? Is that the training ground for promoting certain officers? Analogy for the same could be found only from the field of Biology *viz.*, that tad-poles develop into big frogs. Why should we spend money on such a building for which there is no permanent tenant? It is never occupied by the permanent Port Officer. At best, a Port Officer comes and stays there till he gets a bigger job in Government. Thanks to the Governmental policy. Is it that the Financial Department is richer for training a gentleman for the Port Office? Is it that the District Magistrate of Quilon is freely banning public meetings because of his short experience in the Port Office? When the Port Office itself is considered to be very unimportant and when Government thinks that there is no necessity of a permanent Port Officer, I ask why should Government spend more money on buildings for the Marine office. For these reasons I oppose the motion.

Mr. G. B. E. Truscott : There is already an acting Port Officer and he has to remain there until a permanent officer is appointed. The present incumbent is acting as a temporary measure and a permanent Port Officer will be appointed shortly. In any case, some person occupies that bungalow and there must be some facilities for him in the shape of kitchen.

Mr. Kochikal P. Balakrishnan Tampi : May I know whether there is not already a kitchen in the bungalow?

Mr. G. B. E. Truscott : That has fallen down on account of storm.

President : Is there not a permanent Port Officer?

Mr. M. K. Nilakanta Aiyar : Yes, Sir, Mr. Cameron, the Commissioner of Devicolum is the permanent Port Officer. He will be joining duty shortly.

President : The question before the House is that a sum of Rs. 1460 be granted for the reconstruction of the kitchen and corridor in the Marine bungalow at Alleppey

The motion was put and carried.

The demand was made.

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE.

ON THE AUDIT AND APPROPRIATION ACCOUNTS OF 1112.

Mr. M. Govinda Pillai : I beg to move that the *Report of the Public Accounts Committee on the audit and the appropriation of accounts of the year 1112 may now be taken up for consideration.

The Report was adopted.

Legislative Business

Mr. Puthupalli S. Krishna Pillai : I beg to move that Messrs. Padiyara Joseph Kunju, M. Sultan Muhiadheen and Kottoor Kunjukrishna Pillai be nominated members of the Joint Committee on the Travancore District Municipalities Bill in the place of Messrs. R. V. Thomas, K. M. Korah and K. R. Elenkath.

Mr. P. Paramesvaran Pillai : I second it.

The motion was put and carried.

THE TRAVANCORE WORKMENS' COMPENSATION BILL.

Mr. Puthupalli S. Krishna Pillai : I move that the Travancore Workmen's Compensation Bill† as passed by the Assembly be taken into consideration.

Mr. P. Paramesvaran Pillai : I second it.

Mr. P. N. Krishna Pillai (*Nominated for the Labour Bills*) : I have great pleasure to support the general principles of this beneficial measure that has been moved by the Legal Remembrancer. All that I have to say is that this measure was long overdue. The Act similar to the one presented before the House came into force in British India as early as 1923. It is gratifying to find that the same law is working successfully and smoothly in Federated Malaya States and certain other Native States in India like Baroda and Cochin. The working of this Act till now in British India and other Indian States I am told is on successful lines in spite of the small number of litigation that has arisen. From the latest Administration Report of Baroda State I find that the Act has worked successfully in that State and a sum of Rs. 7000 was disbursed as compensation to the various workmen and their dependents who

* *Vide* Annexure II—

† *Vide* Annexure III.

[Mr. P. N. Krishna Pillai]

were entitled to get it under the provisions of this Act. Sir, though this Bill was introduced in our Legislature some four years back it is regrettable that it has emerged from the Lower House only now. Anyhow I would first of all appeal to the House to have this Bill passed without any delay so that its beneficent effect may accrue to the thousands of workmen in the State.

A few words more about the principle of the Bill and I shall be done. The principle is that he who introduces some industry involving risk is held civilly liable for certain risks attendant on the business. In the case of workmen's compensation there is no question of negligence or fault on the part of the employer or the employee. This is the simple principle of the Workmen's Compensation Bill and I am glad to find that various amendments which were brought forward in British Indian Legislatures as a result of the recommendations of the Royal Commission on Labour are incorporated in the present bill before this House. It is also gratifying to find that the definition of workmen has been extended and is more wide than the definition obtaining in the Factories Regulation. None the less I have to point out that certain persons coming naturally and legitimately in the category of workmen could not be styled as such and do not come within the ambit of the definition. Sir I am afraid that all the deserving workers have not been brought within the scope of of this legislation. For instance, there is the Motor Boat industry and the workers in that industry who are subjected to certain risks in the course of running the business should also be protected and must be brought under the provisions of this Bill. In the actual working of this Act, we may find several kinds of workmen who can naturally be included within the ambit of the definition of a worker. I hope that the power vested in Government will be invoked so as to include all deserving workmen under the Workmen's Compensation Act. One of the draw-backs of the Indian Act, as was pointed out in the Indian Legislature when it was moved, was that there existed no provision to make for employer's liability to pay for all sort of works. The Employers' liability Act was passed in England as early as 1880. Certain provisions from that Act were included in the Bill when it was introduced in the Indian Legislature but they were deleted further by the Joint Select Committee that went into the matter. But the Royal Commission on Labour in their majority report has pointed out that the Employer's Liability provisions should be incorporated so that the employer may not put forth his defence of common employment and assumed risk. With these few observations I have great pleasure to support the general principles of the Bill.

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President : The question before the House is that the Travancore Workmen's Compensation Bill as passed by the Assembly be taken into consideration.

The motion was put and carried.

Clause 1.

The question that Clause 1 do stand part of the Bill was then put and carried.

The clause was added to the Bill.

Clause 2.

The question that Clause 2 do stand part of the Bill was then put and carried.

The clause was added to the Bill.

Clause 3.

Mr. Kottur Kunjukrishna Pillai : I oppose the moving of the amendment. I find from the notice given that an amendment has been given notice of by Mr. P. N. Krishna Pillai on the 14th February. According to the rules six clear days are necessary for giving notice of an amendment. Without the special permission of the Chair that amendment could not be moved.

Mr. P. N. Krishna Pillai : May I suggest the circumstances under which the notice of an amendment was given on the 14th February. I got a copy of the Bill only last Saturday and as such I had not sufficient time to study the Bill.

President : I quite realise the member's difficulty. But in view especially to the observations which he let fall, in carrying such an amendment the Bill will have to be sent back to the Assembly which might mean some delay for various reasons. I do not want to say more on that matter. I leave it to the honourable member to decide it.

Mr. P. N. Krishna Pillai : The technical defect having been waived I quite appreciate the sentiments expressed by the Chair. This is an amendment which I gave notice of simply to bring the provisions of the Bill in conformity with the majority recommendation of the Royal Commission on Labour and also to bring them in conformity with the provisions of the English Law. None the less seeing that it may entail delay, I withdraw the amendment.

Clause 3.

The question that Clause 3 do form part of the Bill was put and carried.

The clause was added to the Bill.

Clauses 4 to 39

The question that clauses 4 to 39 do form part of the Bill was put and carried.

The clauses were added to the Bill.

Schedule.

The question that the schedule do form part of the Bill was put and carried.

The schedule was added to the Bill.

Preamble.

The question that the preamble do form part of the Bill was put and carried.

The preamble was added to the Bill.

Title.

The question that the title do form part of the Bill was put and carried.

The title was added to the Bill.

Mr. Puthupalli S. Krishna Pillai: Sir, I beg to move that the Travancore Workmen's Compensation Bill be passed.

Mr. P. Paramesvaran Pillai: I second it.

Mr. P. N. Krishna Pillai: While congratulating the honourable member for passing this Bill I have to offer a few words. This is the last of a series of labour Bills that have been brought by the Government before this House and I am glad to see that three of them have become law in this land. I hope this also will be enforced soon and the necessary machinery will be soon made to move so that the Act may be able to work satisfactorily in the country. Though the Factories Regulation has come into force, I am sorry to say that, I have myself come across factories in which the provisions of the Regulation have been violated. There are factories even now which are working for more than 12 hours a day. That is simply because the machinery contemplated under the Act has not been devised for the proper administration of the Regulation. I am sorry to say that even in factories owned by members of the Legislature work is being carried on for more than 12 hours a day. As members of the Legislature it cannot be said that they are unaware of the provisions of the Bill.

President: But what about the deligence of the honourable member himself.

Mr. P. N. Krishna Pillai: I am bringing this fact to the notice of Government. It is only in certain cases that I come across such gross violations of law.

Mr. Kottur Kunjukrishna Pillai : May I know Sir, how all this is relevant at the third reading of the Bill?

President : Before passing the Bill, the honourable member apparently wants certain general considerations to be borne in mind. That, I think is the idea of the honourable member.

Mr. P. N. Krishna Pillai : That is exactly my idea.

Another point which I want to stress is this. This should not be the last of a series of labor Bills. It should be followed by other Bills which are of urgent necessity in this country like Payment of Wages Act which have come into force in British India. While pointing out that there is urgent necessity for other labour legislation and that those measures should be administered effectively to the benefit of the people, I have great pleasure in congratulating the honourable members of this House in passing this Bill.

The question that the Bill be passed was put and carried.

THE TRAVANCORE MARKETS REGULATION AMENDMENT BILL.

Mr. Puthupalli S. Krishna Pillai : Sir, I beg to move that the Travancore Markets Regulation Amendment Bill* as passed by the Assembly be taken up for consideration.

Mr. P. Paramesvaran Pillai : I second it.

The motion was put and carried.

Clause 1.

The question that clause 1 do form part of the Bill was put and carried.

The clause was added to the Bill.

Mr. James Fletcher : Sir, I beg to move that from the new sub-section 3 of Section 28 of the Regulation the words "or by the Division Peishkar" be deleted. Sub-section (3) of section 28 reads now as follows :

"There shall be no appeal from the decision or order passed in appeal by the Land Revenue and Income Tax Commissioner or by the Division Peishkar." According to the Amendment, the appellate authority will be the Land Revenue and Income Tax Commissioner ordinarily and I would suggest that the words "or by the Division Peishkar" be deleted so that there may be only one appellate authority so far as orders regarding the Markets Regulation are concerned. This provision is necessitated by Section 27 of the Regulation which reads as follows:

"Our Government, may, by notification in our Government Gazette authorise any officer by name or by virtue of his office to exercise all or any of the powers conferred on a Division Peishkar

[Mr. James Fletcher.]

under this Regulation." So this Special Officer or any officer authorised by the Government will have all the powers of a Division Peishkar and it is also suggested that the orders of such special officer is appealable and it lies to the Division Peishkar. My contention is that when there are two officers having the same power, one officer cannot be said to be an appellate officer over the other. So the appellate powers of the Division Peishkar should be done away with and the Land Revenue and Income Tax Commissioner should be made the appellate authority. Therefore the provision may be modified to that effect so that the Division Peishkar may not have any authority as an appellate court. In such a case the words "or by the Division Peishkar" can be deleted under sub section (3) of Section 28. There is a provision for revision against the order of the Land Revenue and Income Tax Commissioner to the Government. That is a proper thing and I have no objection to it. I am concerned only with the appellate power of the Division Peishkar and those words conferring appellate powers to Division Peishkars should be deleted. Even now, practically, there is no appeal to the Division Peishkar. Therefore the provision for an appeal before the Division Peishkar is unnecessary and the words "or by the Division Peishkar" be deleted.

Mr. M. Govindan: Sir, I second the amendment. It is clear from Section 27 that all the powers of the Division Peishkar may be given to the person who is authorised by Government. So that means that he exercises exactly the same powers as the Division Peishkar. I do not know how it is that the Division Peishkar gets the appellate power. Section 27 read along with Section 28 would show that this sub section has to go.

Mr. Puthupalli S. Krishna Pillai: I oppose the amendment. The honourable the mover's intention is to do away with the provision relating to the appeal against the orders of the Tahsildars now existing under Section 28. Section 27 and 28 should be read together. The statute under Section 27 authorises Government to confer on the Tahsildar all the powers of the Division Peishkar in proper cases and I may be permitted to state for the information of the House that so far no such power has been conferred on any Tahsildar. Any way I shall speak on the merits of the amendment. Section 28 says "(1) An appeal shall lie to the Dewan from any order of a Division Peishkar passed under this Regulation. (2) Our Government may direct that an appeal from the order of any officer empowered under Section 27 shall lie to the Division Peishkar provided however that there shall be no appeal to the Dewan from the order of a Division Peishkar passed on appeal. Under the existing provision, Government are empowered to

authorise any officer by name or by virtue of his office to exercise all or any of the powers conferred on a Division Peishkar under this Regulation. It is a delegation of the power of the Division Peishkar that is contemplated to be conferred by Government upon any officer under the foregoing provision. Section 28 provides that an appeal shall lie to the Dewan from any order of the Division Peishkar and the proviso says that there shall be no appeal to the Dewan from the order of the Division Peishkar. That is the existing provision. It provides that there shall not be a second appeal against the order passed by the Regulation. The proposed amendment repeats the existing provision in respect of this matter. "There shall be no second appeal against the order passed in appeal against any order of an officer empowered under Section 27." Suppose both the amendments of the honorable member are carried. The second amendment is that the words Division Peishkar shall be deleted from the new clause. Then where is the provision enabling an appeal to be preferred against an order passed by an officer who is empowered to act under Section 27? If these amendments are accepted it will leave the people without a remedy. In cases where officers authorised under Section 27 passing orders under the Markets Regulation, should there not be a provision for an appeal? If this amendment is accepted it will really be a retrograde step. I am very much against this idea that the parties should not be heard in appeal. The officer so appointed should not be invested with final authority to dispose of summarily all cases. There must be a provision for appeal against their decisions.

Mr. M. Govindan : Is there not a provision for appeal to the Revenue Commissioner?

Mr. Puthupally S. Krishna Pillai : It is not provided in Section 28 or under the proposed clause. I am speaking on the amendment proposed by the honourable member. The honourable member says that the words Division Peishkar may be deleted in Sub-section 2. Then where is the provision authorising an appeal against his orders to be preferred? There must be a power to hear the appeal. The amendment that was adopted by the Assembly is that in Sub-section 1 for the word 'Dewan' the words 'Land Revenue and Income Tax Commissioner' be substituted. Let us substitute that, *i. e.*, "The appeal shall lie with the Land Revenue and Income Tax Commissioner against the orders of the Division Peishkar."

Mr. James Fletcher : Sir, I shall explain that position. The original court for appeal is the Division Peishkar. But all

[Mr. James Fletcher.]

appeals under the Markets Regulation should be heard by the Land Revenue Commissioner and the Government should have the power to revise his decision.

Mr. Puthupally S. Krishna Pillai: Sir, can the honourable member speak when I am in possession of the House?

President: Why did the honourable member resume his seat.

Mr. Puthupally S. Krishna Pillai: Sir, I thought he was going to put a question.

President: No, he began by saying that he was offering an explanation. The honourable member must be more alert on what is passing in the House.

Mr. Puthupally S. Krishna Pillai: Is it enough if Sub-section 2 of Section 28 is deleted? What about Section 27?

Mr. Kochikal P. Balakrishnan Tampi: May I know whether appeals shall not lie to the Land Revenue and Income Tax Commissioner?

Mr. Puthupally S. Krishna Pillai: No Sir. The statutory provision must be clear in regard to that. It is only the orders of a Division Peishkar that are applicable to this clause.

Mr. Kochikal P. Balakrishnan Tampi: May I know that the officer mentioned in Section 27 could not be a Division Peishkar for the purpose of this provision?

Mr. Puthupally S. Krishna Pillai: Then it must be so stated, because Section 27 says "Our Government can authorise any person and appeal shall lie to the Dewan against any order of the Dewan Peishkar." Suppose powers are conferred on a Tahsildar then can we say that he has to be treated as a Division Peishkar in order that any appeal may be heard by the Dewan or the Land Revenue and Income Tax Commissioner? If so this statute must specifically say so. Any way the amendments as they stand cannot be accepted. I may state also that in all these matters power is reserved with the Dewan to revise any order passed by any officer under the Markets Regulation.

Mr. James Fletcher: Sir, according to the Legal Remembrancer's suggestion the Division Peishkar has become the appellate authority under Section 27. As I have stated already, the Division Peishkar cannot be made an appellate authority especially when the order is passed by an officer who has got all the powers conferred on the Division Peishkar. One Officer having all the powers conferred on the Division Peishkar passes an order. Can another Officer with the same powers become the appellate authority? Is it reasonable and proper? Naturally we expect that the officers who possess the appellate authority to be superior to the officers of

the lower grade. Section 27 on the other hand says that a Division Peishkar shall hear an appeal against an order of an officer who can exercise all or any of the powers conferred on the Division Peishkar. So that is an anomaly which I would suggest should be removed.

Mr. Kottur Kunjukrishna Pillai: Sir, I appreciate the difficulties pointed out by my honourable friend Mr. James Fletcher. But I do not think that it is going to work substantially any hardship on the parties, because the appointment of a person other than a Division Peishkar to exercise the powers of a Division Peishkar is not ordinarily done. If such an officer is appointed it will be to the greater convenience of the parties if they can rectify matters by presenting appeals to a local officer, viz., the Division Peishkar and they will not be forced to run up to the Land Revenue Commissioner in appeal. If both these authorities are not able to rectify the defects of the order then of course he has to approach the Government to revise the orders. Therefore in these exceptional cases there is no very great hardship in preferring appeals before Division Peishkars. If the amendment is carried it does not make the position clear and as explained by the Legal Remembrancer the special officer who is invested with the powers of a Division Peishkar if he passes an order that order will not be appealable. If the amendment before the House is carried the effect of it will be that the party will lose the right of appeal on an order passed by an officer invested with the powers of a Division Peishkar. For these reasons I cannot support the amendment.

The motion for the amendment was put to the vote of the House and lost.

Clause 2.

The question that Clause 2 do form part of the Bill was put and carried.

The Clause was added to the Bill.

Preamble.

The question that the preamble do form part of the Bill was put and carried.

The preamble was added to the Bill.

Title.

The question that the title do form part of the Bill was put and carried.

The title was added to the Bill.

Mr. Puthupally S. Krishna Pillai: I beg to move that the Travancore Markets Regulation Amendment Bill be passed.

Mr. P. Parameswaran Pillai: I second it.

The Bill was passed.

THE TRAVANCORE VILLAGE PANCHAYAT
COURTS REGULATION AMENDMENT BILL.

Mr. Puthupally S. Krishna Pillai : I beg to move that the Travancore Village Panchayat Courts Regulation Amendment Bill* as passed by the Assembly be taken into consideration.

Sir, the object of the Bill is simply to cure an existing defect in Section 76 of the Village Panchayat Courts Regulation. Under that Section an *ad valorem* fee is fixed but without fixing a minimum. In the absence of a minimum, practical difficulties arise in making the revenue adjustment and realisation. The fee has to be calculated and realised to the minute fraction of a cash. This makes it impossible to maintain correct accounts. Moreover these calculations create difficulties also in the payment of court fees. Therefore to avoid this difficulty it is proposed to fix a minimum of 1 ch.

Mr. P. Parameswaran Pillai : I second it.

The question whether the Bill be taken into consideration was put and carried.

Clauses 1 & 2.

The question that clauses 1 and 2 stand part of the Bill was put and carried.

The clauses were added to the Bill.

Preamble.

The question that the preamble do form part of the Bill was put and carried.

The preamble was added to the Bill.

Title.

The question that the title do form part of the Bill was put and carried.

The title was added to the Bill.

Mr. Puthupally S. Krishna Pillai : Sir, I beg to move that the Travancore Village Panchayat Courts Regulation Amendment Bill be passed.

Mr. P. Parameswaran Pillai : I second it.
The Bill is passed.

THE TRAVANCORE REVENUE SUMMONS
REGULATION AMENDMENT BILL.

Mr. Puthupally S. Krishna Pillai : Sir, I beg to move that the Travancore Revenue Summons Regulation Amendment †Bill as passed by the Assembly be taken into consideration.

*Vide Annexure V.

†Vide Annexure VI.

Sir, in making this motion I may be permitted to say a few words. The Revenue Summons Regulation was enacted for compelling the attendance of persons before the officers mentioned in the Regulation. It is found in Section 4 of the Regulation that

“The summons shall be served by delivering a copy thereof to the person summoned or to his authorised agent or to some adult male member of his family residing with him who shall be required to sign an acknowledgment of service endorsed on the original summons. If the person summoned cannot be found and there is no other person on whom the service can be made, the serving officer shall affix a copy of the summons on the outer door of the house in which the person summoned ordinarily resides and return the original with an endorsement attested by two respectable witnesses stating that he has so affixed a copy and the circumstances under which he did so.”

In the actual working of this Section, the officers of the department concerned were confronted with one difficulty and that is that this section contemplates only cases of persons signing acknowledgment when the summons is presented to them. It does not contemplate a case where the parties or their agents or the adult members of their family would refuse to acknowledge the summons. What is the provision of law under which such a process might be returned? When shall we say under such circumstances that a summons has been duly served? Now the summons is taken to the person. The statute says that he shall sign and acknowledge the summons. Suppose he does not sign. What should the process server do? What is the legal process by the adoption of which it could be said that the process has been served? This Section does not contemplate the cases or provide for them which very often arise, namely, cases where the parties refuse to accept the summons. Here, I have provided that in case a party refuses to accept, and also if the person, who is summoned, cannot be found, then the serving officer can affix a copy of the summons at the outer door of his residence and two respectable witnesses shall be called upon to attest and the process shall be returned.

Mr. P. Parameswaran Pillai : I second it.

President : It has been moved and seconded that the Travancore Revenue Summons Regulation (Amendment) Bill shall be taken into consideration.

The question whether the Bill may be taken up for consideration was put to vote and carried.

President : The question before the House is whether clauses 1 and 2 stand part of the Bill.

The question was put to vote and carried.

The question whether the preamble and the title of the Bill stand part of the Bill was put to vote and carried.

Mr. Puthupally S. Krishna Pillai : Sir, I beg to move that the Travancore Revenue Summons Regulation (Amendment) Bill be passed.

Mr. P. Parameswaran Pillai : I second it.

President : The question before the House is that the Travancore Revenue Summons Regulation (Amendment) Bill be passed.

The motion was put to vote and carried.

THE TRAVANCORE CREDIT BANK REGULATION (AMENDMENT) BILL.

Mr. Puthupalli S. Krishna Pillai : Sir, I beg to move that the Bill* to amend the Travancore Credit Bank Regulation as passed by the Assembly be considered.

Mr. P. Parameswaran Pillai : I second it.

President : Does the honourable Legal Remembrancer wish to say anything ?

Mr. Puthupalli S. Krishna Pillai : Yes, Sir. The object of this Bill is simply this. Section 17 of the Credit Bank Regulation authorises the Credit Bank to enter into negotiations with Government and take over the business of the State Land Mortgage Bank. Section 23 which is now proposed to be amended, in dealing with the powers conferred on the Credit Bank, provides that in respect of loans granted by it, it shall be competent to realise the amount that is due to the Bank by proceedings under the Revenue Recovery Regulation. The question naturally arises whether in respect of the loans granted by the Land Mortgage Bank and taken over by the Bank, the provisions in Section 23 would be sufficient to enable the Bank to realise under the Revenue Recovery Regulation. Under the rules now in force, loans granted by the Land Mortgage Bank are liable to be realised by summary process under the Revenue Recovery Regulation, because it is a loan which comes within the ambit of the Revenue Recovery Regulation, an amount due to Government. The question arises when such a loan is taken over by the Credit Bank until it becomes a fresh loan granted by the Credit Bank, whether such loans can be enforced by the Credit Bank under the provisions of the Revenue

*Vide Annexure VII.

Recovery Regulation. That is, the question is whether an assignment of the rights of Government would carry with it the power which they have to realise under the Revenue Recovery Regulation. It is thought that such a power is not transferable ; if that is so, the purpose for which Section 17 was enacted, that is, the power conferred on the Credit Bank to take over the business of the Land Mortgage Bank, becomes a power which cannot be properly used. Therefore it is thought expedient to amend Section 23 so that the Credit Bank may have power to enforce, to have resort to the provisions of the Revenue Recovery Regulation, in respect also of the loans of the Travancore State Land Mortgage Bank taken over. That is the simple purpose of the Bill.

President : The question before the House is that the Travancore Credit Bank Regulation Amendment Bill be taken up for consideration.

Mr. Kochikal P. Balakrishnan Tampi : Sir, I oppose the Bill on principle, because it will be violating the sanctity of contract. When the parties entered into transactions with the Land Mortgage Bank, they were under the hope that the money will be realised in a particular manner. If one party changes the term of the contract, I think it is not fair to the party who has taken money out of the bank. I welcome it as a thin end of socialism, some form of State socialism by which private or vested rights are sought to be diminished.

President : Even under the State Land Mortgage Bank they are entitled to put it under the Revenue Recovery Regulation. Those who have taken loans from the Travancore State Land Mortgage Bank can be proceeded under the Revenue Recovery Regulation. But the Credit Bank cannot proceed under the Revenue Recovery Regulation for loans of the State Land Mortgage Bank taken over.

Mr. Kochikal P. Balakrishnan Tampi : Sir, in the light of the explanation given by the Chair, I withdraw the opposition.

The question whether the Bill shall be taken up for consideration was put to vote and declared carried.

Clauses 1 and 2 were put to vote and carried and were added to the Bill.

The question whether the preamble and title of the Bill stand part of the Bill was put to vote and carried.

Mr. Puthupalli S. Krishna Pillai : Sir, I beg to move that the Travancore Credit Bank Regulation Amendment Bill be passed,

Mr. P. Paramesvaran Pillai: I second it.

The motion was put to vote and carried and the Bill was declared passed.

President: Before adjourning the House I may invite the honourable members' attention to the state of business for tomorrow. I find there are very few questions and only one resolution put forward. So I do not expect the business of the House to take more than an hour or an hour and a half tomorrow morning. It is therefore natural for the House to consider whether the adjournment motion, which has been admitted today can be allowed to be taken up immediately after the business is over, whenever it happens. I have got the power to allow the motion being discussed after the business though ordinarily it is taken up at 3-30 p. m. I refer to Rule 22. If the House has no objection, I shall call upon the mover of the adjournment tomorrow as soon as the business of the House is over.

Does that meet with the wishes of the honourable members?

(The honourable members signified their assent).

That will be done.

The House will now adjourn to meet again at 11 a. m. tomorrow morning.

The House adjourned at 12-40 p. m.

A. GUNAMONY,

Secretary to the Sri Chitra State Council.

PROCEEDINGS
of
THE TRAVANCORE SRI CHITRA STATE COUNCIL

OFFICIAL REPORT

SECOND COUNCIL

VOLUME XIII—NUMBER 2.
FOURTH SESSION —1939/—1114.

Thursday the 16th February 1939/4th Kumbhom 1114.

The Council met again in the Chamber at eleven of the clock with Sachivottama Sir C. P. Ramaswami Aiyar K. C. I. E., the President in the chair.

MEMBERS SWORN

The following members took the oath and signed the rolls :—

1. Mr. A. Gopala Menon (*Director of Public Instruction*)
2. Mr. C. Kumara Das (*Director of Industries*)

QUESTIONS AND ANSWERS.

Coastal roads in Trivandrum.

6. **Mr. James Fletcher** (*Kaikulam and Vilavancode cum Neyyattinkura*): Will the Government be pleased to state:

(a) whether any estimate has been prepared for the construction of a road along the coast from Shankumugam to Valiathurai in Trivandrum:

(b) when do they expect the completion of the road; and

(c) whether the Shankumugam-Veli road is too narrow for the traffic now on the road?

Mr. G. B. E. Truscott (*Chief Engineer*): (a) No detailed estimate has been prepared.

(b) As the work has not been taken up yet, it cannot be said now when it can be completed.

(c) Yes.

Mr. James Fletcher: Will the Chief Engineer be pleased to see that the necessary widening of the Shankumugam—Veli road is completed at an early date?

Mr. G. B. E. Truscott : I am afraid, Sir, that is a question of future action.

Alleppey-Thondankulangara Munro-Light Road.

7. ***Mr. Kochikal P. Balakrishnan Tampi** (*Karunagapalli, Karthigapalli and Ambalapuzha cum Shertullai*) : Will the Government be pleased to state :

(a) when the lands for the Thondankulangara-Ariad Munro Light Road in Ambalapuzha taluk were completely handed over to the P. W. D; and

(b) when the said road is expected to be completed?

Mr. G. B. E. Truscott : (a) Lands have not been completely handed over to the P. W. D.

(b) After the lands are handed over.

Lands left fallow for Kanni crop 1114 in the taluks of Agastiswaram and Tovala.

8. ***Mr. V. S. Arumukham Pillai** (*Tovala cum Agastiswaram*) : Will the Government be pleased to state :

(a) whether in the taluks of Agastiswaram and Tovala lands were left fallow for the Kanni crop of 1114;

(b) if so, the total area of such lands ;

(c) why they were left fallow ;

(d) whether applications were received for remission of tax and water cess in respect of those lands ; and

(e) if so what action has been taken on those applications ?

Mr. M. Ramachandra Rao (*Land Revenue and Income tax Commissioner*) : (a) The answer is in the affirmative.

(b) 740.72 acres

(c) Due to failure of rains and scarcity of Kodayar water for cultivation.

(d) The answer is in the affirmative.

(e) Remission has been sanctioned in respect of applications allowable under the Remission Rules.

Mr. V. S. Arumukham Pillai : With reference to the answer to part (b), how many of these seven thousand odd acres are within the commanded area?

Mr. M. Ramachandra Rao : I am not sure

Mr. V. S. Arumukham Pillai : May I know whether the remission rules apply to lands which are not within the 'commanded area ?

Mr. M. Ramachandra Rao : No, Sir, the remission rules do not apply to such lands.

Mr. V. S. Arumukham Pillai : With reference to the answer to part (d), may I know the amount sanctioned by way of water cess ?

Mr. M. Ramachandra Rao : I claim notice ; the whole amount remitted is Rs. 1,355.

Mr. V. S. Arumukham Pillai : Does that amount include water cess also ?

Mr. M. Ramachandra Rao : I claim notice

Mr. V. S. Arumukham Pillai : Is there not provision in the Land Revenue Manual to remit water cess in cases where the land cannot be served with Kodayar water ?

Mr. M. Ramachandra Rao : Yes, there is such a provision ?

Mr. V. S. Arumukham Pillai : Are the Government justified in realising water cess in the light of such provision ?

Mr. M. Ramachandra Rao : The water is controlled by the P. W. D. and when that department writes to the L. R. Department that water cannot be supplied, action will be taken.

SHORT NOTICE OF QUESTIONS AND ANSWERS.

Complaint of political prisoners regarding ill-treatment.

1. **Mr. Kochikal P. Balakrishnan Tampi :** Will the Government be pleased to state :

(a) whether any political prisoners have made any statements before the Court of the Division First Class Magistrate, Trivandrum, complaining about the ill-treatment which they were subjected to in the Central Jail ;

(b) if the answer to part (a) is in the affirmative, the number of statements made, and the names of those who made the statements ; and

(c) whether any action has been taken on the statements so made ?

Mr. M. K. Nilakanta Aiyar (Ag. Chief Secretary to Government) : (a) and (b) A petition was presented by Miss. Akkamma Cherian, accused in C. C. No. 101/14 of the Division First Class Magistrate's Court, Trivandrum.

(c) Yes. The enquiry shows that the allegations are false. The member's attention is invited to the Press Note dated the 26th January 1939 annexed hereto.

Annexure.

PRESS NOTE.

A statement issued by Mr. Pattam Thanu Pillai, President of the Travancore State Congress, contains serious allegations about the treatment meted out to Miss Akkamma Cherian, and her sister in the Central Jail, Trivandrum. Government find on investigation that those allegations are wholly unfounded.

Investigations reveal that some women convicts who were undergoing rigorous imprisonment and who had to clean the women's ward complained about the manner in which the two women under-trials, Miss Akkamma Cheriyan and her sister, used the latrine. They remonstrated. The next day when the convict women were passing by their cells the under-trial prisoners raised shouts of Ki-Jails, when the former retorted that they were doing so because they had none to control them. Apparently words were exchanged.

The under-trials complained to the Jail Superintendent about the behaviour of the convicts and threatened to go on hunger-strike. The matter was investigated and peace restored between the women convicts and the women under-trial prisoners.

Similarly investigations made into the complaints of members of the Youth League showed that they claimed privileges which cannot be allowed under the Jail Rules. These could not be allowed to them.

The allegation that the person and honour of any prisoner is at stake is a deliberate and mischievous falsehood disseminated for propagandist purposes. The treatment of prisoners in Travancore compares not unfavourably with the treatment elsewhere in India.

Huzur Cutcherry,
Trivandrum, 26th January 1939.

(Sd.) N. P. HARIHARAN,
Director of Information.

Hunger strike of political prisoners in the Central Jail.

2. **Mr. Kochikal P. Balakrishnan Tampi**: Will the Government be pleased to state.

(a) whether the political prisoners in the Central Jail have gone on hunger strike recently ;

(b) if the answer to part (a) is in the affirmative, the names of the prisoners who have gone on hunger strike and their reasons for so doing ;

(c) whether they are still on hunger strike ; and

(d) whether the Government have enquired into the matter and taken any step to redress their grievances ?

Mr. M. K. Nilakanta Aiyar : (a) One prisoner Kunjuran Nair starved for a day, *viz.*, 13-2-1939.

(b) Non compliance with his requests for concessions.

(c) No.

(d) Government have enquired into the matter. What the prisoner wanted was a separate kitchen for himself and for some of his comrades. This request could not be allowed as being against Rule 297 of the Jail Rules.

PUBLIC ACCOUNTS COMMITTEE.

President : As a result of the election held yesterday, Mr. V. S. Arumukham Pillai is declared elected as member of the Public Accounts Committee for 1114 in the Place of Mr. R. V. Thomas. Mr. Arumukham Pillai has secured twelve votes ; two other votes are invalid.

Mr. Padiyara Joseph Kunju (*Nominated*) : സർ, ആഗ്രിക്കൽച്ചറിസ്റ്റ് റി റീഫ് റഗുലേഷൻ അമൻറമെൻറ ബിൽ ഇന്നിവിടെ അവതരിപ്പിക്കുന്നതിന് ഞാൻ അനുവാദം ചോദിച്ചിരുന്നു. ആ ബിൽ ഇന്നത്തെ അജൻറയിൽ മൂന്നാമതായിട്ടാണ് ചേർത്തിരിക്കുന്നത്. മുമ്പിൽ ചേർത്തിരിക്കുന്ന രണ്ടു ബില്ലും പത്യാലോചനയ്ക്ക് എടുക്കുകയാണെങ്കിൽ എൻറ ബിൽ അവതരിപ്പിക്കുന്നതിന് സമയം ലഭിക്കാതെ വരുമെന്നു ഞാൻ ഭയപ്പെടുന്നു. അതുകൊണ്ട് രണ്ടു മന്റിറ സമയം അനുവദിക്കുകയാണെങ്കിൽ എൻറ ബിൽ ഇപ്പോൾ തന്നെ ഇവിടെ അവതരിപ്പിക്കാൻ സാധിക്കുന്നതാണ്.

President : The two Bills referred to will not take much time

Legislative Business.

THE TRAVANCORE HINDU WOMEN'S RIGHTS
TO PROPERTY BILL.

Mr. G. Narayana Aiyar (*Parur, Kunnathnad, Muvattupuzha cum Devicolum*) : Sir, I beg to introduce the Travancore Hindu Women's Rights to Property Bill.

The necessity for the measure has been set out in detail in the Statement of Objects and Reasons. The Hindu Widows in Travancore who are governed by the Mitakshara Law are now labouring under very serious difficulties in getting even their quota of maintenance from the members of their husbands' families. As a rule, in the case of a childless widow, the relationship between her and the members of her husband's family will not at all be cordial ; she has to depend upon their mercy for her maintenance or rush to a court of law and wait for years for a declaration of a favourable judgment for her maintenance. To remedy this defect Act XXVII of 1937, and Act XI of 1938 amending the Act of 1937, have been enacted in British India. Under these Acts, the childless widows in British India get the right to enjoy their husband's share of family property ; and if necessary, they are even entitled to sue for partition of the family property of their husbands.

[Mr. G. Narayana Aiyar.]

Sir, these are days when, in every community, every one is asserting his or her right to live an independent life; dependance is no longer possible. In Mysore, as early as 1933, realising the difficulties and disabilities of women, they have passed their Regulation IX of 1933 wherein greater rights and liberties have been given not only to widows but also to sisters, daughters and all female relations. Section 8 of that Regulation shows clearly how far the rights of females are respected there. They are given a share of the family property, and they are entitled to sue for partition and to enjoy their share so obtained in a particular manner. The Hindus of Travancore governed by Mitakshara Law have their relations in the neighbouring British Indian Province as also in Mysore; it is therefore very desirable that the law is made similar in respect of the Mitakshara Hindu Widow in Travancore as well. Also, we will be failing in our duty if we do not open our eyes and redress the haunting grievances and difficulties of the Hindu Widows and do our best to give them relief.

The present Bill has been drafted on the lines of the Acts of 1937 and 1938 of British India, with very little modification. The widow is given, not any absolute right over the property she is to get, but only a widow's right.

I request the House to allow me to introduce the Bill.

Mr. M. Govindan (*Nominated*): May I know from the honourable member the nature of the deviation he has made, in this Bill, from the Acts of 1937 and 1938 of British India?

Mr. G. Narayana Aiyar: In the Act of 1937, there is no provision for plurality of widows; and the difficulty actually arose in a particular case. And, the Act had to be amended with a view to provide that all the co-widows should enjoy the property with equal rights. I have not made any deviation in the Bill from the acts in British India but has only copied those acts verbatim.

Mr. M. K. Anantasiva Aiyar (*Nominated*): (Sir, I oppose the motion.

The main object of the Bill seems to be to remove the existing difficulties which the childless Hindu Widow is experiencing under the present law. One of such difficulties, as was explained by the mover, is that she has to go to a court of law even to have her rights to maintenance recognised and for provision being made for her maintenance. May I just point out, Sir, that, even if the present Bill becomes law, the difficulty of suing for partition will not be remedied? Going to court cannot be avoided whatever be the law, unless there is harmony between the parties concerned.

Sir, according to the Mitakshara law, the widow is entitled to get maintenance consistent with the status of her husband's family, and also the amount required for *Viratams* and other religious obligations. Generally, when a Hindu leaves a childless widow what happens is this; the widow's relations meet the relations of the deceased and come to an amicable settlement, if necessary with the intervention of interested neighbours. A certain amount is set apart for the widow's maintenance and a charge on the family property is created to the extent of such amount.

Mr. G. Narayana Aiyar: May I ask my honourable friend whether, in the absence of a registered deed or a declaration by a competent court any such charge could be created on the family property?

Mr. M. K. Anantasiva Aiyar: I think, even under the present law, the widow has a charge over her husband's family properties, for her maintenance. Now under the existing law the widow is not entitled to get the properties of her husband's family partitioned; the mover of the present Bill wants her to be given the right to sue for partition and to get for her enjoyment the share which her husband would have got for himself on partition if he were alive. Sir, this is against established canons of Hindu Law, and Hindu customs. After all, in Travancore, there are not many Hindus following the Mitakshara law; and, in 99 per cent of the cases, the parties are able to arrive at mutual agreement to the satisfaction of the widows. There is therefore absolutely no necessity in Travancore for the promulgation of a legislation like the one now sought to be introduced by my friend Mr. Narayana Aiyar. The fact that such enactments have been passed in other places is no reason why we should blindly follow them, especially when there is no real necessity.

The main objection to the present system of law seems to be the difficulty in realising the maintenance amounts through courts. Sir, law's delays are proverbial in Travancore. The proper remedy for the difficulties pointed out by Mr. Narayana Iyer is to put an end to law's delays. It is not only the disposal of widows' suits for maintenance that are delayed in our courts. Every money decree is being granted only after years of litigation; and even execution of decrees takes years. Sir, if people who have advanced hard cash can afford to wait for years, why not, I ask, widows also wait for some time to get their maintenance? (*Laughter*). As I said, if our courts are asked to expedite their work, the difficulty of the widows would be automatically removed. Further, partition suits by widows are sure to take much more time for disposal than ordinary money suits.

[Mr. M. K. Anantasiva Aiyar]

One other point worthy of consideration is this. Under this Bill, the widow is given, not absolute interest over any portion of her husband's property, but only widow's rights over her husband's share of the family property. Naturally, therefore, her interests would stop with the annual yield out of the property; she would not care for the permanent interests of the property and would leave it to deteriorate, so that after her death the relations of her husband would not find anything left in the property.

Mr. G. Narayana Aiyar : May I ask my friend whether, if her husband had been alive and had obtained his share of the family property, his relations could prevent his mismanagement of his share of the property and its consequent deterioration?

Mr. M. K. Anantasiva Aiyar : - They would have to take their chance: that is the present law. Now, my friend is proposing to change the existing law hence my objection.

Sir, family property does not necessarily mean immovable properties; there may be movables such as pro-notes, decrees and other actionable claims. If, when the widow gets her share of these valuable documents, she obtains the money and squanders it instead of spending merely the interest on these amounts, what is the remedy open to her husband's relations? In such cases, the family would be put to heavy loss by giving her her husband's share of the family property.

There are also other difficulties, Sir. It may so happen that, after the widowhood of the childless widow whom we are now trying to help, her mother-in-law may bring forth a good number of children. Where is the fairness, I ask, in giving this childless widow a bigger share of the family property than her husband's brothers?

Further, the Bill does not discriminate between childless widows and widows with a number of children, especially, unmarried daughters. Certainly, the needs of the latter class of widows are far greater than those of the former.

After all, Sir, what does the widow need? Under the Hindu Law, she has to lead a pious life; she cannot have any luxuries. Her necessities are therefore very limited. I do not deny that she should be allowed to live a contented and peaceful life. I agree with Mr. Narayana Aiyar in the view that she should not be driven to court for the realisation of the amount required for her maintenance. What I would suggest is that she should be put into possession of just so much of the family property as would be necessary for her maintenance. For that, a Bill like the present one is not necessary.

Further, the amount of maintenance fixed at a particular date is, under the present law, liable to be altered with change in the family circumstances. Such necessary change would be impossible under the present Bill.

Sir, considering all these points, I should think that the Bill should be thrown out.

Mr. James Fletcher : Sir, I rise to support the general principle of the Bill.

The Bill is for making some provision for the childless widow in a Hindu family. Under the Hindu law, although the family may be rich, the widow's husband might have been rich, yet the widow has to be a dependent upon the relations of her husband. Although my friend Mr. Anantasiva Aiyar said that her maintenance is a charge on her husband's family property, under the law, until and unless such a charge is created by a court of law, there is no such charge, and the widow has to depend upon the good will of her husband's relations.

My friend Mr. Anantasiva Aiyar said that there are not many cases of widows suing for their maintenance. The reason is not far to seek; the widow is not able to go to a court of law. She has nobody to help her; that is why such cases are few in number.

Sir, the Hindu widow certainly deserves to be treated on the same footing as her sisters in the State, namely, those belonging to the various other communities. In 1092, the Christian Succession Regulation was enacted in Travancore. Under that Regulation the childless widow got half of her husband's share of the family property, and over such share she has only a woman's estate, namely, the right of enjoyment. Similarly, under the Nayar Regulation, on the death of a Nayar male leaving him surviving no child or lineal descendent half of his self acquired and separate property left undisposed devolves on his widow or widows. A similar provision has been made in the Ezhava Regulation also. Therefore, except in the case of those who follow the Mitakshara law, the childless widow has already been adequately provided for. The present Bill only helps the Hindu widows also to come on a line with her sisters in the State. So far as details are concerned they may be left to the Select Committee. With these words, I support the principle of the Bill.

Mr. Kochikkal P. Balakrishnan Tampi : I also support the Bill, but not for the reasons advanced by my friend Mr. Fletcher, whose analogy of members of other communities having similar laws is highly embarrassing to those for whom the present Bill is intended. Because, I do not think Mr. Narayana Aiyar will claim that he is now coming forward as a Smritikartha; on the other

[Mr. Kochikkal P. Balakrishnan Tampi.]

hand, he is only trying to give effect to ideas which have been given effect to by the usages and customs in the community to which the law relates. His attempt is merely to bring the law in Travancore into line with the law elsewhere. In fact, the community for which the law is intended is, in a sense, an inter-Statel or inter-Provincial community, so that it is better that our law should come into line with the law in the neighbouring Provinces and States.

There is also another reason. Mr. Anantasiva Aiyar was hankering after a very pious and peaceful life for the childless Hindu widow; all that was possible under the old joint family system which is fast disappearing yielding place to individualistic ideas. These are days when one thinks it more natural to think of his own wife and children than the wife of a distant Sopinda. The present Bill is intended, not so much to change the existing law but to give effect to modern ideas of humanity and propriety. It is not possible in this year of grace, 1939 to have another *Narada Smriti*. That is the reason why my hon'ble friend Mr. Narayana Aiyar with commendable public spirit, has come forward with this legislation on behalf of the helpless Hindu widows, for whom at any rate there is no clamour for special representation in the Legislature.

Therefore, in the name of the helpless Hindu widows who have now to be saved from the sort of compulsory pious life which Mr. Anantasiva Aiyar prescribes for them, I support this Bill.

Mr. M. Govindan : Sir, I also support the principle of the Bill; but I am not afraid of accepting the grounds brought forward by my friend Mr. Fletcher as my friend Mr. Tampi seems to be. I have no fear, of *Smritis* being altered. In fact, my own impression is that this Legislature is more competent to alter or enact *Smritis* than the old *Smrithikarthas* were. It was the position in society which the old *Smrithikarthas* occupied that gave to their directions the sanctity of law. But here, we are constituted legislators who can enforce any piece of legislation that we make for the interests of the communities concerned. Therefore, without the fear expressed by Mr. Tampi, I accept the principle enunciated by Mr. Fletcher, and support the Bill.

I wish to make a reference to some of the objections raised by my friend Mr. Anantasiva Aiyar. I never expected that objection would come from that quarter. I thought Mr. Anantasiva Aiyar also would be representing the hard lot of the widows. I am now surprised to find that he is representing the interests of the male section of the population rather than those of the female section. My friend Mr. Anantasiva Aiyar is evidently under the impression

that the number of suits for maintenance is a proper test of the satisfaction or dissatisfaction of the widows. I can boldly say that it is not. There are many widows in the communities concerned who are actually suffering for want of maintenance. Owing to their belonging to the weaker sex, they are not able to establish their rights before a court of law. Many submit to their hard lot and it is only some that come forward. From that it should not be said that amicable arrangements are being made to satisfy their just claims. That is one thing.

Another objection that my friend put forward was that she will never improve the property over which she has got only a temporary interest. I ask my friend whether the objection is not one that cannot be directed against women's estate generally. In fact when my friend Mr. Narayana Aiyar brought forward this piece of legislation and I saw simply the heading I thought that he was going to propose a piece of legislation parallel to what obtains among the Marumakkathayam communities giving absolute right to the women. But it was not so and after all this is a very modest piece of legislation intended only to secure her right. My friend Mr. Ananthasiva Aiyar will ask if a share is given to women by law for life does it avoid a suit? I say that the more the right is definitely recognised the less will be the necessity for going to a court to enforce the right. Now, the right that the widow has is a very vague right and therefore the male members may ignore it and alienate the properties without caring for the right of a widow. Hereafter, if she is entitled to a share of the property, the persons who purchase properties will take care that the consent of the woman is also obtained. That is another thing.

Then my friend says that movables will have to be divided and that money will be squandered by the widows which they have to account for. He also admits that they are expected to keep a "peaceful, quiet and pious life." It must be said to the credit of the widows that they are doing so and that there is no fear of money being squandered by them. The squandering argument is that one can be directed against the others also. But that is a danger that society has to avert by proper treatment of widows and it may be expected that the widows of these communities will be careful enough not to squander the money from the nature of the life that they are leading. I therefore support the principle of the Bill which is a very modest one and which is meant to bring the law into line with the law in force in British India and elsewhere. I ask—is it possible for the community which follows Mithakshara law in this land to be following a separate law distinct from the law followed in British India? As Mr. Narayana Aiyar said in his introductory speech there are many relations on the other side of

[Mr. M. Govindan.]

the ghats; they will be following one law and we will be following another law. That will be a very unhappy thing. I therefore wholeheartedly support the motion for the introduction of the Bill before the House.

Mrs. Abernam Gnansikhamony (*Nominated*): Sir, I too support the Bill. It will be very cruel for an advanced country like ours to sacrifice the independence and happiness of the poor widows for the sake of observing long standing customs. They are not only women but they are widows and that must be remembered. It is heartrending to listen to the points of the honourable members who opposed the Bill. Widows, certainly, deserve a better treatment.

Mr. G. Narayana Aiyar: After hearing the able arguments of the honourable member who opposed the Bill I am not satisfied that he has made out a case for me to withdraw the Bill. There were days when women were regarded as chattel or slaves. But all those days are now over. In Amarakosa we find that the woman is described as abala as can be seen from the *pariyayams* to the word. “*ബാല*” which runs as follows, “*ബാലാ*... *ബാലാ*...” Very recently I read an article in a newspaper where objection has been taken to that description of the women as abala. The article states that women are taking part in all walks of life and that therefore the word “abala” should not be used in regard to women and that they enter an emphatic protest against the use of such word any further.

Mr. M. K. Ananthasiva Aiyar: May I know whether the article is with regard to women of the Mitakshara family or of any other race?

Mr. G. Narayana Aiyar: Women in general. When that is the position, when they are prepared to come forward and share in all walks of life, to say that the widows should occupy the very old position prescribed in the *Smritis* cannot any longer be maintained. My friend submitted that the widows should only lead a life of *vrithanushthanam*, that they can take only one meal a day and follow certain other directions. These commands are no longer valid. Our High Court and all courts in British India have held that the status of the widow and of her husband and her reasonable wants are the guiding factors in fixing the rate of maintenance to the widow and that such restrictions and injunctions are not legally maintainable and that the widows have to lead as honourable and happy a life as they did when their husbands were alive, subject to the position and status of the family. I do not admit the position submitted by Mr. Ananthasiva Aiyar that the widow

ought to be satisfied with bare maintenance. Even as regards maintenance we very often see that very often to defeat the widows right to get maintenance and in anticipation of litigation the other members of the family alienate the family property and that leads to trouble so far as the widow is concerned. Now, as the law stands, the widow cannot positively say what is the exact amount she is entitled to get as maintenance because that depends upon very many contingencies, the position of the family the family income, the family expenses and other things. If the provisions of the present Bill are accepted the widow's right will be safe. Her husband's share is a definite property over which she will have rights of enjoyment and that also minimises the difficulties of litigation. The other members of the family will be ready and willing to treat the widow leniently and kindly when it is declared by law that she has a definite right over her husband's share of properties.

As regards the defective management by women, contended for by Mr. Anantasiva Aiyar my friend Mr. Govindan has dealt with all the points raised by Mr. Anantasiva Aiyar in detail and so I think it is unnecessary for me to go over it again. If there is any difficulty or waste in the management of estates by widows there are the legal remedies which could be obtained through courts. An injunction may be obtained restraining her from wasting the property. Such remedies are not lost by this Bill.

My friend submitted also that the right of a widow for maintenance is a charge on the family property. I do not think that the statement is legally correct. The claim of a widow for maintenance is not a charge upon the estate of her deceased husband until it is fixed and charged upon the estate. This right is even liable to be defeated by a transfer of the husband's property to a *bona fide* purchaser for value. This position has been declared by our High Court. It has also been held that the widow's claim is liable to be defeated by a transfer to a purchaser for value even with notice of the claim unless the transfer was made to defeat the widow's right and the purchaser had notice of such intention. The charge has to be declared by a court of law or by a registered document between the parties or else there may be a general charge on the property but not a specific charge on any specific property. It can be seen that in no other community there exists such a restriction on widow's rights. When widows of other communities enjoy such freedom, it is only right that Hindu widows are also allowed to enjoy their husbands' properties. After having been married to a wealthy man to ask a Hindu widow Governed by Mitakshara law

[Mr. G. Narayana Aiyar.]

to lead a miserable life, after her husband's death ignoring the status of her husband, I submit, is very cruel. As such, I hope that the principle of my Bill will be accepted by the house.

The question was put and carried and the principle of the Bill was accepted by the house.

The Secretary to the Sri Mulam Assembly then read the title of the Bill—The Travancore Hindu Women's Rights to Property Bill.

Mr. G. Narayana Aiyar: Sir, I now propose that the Bill be referred to a select committee consisting of the following members, the committee to submit its report in three months :—

Mr. James Fletcher
 „ Kochikal P. Balakrishnan Tampi
 „ V. S. Arumukhom Pillai
 „ M. K. Anantasiva Aiyar
 Mrs. Abernam Gnanasikhamony
 Mr. Kalloor Narayana Pillai
 „ M. Govindan
 „ Kottoor Kunjukrishna Pillai
 „ T. Mahomed Ismail
 „ C. N. Tuppan Namputiripad
 „ A. Easwara Pillai,
 „ P. I. Simon,

Legal Remembrancer and the mover of the Bill.

Mr. James Fletcher: I second the motion.
 The motion was carried.

THE TRAVANCORE KRISHNANVAGA MARUMAKATHAYAM BILL.

Mr. James Fletcher: Sir I beg to move for leave being granted to me to take charge of the Travancore Krishnanvaga Marumakathayam Bill. This Bill was read in this House sometime ago, and it was referred to a Select Committee with the permission of this House. The select committee was composed of

Mr. Kottoor Kunjukrishna Pillai
 „ G. Narayana Aiyar
 „ Kalloor Narayana Pillai
 „ M. K. Anantasiva Aiyar
 „ V. S. Arumukhom Pillai

Mr. James Fletcher,
 „ P. R. Godavarma Raja
 „ K. K. Kuruvilla
 „ Kochikal P. Balakrishnan Tampi
 „ Nedumangad R. Kesavan Nair
 „ M. Govindan
 „ T. Mahomed Ismail
 „ K. M. Korah
 „ Padiayra Joseph Kunju
 Mrs. Abernam Gnanasikhamony
 Mr. M. S. Anirudhan
 „ A. Easwara Pillai, (Co-opted)
 „ K. R. Elankath and the
 Legal Remembrancer.

In this committee, three are no more members of this House. Therefore, in their place I propose that Messrs. Sultan Muhiadheen and A. Easwara Pillai of Kottarakara may be added as members.

Mr Puthupalli S. Krishna Pillai (*Legal Remembrancer*): Sir, I rise to a point of order. There is no notice of a motion to propose the names of members to the committee in the place of the three members who have vacated their seats in the Council. The motion before the House is only that the member be given leave to take charge of the Bill. All the other statements are out of place and it is not necessary that this House should make the nominations. In the case of joint committee such a procedure is necessary but it is not necessary in a case like this. Anyway there is no notice of such a motion before the House.

President: I think it cannot be admitted.

Mr. James Fletcher: Then I move that I may be given permission to take charge of the Travancore Krishnavaga Marumakathayam Bill.

Mr. A. Easwara Pillai (*Co-opted*): May I know from the member the authority on which he moves for the leave of the House to take charge of the Bill?

Mr. James Fletcher: Permission has been already granted for its being moved by me.

President: Order, order. Under the rules and standing orders pertaining to this matter, if for any reason, the member originally in charge cannot go on with it, it is open to this House to allow any other honourable member to take charge of it and continue the Bill and that is what is being done. If there is any other objection, that might be taken.

The motion was put to the vote and passed and leave was granted.

THE TRAVANCORE AGRICULTURISTS' REGULATIONS AMENDMENT BILL.

Mr. Padiyara Joseph Kunju: സർ, ഭാവൻകൂർ ആഗ്രിക്കൽ ചൂറിസ്റ്റർ റിലീഫ് റഗുലേഷൻ അമൻഡ്മെൻറിൽ ഇവ് ടെ അവതരിപ്പിക്കുന്നതിനു അനുമതി ആവശ്യപ്പെട്ടുകൊള്ളുന്നു.

Mr. V. S. Arumukhom Pillai : I second it.

Mr. G. Narayana Aiyar : I oppose it. But before proceeding further, I should like to know what the usual procedure is.

President : When once the mover knows that his motion is opposed, the mover may proceed with his arguments for the necessity of the motion and then the opposer may speak.

Mr. Padiyara Joseph Kunju: സർ, തിരുവിതാംകൂറിലെ കർഷകർ ഇന്ന് ബഹുവധമായ കഷ്ടതകൾ അനുഭവിക്കുന്നുണ്ടെന്നുള്ളതു സർവ്വവിദിതമാണ്. ഉല്പന്നങ്ങളുടെ വിലക്കുറവുമൂലം ധനമുതൽകർഷകർ കഷ്ടപ്പെട്ടുവരികയാണ്. ഉല്പന്നങ്ങൾക്ക് വിലക്കൂടുതൽ ഉണ്ടായിരുന്ന കാര്യത്ത് കൂടുതൽ പദ്ധതി കൊടുത്തുകൊള്ളാമെന്നുള്ള കരാറിൽ കടംവാങ്ങിക്കുകയും ഉല്പന്നങ്ങളുടെ വിലക്കുറവുനിമിത്തം അവരുടെ കടങ്ങൾ തീർക്കാൻ നിവർത്തിയില്ലാതെ ഇപ്പോൾ വിഷമിക്കുകയുമാണ് ചെയ്യുന്നത്. ഷെലാക്ക് മനസ്ഥിതിക്കാരായ പണമിടപാടുകാരും പൊലിക്കടക്കാരും പാവപ്പെട്ട കൃഷിക്കാരായ അധമണ്ണരെ ഉപദ്രവിച്ചുകൊണ്ടിരിക്കുകയാണ്. എന്റെ സ്റ്റേഹിതൻ മി: അനന്തശിവയ്യർ പറഞ്ഞതുപോലെ ഇവർ കൃഷിക്കാരുടെ രക്തം ഉററിക്കുടിക്കുകയാണ് ചെയ്യുന്നതു്. ഈ ബില്ലിൽ അടങ്ങിയിരിക്കുന്ന സംഗതികൾ എന്തുതന്നെയായാലും അവതരിപ്പിച്ചതിനുശേഷം രാജ്യത്തിന്റെ പൊതുതാല്പര്യത്തിനു യോജിച്ചവിധത്തിൽ വേണ്ട ഭേദഗതികൾ വരുത്തിക്കൊള്ളാമെന്നു വിചാരിച്ച് സമാധാനപ്പെടാതെ ഈ ബിൽ ഉവിടെ അവതരിപ്പിക്കുന്ന വിഷയത്തിൽപോലും മി. ജി. നാരായണയ്യർ എത്രത്തരിൽ ഞാൻ അതു തള്ളപ്പെടുന്നു. ഈ ബിൽ സംബന്ധമായി അദ്ദേഹത്തിനു എന്തെല്ലാം പറയാനുണ്ട്, എന്തെല്ലാം കാരണങ്ങളാലാണ് അദ്ദേഹം ഈ ബില്ലിനെ എത്രത്തരി്. എന്നുള്ള സംഗതികൾ അറിഞ്ഞാൽ ഞാൻ അതിലേക്ക് സമാധാനം പറയാം. ഞാൻ മുമ്പ് പറഞ്ഞതുപോലെ കർഷകർക്ക് ഇന്ന് യാതൊരു വിഷമവുമില്ലെന്നാണ് അദ്ദേഹം പറയുന്നു എങ്കിൽ വിഷമം ഉണ്ടെന്നുള്ള സംഗതി ഞാൻ തെളിയിച്ചുകൊള്ളാം. അതുകൊണ്ട് മി. നാരായണയ്യർക്ക് പറയാനുളളതു് എന്തല്ലാമാണെന്നു അറിഞ്ഞതിനുശേഷം ഞാൻ അതിലേക്കു മറുപടി പറഞ്ഞുകൊള്ളാം.

Mr. G. Narayana Aiyar : I oppose the motion for leave to introduce the Travancore Agriculturists' Relief Regulation Amendment Bill. The original Bill was passed only two years ago. Sufficient time has not elapsed to ascertain the benefits, if any or defects in the working of the Bill. It is only after realising the defects in its working and the grievances of the agriculturists we can gauge what more could be done to better the conditions of the agriculturists. The Conciliation Boards were established only during last year and are regularly working now. There also the advantages derived from their constitution could not be ascertained now. Before the Agriculturists' debt Relief Regulation was passed the decree holders were realising their amounts from the judgment debtors in instalments in some cases on mutual agreement. Since the enactment of this Regulation and the establishment of Conciliation Boards it is regrettable to find that the amount realised by way of execution has gone down. In other words the amount realised in 1112 by means of execution was far greater than the amount realised in 1113. There was a deficiency to the extent of 4 lakhs by way of realisation in 1113. The provisions of the regulation instead of helping realisation of debts by giving concession to the debtors has retarded the progress of realisation. The provisions of this regulation were used by the debtors simply to defeat and delay payment of debts and tease creditors. The judgment debtors when they apply for conciliation had no idea of paying even the conciliated amount. I know of several instances in which the Conciliation Officer with the consent of the decree holder ordered to pay a smaller sum in full discharge of the debt within a period of time. Such orders were neither carried out nor obeyed. The creditors who are prepared to receive the conciliated amount were not able to get the amounts conciliated. The material considerations that weighed with the House in passing the Agriculturists' Relief Regulation were that the cost of living had gone down and the price of articles also had gone down. Naturally enough it was contented that the creditor must be prepared to receive a reduced amount due to him. It is true to say that to a certain extent the cost of living has gone down but not in all respects for instance the price of salt and kerosene oil has been the same. Has the price though there is over-production in our state of salt gone down? Has the price of kerosene oil gone down. These are the necessities of even the poorest men. The Government are not prepared either to reduce the price of salt or court fees or school fees and they have their own justification for it. They are not prepared to scale down debts due to them. Even on such elementary commodities the price is the same as before and there was no reduction in the price. Although the cost of living has gone down

[Mr. G. Narayana Aiyar.]

the style of living has gone up. Some 20 years before, an ordinary cooly was satisfied with wearing a mundoo and thuvarthu for covering his nakedness. Now he is having besides the mundoo and thortu an underwear, an upperwear, shirt, sweater etc. All the members of the House are aware of this. Even though he is a cooly he wants this luxury. With the advance of literacy and civilization whatever be the financial position of one-self, everyman wants to see that his children are given higher education disproportionate to the means and wants to lead a luxurious life. Even in schools the fee for the sixth form was Re. 1 some thirty years ago. Now it is about Rs. 3-8 roughly. The debtor who claims the scaling down of his debts is not prepared to lower his style of living. The bridegroom price has not gone down. The expense in house in such items as coffee tea etc., have not decreased. Then price of gold has increased considerably and the use of gold could not be dispensed with [in practical life. Thus we find that the style of living has considerably increased and has become costlier. There is no sufficient justification to say from all these circumstances that the agriculturists need further relief all on a sudden ignoring the rights of the creditor. There is also the Report of the Nutrition Committee which has said that the average life of an Indian is far from satisfactory and that he is not using nutritious things containing enough of vitamin. Since the passing of the regulation credit business is completely at a stand still. No body is prepared to lend any amount for fear of the existing regulation even if you take into consideration the position of creditors in Travancore it could be seen that most of the loans advanced are below Rs. 1,000. The creditors are even now put to much difficulties in that they are not able to realise their small investments from their debtors. What does the amendment of the Agriculturists' Regulation propose? It suggests the scaling down of even the principal. That is very hard in view of the poor position of most of the creditors.

Another aspect of the matter I wish to refer to is this. In the Madras Act there are certain very benevolent provisions which are absent in our regulation. Certain class of deserving creditors are protected by the Madras Act. Our regulation does not contain similar protection or provisions.

Mr. Kottoor Kunjukrishna Pillai (*Quilon cum Kun-natur*): On a point of order. At this stage when the member asks for leave to introduce the Bill, can the clauses of the Bill be brought under discussion? According to Standing Order No. 31.

the mover and opposer of the Bill have to make a brief statement. I am afraid that by referring to details in the provisions of the Bill the principle of the Standing Order is not adhered to.

President : According to the statement of the Lord Chancellor, brevity will vary according to exigencies of cases.

Mr. G. Narayana Aiyar : As regards even the Madras Agriculturists' Relief act it was passed only in 1938. Sufficient time has not elapsed to ascertain whether that act has in any way benefitted the people at large. Further the Madras Act has certain specialities. It exempts from the operation persons having a limited income.

President : At this stage I may say that the possibility of amending this bill, the changes and modifications by the Select Committee, all these could be considered later. At the present moment the fundamental principle of the Bill alone has to be considered.

Mr. G. Narayana Aiyar : If permission is granted for leave to introduce the bill, it means that the principle of the Bill is practically admitted. I seriously object to that. Let us see what the principle of the Bill is. It is simply one for the scaling down of debts. If that principle is admitted no objection could be made later on against this principle. In the light of the assurance that it will not be taken or assumed that the principle of the Bill is accepted and that I will not be barred or estopped from objecting to the principle later on I conclude my speech and oppose the motion.

President : The question before the House is whether the House grants leave to introduce the Travancore Agriculturists' Relief Regulation Amendment Bill.

The motion was put and carried,
Leave was granted.

RESOLUTION.

Mr. James Fletcher : Sir, I beg to move the following resolution ;

“ This Council recommends to the Government that a five-year plan be chalked out and necessary funds allotted for the purpose of improving all the irrigation tanks in Travancore. ”

Sir, agriculture is overwhelmingly the greatest industry of this country. The prosperity of this country depends on the prosperity of those who cultivate the land. (Mr. Balakrishnan Thampi ; *Hear hear*). Those who live by trading or by manufacture or by doing any kind of investment of money have to depend on the prosperity of the agriculturists. And how can the prosperity of the agriculturists be improved except by improving the facilities for agriculture ?

Mr. Kottoor Kunjukrishna Pillai : May I ask the member whether the prosperity of the agriculturist depends merely on the improvement of tanks ?

Mr. James Fletcher : Not merely on that. There must be willingness to work their industries and they should have necessary facilities for carrying at their work. That facility comes by giving them irrigation tanks. In this country an agriculturist can get water either through rain or from the reservoirs. It is only from these sources he can carry on his cultivation. Therefore, I have submitted that this Council recommends to Government that a five year plan be chalked out and necessary funds allotted for the purpose of improving all the irrigation tanks in Travancore. Sir, the Government was pleased to establish a committee for proposing relief measures in South Travancore. The inadequate supply of water for irrigation has been a standing grievance special to Nanjinad for the last several years. In order to rectify this grievance, the Committee referred to above has been formed and it has been working in South Travancore. The Committee is of opinion that improvement of irrigation tanks should be undertaken immediately. The Committee decided that tanks that remain practically uncared for should be made fit to hold the maximum quantity of water. It is also of opinion that Rs. 10 lakhs should be allotted for this purpose.

President : Does the honourable member realise what he means when he says "all the irrigation tanks" ? How many irrigation tanks are there in Travancore ?

Mr. G. B. E. Truscott : I cannot say definitely how many irrigation tanks there are in Travancore; but there are many thousands. In Trivandrum and Neyyattinkara tanks alone there are 1600 tanks and in addition to that there are about 1200 under the Kodayar Project and another 1200 Manameri tanks in the Nagercoil Division.

President : Does the honourable member insist on a resolution like the improvement of *all the* irrigation tanks in Travancore ? On a rough calculation it will be seen that there are over a crore and a half tanks in Travancore. Will it be possible to improve all these tanks within a period of five years ? If the honourable member would delete the words "all the" and ask that a plan be laid down and pursued for the improvement of the tanks, then probably there may not be any objection. The real trouble is with regard to the words "all the."

Mr. James Fletcher : I accept that suggestion. I may submit that a list of irrigation tanks and channels in Travancore has been prepared and published by the Minor Irrigation Committee in 1935. It consists of a very large number of tanks, as stated by

the President. It may be impossible to improve every one of these tanks within a period of five years. However whatever can be done should be done in improving these tanks so that the ryots may get on prosperously in those areas where paddy cultivation is carried on. I am requesting that this House may recommend for carrying out this resolution to that extent.

President : I take it that the honourable member has consented to delete the words "all the."

Mr. James Fletcher : Yes, Sir.

Mr. Kottur Kunjukrishna Pillai : I second the resolution. I must make it clear that only the spirit underlying the resolution should be taken to be supported and accepted by me when I second the resolution moved by Mr. James Fletcher. It is said that a five-year plan should be formulated for improving tanks so that the agriculturists' lot might be improved in Travancore. I must at the very outset say that the improvement of tanks cannot in any way appreciably affect or improve the lot of agriculturists in various parts of Travancore where the problem is often-times not want of water but of drainage. When you put forward a big phrase as a five-year plan, it should not be confined to the improvement of tanks alone and the people who are suffering from excess of water should not be excluded from the operation of such a beneficent scheme.

President : This is a very restricted five-year plan.

Mr. Kottur Kunjukrishna Pillai : It is restricted to certain localities. I wish to point out that if Government propose to work out the five-year plan involving such a large expenditure they must consider it more comprehensively and bring forward a plan which would affect not merely a portion of the State but they must consider the question of investing substantial amounts for the improvement of agriculturists throughout the State. That is all that I have to point out.

Mr. G. B. E. Truscott : Now that the resolution has been modified, I do not think there will be any objection to the House passing this resolution if it considers it necessary. The honourable member referred to the Minor Irrigation Committee's report. In this report it is stated that approximately an amount of Rs. 35 lakhs would be required to restore all the unrestored irrigation tanks. Since going into the details of the minor irrigation works, we find that this amount is very much under-estimated. There are, as I stated previously, 1600 tanks in Neyyattinkara and Trivandrum taluks alone and if we allow an average of Rs. 1,500 for the repair of each which is a fair average, this will amount to Rs. 25 lakhs. There are of course in addition other irrigation works not classified as tanks.

President : The honourable member may point out what he has done for the previous years.

Mr. G. B. E. Truscott : For the last five years we have spent on irrigation nearly Rs. 8 lakhs and the expenditure is increasing yearly. Of this minor irrigation works amount to about Rs. 6 lakhs and for the past 3 years we have spent about Rs. 1½ lakhs a year on restoration works. We have in all carried out about 1000 works of which about a half are tank restoration. There is one thing that must be understood with regard to minor irrigation and that is that the expenditure involves contributions from the ryots by way of cess or part contribution and that the ryots should maintain the works once they are put in order. This they do not always agree to and so our estimates when sanctioned have to be held up for want of contribution from the ryots. We have prepared estimates amounting to about Rs. 25 lakhs. Some have been sanctioned and are in progress and I estimate that we shall spend this year about Rs. 2 lakhs on minor irrigation works which is the amount allotted by Government yearly. Government can accept a 5-year plan; it is only the question of allotment of funds and the willingness of the ryots to make their contribution for minor irrigation works. Major irrigation is on a different footing.

Mr. V. S. Arumughom Pillai : May I know whether for irrigation works within the Kodayar Project area amounts are debited towards the Project account?

Mr. G. B. E. Truscott : We have had special funds allotted for the last 15 months for works in the Kodayar area and the amount allotted this year has already been expended and I am asking for fresh funds for this and also for investigating the Perinjani scheme.

Mr. V. S. Arumughom Pillai : My question is whether the amount spent are debited to the Kodayar Project or to the Public funds?

Mr. G. B. E. Truscott : This money is a special grant. This is not debited to the Kodayar Project.

President : The question before the House is that the resolution moved by Mr. James Fletcher that "This Council recommends to the Government that a five-year plan be chalked out and necessary funds allotted for the purpose of improving irrigation tanks in Travancore."

The motion was put and carried.

ADJOURNMENT MOTION.

Mr. V. S. Arumukhom Pillai: Sir, I beg to move for an adjournment of the business of the Council for the purpose of discussing a definite matter of urgent public importance, namely, the distress caused among the ryots of Nanjinad by the realisation of tax and water cess in respect of lands left fallow for the Kanni crop of 1114 owing to continued drought. A vast area of nearly 8,000 acres in the taluks of Tovala and Agastiswaram have been left fallow for the Kanni crop of 1114 owing to the absence of water as a result of the continued drought. Applications for remission of land tax and water cess were filed by the ryots concerned. Nothing was heard of for some time and now when the time has come for the collection of tax the Proverthicars are very busy in collecting tax in respect of lands that have been left fallow. This has given rise to serious hardships among the ryots concerned and my object in tabling this motion is to bring to the notice of the Government the distress caused among the ryots of Nanjinad by the realization of tax and water cess for the fallow lands and to draw the kind attention of the Government to the extreme necessity of granting remission of land tax and water tax in respect of the fallow lands. Sir, to understand and appraise the true extent of the miseries and hardships among the ryots, mention has to be made of the general position and the peculiarly hard condition of the Nanjinad ryots in general. It is a fact well-known to the present Government that taxation in Nanjinad is the heaviest. As I have so often submitted before this House, the maximum tax per acre in Nanjinad—one will be shocked to hear is Rs. 35, a tax, Sir, the like of which is not obtaining anywhere in this civilized world. The average tax per acre of wet land is Rs. 20 for Agastiswaram and Rs. 15 and odd for Tovala. The average tax obtaining in the Presidency of Madras is Rs. 6 annas 6 and in the neighbouring district of Tinnevely which is said to bear the heaviest assessment in the Madras Presidency the average is Rs. 3 annas 15. It is not even this heavy and excessive assessment that is most painful but the extreme inequality of taxation. No part of the State bears so much of tax as Nanjinad. It is this inequality in the assessment that is most heart-rending. The principle of taxation in Nanjinad is against all canons, and principles of taxation. It is beyond the capacity of the people to pay. It is not a portion of the produce. It is the entire produce that is being taken away in the name of taxation. When dealing with the question of taxation, I may submit that the most important aspect for consideration is the inequality of taxation in Nanjinad. I have alluded to this very often in this House. Nearly one-fifth of the tax obtaining at present in

[Mr. V. S. Arumukham Pillai.]

Nanjinad is based on a wrong calculation committed in the adjustment of the para and kotta measurements for purposes of commutation of tax in kind into money. This question was being agitated for a very long time and it is a great consolation that the Government have now at last realised the real suffering of the people and taken up the question seriously. I understand that the Government in its infinite mercy has deputed an able officer to go into the question and submit a report. I also learn that a report has been submitted. We in Nanjinad confidently hope that from the sympathy and mercy evinced towards us by the present Government this question will be solved most favourably. In the matter of taxation I have to submit one more point for consideration. I have been agitating for a re-settlement. As I have so often pointed out the most glaring defect is the inequality in taxation. This inequality cannot be removed unless by a thorough overhauling of the present system of taxation by a re-settlement and by a complete reorganisation with a view to secure a fair and equitable distribution of tax burdens. Sir, I have been submitting that it is a result of the heavy and excessive nature of the taxation in Nanjinad that the ryots for a long time have not been able to save anything. This excessive taxation has caused a heavy drain on the resources of Nanjinad. This has led to great derivalisation in agricultural pursuits and complete economic slavery. While bled-white by taxation and sucked of everything earned by hard labour occurred the terrible drought of the year 1110 quite unprecedented with the annals of Travancore. The crops over a vast area of lands failed during the Kumbhom crop of 1110. The drought continued and there was no prospect of cultivation in the near future. Government also were convinced of the facts and published a press note restricting the area of cultivation. Lands could not be cultivated for reasons beyond the control of the peasants and deputations and representations were sent to Government. Immediately you assumed charge you were kind enough to grant in remission for the fallow lands during the Kanni crop of 1111 beyond the scope of remission rules. This fortune was dogging our foot-steps. For the Kanni crop of 1113 the havoc was still greater. About 14,000 acres of paddy lands had to be left fallow for scarcity of water and in over 5,000 acres crops completely failed. Sir, you were pleased enough to visit the affected area. His Gracious Highness the Maharaja and Her Highness the Maharani were also pleased to visit the affected areas. Immediately after your arrivals we had heavy showers. We waited upon deputation for remission of tax in respect of the fallow lands and you were pleased to sanction a magnanimous remission of tax and water

cess. You were also pleased to sanction a sum of Rs. 25,000 as a first instalment for irrigation works. This kind act will always be cherished by us. This time also the case is similar. It is for reasons beyond the control of ryots that they could not cultivate the lands. If it were possible a single acre of land would not have been left uncultivated. Under these circumstances Government can very well realise the condition obtaining in Nanjinad, as a result of the failure of Kanni crop of 1114. There was absolutely no water as Mr. Fletcher pointed out agriculture is mainly dependent upon irrigation. For reasons beyond our control more than 8,000 acres of lands have been left fallow for the Kanni crop of 1114.

Mr. M. Govindan : May I know, Sir, from the honourable member, what suggestion he has to relieve the distress caused by the Kanni crop?

Mr. V. S. Arumukham Pillai : Sir, in the course of my speech I will suggest the remedies; now, I am at this point, namely, why the Government are unwilling to grant remission and why we have to agitate for this year after year. The Government seem to think that they are fettered by certain rules. It is probably their idea that the rules regarding Tharisu lands prohibit them from granting remission for fallow lands. Sir, I beg to point out that there is a provision in the Land Revenue Manual which enable Government to grant remission. In volume 2 page 516, a clear direction is given to remit water cess for those lands which cannot be served with Kodayar water. I shall read the relevant portions there. "If any particular land or tract of land cannot be served with Kodayar water in 1085 or in any future years, the cess for such lands for that particular year may be remitted." Now, Sir, this is a clear direction a clear provision, to remit water cess if any particular land or tract within the project area cannot be served with Kodayar water. Here is a case where lands cannot be served with Kodayar water and from what I quote above it is unjustifiable on the part of the Government to realise water cess for these lands. Further, Sir, water cess can be realised only if the Government are able to supply water from any source. Even if water is obtained from any other source the P. W. authorities will say that it is Kodayar water and realise tax. Here, in this case it is clear that neither Government nor any other agency has been able to supply the land with water and, as such, it is most painful, to exact water cess in respect of lands which has to be left fallow. Further land tax is a tax on things and it is presumed to be derived from the income from land and when it is quite clear that these lands are not capable of yielding anything, it is not most cruel to realise tax from these barren lands?

[Mr. V. S. Arumukham Pillai.]

Then, coming to the rules again, I may submit that these rules cancelling the immemorial rights of the Nanjinad ryots for fallow remission, were passed on the basis that the Kodayar reservoir will be a complete insurance against drought. Our bitter experience from the year 1110 has amply proved that that hope is entirely unfounded and that the Kodayar reservoir can no longer be depended upon. Therefore, it is up to the Government to change the rules, if necessary, to suit the existing conditions. Sir, it is not before a Court of law that I plead; if it is so, the court of law can safely say that we are bound by rules and regulations. Here I am pleading before the Government. It is up to Government to change the rules if the Government really think that the rules are inadequate to protect the legitimate interests of the ryots. What I submit is this. If the ryots concerned really deserve sympathy, if they really deserve remission, these rules cannot stand in the way and it is up to the Government to change the rules, I may even go to the extent of saying that any rule which cannot protect of legitimate interests of the ryots is an unsympathetic piece of legislation and must be effaced from the Statute Book.

Further, I have submitted on two prior occasions that Government was graciously pleased to go beyond the scope of the rules. If the rules are really prohibitory of course, in my humble opinion, the rules do not contemplate cases of extreme necessity like the present one it is for the Government to change them.

Further, it is a well-known fact that in cases of vismajor i.e. Act of God, the rules and regulations can be relaxed. There is a strong argument which I would advance for the change of rules and for the grant of remission. Sir, finally, I cannot conclude without appealing to the mercy of the Government. Sir, Nanjinad, which has earned the fair name of the granary of Travancore has served the country and the sovereign and has been most loyal. History will bear ample testimony to the fact that in times of dire necessity our Maharajas have turned towards the loyal subjects of Nanjinad and Nanjinad has nobly responded to the Royal Call. Further, unlike our brethren in North Travancore, we have been contributing a major portion of our income to the coffers of the State. Now that we are living under adverse circumstances and have met with adversity, we come to you for a small thing like the remission of the tax and the Government are bound to protect us and grant this remission. With these words I move this adjournment motion.

Mr. James Fletcher : Sir, I second the motion.

Mr. M. Ramachandra Rao : Sir, it is true that the assessment for wet lands in Nanjinad is high. As long as the rains were coming in season, as long as the Kodayar Project did not disappoint them, and as long as the price of paddy was sufficiently high the Nanjinad ryots were continuing happily. During the past few years, nature has disappointed, consequently, the Kodayar Project has also disappointed the people and due to the general depression, the price of paddy has gone down. The Nanjinad ryots have therefore begun to complain and to complain bitterly that the Government is alive to the difficulties of these people, is clear from the fact that from the year 1110, Government have been giving concessions throughout the State and in granting those special concessions Government have shown special consideration to Nanjinad. While the concessions shown elsewhere was 12½ per cent. in Nanjinad, Government gave a concession amounting to 18½ per cent. Over and above this, Government have granted tharisu remission as a special case and this has been going on from the year 1111. In 1112, when the Dewan visited Cape Comorin, he received a deputation of the Nanjinad ryots who placed before the Dewan their grievances. They stressed the question of the high tax prevailing in Nanjinad and the difficulty they were labouring under on account of the conversion of the Parah-Marakkal. The Dewan replied to them that the questions will be taken up when the work of re-settlement is taken up. Since then Government have for various reasons decided that the re-settlement work could not be taken up at once. The difficulties of the Nanjinad people had to be considered at once. Government therefore deputed my predecessor in office, Mr. George, to take up the question of conversion of parah into marakkal which is one of the main difficulties of the Nanjinad ryots. Mr. George has gone into the question and has submitted a report and I may say that the Government will issue orders thereon very soon and that I hope the orders will be favourable to the ryots.

Mr. Kottur Kunjukrishna Pillai : Sir, can the communications of officers of Government be divulged?

President : Even officials can express their hope.

Mr. M. Ramachandra Rao : Sir, I can assure the House that they can expect a favourable decision very soon.

The tharisu lands question has been taken up separately, I have been getting reports from the taluks and I shall look to that separately. Till then, it is the duty of the ryots to pay the tax. If remission is granted, the excess paid may be adjusted. For example, tax concession was granted in 1113 and in cases where the tax was paid it was adjusted towards the tax for 1114. Regarding water

[Mr. M. Ramachandra Rao.]

cess there is some difficulty. The rules require that tax should be paid even if the land gets little water. The rules may require some amendment and I shall look into the question soon. It is true that remission rules as they stand at present are a little stringent. But it is a difficult question to tackle. How long it will take and how far they could be relaxed are questions which are difficult for me to answer now. But I assure the House that these questions will be dealt with soon considering the sympathy which Government have shown till now to the Nanjinad ryots and which is likely to continue to be shown to them, I would request the honourable member to withdraw his motion.

Mr. V. S. Arumukham Pillai: Sir, I withdraw the motion.

President: The motion, by leave, is withdrawn. The House will now adjourn *sine die*.

The House adjourned *sine die* at 12-40 p. m.

A. GUNAMONY,
Secretary to the Sri Chitra State Council.

PROCEEDINGS
of
THE TRAVANCORE SRI CHITRA STATE COUNCIL.

(OFFICIAL REPORT)

SECOND COUNCIL.

FOURTH SESSION.

VOLUME XIII—NUMBER 3.

FOURTH SESSION 1939/1114.

Monday, the 3rd July 1939/19th Mithunam 1114.

The Travancore Sri Chitra State Council met in the Legislative Chamber, Public Offices, at 11 of the clock with Sachivottama Sir C. P. Ramaswami Aiyar, K. C. I. E., Dewan-President, in the Chair.

MEMBERS SWORN.

The following new members took the oath and signed the rolls :—

1. Mr. C. V. Chandrasekharan, M. A. (Oxon), F. R. H. S. (*Pro-Vice Chancellor, University of Travancore.*)
2. Mr. A. Gopala Menon, M. A., B. Com. (*Director of Public Instruction.*)
3. Mr. M. Govinda Pillai, B. A., (*Financial Secretary to Government.*)
4. Mr. K. M. Kesavan, B. A., (*Karunaga alli, Kartikapalli and Ambalapuzha cum Shertallai.*)
5. Mr. N. Krishna Aiyar, M. A., B. L., (*Vaikam, Kottayam and Changanacherry cum Peermade.*)
6. Mr. Puthupalli S. Krishna Pillai, B. A., B. L., (*Legal Remembrancer to Government.*)
7. Mr. T. Krishna Pillai, B. A., B. L. (*Kalikulam and Vilavancode cum Neyyattinkara*)
8. Mr. E. K. Kuripe (*Parur, Kunnatnad and Muvattupuzha cum Devicolam.*)

9. Mr. G. Narayanan Tampi, B. A., B. L., (*Secretary to Government.*)
10. Mr. M. K. Nilakanta Aiyar, B. A., B. L., (*Chief Secretary to Government.*)
11. Mr. P. Parameswaran Pillai, B. A., B. L., (*Secretary to Government.*)
12. Mr. M. Ramachandra Rao, B. A., (*Land Revenue and Income Tax Commissioner.*)
13. Mr. P. Raman Pillai, B. A., B. Sc., Bar-at-law (*Conservator of Forests*)
14. Mr. V. Sankara Menon, B. A., B. L., (*Trivandrum and Nedumangad cum Chirayinkil.*)
15. Mr. Thomas Chandy Mukkadan (*Nominated.*)
16. Miss Thressia Kora, B. A., (*Todupuzha cum Minachil.*)
17. Mr. G. B. E. Truscott (*Chief Engineer.*)

QUESTIONS AND ANSWERS.

Orphanage at Mulagumoodu.

9. **Mr. James Fletcher** (*Kalkulam and Vilavancode cum Neyyattinkara*): Will the Government be pleased to state :

(a) whether any application for Government help was made by the Catholic Orphanage at Mulagumoodu ;

(b) what is the amount of monetary support now rendered by the Government to that institution ; and

(c) whether there are any other similar institutions conducted in the Trivandrum Division by private agencies ?

Mr. A. Gopala Menon (*Director of Public Instruction*):

(a) Yes.

(b) a grant of Rs. 400 has been given to the institution for 1113 M. E.

(c) There are three other institutions, the Holy Angel's Convent Orphanage, and the Mahilamandiram Orphanage, Trivandrum, and the St. Theresa's Orphanage, Neyyattinkara.

Application for sannads in Revenue Sales in Parur, Kunnatnad and Muvattupuzha taluks.

10. ***Mr. G. Narayana Aiyar** (*Parur, Kunnatnad and Muvattupuzha cum Devicolam*): Will the Government be pleased to lay on the table a statement showing the number of applications for sannads in revenue sales pending in the taluk offices at Parur

Kunnatnad and Muvattupazha at the close of the year 1112 and the dates when such applications were received, stamp papers produced and the total value of all the stamp papers produced?

Mr. M. Ramachandra Rao (*Ag. Land Revenue and Income Tax Commissioner*): No such statistics are available.

Mr. G. Narayana Aiyar: May I know from the member who receives the applications for sannads in revenue sales?

Mr. M. Ramachandra Rao: The Deputy Tahsildar.

Mr. G. Narayana Aiyar: May I know who receives stamp papers for preparing sannads?

Mr. M. Ramachandra Rao: The same officer

Mr. G. Narayana Aiyar: May I know from the member whether the office preserves any register to show the receipt of applications?

Mr. M. Ramachandra Rao: There are registers.

Mr. G. Narayana Aiyar: May I know from the member whether any special register is prescribed for showing the receipts of stamp papers?

Mr. M. Ramachandra Rao: There is no separate register for the purpose.

Mr. G. Narayana Aiyar: May I know from the member in which register the receipt of stamp papers is entered?

Mr. M. Ramachandra Rao: In the register of applications for copies.

Mr. G. Narayana Aiyar: May I know from the member whether Government have received complaints that stamp papers for issue of sannads are not accounted for?

Mr. M. Ramachandra Rao: I do not think that any complaint has been received.

Higher Survey Training

11. ***Mr. Sultan Muhiadheen** (*Trivandrum and Nedumangad cum Chirayinkil*): Will the Government be pleased to state:

(a) the number of applications received from (1) those in service and (2) outside for each course of survey higher training, since the new rule came into force, the number of applicants selected from each, the number employed in Government service both in the Survey and Revenue Departments and from those from outside;

(b) whether there is any rule that preference should be given to those who are in the Government service ; and

(c) if the answer to part (b) is in the affirmative, whether there is any deviation of the said rule ?

Mr. M. Ramachandra Rao : (a) A *statement furnishing the particulars is laid on the table.

(b) Yes.

(c) On one occasion *i. e.*, for the class conducted from Vrischikom to Makarom 1113, 10 private candidates were selected against 5 candidates selected from among Government servants. This was due to the dearth of qualified hands in Theodolite Survey for recruitment as Surveyors on Rs. 25-40 in the temporary establishment sanctioned for the Survey Department.

South Ariad Arattuvazhi.

12. ***Mr. Kochikkal P. Balakrishnan Tampi** (*Karunagapally Karthigapally and Ambalapuzha cum Sertallai*): Will the Government be pleased to state :

(a) whether they have received representations from the public of Ariad South and North pakhies in Ambalapuzha taluk or their representatives for the restoration of the South Ariad Arattuvazhi and its conversion into a cartable road ;

(b) if the answer to part (a) is in the affirmative, the action taken on the representation ;

(c) whether the respective owners of lands have undertaken to surrender the lands required free of compensation ;

(d) the approximate cost for the construction of the proposed road ;

(e) the length of the proposed road ?

Mr. G. B. E. Truscott (*Chief Engineer*): (a) Yes.

(b) A preliminary investigation was made and a detailed report submitted to Government by the Chief Engineer and Government have called for a detailed estimate for improving the road.

(c) Yes.

(d) Rs. 7,000 approximately.

(e) About one mile.

State Transport.

13. ***Mr James Fletcher** (*Kalkulam and Vildvancode cum Neyyattinkara*): Will the Government be pleased to state :

(a) whether there are sufficient number of transport buses for hire on the Trivandrum-Nagercoil and Trivandrum-Neyyattinkara routes :

* *Vide Appendix page 70.*

(b) whether they have received complaints and representations that there is overcrowding in the transport buses running on those roads and that overcrowding should be relieved ;

(c) whether the Transport Department has sufficient number of buses in reserve to meet the rush of passengers during festival days ; and

(d) whether the transport buses are running at all the old scheduled timings ; if not, how many timings per day are eliminated ?

Mr. G. Narayanan Tampi (*Secretary to Government*) :

(a) Yes.

(b) No.

(c) No ; but extra service on festive occasions is provided by temporary re-adjustment of schedules.

(d) Yes.

Mr. James Fletcher : May I know from the member in regard to answer to part b of the question whether Government are aware of the over-crowding in Transport buses ?

Mr. G. Narayanan Tampi : It has been definitely stated in the answer that Government are not aware.

Mr. Kottur Kunjukrishna Pillai (*Quilon cum Kunnattur*) : May I know whether Government permit the over-crowding of buses ?

Mr. G. Narayanan Tampi : Over-crowding, as such, is not allowed at all. But on occasions when there happens to be the break-down of a bus on the road, the passengers may have to be given a lift in another bus following on the same line. This may lead to slight over-crowding once in a way.

Mr. Kottur Kunjukrishna Pillai : May I know from the member whether the Transport buses are checked by the Traffic Department ?

Mr. G. Narayanan Tampi : No, Sir.

Mr. Kottur Kunjukrishna Pillai : May I know Sir, then, how Government came to know that there is no over-crowding in Transport buses ?

Mr. G. Narayanan Tampi : Sir, Transport buses are checked by the Transport Inspectors who are as much the officers of Government as the Police Traffic Inspectors.

Mr. Kottoor Kunjukrishna Pillai : May I know whether the Transport Checking Inspectors are in duty bound to report to Government if there is any over-crowding in the buses ?

Mr. G. Narayanan Tampi : They are, Sir.

Appendix.

Statement furnishing the particulars required in part (a) of question No. 11 of
Mr. Sultan Muhiadheen.

No. of courses conducted:	No. of applications received from Government servants for each class.	No. of applications received from outsiders for each class.	The number of applicants selected for each course of the class.			Total No. of candidates selected for each class.	Remarks.
			From Government servants including Revenue and Survey Departments.	From the Land Revenue and Survey Depts. alone.	from outsiders.		
I	52	68	9	9	3	12	
II	4	33	9	7	3	12	
III	21	28	10	9	2	12	
IV	15	9	9	8	3	12	
V	23	20	12	7	2	14	
VI	22	21	11	7	3	14	
VII*	...	...	14	8	Nil	14	* Applications were not invited for the 7th Course as it was exclusively held for training Government servants.
VIII	30	15	10	3	4	14	
IX	13	153	5	5	10	15	

ADJOURNMENT MOTIONS.

MESSAGE.

Secretary: Under Rule 42 of the Travancore Legislative Rules, passed under date the 28th October 1932, I am directed to inform you that the Sri Mulam Assembly has, at its meeting held on the 26th June 1939 agreed, without any amendments to the Travancore Hindu Inheritance (Removal of disabilities) Bill which was passed by the Sri Chitra State Council at its meeting held on the 22nd August 1938.

ADJOURNMENT MOTIONS.

President: I have received notices of two adjournment motions. One is from Mr. V. Sankara Menon. This motion is:

“For the last three months, in the Pakuthies of Maranallur, Perunkadavila, Marikil, Ottasekharamangalam, Kunnathukal and Kattakada of the Noyyattinkara and Nedumangad Taluks and also in the Karas of Vilappil, Malayinkil, Parod and Korudu bordering on the Trivandrum Town itself, the epidemic of Malaria is rampant and still raging with unabated fury causing death to hundreds of fellow-beings and resulting in complete devastation of several whole families. The epidemic is spreading in all directions and several persons have been fleeing from their houses to Trivandrum and other places to escape the fury of the fatal disease. Starvation and misery and utter ruin face the already suffering people as after-effects of the ravage. The situation thus created deserves the serious notice of the House as well as of the Government”.

Though it is not entirely in form I propose to admit it. It is in order and the House will discuss it this afternoon.

I have received another notice of an adjournment motion from Mr. Kochikal P. Balakrishnan Tampi. It says:

“I move that the business of the House be adjourned for the purpose of discussing a definite matter of urgent public importance, viz., the flagrant denial, of constitutional rights of the voters, involved in the illegal rejection of many nomination papers by the Returning Officers in the recent bye-elections to the Legislature”.

Will the honourable Member kindly enlighten me as to whether Government have any rights to intervene and whether they can do anything in the matter?

Mr. Kochikkal P. Balakrishnan Tampi: The executive officers of Government have summarily and arbitrarily rejected in unprecedentedly large numbers nomination papers during the recent bye-elections, and as such the Government as the head of executive can enquire into the conduct of such officers.

President: If complaints are made against the actions of executive officers as such, it is not only the right but the duty of Government to enquire. Sometimes these officers act as here in a quasi-judicial capacity, and exercise statutory functions and the Law has provided in such cases a remedy by means of election petitions. In some cases, when Government were approached, the persons who made the complaints were asked to take up the matter in proper form *i. e.* by means of election petitions. Under these circumstances, as Government cannot move in the matter, and as they have no statutory right whatsoever to take action I am afraid I shall have to rule this motion out of order.

ANNOUNCEMENT REGARDING ELECTIONS TO BE CONDUCTED.

President I have to announce that the non-official members of the Council would elect a member to the Economic Development Board in the place of Mr. R. Kesavan Nair and another member to the Debt Conciliation Committee. The elections will take place after the regular business of the House is over today under the Chairmanship of one of the panel of Chairmen. I propose Mr. Govindan as the Chairman.

ACTS ASSENTED TO BY HIS HIGHNESS THE MAHARAJA.

Secretary: I beg to report that the following bills have received the assent of His Highness the Maharaja:—

1. The Travancore Village Panchayat Courts Act (Amendment) Bill.
2. The Travancore Revenue Summons Act (Amendment) Bill.
3. The Travancore Workmen's Compensation Bill.
4. The Travancore Markets Act (Amendment) Bill.
5. The Travancore Credit Bank Act (Amendment) Bill.

Mr. M. Govinda Pillai (*Financial Secretary to Government* :

Under Rule 76 of the Travancore Legislative Rules, I beg to lay on the table the following statement of expenditure authorised by the Government under Section 32 of Act II of 1108.

Demand.	Amount in Rupees.	Particulars.
II. Medical.	25,000	To meet additional expenditure under Dieting Charges.
III. Public Health and Sanitation.	4,000	For plague preventive work in the Devicolam Division.
IV. P. W. D.	25,000	For tank restoration works in South Travancore.
VII. Excise.	2,150	Constructional works in the tank poramboke adjoining the Nagercoil Distillery sold to the Travancore Sugars and Chemicals Ltd.
XI. General Administration.	1,213	For the continuance of the office staff and for contingent expenditure in the office of the Special Officer for the revision of the State Manual and for expenses in connection with the journey of the Officer and staff of that office to Madras.
Do.	850	For meeting the expenditure on account of Travelling Allowance to Special Officer for the revision of State Manual and his staff in connection with their visits to Madras and other places.
XIV. Public Service Commissioner.	1,500	For meeting expenditure under Examination charges in the Public Service Commissioner's Office.

Demand.	Amount in Rupees.	Particulars.
XV. Police.	77,208	For expenditure on account of the appointment of 2,000 special Police Officers for six months from 1st Dhanu 1114.
XVI. Agriculture and Fisheries Dairy Farm.	3,562-14-0	For the purchase of a motor truck for the Dairy Farm.
XXIX. Stationery and Printing.	2,250	To meet the special charges incurred for the despatch of the Police Gazette.
XXX. A. Museum.	500	For expenditure on account of taking plaster-casts of sculptures in the Sri Padmanabhaswami Temple and for purchasing two stone reliefs from the owner of a private temple at Thrivikramangalam.
F. Preservation of Oriental Literature.	900	For giving bonus to Mr. Sambasiva Sastri for his commentary on Narayaneeyam.
XXXI. 41 Miscellaneous.	10,000	For carrying out measures for alleviating the hardships due to water scarcity in South Travancore.

DEMANDS FOR SUPPLEMENTARY GRANTS.

I. LAND REVENUE AND TAXES ON INCOME.

Mr. M. Ramachandra Rao (*Land Revenue and Income-tax Commissioner*): Sir, I beg to move for a grant not exceeding Rs. 3,050 under Demand I—Land Revenue and Taxes on Income for the following items:—Rs. 1150 for an additional grant for the travelling allowance of the members of the Jenmikaram Commutation Committee. The other is an additional grant to the extent of Rs. 1,500—under T. A. and Rs. 400 under Anchal Charges in the Budget of the Income-tax Department.

As regards the first item my submission is that the members of the Commutation Committee have travelled in connection with meetings and they have to be paid their travelling allowance. In regard to the additional grant necessary for the Income-tax Department I have to state that it was found not possible to anticipate what the real expenses will be. A sum of Rs. 2000 was originally set apart for the travelling allowance of the Deputy Commissioner and the three Income-tax Auditors. Now it has been found that they have to travel much. At present no money is available to meet their travelling allowances. Therefore, the minimum requirement has been fixed at Rs. 1500 under T. A. for 1114; a sum of Rs. 400 is also required towards Anchal charges. The amount is necessary for purchasing service stamps. I request the House to sanction this Demand.

Mr. Kochikkal P. Balakrishnan Tampi: May I know how much amount is set apart in each of the Divisions during the current year for the T. A. of the members of the Jenmikaram Commutation Committee?

Mr. M. Ramachandra Rao: We had allotted Rs. 500 for the Trivandrum Division, Rs. 900 for Quilon and Rs. 700 for the other two Divisions. The amount that is immediately required is about Rs. 1000 for the Quilon Division and Rs. 150 for the other two Divisions.

Mr. Kochikkal P. Balakrishnan Tampi: May I know the reason for such disparity in the allotment of sums under T. A. between Quilon and other Divisions?

Mr. M. Ramachandra Rao: That amount is to be paid towards the travelling allowance due to the members who have already done work in that connection.

Mr. Kochikkal P. Balakrishnan Tampi: Am I to take it that the members of the Quilon Division can travel at convenient distances and the others cannot?

Mr. M. Ramachandra Rao: All that I can now say is that the members of the Committee in the Quilon Division have travelled a lot and hence the necessity for paying them.

Mr. Kochikkal P. Balakrishnan Tampi: Am I to take it that the member has no belief in economies being effected?

Mr. M. Ramachandra Rao: Whenever occasions arise I do effect economies in expenditure relating to my department.

President: The question before the House is that a sum of Rs. 3050 for additional grant for the T. A. of the members of the Jenmikaram Commutation Committee Rs. 1150, additional grants of Rs. 1500 under T. A. and of Rs. 400 under Anchal charges in the budget of the Income-tax Department be granted.

The motion was put and carried.

The grant was made.

II. MEDICAL.

Mr. P. Parameswaran Pillai (*Secretary to Government*): Sir, I move for a grant of Rs. 5500 for the supply of Coal Gas to the General Hospital, Trivandrum, during 1113 and 1114. Coal Gas is used in the General Hospital for sterilising purposes in the operation theatre, clinical laboratory and the out patient department. This supply was first begun from Mithunam 1112. So it was not possible to know the amount required on account of the cost of supply made in the year 1113 in that year itself. The invoices were received from the P. W. D. only in Thulam 1114 and according to those invoices the cost of supply for 1113 comes to Rs. 2700. Calculated on the above basis the cost for the year 1114 is estimated at Rs. 2800. Therefore the expenditure for 1113 and 1114 put together comes to Rs. 5500. It is to meet the above expenditure that the grant has been applied for. I request that the House may be pleased to vote this grant.

Mr. K. M. Kesavan (*Karunagapally, Karthigapally and Ambalapuzha cum Shertala*): May I know why the P. W. Department has made such a long delay as late as Thulam 1114 in submitting their invoices towards the supply of coal gas.

Mr. P. Parameswaran Pillai: They were able to prepare the estimate for 1113 only at the beginning of this year.

Mr. K. M. Kesavan: It was stated by the member that the supply of coal gas began as early as Kanni 1112.

Mr. P. Parameswaran Pillai: No, Sir. I beg to correct that statement. The supply began only in Mithunam 1112.

Mr. K. M. Kesavan: Was it not possible for the department to submit the invoices much earlier?

Mr. P. Parameswaran Pillai : It might have been possible for the department to send the invoices a little earlier. Anyhow the invoices were actually received only in Thulam 1114.

President : The question before the House is that a sum of Rs. 5500 for the supply of coal gas to the General Hospital, Trivandrum, during 1113 and 1114 be granted.

The motion was put and carried.

The grant was made.

XI. GENERAL ADMINISTRATION.

Mr. G. Narayanan Tampi : Sir, I beg to move for a supplementary grant of Rs. 13,745, under Demand XI—General Administration. This amount is required for payment to the Trivandrum Municipality towards water tax in respect of the Public Offices and certain allied buildings for the year 1114 and the three preceding years, 1111, 1112 and 1113. The details connected with the assessment of Government buildings to water tax had to be settled in consultation with the Chief Engineer, the Water Works Engineer and the Municipal Council. These details were fixed up only by the end of 1113; and it was not, therefore possible to provide the amount as a regular allotment in the budget for the current year. It was also not possible for the Accountant-General to find the required funds by diversion from other sanctioned items. Hence this demand. I request the House to sanction the grant.

Mr. Kottur Kunjukrishna Pillai : May I know whether it is proper to divert from other funds under the rules for meeting this expenditure?

Mr. G. Narayanan Tampi : Yes, Sir. Diversion of funds can be made under the rules if found necessary in the exigencies of the administration, provided that savings are available out of sanctioned allotments.

Mr. Kottur Kunjukrishna Pillai : May I know from the member whether the rules do not prohibit diversion from other heads of sanctioned fund?

Mr. M. Govinda Pillai : Principles of re-appropriation have been definitely stated in the Financial and Account Code. I am not in a position to state whether the re-appropriation which the honourable member has just adverted to will be in order or not.

President : The question before the House is that a sum of Rs. 13,745 for payment to the Trivandrum Municipality towards water tax in respect of the Public Offices and allied buildings for the years from 1111 to 1114 M. E. be granted.

The motion was put and carried.

The grant was made.

DEMANDS XXI—AYURVEDA.

Mr. P. Paramesvaran Pillai : Sir, I rise to move for a grant of Rs. 1,985 under Demand XXI—Ayurveda, for the construction of two temporary sheds at the Bex Hill Bungalow for the accommodation of the Government Ayurveda College. Insufficiency of accommodation for the Government Ayurveda College has long been felt. It was housed in the Ammavagai Buildings at Puthenchanthai and with the opening of an additional class for teaching poison treatment, the question of accommodation for the College became rather very acute. So, it was proposed to shift the college to the Government Bex Hill Bungalow and its premises near the Mint opposite the Ophthalmic hospital. The bungalow itself does not provide accommodation for all the classes. It was therefore decided to put up two temporary sheds on its premises. The walls of the sheds have been so constructed that they can support the weight of a permanent roof later on. The temporary sheds can be converted into permanent structures when more money becomes available. The grant now asked for is on account of the expenditure for the construction of the temporary sheds. I request that the House may be pleased to sanction the grant.

Mr. K. M. Kesavan : Will not the amount required for constructing temporary sheds and then converting them into permanent ones be greater than that for the construction of permanent sheds?

Mr. P. Paramesvaran Pillai : Additional money will have of course to be spent for the conversion of temporary sheds into permanent ones.

Mr. K. M. Kesavan : May I know whether it will not be possible to construct permanent buildings rather than temporary sheds and then convert them into permanent ones?

President : The hon'ble member may explain what portion of the building is proposed to be constructed as temporary and what portion as permanent.

Mr. P. Paramesvaran Pillai: Only the roof is proposed to be constructed as temporary.

President: The question before the House is that Government be granted a sum of Rs. 1,985 under Demand XXI—Ayurveda for construction of two temporary sheds at the Bex Hill Bungalow for the accommodation of the Government Ayurveda College.

The motion was put and carried and the grant was made.

DEMAND XXII—FORESTS.

Mr. P. Raman Pillai (*Conservator of Forests*): Sir, I rise to move for a supplementary grant of Rs. 60,000 under Demand XXII—Forests, on account of additional expenditure under Conservancy and Works. The whole amount is intended to pay the arrear dues of the contractors for the work done during the last year.

Last year, if I am permitted to call it so, was a red letter year in the annals of the Forest Department in the matter of realisation of revenue. It was a record figure for the past many years. The department being a quasi-commercial concern, the increase of revenue naturally carries with it the expenditure also. The expenditure we had to incur last year had to be paid necessarily this year for want of provision last year.

Several other circumstances contributed to the increase of expenditure during the year. The monopoly of royalty had to cease from 13th Edavam and all the saleable trees had to be removed from Tract No. 2 which is called the middle tract. This tract covers about one-third of the whole area of the State from one end to the other. With the limited staff and provision, the department had to strain every nerve and exert extra pressure to complete the work in time. The quantity of timber that was removed during this period was in excess of the anticipated figure by over two lakhs. Side by side with this we had to remove teak trees from an area of 700 acres which had to be surrendered to the Edapalli Chief since that area happened to fall in Tract No. 2. This amounted to nearly one lakh seventy thousand cubic feet.

In view of the extensive development in the electric transmission and distribution and the extension of the main Telephone Trunk Line, the department had to supply a large number of teak saplings to meet the increasing demand. Over 45,000 cubic feet of timber and 25,000 saplings had to be collected from the plantations to meet this demand. As per the requisition of the Development Director for the demonstration of engineering designs and construction of competitive structures of ascu treated timbers the department had to supply large quantities of timber. These works

[Mr. P. Raman Pillai.]

could not be anticipated when the Budget was prepared. As a result, out of the provision of Rs. 4,68,300 sanctioned in the current year's budget, expenditure has already been met to the extent of Rs. 3,43,000 leaving a balance of about Rs. 1,25,000. This is quite insufficient and inadequate to meet the expenditure that the department is likely to meet for the quantity of timber yet to be delivered during the next three months.

From the foregoing reasons it will be clear that it is not possible to meet the expenditure that we are likely to incur in the coming three months with the available amount. I, therefore, request the House to consider this question and pray that this demand may be sanctioned.

President: The question before the House is that Government be granted a sum of Rs. 60,000 under Demand XXII Forests on account of additional expenditure under Conservancy and Works.

The motion was put and carried and the grant was made.

DEMAND XXIV--STAMPS.

Mr. M. Govinda Pillai: Sir, I rise to move for a grant of Rs. 600 on account of additional expenditure under Contingencies 'Purchase of machinery, tools etc.,' in the budget of the Stamp Manufactory. The additional expenditure has been necessitated by the circumstance that Government decided during the current year to alter the design of the stamps and stamp papers. The first consignment of the plates in accordance with this new design has already arrived and Government have paid the first instalment due. The additional allotment now asked for is to run the normal activities of the department during the rest of the year. I therefore request the House to grant this sum.

President: The question before the House is that Government be granted a sum of Rs. 600 under Demand XXIV—Stamps on account of additional expenditure under Contingencies 'Purchase of machinery, tools etc.,' in the budget of the Stamp Manufactory.

The motion was put and carried and the grant was made.

DEMAND XXX—F. PRESERVATION OF
ORIENTAL LITERATURE.

Mr. M. K. Nilakanta Aiyar (*Chief Secretary to Government*): Sir, I rise to move for a supplementary grant of Rs. 625 under Demand XXX—F. Preservation of Oriental Literature for payment of annual maintenance charges of the Office building of the Curator for 1113, telephone charges and scavenging fee.

This amount of Rs. 625 is made up of—Rs. 465 on account of the maintenance charges of the building in which the Curator's Office was held, Rs. 100 on account of charges for telephone installation in the Curator's Office and Rs. 60 on account of scavenging fee from Kanni 1113 to Kanni 1114. As regards the first item, there was a provision in the Budget for 1113, but for want of proper completion certificate the amount could not be paid. So far as the second item is concerned, no provision was made by oversight when the budget was framed and submitted last year. I request that the supplementary grant asked for be sanctioned.

Mr. Kottur Kunjukrishna Pillai: May I know whether there is a provision for allowing supplementary grants for oversight. I am aware of only two conditions under which supplementary grants can be asked for. Is oversight one of them? Under Rule 73, only two conditions have been laid down under which supplementary grants can be asked for; that is grants which have been provided for in the budget and which have become insufficient in the course of the year and the other, new services which have to be undertaken and which have not been contemplated when the budget is framed. These are the only two conditions. I am not aware how a supplementary grant can be asked for oversight.

Mr. M. K. Nilakanta Aiyar: It will come under insufficiency.

President: The question before the House is that Government be granted a sum of Rs. 625 under Demand XXX—F. Preservation of Oriental Literature for payment of annual maintenance charges on the Office building of the Curator for 1113, telephone charges and scavenging fee.

The motion was put and carried and the grant was made.

DEMAND XXXI—MISCELLANEOUS CHARGES.

Mr. M. K. Nilakanta Aiyar: I rise to move for a supplementary grant of Rs. 720 under Demand XXXI—Miscellaneous charges, for payment of water tax to the Trivandrum Municipality in respect of the Victoria Jubilee Town Hall for the years from 1111 to 1114 M. E.

The principle concerning payment of water tax on Government buildings was fixed only recently and hence payment could not be made in the years 1111, 1112, 1113, and 1114.

President : The question before the House is that Government be granted a sum of Rs. 720 under Demand XXXI.—Miscellaneous charges for payment of water tax to the Trivandrum Municipality in respect of the Victoria Jubilee Town Hall for the years 1111 to 1114 M. E.

The motion was put and carried and the grant was made.

LEGISLATIVE BUSINESS.

THE TRIVANDRUM CITY MUNICIPAL BILL.

Mr. Kottur Kunjukrishna Pillai : Sir, I beg to present the report of the joint Committee on the Trivandrum City Municipal Bill.

Mr. James Fletcher : I second it.

THE TRAVANCORE DISTRICT MUNICIPALITIES BILL.

Mr. Puthupalli S. Krishna Pillai : I beg to move that Mr. K. M. Kesavan be nominated a member to the Joint Committee on the Travancore District Municipalities Bill in the place of Mr Padiyara Joseph Kuaju.

Mr. C. V. Chandrasekharan (*Pro-Vice Chancellor*): I second it.

The motion was put and carried.

THE TRAVANCORE CONTRACT BILL.

Mr. Puthupalli S. Krishna Pillai : Sir, I beg to introduce the Travancore Contract Bill as passed by the Assembly. Honourable members might be aware of the fact that this and four other bills relating to commercial laws have been prepared and presented to the Assembly and they have been passed by that House. The attempt is to cure a defect in the existing law. The defect is that no attempt has so far been made for the purpose of codifying these laws. We have been following the Indian Contract Act for the purpose of deciding questions relating to Contracts. No doubt, some attempts have been made to question the correctness of the rules contained in the Indian Contract Act and our High Court have on one or two occasions, refused to be bound by the provisions contained in that Act and have chosen to follow the English law as such law was found to be more consistent with justice, equity and good conscience. It has been thought desirable and, I am quite sure honourable members will agree with me that there must be uniformity in commercial laws. For the purpose of achieving both these purposes this and the succeeding bills have been framed on the basis of the British Indian Acts. The Travancore Contract

Bill is based on the Indian Contract Act of 1872. No attempt has been made to improve upon those provisions. We have been generally following the provisions contained in the Indian Contract Act. It is therefore thought desirable and expedient to follow the provisions contained in the Indian Contract Act and therefore it is that I stated that no attempt has been made to effect any alteration. I move that the Travancore Contract Bill be taken into consideration.

Mr. C. V. Chandrasekharan : Sir, I second it.

The question that the Travancore Contract Bill be taken into consideration was put and carried.

Clauses 1 to 193.

The question that clauses 1 to 193 form part of the Travancore Contract Bill was put and carried. Sections 1 to 193 were added to the Bill.

Preamble and Title.

The question that the Preamble and the Title form part of the Bill was put and carried. The Preamble and Title were added to the Bill.

Mr. Puthupalli S. Krishna Pillai : Sir I beg to move that the Travancore Contract Bill be passed.

Mr. C. V. Chandrasekharan : Sir, I second it.

The question that the Bill be passed was put and carried. The Bill was passed.

THE TRAVANCORE SALE OF GOODS BILL.

Mr. Puthupalli S. Krishna Pillai : Sir, I beg to introduce the Travancore Sale of Goods Bill as passed by the Assembly.

Sir, this, as I have already stated is based on the corresponding British Indian Act *viz.*, Act III of 1930. Here also no attempt has been made to make any departure from the British Indian Law on the subject. I move that the Bill be taken into consideration.

Mr. C. V. Chandrasekharan : Sir, I second it.

The question that the Travancore Sale of Goods Bill be taken into consideration was put and carried.

Clauses 1 to 65.

The question whether clauses 1 to 65 stand part of the Bill was put and carried. Clauses 1 to 65 were added to the Bill.

Title and Preamble.

The question that the Title and the Preamble stand part of the Bill was put and carried. The Title and the Preamble were added to the Bill.

Mr. Puthupalli S. Krishna Pillai : Sir, I beg to move that the Bill be passed.

Mr. C. V. Chandrasekharan : Sir, I second it.

The question that the Travancore Sale of Goods Bill be passed was put and carried. The Bill was passed.

THE TRAVANCORE PARTNERSHIP BILL.

Mr. Puthupalli S. Krishna Pillai : Sir, I beg to introduce the Travancore Partnership Bill as passed by the Assembly.

Mr. C. V. Chandrasekharan : I second it.

The question that the Travancore Partnership Bill be taken into consideration was put and carried.

Clauses 1 to 72 and Schedule.

The question that Clauses 1 to 72 and the schedule form part of the Bill was put and carried. Clauses 1 to 72 and the schedule were added to the Bill.

Preamble and Title

The question whether the Preamble and the Title stand part of the Bill was put and carried. The Preamble and the Title were added to the Bill.

Mr. Puthupalli S. Krishna Pillai : Sir, I beg to move that the Bill be passed.

Mr. C. V. Chandrasekharan : Sir, I second it.

The question that the Travancore Partnership Bill be passed was put and carried. The Bill was passed.

THE TRAVANCORE SPECIFIC RELIEF BILL.

Mr. Puthupalli S. Krishna Pillai : Sir, I beg to introduce the Travancore Specific Relief Bill as passed by the Assembly. This Bill is also based on the corresponding British Indian Act—the Indian Specific Relief Act of 1877. I move that the Bill be taken into consideration.

Mr. C. V. Chandrasekharan : Sir, I second it.

The question that the Travancore Specific Relief Bill be taken into consideration was put and carried.

Clauses 1 to 51 and Schedule.

The question that sections 1 to 51 and the schedule form part of the Bill was put and carried.

Clauses 1 to 51 and the schedule were added to the Bill.

Preamble and Title.

The question that the Preamble and the Title stand part of the Bill was put and carried.

The Preamble and the Title were added to the Bill.

Mr. Puthupalli S. Krishna Pillai: Sir, I beg to move that the Travancore Specific Relief Bill be passed.

Mr. C. V. Chandrasekharan: Sir, I second it.

The question that the Travancore Specific Relief Bill be passed was put and carried. The Bill was passed.

THE TRAVANCORE ARBITRATION BILL.

Mr. Puthupalli S. Krishna Pillai: Sir, I beg to introduce the Travancore Arbitration Bill as passed by the Assembly. This again, as has been pointed out, is based on the corresponding British Indian Arbitration Act of 1899. The Select Committee, no doubt, made one or two slight changes. But they are only intended to amplify the provisions of the British Indian Act and not calculated to bring about any change in the law.

Mr. C. V. Chandrasekharan: Sir, I second the motion.

The question that the Travancore Arbitration Bill be taken into consideration was put and carried.

Clauses 1 to 21 and Schedules.

The question that Clauses 1 to 21 and the schedules form part of the Bill was put and carried.

Clauses 1 to 21 and the two schedules were added to the Bill.

Preamble and Title.

The question that the Preamble and the Title form part of the Bill was put and carried. The Preamble and the Title were added to the Bill.

Mr. Puthupalli S. Krishna Pillai: Sir, I beg to move that the Travancore Arbitration Bill be passed.

Mr. C. V. Chandrasekharan: Sir, I second it.

The question that the Travancore Arbitration Bill be passed was put and carried. The Bill was passed.

THE TRAVANCORE INSURANCE BILL.

Mr. Puthupalli S. Krishna Pillai : Sir, I beg to introduce the Travancore Insurance Bill as passed by the Assembly. I may be permitted to state in this connection that this Bill is based on the corresponding British Indian Insurance Act of 1938 which has now come into operation in British India. This House has on a former occasion discussed the Travancore Life Insurance Act. The Provident Insurance Societies Act was passed on an earlier occasion. There are thus, two Acts in force at present, one controlling Life Insurance business in the State and the other the Provident Insurance Societies business. It has been found in actual experience that the law relating to the life insurance carried on in the State requires further control. In the first place, better protection has to be given to the policy holders who invest their life's earnings on policies issued by foreign companies within the State. In the second place it has been found to be necessary that any speculative business carried on by life insurance companies should be prevented. Though no specific provision is made for prohibiting such an act, safeguards are provided in this Bill, in the first place, by insisting on companies carrying on life insurance in the State to make a deposit of a sum amounting to 2 lakhs of rupees. It has also been proposed that such companies should invest their life funds to a certain extent within the State. Provisions are also made for the purpose of controlling insurance agents with whom honourable members must be very familiar. While controlling their activities and proposing a system of issuing licenses to such persons, provision is made in the Bill for safeguarding the interests of the agents from the vagaries of the companies who, after being benefited by the insurance agents to a large extent, turn those people out without any compunction. Provision is made in the Bill so that in such cases the insurance agents will have a claim on the company for services rendered in the past.

Another important change that will be effected by this Bill is the one relating to the Provident Insurance Societies in the State carrying on what is called Insurance on the Dividing System. This system has been condemned by all and in British India they have taken the first step in prohibiting Insurance on this system. Government are also convinced of the necessity of introducing provisions to change that system and therefore a separate chapter devoted to the purpose of controlling the Provident Insurance Societies working in the State has been added. Here we have not followed the Indian Insurance Act in detail. Because long before the Government of India thought of legislating in this matter this Government had made ample provisions compelling the Provident

Insurance Companies to make a deposit. There is no Provident Insurance Company working in the State that does not comply with this rule.

There is another chapter devoted to Mutual Insurance Companies and Co-operative Life Insurance Societies. Here the provisions obtainable in the British Indian Act are followed in the main. One important feature of this bill is that it furnishes us with a statute which deals with all kinds of insurance business. Large sums of money are yearly going out of the State and the Government have not been able to keep it under control or make it available for the use of the people of the State. A first attempt is made in this Bill to see if such large sums of money can be prevented from unnecessarily flowing out of the country.

These are the main principles underlying this Bill and I move that the Bill as passed by the Assembly be taken into consideration.

Mr. C. V. Chandrasekharan: Sir, I second it.

The question that the Travancore Insurance Bill be taken into consideration was put and carried.

Clauses 1 to 121 and Schedules.

The question that Clauses 1 to 121 and the 6 schedules following them form part of the Bill was put and carried.

Clauses 1 to 121 and the 6 schedules following them were added on to the Bill.

Preamble and Title.

The question that the Preamble and the Title stand part of the Bill was put and carried.

The Preamble and the Title were added to the Bill.

Mr. Puthupalli S. Krishna Pillai: Sir, I beg to move that the Travancore Insurance Bill be passed.

Mr. C. V. Chandrasekharan: Sir, I second it.

The question that the Travancore Insurance Bill be passed was put and carried. The Bill was passed.

THE TRAVANCORE TELEPHONE BILL.

Mr. Puthupally S. Krishna Pillai: Sir, I beg to introduce the Travancore Telephone Bill as passed by the Assembly. Honourable Members are aware of the fact that the Trunk Telephone System has already begun to work in the State and several members must certainly be enjoying the benefit arising therefrom. At the time the Government brought forward the proposals and this House voted in support of it, there was one defect and

that was there was no statutory provision enabling Government to carry on this work. What little law there was, was contained in the Electricity Act and it was found to be inadequate for this purpose. Therefore, a bill has been prepared and presented to the Assembly. It was discussed there and passed. One important provision contained in the Bill is that hereafter Government will be the sole licensing authority for establishment and working of Telephone in the State. It is also provided that if Government undertake to establish a telephone they will be empowered under the various provisions contained in this Bill to enter upon property, to erect posts or to put up wires and cables and other things. At the same time provision is made for the payment of compensation to individuals whose rights may be affected by such entry. This Bill also provides for various penalties for interfering with any telephone system, for the transmission deliberately of false information and for various other matters essential for an efficient working of the system. To the extent to which it goes, it cannot be stated that it comes into conflict with any private or vested interests.

Sir, I move that the Travancore Telephone Bill be taken into consideration.

Mr. C. V. Chandrasekharan : Sir, I second it.

Mr. Eric Hall (Travancore Planters) : Sir, I wish to draw the Government's attention to certain defects in the Telephone bill.

President : Please do it.

Mr. Eric Hall : Under Section 4.

Mr. M. K. Nilakanta Aiyar : It is the printer's error.

Mr. Eric Hall : Sir, may I point out some mistakes in the bill? There are printers' errors to be rectified in clauses 3 and 4, as also in 26.

President : The general rule is that, although a bill is passed into law, it is within the competence of the promulgating authority to correct ministerial errors and the doings of the diabolical personages connected with the printing of those papers. I am sure we are indebted to the hon'ble member for pointing out the mistakes; and the Legal Remembrancer will see to it that such errors do not recur.

The question that the Travancore Telephone Bill be taken into consideration was put to vote and carried.

Clauses 1 to 31.

The question that Clauses 1 to 31 do form part of the Bill was put to vote and carried. The Clauses were added to the Bill.

Preamble and Title.

The question that the Preamble and Title do stand part of the Bill was put to vote and carried.

The Preamble and Title were added to the Bill.

Mr. Puthupilly S. Krishna Pillai: Sir, I beg to move that the Travancore Telephone Bill be passed.

Mr. C. V. Chandrasekharan: I second it.

The motion was put to vote and carried.

The Bill was passed.

THE TRAVANCORE NEGOTIABLE INSTRUMENTS ACT
(AMENDMENT) BILL.

Mr. Puthupally S. Krishna Pillai: I beg to move that the Travancore Negotiable Instruments Act Amendment Bill, as passed by the Assembly be taken into consideration.

Sir, our present Negotiable Instruments Act is based on the old British Indian Negotiable Instruments Act. Since it was promulgated in British India various amendments have been made to the several Sections of that Act, but no attempt has been made to bring the law up-to-date in our own State. This Bill embodies all the changes so far made in British India, and, as I already pointed out, uniformity in these matters is one of the pre-requisites for general commercial prosperity. I, therefore, move that this Bill be taken into consideration.

Mr. C. V. Chandrasekharan: Sir, I second it.

The question that the Bill be taken into consideration was put to vote and carried.

Clauses 1 to 12.

The question that clauses 1 to 12 do form part of the Bill was put to vote and carried.

The Clauses were added to the Bill.

Preamble and Title.

The question that the Preamble and Title do stand part of the Bill was put to vote and carried.

The Preamble and Title were added to the Bill.

Mr. Puthupally S. Krishna Pillai: Sir, I beg to move that the Bill be passed.

Mr. C. V. Chandrasekharan: Sir, I second it.

The motion was put to vote and carried.

The Bill was passed.

**THE TRAVANCORE CIVIL PROCEDURE CODE
(AMENDMENT) BILL.**

Mr. Puthupally S. Krishna Pillai : Sir, I beg to introduce the Travancore Civil Procedure Code (Amendment) Bill as passed by the Assembly.

Sir, these rules, as the honourable members know, have been prepared by the High Court, published in the Government Gazette, and after inviting objections from the public, have again been scrutinised by the Government, printed, and presented to the Lower House, as provided under Section 93 of the Civil Procedure Code. This was considered by the Assembly and certain amendments were made to the rules originally published. The Bill now presented to the House is the one that has been accepted by the Assembly.

I move that the Bill be taken into consideration.

Mr. C. V. Chandrasekharan : Sir, I have much pleasure in seconding the motion.

Mr. James Fletcher : There is a mistake, Sir. Order 8 rule 9, ought to be order 7, rule 9.

Mr. Puthupally S. Krishna Pillai : That is clearly a printing mistake. Under the rules and Standing Orders, printing mistakes can be corrected by the law officers of Government.

The question that the Bill be taken into consideration was put to vote and carried.

Mr. Puthupally S. Krishna Pillai : Sir, I move that these amendments be incorporated in the Civil Procedure Code.

Mr. C. V. Chandrasekharan : I second it.

The motion was put to vote and carried.

Mr. Puthupally S. Krishna Pillai : Sir, I move that the Bill be passed.

• **Mr. C. V. Chandrasekharan :** I second it.

The motion was put to vote and carried.

The Bill was passed.

President : Legislative business is over and it is open to honourable members to have the adjournment motion discussed now or at 2 O' clock.

Mr. Kottur Kunjukrishna Pillai : I suggest that it may be taken up at 2 O' clock

President : If the non-official members have no objection we can have the non official day tomorrow itself.

Mr. Kottur Kunjukrishna Pillai : There is no objection to that, Sir.

President : Then, we shall have non-official business tomorrow itself.

The Council rose for lunch at 12. 10 and re-assembled at 2 p. m.

NEW MEMBER.

Dr. M. K. Gopala Pillai : (*Director of Public Health*) took the oath of office and then signed the rolls.

ADJOURNMENT MOTION RE: MALARIA IN CERTAIN PAKUTHIES BORDERING ON THE TRIVANDRUM TOWN.

Mr. V. Sankara Menon (*Trivandrum and Nedumangad cum Chirayinkil*) : Sir, I beg leave to move that the business of this House be adjourned for the purpose of discussing the following definite matter of urgent public importance, namely,

“For the last three months, in the pakuthies of Maranalur, Perumkadavila, Marukil, Ottasekharamangalam, Kunnathukal and Kattakada of the Neyyattinkara and Nedumangad taluks and also in the karas of Vilappil, Malayinkil, Parod and Karodu bordering on the Trivandrum Town itself, the epidemic of malaria is rampant and still raging with unabated fury causing death to hundreds of fellow-beings and resulting in complete devastation of several whole families. The epidemic is spreading in all directions and several persons have been fleeing from their houses to Trivandrum and other places to escape the fury of the fatal disease. Starvation, misery, and utter ruin face the already suffering people as after-effects of the ravage. The situation thus created deserves the serious notice of this House as well as of the Government.”

The subject is one in which I feel so very strongly that I would crave the indulgence of the House if the language or the matter of my speech becomes either uninteresting or unpalatable. This peril of malaria began towards the end of 1109 and began to grow very serious in 1110 and 1111, so much so there was a very serious protest from all people concerned that immediate steps ought to be taken to prevent this ravage. Government also thought that it was high time, to take immediate relief measures to relieve the suffering of the people affected by that disease. Dispensaries were newly started and other measures also were adopted in several pakuthies and the matter reached such a climax that Government even thought it necessary as an urgent measure to depute a special staff of officers in connection with the work of relief. Certain new roads also were constructed in certain of those pakuthies and the people had temporary relief on account of the prompt action taken by the authorities concerned. The non-officials thought that it was high time for them also to do something in the matter,

[Mr. V. Sankara Menon.]

They also started volunteers and committees and other institutions to contribute their share to relieve the suffering of the people concerned. Our beloved Maharaja had the kindness to bless the place with his Royal presence and it was a source of great comfort and gratification to the suffering people there that they had the unique fortune of getting the immediate blessing from their beloved Ruler. As an after-effect of that event, the officers also worked energetically to check the spreading peril and for one or two years it was almost hoped that measures will be taken to root out the evil but, unfortunately during the last two years the same thing has begun to grow and from the enquiries made by some right-minded people and from my own personal investigations I find that the death-rate has gone very high during the last year. An indication of the havoc caused by these terrible disease can be had on a reference to certain death-rates I have been able to collect from certain of the karas of Maranallur Pakuthy. In one of the karas affected by the disease that is in Kulaserikara, we find among a population of 685 persons, nearly 593 persons were affected by this disease, 93 died within the three months from the first of Kumbhom to the first of Edavom and 9 families have fled from that locality to escape the fury of that fell disease. In a neighbouring kara out of a total of 287 persons 276 are affected by this disease, forty died and four families have fled from that kara. In Kodumon kara and in two other neighbouring karas nearly 600 persons died and four or five families have fled from those karas. Also, the total estimate of the death-rate will show that nearly 2,000 persons have died in 1114 as a result of this disease and many persons have fled from their places to Trivandrum town itself and some of them are even being treated in the General Hospital here. This is about the actual state of conditions on account of the epidemic malaria.

Then, I must come to the after-effects of this terrible disease. From information collected I find that in certain parts people are nearly starving on account of the effects of this disease. They were poor people living upon tapioca and other small cultivations and when all the members of the family were stricken down with the disease there was nobody left to cultivate the means of their livelihood and actually people are starving. That is my information. It is therefore high time that measures similar to those adopted in 1111 and 1112 are taken immediately at least to give food to these people. So, my intention in moving this motion is just to bring to the notice of this House the immediate necessity of taking out certain measures to feed those people who are still remaining alive in those pakuthies after the attack of this disease. I would even suggest that a committee be formed with the Public Health Director

and other persons who are naturally authorised to take measures for this purpose and with certain non-officials also to provide funds immediately for relieving the distress of the people.

I also take this opportunity to bring to the notice of this House that when whole places like the pakuthies I mentioned are stricken down with this disease, it is highly necessary for people in the sister taluks, who can do something to relieve the people, to come forward with all that is possible, and co-operate with Government in doing all that is possible to help those poor suffering people. From what I understand, there seems to be a proposal from the Public Health Department to open new dispensaries also in certain of the pakuthies. I would strongly say that the opening of dispensaries alone will not suffice to relieve the present conditions of the people. Along with the new dispensaries we should have some funds to feed the people who remain alive after the scourge. Some new roads also have to be constructed in those pakuthies to enable them to come to the dispensaries and take medicines and for other purposes. So, the immediate attention of the authorities concerned should be drawn to the necessity of opening certain new roads also in those localities, the opening of additional dispensaries and also the provision of funds to relieve the people who are semi-starved. With these remarks I commend the motion for the acceptance of the House.

Mr. Kochikkal P. Balakrishnan Tampi: Sir, I second the motion so ably moved by my friend, Mr. Sankara Menon. In doing so, I want to point out that the Government cannot launch on an ambitious scheme of feeding. I can understand the necessity of poor people being fed, but it must be done under great restriction because the dole system even as it worked in Great Britain proved rather futile in the end. If indiscriminately the people of an area are fed by Government, the natural tendency for them will be to look up to the Government for satisfying that very necessary human problem. Therefore, what I suggest is that the officials must be co-operating with the non-officials in the matter, and the heads of departments of certain so-to-speak social departments such as the Education Department and the Department of Co-operation, must co-operate with non-officials in the matter of feeding those people who are absolutely poor.

There is another matter in which I will have to amplify the remarks of my friend Mr. Menon, in so far as he has not included the whole area which is affected by malaria. Personally, I know that a pakuthy called Vellanad in Nedumangad taluk is also affected by malaria. A very beautiful spot, a spot which is considered to be very healthy, is now affected by malaria. Therefore, I am

[Mr. Kochikkal P. Balakrishnan Tampi.]

one with Mr. Sankara Menon in believing that remedial measures must be taken ; but Government must take all precautions that the people of that area should not eternally look up to Government for feeding.

Another aspect of the matter is that the Trivandrum Municipality also should make a contribution towards this. It is a matter affecting the public health of Trivandrum. My friend was saying that near the suburbs of Trivandrum malaria is rampant and therefore it has come within the province of work of the city fathers of this town to make a contribution towards the fund to be raised for combating this disease.

With these remarks I second the motion moved by my friend Mr. Sankara Menon.

Mr. T. Krishna Pillai: (*Kalculam and Vilavancode cum Neyyattinkara*): Sir, I rise to support the motion. As was observed by the honourable member Mr. Balakrishnan Tampi, I too own a slight objection in respect of the motion. I have to observe that certain areas in my constituency which are completely under the grip of malaria epidemic have not been included in the adjournment motion.

Sir, malaria raged in Neyyattinkara in an epidemic form some four years back and due to the lethargy and indifference of Government in taking remedial measures at the outset, the disease spread with lightning rapidity to the neighbouring taluks of Vilavancode and Nedumangad. The virulence of the attack, the rapidity of infection and the high rate of mortality, necessitated the Government to take all possible remedial and relief measures, such as, the distribution of rice to the poor and the needy, opening of road to the inaccessible interior regions to facilitate easy access, as well as to offer remunerative work to the poor.

The magnitude of the suffering of the people as well as the loss of life was so great that His Highness the Maharaja and the members of the Royal family, notwithstanding the risks of visiting the malaria infected regions visited those parts. The Royal visit accentuated considerably the remedial and relief measures started by the Government. As a result of this awakened activities of the authorities concerned, and also due to the much longed for rains, setting in soon after the Royal visit, the epidemic showed some signs of abatement and the authorities without much ado stopped their activities fancying, evidently, that they have well-combated the disease and it was well-nigh eradicated. In the meantime, the disease spread with unabated vigour and virulence to every nook and cranny of Neyyattinkara and Nedumangad taluks. It is no

exaggeration to say that 90 per cent. of the people in those parts became a prey to this fell malady. Sir, regarding remedial measures, from experience I can boldly say that the administering of quinine to the empty stomach and emaciated body, would be but hastening the patient's approach to the grave.

President : Has the hon'ble Member any other suggestion to make ?

Mr. T. Krishna Pillai : My suggestion is that the temporary relief measures adopted by Government in the years 1110 and 1111 may be resuscitated and worked out this time also. With regard to the distribution of rice, my friend Mr. Balakrishnan Tampi, pertinently remarked, that success in that venture could be gained only when the officials heartily co-operated with the non-officials. I am happy to inform the House in this connection that during the last epidemic when this experiment was tried, the officials of the locality, both the high and the low, co-operated actively and sincerely with the non-officials and the work was carried on in an eminently satisfactory manner. So my suggestion is that distribution of rice may be started with advantage at the present moment when thousands of those malaria-stricken patients are at the very jaws of death due to sheer hunger and utter poverty. P. W. D. works which were started during the last epidemic, and left half done may be resumed, and also new works may be started in order to give some remunerative labour to those poor people. The present situation, Sir, is undoubtedly, despite whatever figures or facts the official member may give forth to minimise the importance of the situation, so grave and alarming, that, I would urge the Government to take all possible remedial and relief measures without any more dragging on or delay. With these words, I strongly support the motion.

Mr. G. Narayana Aiyar : Sir, I also rise to support the motion. The fact that malaria has affected certain parts of our State cannot be disputed. Even in North Travancore, in my constituency, some parts are under the clutches of malaria epidemic. In granting relief measures, those parts may also be included. I appeal to Government and the Director of Public Health to suggest ways and means for completely eradicating the disease from our country.

Before closing, may I be permitted to make one request to you Sir. Some arrangement may kindly be made by you, Sir, to see that we, on this side of House, are enabled to hear the speeches of the members on the other side of the House. We do not hear any of the speeches of the honourable members on the opposite side of this House.

Mr. Thomas Chandy Mukkadan (Nominated): സർ, ബഹുമാനപ്പെട്ട മെമ്പർ ഈ സഭ മുൻപാകെ അവതരിപ്പിച്ച ഗൗരവമാലയായ ഈ പ്രമേയത്തെക്കുറിച്ച് പരിചിന്തിക്കുമ്പോൾ ഒരു സംഗതി ബഹുമാനപ്പെട്ട ഗവണ്മെന്റിനെ എനിക്ക് അനുസ്മരിപ്പിക്കുവാൻണ്ട്. ഇതിനുമുൻപ് ഈ സഭ കൂടിയിട്ടുള്ള സന്ദർഭങ്ങളിൽതന്നെ ഒന്നരണ്ടു പ്രാവശ്യം അടിയന്തിരപ്രമേയം കൊണ്ടുവരത്തക്കവണ്ണം അതി ഗൗരവമായ ഒരു സംഗതിയുണ്ടാകുന്നതെന്നും അതിനെ ആസ്പദമാക്കി ഈ പ്രദേശങ്ങളിൽ മഹാരാജാവു തിരുമനസ്സുകൊണ്ടുതന്നെ എഴുന്നള്ളിക്കുറിച്ച് വേണ്ടുവ ചെയ്യുന്നതും ഉള്ള വസ്തുതകൾ മുഖിൽ വെച്ചുകൊണ്ട്, മൂന്നാംപ്രാവശ്യവും ഇതുപോലെ ഒരു അടിയന്തിരപ്രമേയം അവതരിപ്പിക്കേണ്ടയാവശ്യം വരാതിരിക്കത്തക്കവണ്ണം എന്തെല്ലാം സംഗതികളാണു ചെയ്യേണ്ടിയിരുന്നതെന്നു ചിന്തിക്കുമ്പോൾ ഒരു സംഗതി ഇവിടെ പ്രസ്താവിക്കേണ്ടതു വളരെ ആവശ്യമായി എനിക്കു തോന്നുന്നുണ്ട്. ജനങ്ങൾക്കു സുഖക്കേടു വന്നാൽ അതിന്റെ നിവാരണത്തിനു വേണ്ട ചികിത്സയും, ആഹാരസാധനങ്ങളും നൽകുന്നതോടുകൂടിത്തന്നെ ആ ദേശത്തിനും ഒരു ചികിത്സ ചെയ്യേണ്ടിയിരുന്നില്ലെന്നു ഏന്നാണു ഞാൻ സംശയിക്കുന്നതു്. മലമ്പനി ബാധിതമായ പ്രദേശങ്ങൾക്കുള്ള ഭൂഷ്യങ്ങളെ കണ്ടു പിടിച്ചു അവയെ പരിഹരിക്കുന്നതിനു ശരിയായ പ്രവൃത്തി ചെയ്തിരുന്നെങ്കിൽ നിശ്ചയമായും മലമ്പനിയുടെ കൂടുതലായ ആവർത്തിക്കലുണ്ടാകാതെ കഴിക്കാമായിരുന്നു. ഒരു ശരിയായ സർവ്വേ ചെയ്തു അവിടത്തെ സ്ഥിതിഗതികൾ നല്ലവണ്ണം മനസ്സിലാക്കി അതിനാവശ്യമായ പരിഷ്കാരങ്ങൾ ആ പ്രദേശങ്ങളെ സംബന്ധിച്ചിടത്തോളം നടപ്പിൽ വരുത്തണമെന്ന് പത്രപംക്തികളിൽനിന്നും കിട്ടുന്ന അറിവിനെവെച്ചു നോക്കുമ്പോൾ എനിക്ക് ബഹുമാനപ്പെട്ട ഗവണ്മെന്റിനെ ഉൽബോധിപ്പിക്കേണ്ടതായിട്ടുണ്ട്. രാജ്യത്തിന്റെ നാനാഭാഗങ്ങളിലുനിന്നു പിരിക്കുന്ന പണത്തിൽ ഒരുഭാഗം ഒരു സ്ഥലത്തെ ജനങ്ങൾക്കുമാത്രം ആഹാരം കൊടുക്കുന്നതിനായി ചെലവുചെയ്യുന്നതു ശരിയാണോ എന്ന് ഇവിടെ ഒരു ബഹുമാനപ്പെട്ട മെമ്പർക്കു സംശയമുണ്ടായി. എന്നാൽ ഇങ്ങനെ ഈ ബാധ ആവർത്തിച്ചുകൊണ്ടിരിക്കുകയും അതു് മറ്റു പ്രദേശങ്ങളിലേക്കു വ്യാപിക്കുകയും ചെയ്യുന്നതു് ആലോചിക്കുമ്പോൾ ഇതിനെ രാജ്യത്തിന്റെ ഒരു പൊതു ആവശ്യമായി പരിഗണിച്ചു പ്രവൃത്തിക്കേണ്ടതാണെന്നു ബോദ്ധ്യപ്പെടുത്തുന്നുണ്ട്. ഇതിൽ ഒരുപക്ഷെ ഏതെങ്കിലും വൈഷമ്യങ്ങൾ വന്നാലും ഈ അടുത്തകാലത്തു് ആ പ്രദേശങ്ങളിലെ ജനങ്ങളിൽ

പ്രത്യക്ഷപ്പെട്ട മാനസികരോഗത്തിന്റെ ശിക്ഷയെന്നോണം ഇപ്പോൾ ബുദ്ധിമുട്ടനുഭവിക്കുന്ന ജനങ്ങളിൽ അനുകമ്പ കാണിക്കുന്നതിന് ഇടയാക്കുന്നതായ ഈ അവസരത്തിൽ ബുദ്ധിപൂർവ്വം പ്രവൃത്തിക്കണമെന്നാണ് എനിക്കു പറയാനുള്ളത്. ഈ സന്ദർഭത്തിൽ അനുജ്യാഗസ്ഥന്മാരും ഈ രാജ്യത്തിന്റെ ഒരു പൊതുആവശ്യമായി വിചാരിച്ച് വേണ്ട സഹായസഹകരണങ്ങൾ ചെയ്യേണ്ടതാണ്. ബഹുമാനപ്പെട്ട മെമ്പർ പ്രസ്താവിച്ചത് ഗൗരവാചാര്യമായ ഒരു സംഗതിയാണെന്ന് ഞാൻ ഭൂതസ്ഥനാണെങ്കിലും, പത്രങ്ങളിൽനിന്നും, ഇവിടെവന്ന് കേട്ടതിൽനിന്നും എനിക്കു മനസ്സിലാക്കാൻ കഴിഞ്ഞിട്ടുണ്ട്. ഇവിടെ ആഗതരായിരിക്കുന്ന മെമ്പർമാരുടേയും ഗവണ്മെന്റിന്റേയും നന്ദയായ ശ്രദ്ധ ഈ വിഷയത്തിൽ പതിക്കണമെന്നഭ്യർത്ഥിച്ചുകൊണ്ട് ഞാൻ ഈ പ്രമേയത്തെ അനുക്രമിച്ചുകൊള്ളുന്നു.

Dr. M. K. Gopala Pillai: Sir, malaria is a tropical disease that frequently breaks out in India and elsewhere. The statistics show that usually one hundred million people out of three hundred and fifty millions suffer from malaria in India every year and about five hundred thousand of them die of this disease. Coming to South India, it is prevalent in the foot-hills of the Western Ghats. Compared with certain other places in South India, malaria is not so severe in Travancore. It reached its peak during the recent Epidemic in Ceylon. In Travancore it raged in an epidemic form in the year 1110. In July and August of that year, the disease reached its climax. Effective methods were adopted by Government to combat it and the disease slowly subsided. Relief measures were adopted on an extensive scale. About 45 treatment centres were opened in the affected regions. A good number of Sanitary Inspectors and Vaccinators were deputed on special duty. Medicines were taken to the very homes of the suffering people. It was a matter for regret to hear an honourable member saying that Government did not bestow their attention at that time to combat the disease.

Mr. T. Krishna Pillai: What I said was that *in the beginning* the Government did not take effective steps to fight out the disease.

Dr. M. K. Gopala Pillai: During the recent malaria epidemic which prevailed not only in India but also in Ceylon, Siam, Burma, in certain Islands of the Pacific and the Indian Oceans the relief measures adopted by the Government of Travancore were much more efficient than any other Government had done. Gentlemen who visited Travancore on that occasion, *i. e.* members of the

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Rockefeller Foundation, have testified to the vigorous and effective measures taken by the Travancore Government to eradicate the evil.

Mr Kochikkal P. Balakrishnan Tampi : May I know the intensity of malaria that was raging at that time?

Dr. M. K. Gopala Pillai : There was variation in certain places.

Mr. Kochikkal P. Balakrishnan Tampi : May I know the exact figures on that matter.

Dr. M. K. Gopala Pillai : In certain places the spleen rate was between 80 and 90 ; in certain other places it was below 60 ; in the Trivandrum town it was only 5 per cent.

Mr. T. Krishna Pillai : May I know the agency employed by the Director of Public Health for the collection of this information?

Dr. M. K. Gopala Pillai : Eight Sanitary Inspectors have been appointed by the Medical Department and they are daily visiting all the karas and pakuthies and collecting statistics about malaria. At that time almost every pakuthi had malaria. An honourable member said that the Government relaxed their measures. On the other hand they have been good enough to establish more hospitals in different places in the affected area. There was a bi-weekly dispensary at Vidurai. It has been converted into a daily one. There is one at Aryanad, one at Kallikkad, and one at Kattakada. Recently Government have opened a dispensary at Vilappil. But people do not show any anxiety to take medicine and the daily attendance fell considerably low. The special malaria officer from Neyyattinkara used to send his assistant to the malaria affected districts and distribute quinine to such of the patients as cared to come. Besides, the dispensary at Kattakada, there are several dispensaries at Chempoor, Perumkadavila, Kunnathukal, Marayamuttam, Kottackal Arumana and Colasekharam. Some of these dispensaries were opened subsequent to the epidemic and I can assure the honourable members that Government have not shown any indifference or relaxed the vigorous measures they have already adopted. The difficulty is to make people take quinine, though the Sanitary Inspectors personally supply the medicine. Quinine mixture is taken in 5 lb. bottles and the Sanitary Inspectors go almost to every house and compelled the people to take quinine. Three or four days after they become better and then they refuse to continue the treatment. Now the headmasters of schools are supplied with quinine mixture and the boys and girls attending the schools are being daily given quinine.

Mr. T. Krishna Pillai : May I know whether the people of the locality preferred the ayurvedic system of treatment rather than the allopathic system when the epidemic occurred there last time ?

Dr. M. K. Gopala Pillai : That is a very difficult question for me to answer.

President : Does the honourable member understand any of the ayurvedic system of treatment of malaria ?

Dr. M. K. Gopala Pillai : Sir, I do not know.

Mr. T. Krishna Pillai : May I know whether ayurvedic dispensaries were not opened in different places in Neyyattinkara when the epidemic broke out last time ?

Dr. M. K. Gopala Pillai : I know ayurvedic dispensaries were opened but they were all complete failures.

Mr. Thomas Chandy Mukkadan : ആശുപത്രിസ്ഥാപനവും മരണവിതരണവുമുടനീളം ഇതിന്റെ നിവാരണത്തിനായി മറ്റു വല്ല മാർഗ്ഗങ്ങളും ചെയ്തിട്ടുണ്ടോ ?

Dr. M. K. Gopala Pillai : Yes, I shall come to that presently.

Mr. Thomas Chandy Mukkadan : ഈ കൊല്ലം കഴിഞ്ഞ കൊല്ലത്തിലുണ്ടായിരുന്നതിനെക്കാൾ കൂടുതൽ സ്ഥലങ്ങളിൽ രോഗം വ്യാപിച്ചിട്ടുണ്ടോ ?

Dr. M. K. Gopala Pillai : No. There is a slight increase now in all the affected areas. The usual incidence of malaria is between the months of Meenam and Karkatakam. Almost everywhere in places which are under the influence of the monsoon, it shows a rise between the months of Meenam and Karkatakam.

Mr. Thomas Chandy Mukkadan : മരണത്തിന്റെ എണ്ണത്തിൽ കഴിഞ്ഞ കൊല്ലങ്ങളെ അപേക്ഷിച്ച് വല്ല വ്യത്യാസവും ഈ കൊല്ലത്തിൽ ഉണ്ടായിട്ടുണ്ടോ ?

Dr. M. K. Gopala Pillai : There is a slight increase in the death rate in certain areas where malaria usually prevailed for the last several years. This year malaria did not show such an acute rise. Just like other epidemic diseases ; small-pox, cholera and plague, malaria shows a periodical rise between 10 and 15 years. This rise was witnessed in several places and local conditions are chiefly responsible for this rise.

In regard to feeding children in schools and also the distribution of doles, an attempt was made for the last 2 years even after the first epidemic subsided. But the response from the people of

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the locality was so very poor that it had to be discontinued. The Director of Public Instruction and myself visited certain areas with a view to persuade the headmasters. Some of them did want to take up the responsibility because even vessels were not available at that time and for a few days they had to prepare the kanji themselves.

Mr. V. Sankara Menon : Was the response from the recipients lacking?

Dr. M. K. Gopala Pillai : Should I say that?

President : It is entirely open to the member to answer or not to answer or answer in any way he likes.

Dr. M. K. Gopala Pillai : To offer food is an attracting problem which nobody will refuse.

Mr. James Fletcher : The member was saying that there was some difficulty about vessels in Neyyattinkara.

Dr. M. K. Gopala Pillai : Not in Neyyattinkara. More than 15 edangalies of rice had to be boiled for use in schools and no proper vessels were available then.

President : Local response was not encouraging.

Dr. M. K. Gopala Pillai : No, Sir. As I said a little while ago, this disease has the characteristic feature of showing a rise between the months of Meenam and Karkatakam. Similary this year also it has shown this rise particularly in the areas where it has been endemic. At present the Sanitary Inspectors are supplied with quinine and they are distributing it to almost all the houses. In this connection I may be permitted to inform the House that for malaria the only remedy is the administration of quinine and no other suitable drugs have yet been found out to cure malaria.

Mr. Kottur Kunjukrishna Pillai : May I know whether there was not an offer made by the department to find out a suitable remedy for malaria?

Dr. M. K. Gopala Pillai : Yes, Sir.

Mr. Kottur Kunjukrishna Pillai : May I know what the result is?

Dr. M. K. Gopala Pillai : The Medical Department offered Rs. 1,000 to anyone who could find a suitable medicine for the cure of malaria and nobody has yet come forward. That is the result.

Mr. V. Sankara Menon : Is it a fact that this disease has got a peculiarity that persons once attacked will be attacked again?

Dr. M. K. Gopala Pillai: That is not correct. People who get the disease happen to live in certain areas where there may be mosquitoes. They may be cured of malaria by taking quinine. After a few months or days they are reinfected by the bite of the mosquitoes and so the infection is kept regular for years. They are infected again and again.

Mr. V. Sankara Menon: Is it a fact that the department has not found out a radical cure for this disease as yet?

Dr. M. K. Gopala Pillai: I shall come to that presently. Not only the honourable member but many others are asking whether suitable measures have been found out to cure the disease radically. With a view to find out radical measures, Government have investigated the problem and certain investigation centres were opened; one at Kulasekharam and the other, at Perumpazhuthoor. This was done during the period between the outbreak of the last epidemic and the present one. Valuable findings were elicited and Government have been pleased to appoint a senior medical officer as a Special Malaria Officer. He was sent to various parts of India for an intensive training in malaria control. As a result of the investigation it is seen that certain mosquitoes breed in swampy areas and certain others in running water. The Vector that causes malaria in Kulasekharam is not the same species that carries infection in Neyyattinkara. Certain species live in swampy areas and others on the sides of streams. The magnitude of the problem is such that unless the non-officials co-operate with the Government, no Government can eradicate the disease. I use the word 'eradicate' because honourable members used that expression. There may be swampy areas near the homes and the mosquitoes may breed even in cocoanut husks which are carelessly thrown about the houses. So it is now thought that it is more a social problem—by social problem I mean non-Governmental problem—and help and response from the public of the affected regions are necessary. The swampy areas have to be removed.

Mr. Thomas Chandy Makkadan: രോഗബാധിതമായ സ്ഥലങ്ങളിൽ എവിടെയെങ്കിലും ചെറിയൊരു കന്നാർ ചെയ്ത അത്തരം സ്ഥലങ്ങളുണ്ടോ?

Dr. M. K. Gopala Pillai: ഇല്ല.

A malarial survey has been conducted in Travancore from 1106 and it was completed only lately. It was as a result of this investigation that Government appointed a special officer to be trained in Malariology and he is now in Ceylon. After his return

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Mr. Thomas Chandy Mukkadan : ഈ സ്ഥലങ്ങളിൽ എത്രകിലും ഒരു വിഭാഗത്തിൽ പരിശോധകർ എത്താത്ത സ്ഥലങ്ങൾ ഉണ്ടോ എന്നാണു ചോദിച്ചത്.

Dr. M. K. Gopala Pillai : ഇല്ല.

So, what I request in this connection is the unstinted support of the public and if they will keep their houses in order I can assure the honourable members that we shall be able to eradicate malaria from the affected regions.

Coming again to the present epidemic, I may inform the honourable members that it is well under control. It has never shown its former virulence.

Mr. K. M. Kesavan : Will the honourable member enlighten the House on virulence of the present attack by quoting facts and figures ?

Dr. M. K. Gopala Pillai : Sir, I do not know whether I shall have to contradict myself, because last year the figures up to 1st of Mithunam showed that the cases were 37,518. Up to the 1st Mithunom this year it is only 33,053. In certain pakuthies it shows a little rise; on the other hand, in some other pakuthies, it shows a decrease. The total is a general decrease. Sir, I do not want to minimise the importance of the adjournment motion and my figures are against it. The honourable member for Vilavancode said that that taluk was not included in these areas. In fact figures from Arumana and Kulasekharam show that there is no epidemic in Vilavancode at present. Malaria has been endemic there for several years. And in certain places in Nedumangad.

Mr. T. Krishna Pillai : May I correct the honourable member that the information is wrong. I have got information in the other way.

Dr. M. K. Gopala Pillai : Sir, malaria has been endemic in Arumana, Kulasekharam and Vilavancode and the figures show no increase at all. Sir, I am glad to inform the honourable members that even though malaria has not reached that peak of 1110, Government have been gracious enough to establish two more hospitals, one at Maranallur pakuthi and the other at Vellanad. Practically for every four or five miles from Vidura to Kulasekharam there is now a hospital and the Sanitary Inspectors do every thing possible to see that the epidemic does not spread. Headmasters in those areas are supplied with quinine. The Anchal Masters are also supplied with the same medicine and in certain places the leading men of the locality are supplied with quinine. It is proposed to take suitable measures to control the epidemic and in this I solicit the help of the honourable members.

Mr. T. Krishna Pillai: May I know the attitude of the Government with respect to the relief suggested by the honourable members? During the last epidemic there was distribution of rice and such other things. What is the attitude of Government in regard to such relief?

Dr. M. K. Gopala Pillai: During the last epidemic extensive relief measures were undertaken such as construction of roads, distribution of rice etc, and if there is any need for that now I don't think Government will hesitate to do what is required in the matter.

Mr. T. Krishna Pillai: May I know from the honourable member whether representations from members are not sufficient to bring home to the Government the seriousness of the situation?

Dr. M. K. Gopala Pillai: Sir, myself and the Director of Public Instruction toured round the area and found that at present the measures adopted were adequate. But whenever the situation becomes serious, I am sure that the authorities will make proper recommendations to the Government in order to help the suffering people in time.

Mr. V. Sankara Menon: Can the honourable member reply what the death rate has been for the last month for the Neyyattinkara taluk?

Dr. M. K. Gopala Pillai: Sir, the death rate is rather high. The difficulty is that we do not know the number of deaths due to malaria alone. The Proverthicars who register the deaths do not differentiate the deaths occurring on account of malaria and those occurring on account of other causes. But there is a slight rise in the death rate of malarial persons. There is certainly a rise.....

Mr. N. Krishna Iyer (Vaikom, Kottayam and Changancherry cum Peermade): May I know from the member whether he is aware that malaria is raging in Peermade taluk in almost every year?

Dr. M. K. Gopala Pillai: In certain endemic areas of Peermade taluk, malaria is prevalent; particularly in Kumili and other places like Vandiperiyar stretching along the foot of the hills.

With regard to the anxiety evinced by certain members that Trivandrum is so very near certain affected areas, I may inform the honourable members that a survey conducted in many schools on the outskirts of Trivandrum town does not warrant any such anxiety. There is no sign of malaria here. We went to Karamana and to some schools in Poojapura and also as far as Kundankadavu bridge. We also conducted a survey with one of the representatives of the Rockefeller Foundation who is a malaria specialist and we found

[Dr. M. K. Gopala Pillai]

that the anxiety was baseless with regard to the future invasion of malaria into Trivandrum. It did not at all show that there was any appreciable increase of Malaria in Trivandrum. But there are some affected places in Trivandrum taluk, for example, Malayinkil. When he went and asked the people of the locality, they told us that they were getting medicines from Fort Hospital. They did not think of getting medicines from nearby hospitals as they thought that better medicine was available in the Fort Hospital. Most of them come to Chalai to sell their garden produce and it is easy for them to go to Fort Hospital and get the medicine. Some people come and stay here with their families. Many pregnant women from places affected by malaria attend the Women and Childrens' Hospital. All these cases of malaria noted in the town are not indigenous but they are imported from outside. We are going to have investigation centres in the town very shortly and a malarial survey will be soon conducted in the town itself. In the affected regions of Neyyattinkara we have lately introduced a variety of fish called *Gambusia* which destroys the malarial larvae. In many wells in Neyyattinkara these fishes are reared. We have two or three tanks serving as hatcheries for these fishes imported from Bangalore. They have quickly multiplied and our idea is to put these fishes in almost every well in the Neyyattinkara town.

Mr. N. Krishna Iyer : Will the honourable member assure us that Government will extend the relief measures to Peermade also?

Dr. M. K. Gopala Pillai : Sir, it will soon be taken up.

Mr. V. Sankara Menon : May I know whether malaria is in the form of an epidemic in Peermade?

Dr. M. K. Gopala Pillai : Sir, malaria is endemic there and reaches epidemic proportions during the month of Meenom.

President : Is it not in the foot hills in India that malaria is prevalent?

Dr. M. K. Gopala Pillai : Yes; both in the west coast and in the east coast.

President : Is not the place called Terrah highly malarial?

Dr. M. K. Gopala Pillai : Sir, that place is highly malarial.

It is proposed to control the epidemic by adopting suitable measures immediately and with the return of the senior Medical Officer these measures will be put into operation.

Mr. Thomas Chandy Mukkadan : കപയിനം കൊടുക്കുന്നതുകൊണ്ടു മറ്റു വല്ല രോഗങ്ങൾക്കും കാരണമാകുമോ?

Dr. M. K. Gopala Pillai : ഇല്ല.

Government have already sanctioned the adoption of control measures in the epidemic areas and the general scheme will shortly be submitted to Government and it will be put into operation very soon. I can assure the honourable members that again we shall go round the area where there is spread of the scourge. If it has reached the proportion of an epidemic we shall make suitable recommendations to Government for further relief measures.

Mr. V. Sankara Menon : Sir, I am glad to observe from the remarks of the honourable member on the other side, that Government also agree that relief measures ought to be taken immediately with the co-operation of the non-official members. In that respect, there is a united request and as such it is to be hoped that relief measures will be taken immediately. I also understand that it is admitted that there is a rise in the death rate in the malaria-affected areas; still it is to be considered only as not a very serious condition; that is what I gather from the speech of the Director of Public Health. I do not know if the death rate is higher; what else does it indicate?

Whatever it be, my suggestion is that relief measures should be taken on hand not only for the curing of the disease but also for saving patients from actual starvation as the after-effects of the disease. I would urge upon the Government and the members of this House on the extreme necessity for immediate action.

On the assurance by Government that measures will be taken immediately I withdraw the motion.

President : Before I ask for the decision of the House on the question of leave being granted for the withdrawal of this motion, I think, having regard to the importance of this matter, I may add a few words. I was very glad to see from what fell from very many honourable members, that they have realised the paramount importance, in this matter, of co-operation between officials and non-officials. It is worthy of note that, in certain countries, scourges like malaria and yellow fever have been dealt with, by means of such co-operation, so effectively that the eradication, of which some honourable members spoke, has been actually effected. One of the very great things which Sgr. Mussolini has been able to achieve is the practically complete eradication of malaria in perhaps one of the most malarial regions in the whole world, *viz*, the Campagna not many miles from Rome. Some historians have come to the conclusion that the fall of the Roman Empire was due to the increase of malaria. Due to systematic co-operation—some people have called it enforced co-operation—between officials and non-officials, by wide-spread treatment, by compulsion, legal and

[President.]

moral compulsion, on the part of the State with reference to the owners of tanks and swamps and pits, the carriers of malaria were completely got rid of in that part of the world ; and that part of the country has not only been rendered absolutely free from malaria, but it is now one of the sanatoria of Rome, so much so, rows and rows and rows of model dwellings have now been built in the Campagna.

It is equally well known that, by means of similar co-operation of the people, the Government of the United States have been able to get rid of malaria and yellow fever in the Panama region which was full of disease during the days of the construction of the great Panama Canal. The scourge was effectively dealt with by the Government of the United States, mainly on account of the co-operation of the people there.

Now, Government are fully alive to the value of such co-operation, and it is their desire now to make a fervent appeal for such co-operation.

I can claim to speak with some knowledge of the facts as I happened to be one of the members of the Committee, of the League of Nations, which dealt with the question of epidemiology both in the far east and in the near east— and in that connection, I had to study a great deal of literature on this question of malaria. I came to the conclusion fortified by my study that this scourge cannot be dealt with unless people co-operate. In what way? The Scout Movement and similar organisation can be utilised, and the boys might be made to see that swamps near homes are filled up, and cocoanut shells, which form very convenient little reservoirs of stagnant water for the carriers of malaria are removed or buried well under the surface of the earth. There are many other ways in which school children can free their neighbourhood from malaria.

Having regard to the paramount importance of this problem, Government have deputed a Special Officer for the purpose of travelling round and finding out the methods employed elsewhere. The special officer is now in Ceylon studying the whole problem there and he will come here very shortly. The Rockefeller Foundation has done splendid work all over the world in fighting this disease, and they have concentrated on Ceylon and certain other places. This problem is very acute in Ceylon, and in certain parts of Assam and Bengal. Practically the whole of Bengal is under the grip of malaria ; There is no doubt that this problem cannot be dealt with except with the co-operation of the people especially in the matter

of eradicating the carriers of malaria. As I said, it is in that matter, that Government would confidently hope that the people would co-operate with them. The Government are also taking steps to introduce fish into ponds and wells which will devour the larvae of the carriers.

Something was said about relief measures to prevent starvation of patients. As Dr. Gopala Pillai has rightly assured the House, whenever there is a critical situation, Government will certainly not lag behind in grappling with the problem.

I have been mentioning all these solely with a view to appeal to the people to consult the Sanitary Department, the Medical Department and the Public Health Department whenever necessary and to work together with the Government and their officers in eradicating this scourge.

The question that leave be granted for the motion being withdrawn was put to vote and carried.

The motion was, by leave, withdrawn.

The Council adjourned at 3.8 P. M.

Trivandrum,
1939.

A. GUNAMONY,
Secretary to the Sri Chitra State Council.



PROCEEDINGS
of
THE TRAVANCORE SRI CHITRA STATE COUNCIL.

(OFFICIAL REPORT).

SECOND COUNCIL.

FOURTH SESSION.

VOLUME XIII—NUMBER 4.

FOURTH SESSION—1939/1114.

Tuesday, the 4th July 1939/20th Mithunam 1114.

The House re-assembled on Tuesday the 4th July 1939 at 11 A. M. the President in the Chair.

NEW MEMBERS SWORN.

The following new members were sworn in :—

1. Mr. S. Kamesam.
2. Mr. P. G. Narayanan Unnithan.

QUESTIONS AND ANSWERS.

Cashewnut factories in the State.

15. * Mr. G. Narayana Aiyar (*Parur, Kunnatnad and Muvattupuzha cum Devicolam*): Will the Government be pleased to lay on the table a statement showing:

(a) the total number of cashewnut factories working in the State in 1112 and up to the end of Edavom 1113 and the places where they are located with the number of factories in each place and the name of the proprietor or owner of each of the factories;

(b) the total number of coolies employed in all the factories together in the year 1112 and up to the end of Edavom 1113; and

(c) the total number of children below the age of 12 employed in all the factories together in the year 1112 and till Medom 1113?

Mr. P. G. Narayanan Unnithan (*Secretary to Government*):

(a) Total number of cashewnut factories working in the State in 1112 was 46.

Total number working up to the end of Edavom 1113 was 41.

A statement *showing the places where the factories are located with the number of factories in each place and the name of the owner or proprietor of each of the factories is appended.

(b) Total number of coolies employed in all the factories together in the year 1112—20719.

Total number of coolies up to the end of Edavom 1113—17271.

(c) Total number of children below 12 in all the factories together in 1112—2234.

Total number of children below 12 in all the factories together up till Medom 1113—2175.

Mr. G. Narayana Aiyar: May I know whether there are two more factories working large scale, one at Alwaye and the other at Perumbavoor?

Mr. P. G. Narayanan Unnithan: Sir, I claim notice.

Mr. G. Narayana Aiyar: May I know whether, from the answer to part (c), age-limit is fixed with regard to the factories?

Mr. P. G. Narayanan Unnithan: Sir, I would refer the honourable member to Act VIII of 1114.

Office of the Director of Development.

16. * **Mr. Sultan Muhiadheen** (*Trivandrum and Nedumangad cum Chirayinkil*): Will the Government be pleased to state:

(a) the strength of the staff of the Director of Development and the total annual expenditure under establishment and contingencies;

(b) the name, qualification, caste and age of the Stenotypist of the Director of Development;

(c) whether he was appointed by the Public Service Commissioner;

(d) if the answer to part (c) is in the negative, the reason for the same and the total service to his credit on the date of his appointment; and

(e) whether better qualified men were available for the post?

Mr. S. Kamesam (*Director of Development*): (a) and (b) Statements furnishing the information are laid on the table:

*Vide Appendix I.
†Vide Appendix II.

(c) No.

(d) A steno typist was required for work urgently. The candidate had no previous service under Government.

(e) This does not arise in view of answer to part (d).

South Ariad-Arattuvazhi Road.

17. * **Mr. Kochikal P. Balakrishnan Fampi** (*Karunagapalli, Kartikapalli and Ambalapuzha cum Shertalla*): Will the Government be pleased to state :

(a) whether they have called for an estimate for the opening of the South Ariad-Arattuvazhi road ;

(b) if the answer to part (a) is in the affirmative, the estimated cost for the road ; and

(c) whether landowners have consented to surrender required lands free of compensation ?

Mr. G. B. E. Truscott (*Chief Engineer*) : (a) Yes.

(b) Detailed estimate has not been prepared. Approximate cost will be Rs. 7,000.

(c) Yes.

Public Service Commissioner's Department.

18. * **Mr. T. Krishna Pillai** (*Kalkulam and Vilavankod cum Neyyattinkara*): Will the Government be pleased to state whether there is any proposal to abolish the Public Service Commissioner's Department ?

Mr. M. K. Nilakanta Aiyar (*Chief Secretary to Government*) : . No.

Mr. T. Krishna Pillai : May I know Sir, the number of departments that were placed under the control of the Public Service Commissioner for the purpose of recruitment to public service at the time, and the approximate number of appointments made by the department ?

Mr. M. K. Nilakanta Aiyar : I claim notice.

Mr. T. Krishna Pillai : May I know whether subsequently any departments were taken away from his control ?

Mr. M. K. Nilakanta Aiyar : No, Sir.

State Transport Bus Service.

19. * **Mr. T. Krishna Pillai** : Will the Government be pleased to state :

(a) whether the State Transport Bus Service is beyond the purview of the Motor Vehicles Act and the Rules made thereunder by the Commissioner of Police ; and

(b) whether the employees of the State Transport Department are included under the category of public servants of Government ?

Mr. M. K. Nilakanta Aiyar : (a) The answer is in the negative except with regard to the provision relating to "G" permits
(b) Yes.

Mr. T. Krishna Pillai : With respect to answer to part (a) may I know Sir, whether the traffic section of the Police Department have got any control over the Transport Department under the provisions of the Motor Vehicles Act?

Mr. M. K. Nilakanta Aiyar : Yes, Sir.

Mr. T. Krishna Pillai : Have they the authority to check these buses and take action against them?

Mr. M. K. Nilakanta Aiyar : No, Sir.

Mr. T. Krishna Pillai : With respect to the answer to part (b), may I know, Sir, whether the Government are aware that the orders of the Transport Department regarding dismissals, suspension and other punishments awarded to the conductors and drivers are only oral and not written?

Mr. M. K. Nilakanta Aiyar : Government are not aware.

Mr. T. Krishna Pillai : May I know whether the Government will inquire into the matter?

Mr. M. K. Nilakanta Aiyar : Yes, Sir.

Mr. V. Sankara Menon (Trivandrum and Nedumangad cum Chirayankil) : Is the Transport Scheme a temporary or permanent measure?

Mr. M. K. Nilakanta Aiyar : It is a permanent measure.

Test Survey.

20. * **Mr. Sultan Muhiadheen (Trivandrum and Nedumangad cum Chirayankil) :** Will the Government be pleased to state :

(a) whether a test survey in the Trivandrum Division was undertaken by the Government ;

(b) what was the object of such a test survey ;

(c) what is the total expenditure of the same ;

(d) when was it terminated ;

(e) whether the records of the same were closed ; and

(f) if the answer to part (e) is in the negative, what is the reason for it ?

Mr. M. Ramachandra Rao (Land Revenue and Income Tax Commissioner) : (a) Yes.

(b) the object was experimental (i. e. to obtain statistics in regard to the present state of Survey records.)

(c) Rs. 12,777.

(d) 30th Karkadagom 1112.

(e) and (f) The records of the Test Survey are complete ; but there are some items of work to be attended to, which are incidental to the closing of the Survey records. The matter is under correspondence with the Survey Superintendent.

Women and Children's Hospital, Taikad.

21. ***Mr. James Fletcher** (*Kalkulam and Vilavankod cum Neyyattinkara*) : Will the Government be pleased to state :

(a) whether there is an emergency surgical operation theatre in the Women and Children's Hospital at Taikad ;

(b) whether lady doctors are available at all times of the day and night in the hospital to take up cases requiring urgent operations ; and

(c) whether there were any recent cases in which the delay in carrying out the surgical operation caused the death of the patients ?

Mr. P. Parameswaran Pillai (*Secretary to Government*) :

(a) No. There are two operation theatres in which all cases requiring operation are operated on whether emergent or not.

(b) Yes.

(c) No.

Mr. James Fletcher : May I know whether a suit has been filed in the civil courts regarding the delay in carrying out surgical operation and for compensation for the death of the party?

Mr. P. Parameswaran Pillai : Sir, I should like to know the period during which the suit is said to have been filed ?

Mr. James Fletcher : 3 or 4 years back.

Mr. P. Parameswaran Pillai : Yes, Sir. There is a civil case pending.

ELECTION TO THE DEBT CONCILIATION COMMITTEE AND THE ECONOMIC DEVELOPMENT BOARD.

President : At the election held yesterday, for the membership of the Debt Conciliation Committee Mr. Kottur Kunjukrishna Pillai having got 21 votes, is declared elected.

In regard to the election for the membership of the Economic Development Board, Mr. James Fletcher, having got 25 votes is declared elected.

ADJOURNMENT MOTION

President : I have received a motion for adjournment of the House and also an application for permission to move a resolution.

[President.]

So far as the motion for the adjournment of the House is concerned, it is sponsored by Mr. Kuruvilla and is in the following terms :—

“I beg to move that the House be adjourned for the purpose of discussing a definite matter of urgent public importance, namely the deep interest felt by the public in so far as the formation of the new Debt Redemption Committee might delay the introduction of the necessary legislation regarding Agricultural Debt Relief.”

Now, the honourable member Mr. Kuruvilla is sufficiently experienced to know that, generally speaking, all motions of adjournment are handed in on the opening day and therefore, technically, it may be said to be out of order, but as the matter, evidently is exercising the minds of certain persons and as this is a matter to which Government attach great importance, I am willing to stretch a point and allow discussion on the matter so that the intensions and the views of the Government might be made adequately public, and for that purpose, I declare the motion to be in order. I fix the conclusion of the proceedings of today for the discussion of that matter.

LEGISLATIVE BUSINESS.

THE TRAVANCORE TRANSFERS AND BEQUESTS TO UNBORN PERSONS BILL.

Mr. G. Narayana Aiyar : Sir, I beg to present the report of the Select Committee on the Travancore Transfers and Bequests to Unborn Persons Bill, and move that the Bill as reported be taken into consideration.

Mr. Kochickal P. Balakrishnan Tampi (*Karunagapally, Kartikapally and Ambalapuzha cum Shertalla*) : I second it.

Mr. M. K. Anantasiva Aiyar (*Nominated*) : Sir, I beg to move that the Bill be recommitted to the Select Committee. This is a very important piece of legislation that vitally affects almost all the communities in the State. I do not understand why people following the Mahomedan Law of inheritance are alone exempted from the provisions of the Bill. I cannot see why the law which could not be advantageous to people following the Mahomedan Law of inheritance could be advantageous to people following any other law of inheritance.

Further it is a very important piece of legislation and ever so many mistakes could be committed by placing restrictions in the matter of bequeathing property to unborn persons. I think that the Committee have not gone into all these aspects and I would therefore move that the Bill be recommitted.

Mr. Kottur Kunjukrishna Pillai (*Quilon cum Kunna-thur*): I second the motion for re-committal. Sir, it has been found in the course of the consideration of the Bill, regarding the question of application of this measure to various communities, the Mahommedans came forward and objected on the ground that it affects their religious principles and as such no legislation should be passed like this.

President: Chapter II of the Transfer of Property Act does not apply to Mahommedans in British India, is it not?

Mr. Kottur Kunjukrishna Pillai: Yes Sir, I found there are other communities who also take objection to this legislation such as the Brahmin community.

President: Do they?

Mr. Kottur Kunjukrishna Pillai: Brahmin community as represented by Mr. Ananthasiva Aiyar. He has put it forward that they have a strong objection to this measure, and others also, who take a different view with regard to this matter consider that this Bill is a mere imitation of the British Indian Legislation and it is not always advantageous to copy legislation from British India. Any way I think that further information will be collected regarding the communities which have got objection to this measure. I hope there is nothing to be lost, on the other hand there is every thing to be gained by the committee going into the measure and ascertaining the opinion of the people who have got real objection to this measure and then formulating a bill on the lines of the opinions expressed. Therefore I have great pleasure in seconding the motion for re-committal.

Mr. G. Narayana Aiyar: I oppose the motion for re-committal. When the Bill was under discussion in the Select Committee a doubt was entertained whether there was not serious objection to the Muhammadans being bound by the Bill. A Muhammadan member of the Select Committee who is now here, raised the objection that the Bill was opposed to the principles of Koran. A number of Muhammadans and Muhammadan Associations were asked to express their views before the Committee and they were of the opinion that the principles of Koran were opposed to the Bill. It was after a full discussion of all the opinions that we received and after considering similar provisions in other legislation also in British India that the Select Committee provided for the exemption of Muhammadans. Further, this Bill is word for word copy of the recent British Indian Enactment and as such I object to the re-committal.

President: Excepting one clause,

Mr. G. Narayana Aiyar : Yes, Sir.

Mr. Muhammad Ismail (Nominated) : When the Bill was published to elicit public opinion, the Muslim community took objection to it on the ground that it was opposed to the principles of Muhammadan Law. Therefore, I objected to the Bill and opinions from Muslim leaders and Muslim Associations were collected from all quarters of Travancore. Moreover, Muslims were invited to appear before the Select Committee and give evidence. They have done accordingly.

President : To what provision does the Muslim community object?

Mr. Muhammed Ismail : The Muhammadan Law provides necessary safeguards for the transfers of properties contemplated in the Bill. Therefore, we never felt, till now any grievance. The Bill itself contemplates to remove certain disabilities concerning transfers among the people of Travancore.

President : This Bill imposes new disabilities; is it not?

Mr. Muhammed Ismail : Yes Sir, it does. It is meant to remove disabilities. If there is no disability to a particular community I do not know how it is necessary to remove imaginary disabilities. We never felt any disability and we never wanted such a Bill. Therefore it is that the Muslim community is exempted from the operation of this law by the Select Committee. If any other community wants such an exemption I am only willing that such a community should also be given exemption. Therefore, if the recommitment is necessary for ascertaining the opinion of other communities, I have got the least objection to that. As far as I am concerned I can only say that the Muslim community does not want this Bill and that it will oppose it.

Mr. Kochikkal P. Balakrishnan Tampi : Sir, I must oppose the re-committal for one thing.

Mr. Kottur Kunjukrishna Pillai : May I know whether the motion is not for sending the Bill back to the same Select Committee.

Mr. Kochikkal P. Balakrishnan Tampi : Yes. This Bill does not introduce anything new. It is only a legal embodiment of the principles that have already been accepted by the courts and that have also been accepted by the British Indian Legislature. There is no question of any personal law involved in this Bill and there is no question of the Mahomedan or any other community being frightened by any innovation that is sought to be introduced by this Bill. These are very simple, innocuous provisions of the

Transfer of Property Act. Moreover, all these aspects have been very carefully considered by the Select Committee. When the Mahomedans objected to it, most of the members of the Select Committee were averse to exclude them; but as a matter of concession to their sentiments we excluded them because under the Mahomedan Law also gift to unborn children is accepted although under the technical cover of wakf.

There is also another point. In modern days the tendency is not to multiply personal laws as far as possible and whenever there is no conflict with religious principles it has been the attempt of all legislation to codify the law. In that way we wanted to include also the Mahomedans but they thought that we were going to impose a law on them, that something unpleasant was compelled to be swallowed by them and out of deference to their sentiments we excluded them from the purview of the Bill. As far as the Brahmins are concerned, I may plead the old argument, that when we are envisaging greater things in the political future of India it is but right that our law also should be made uniform with the law that is prevailing outside Travancore so that the law that applies to the people here might not be different from the law that applies to their relations on the other side of the ghats. Anyway, the principles of this Bill have been accepted and acted upon, and so far, there has been absolutely no complaint from any considerable section of the people in British India against the provisions and there has been an insistent demand on the part of the people in this land also for the codification of this law. Therefore, there is no reason why we should recommit the Bill to the same Select Committee. When there is absolutely no necessity for recommitting the Bill to the Select Committee, to create a precedent by sending it back is not also conducive to the future of this Council. For these reasons, I oppose the proposal that the Bill must be sent back to the Select Committee.

Mr. M. Govindan (*Nominated*): Sir, I also oppose the motion for recommitment. The Bill was duly published. No community represented that the Bill was injurious and should not be enacted till now, except perhaps the Mahomedan community who thought that their civil law which bound them was connected indissolubly with their religion. The same idea must have influenced the British Indian legislators to exempt them from the operation of Chapter II of the Transfer of Property Act also.

That apart, among the communities in Travancore, one of the most articulate sections is the Brahmin community. Had they any objection to the Bill, I am sure that they would have voiced it in time. The fact is, as has been observed by Mr. Balakrishnan

[Mr. M. Govindan]

Tampi, this is only a piece of legislation for removing certain disabilities. There is no compulsion in the Bill. It is only optional. If a community does not want that such bequests should be given, of course it is open to that community not to give bequests to unborn persons.

President: Supposing a person bequests his property in favour of his grandson who is not born, it is prevented by this Bill, it is not?

Mr. M. Govindan: Yes.

President: Therefore, it is not removing a disability but imposing a disability.

Mr. M. Govindan: Generally, the Bill is for the removal of disabilities, and certain restrictions which accepted elsewhere are accepted by us also in this Bill.

Another very important thing to be considered is this—that also seems to have been given expression to by my friend Mr. Balakrishnan Tampi. We on this side of the ghats cannot be an isolated community which has nothing to do with the community on the other side of the ghats. Hereafter it is impossible in the case of the Brahmin community and other communities similarly circumstanced. They have got relations all over Southern India and some even in Northern India. As such, it is all important that we should have the same piece of legislation regulating transfers in Travancore as well as in British India. So, everything considered it will be very inexpedient if we recommit the Bill again to the Select Committee.

Mr. Puthupally S. Krishna Pillai: (*Legal Remembrancer*): Sir, I wish to speak a few words on this motion. The law relating to bequests in favour of unborn persons is now governed by certain decisions of our High Court. Persons governed by the Hindu Law have been found to be disqualified to make any bequests in favour of unborn persons and for that purpose our High Court have relied on the Tagore case. Very recently a case came up where a gift was made by the intending husband in favour of his betrothed and in the gift deed it was provided that the gift would enure to the benefit of the children that may be born to them. The donee hypothecated the properties, but the children wanted to defeat the hypothecation and brought a suit for a declaration that under the terms of the gift deed by birth they acquired a right over the properties. It was held by the High Court that the parties being governed by the Hindu Law should be governed by that Law and that as under the Hindu Law as decided in the Tagore case a bequest in favour of unborn persons was invalid the plaintiffs in that case had not acquired any interest in the proper-

ties, the subject matter of the gift in that case. That is in regard to persons governed by Hindu Law. But in regard to persons governed by the Marumakkathayam system of inheritance, the Nairs, the Ezhavas, the Vellalas and other people, the rule is that a bequest made in favour of unborn persons is valid. They are under no disability at all and a bequest made by the father in favour of his wife, it has been held in law, is a bequest which enures to the benefit of all the children and before the Nair Regulation came into force it was held that the intention of the testator was that it must enure to the benefit not only of the wife, and the children born of that woman but also of their descendants constituting a sub-tarwad. That was the principle that was adopted in regard to gifts made by a marumakkathayee father in favour of his wife or wife and children. That, I am sure, is the law which prevails not only among the Nairs, but amongst the Ezhavas also. Therefore, the right to make a bequest in favour of unborn persons was an unrestricted right and even to-day without any statutory restriction imposed upon this right, it will be the right of every person governed by the Ezhava or the Nair Regulation to make a bequest in favour not only of his unborn son but even in favour of his unborn grandson.

President : Are not the Nairs governed by the Hindu Law in so far as the Marumakkathayam Law does not prescribe any special rule ?

Mr. Puthupally S. Krishna Pillai : Sir, it has been held uniformly that the Nairs in respect of such donations are governed by the custom peculiar to the community and the long established usage and therefore there is a uniform current of decisions which lay down the rule.

President : In other words, you say that the Hindu Law does not apply to Nairs in regard to bequests.

Mr. Puthupalli S. Krishna Pillai : Yes, Sir. That is, in respect of persons who follow the Marumakkathayam system of inheritance. That is the reason, Sir, why I say that so far as the communities who follow the marumakkathayam system of inheritance are concerned, there is no restriction imposed on the right to make a bequest in favour of unborn children. This bill, no doubt, confers a benefit or tries to remove a disability so far as one community is concerned, that is the community that is governed by the Hindu Law. As I pointed out, under the Hindu Law a person is prevented from making a bequest in favour of unborn persons because under the Hindu Law the person in whose favour the bequest is made must be a person in existence so that it may vest in him. But this Bill provides that even though that privilege is to

[Mr. Puthupalli S. Krishna Pillai]

be granted to such communities, that privilege can be availed of only subject to certain restrictions. Those restrictions are not provided for in the law of this land. They are borrowed from the Transfer of Property Act and the Indian Succession Act. Honourable members know that these two statutes are not in force in the State and that no attempt has so far been made to legislate on the lines of these two Acts. The reason why the question of the Transfer of Property Act for Travancore has not yet been definitely taken up for consideration is that the custom followed in the State in respect of various matters is at variance with the several provisions contained in the Transfer of Property Act. For instance, transfers inter vivos can be made only subject to certain restrictions and limitations under the Transfer of Property Act, when there are no such restrictions or limitations in regard to transfers in this State. It is open to any person to say that no departure should be made from the principle guiding him or the principle that was being applied to him. As a Marumakkathayee governed by the Nair Regulation, I may be willing to or desirous of executing a gift in favour of not only my wife and children but also of my grandsons and great-grandsons. Under the present law there is no restriction imposed on my right to execute such a gift.

Therefore, if I want to make a gift the benefit of which will enure to my wife and children and great grand-children, say for four generations, there is no legal objection to executing such a gift. As the law stands, such a course can be adopted by which the descendants in succession can enjoy the property. But when this Bill is passed as it is, it will curtail my liberty in executing such a gift in future. The community which is hitherto enjoying the privilege of executing such gifts is now sought to be imposed with certain restrictions. That is a matter which I think has not been adequately considered. At any rate, that is an aspect which deserves some further attention.

If the Bill had simply stated that by its provisions the disabilities of communities who follow the Hindu Law in respect of bequests made to unborn persons are removed, I could appreciate the position. It is then an attempt made to remove such disabilities. As the Bill stands I find that the restrictions to be imposed seem harder than the privileges conferred. The provisions in the Bill relate to the doctrine of perpetuity. There is no statutory law in Travancore so far as that matter goes. That being so, it is a matter for the consideration of this House whether this Bill, in the form in which it stands, should be further considered by the Select Committee. It was pointed out here that it will not be conducive

to the growth of a healthy convention if a Bill reported upon by the Select Committee should be recommitted. But I may say that such recommitments are very rare. In the matter of legislation, an aspect which has been considered in one light and reported upon by the Committee may have to be reconsidered either by the same committee or by a different committee, according to the exigencies of the case. After all, this is a piece of social legislation which seeks to bring about some fundamental change.

Mr. Kochikal P. Balakrishnan Tampi: May I ask whether it is good convention for the President and convener of the Select Committee which has reported on the Bill to propose that the Bill may be sent back to another Select Committee?

Mr. Puthupally S. Krishna Pillai: Any person may change his opinion at any time, and I do not think that any honourable member who took part in the Committee would be bound down by his views expressed there.

President: But the honourable member is not entitled to say what took place in the Select Committee.

Mr. Puthupally S. Krishna Pillai: No, Sir.

Mr. T. Krishna Pillai: I wish to know whether the Select Committee which has gone into this Bill is not a defunct Body now?

Mr. Puthupally S. Krishna Pillai: It cannot be said that a body is defunct, because, the motion if adopted would be a motion for reference back to that Committee. Besides, it cannot be said that it is entirely dead. The Committee has made its report. Honourable members who signed the report are entitled to send up amendments. Therefore, for my part, Sir, I leave the matter to the decision of the House. So far as the Government are concerned, if it is found that the Bill is defective and any aspect deserves further consideration, they will not stand in the way of the Bill being reconsidered. Personally, I think that is an aspect which deserves further consideration.

President: Mr. Balakrishnan Tampi and those who agreed with him were perfectly justified in stressing the importance of not rashly, or in haste recommitting the Bill which has gone through a Select Committee and has received careful attention at the hands of that Committee. It is also a well-known circumstance that it has been the object of this Government to assimilate the laws prevalent in this State with the laws prevalent in British India, for the reason that, especially in commercial transactions and in business affairs, any difference in law or usage is bound to lead to embarrassments and to complications. It is with reference to these considerations that the Legal Remembrancer charged himself with

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the duty and the task of bringing forward for consideration various important measures to which the attention of this honourable House was devoted yesterday.

Glancing, however, through this Bill it appeared to me that there were certain aspects of the matter which may be placed before this House in order that they might be considered and the very grave implications of those aspects duly borne in mind. It is always a difficult task to legislate in the matter of personal law, especially where personal law, as in the case of the Hindus, is bound up with so many legal and family usages, and is also bound up to no small extent with various enactments, customs and precepts, partly religious, partly social and partly traditional. It was with advertence to such considerations that the British Indian Legislatures have been very chary of codifying the Hindu Law or codifying the Mahomadan Law as those Legislatures have been more than once called upon to do. Therefore, side by side with the multiform activity on the part of the Indian Legislatures in regard to various laws bearing upon contracts, crimes-torts and business transactions and commercial affairs, the Legislature has, so far, excepting where a particular abuse had to be righted or a particular wrong redressed been keeping itself away from the task of codifying personal laws. Now the present is undoubtedly an attempt to codify certain personal laws; and if I have taken upon myself the duty of inviting the attention of this honourable House to certain aspects, it is because I feel that there are certain paramount considerations which should be borne in mind before this House comes to the conclusion as to whether this Bill should be passed in its present form or not.

In the first place, this doctrine of perpetuities, and the restrictions against alienations beyond a certain period are entirely creatures of the English Law, introduced into India, and in entire contradiction to the ancient personal law of India, whether it is the case of the Muslims or Hindus. The Tagore decision when it was propounded, was regarded as a definite departure from this original Hindu Law. And, what was the history of the English Law? I may say that the opinions I am expressing have been held by me very strongly, for over two decades that, I trust, will be regarded as a justification and an excuse, not for the purpose illegitimately forcing an opinion of this House, but in order that this House may consider the points now placed before it, which have not in my opinion received proper attention in India.

England grew up to be wealthy in the 16th, 17th and 18th centuries. The land was held by a few owners of large estates and capital accumulated in a few hands. It was thought necessary to

divide up the properties. It was thought necessary that there should be a circulation of properties and that money and property should not be allowed to be aggregated in certain hands. The following is a summary of the English Law in its bearing on the present problem.

The doctrine of Perpetuities is regarded in English Law as an impediment to commerce by preventing wholesome circulation of property and is stated as follows: "that the vesting of property cannot be postponed or the alienation restricted beyond any number of lives in being and 21 years from the death of the surviving life." In other words, this rule requires a limitation whether of an absolute or partial interest necessarily to vest within the period prescribed and if the rule be exceeded, the limitation is supposed to be wholly void.

This rule was rendered necessary on account of the extensions of the doctrine of entail; but, as in the present Bill so under the English Law, ecclesiastical property is not embraced by the Law of Perpetuity and charitable uses are also exempted. Of course, it is well known that perpetuities have been created by Act of Parliament, *e. g.*, the case of the Dukes of Marlborough and Wellington.

Connected with this rule is another rule—the rule against double possibilities, namely, that after an estate has been limited to an unborn person for life, a remainder cannot be limited to any child of that unborn person. The whole of this is connected with the doctrine of Accumulation whose object is to prevent the prospective accumulation of income of real or personal estate, such accumulation being limited to the life of the grantor or 21 years from the death of the grantor or during the minority of any person who shall be living or in the womb on the date of the death of the grantor. Where accumulation is directed otherwise than as prescribed above, such direction is supposed to be null and void. Even under the doctrine the Accumulations Act of 1800 does not extend to any person for payment of the debts of the grantor, and does not apply to heritable property in Scotland. In 1892, an Amending Act was passed restricting accumulations for the purpose of purchase of land only to the period during minority.

The difficulty in England originated with the concentration of property in the hands of a few people. Why that rule should be applied to Travancore where the difficulty arises on the contrary from the dissipation of property and the dispersal of estates and the fragmentation of holdings is not clear.

What is the real difficulty in India? In England there are millionaires to be counted by hundreds. In America there are

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millionaires who may perhaps be counted by thousands. In Travancore thanks to the partition legislation which is actively functioning the number of people who have landed property of any extent is very limited. Also the number of real capitalists is very small. If a factory is to be started, if any new business is to be undertaken, there is not one family which can risk one lac of rupees. There is, of course, not to speak of 10 lacs joint stock enterprise. But the difficulties of joint stock enterprises are fairly well known. Now the question is whether in Travancore you have got so much property aggregated in the hands of a few people that it is necessary, as in England and America, to prevent the accumulation of the property and make compulsory distribution of such property at the end of one generation, by legislation. Suppose a person who has got some money wants to accumulate it and wants his grandson to be a wealthy person, or wants to start some venture for the good of the country and for that purpose wants the money to be kept intact and to increase for a period ; then this law will stand against him. If that is what the House wants if it believes that it is better that money should not be allowed to be aggregated, then this law will be justified—not otherwise. If that is the object of the House and that is the object to be worked for, encouraged and legislated for ; then by all means the House may do so. But on the other hand, if the House comes to the conclusion that the industrial and other possibilities are such that the accumulation of property in individuals is a thing to be desired then the passing of this Bill will not be a beneficial step. That is a matter for the House to consider. I felt it my duty to place both aspects of the question for the consideration of the House. Both aspects are defensible a priori. One group of people want rapid industrialisation and the growth of wants and the enhancement of standards of life and they wish that there should be great prosperity at one end of the State even though there may be penury at the other end. Another group may hold that no rich men are needed and that there should be prosperity throughout the State attained by agriculture and subsidiary cottage industries each family earning an income of 20 rupees or even under. It may be held that industrialisation is exploitation of the weak by the strong, the poor by the rich, labour by capital. In this case this and similar bills may serve the purpose of discouraging accumulation of capital and generally bringing about a uniformly low standard of living—plain living perhaps but not inevitably associated with high thinking. The choice is before the House and the country. I thought it was my duty to place that aspect of the matter before the House.

Mr. G. Narayana Aiyar : In the face of the clear exhaustive and interesting elucidation on the subject by the President and the intricacies involved in the same I have no objection for the recommitment of the Bill.

The question that the Bill be recommitted was put and carried.

THE TRAVANCORE KRISHNANVAKA MARUMAKKATHAYEE BILL.

Mr. James Fletcher : I propose that the Travancore Krishnanvaka Marumakkathayee Bill be taken into consideration by this House. This Bill was sent to the Select Committee and after careful consideration without making any serious changes, the Bill has been sent up to this House and it is now before the honourable members. The Krishnanvaka Marumakkathayees domiciled in Travancore follow the same principles of law as the Nair Community. The Nair Community and the Ezhava Community were also Marumakkathayees. They got their law enacted so early as 1101, while the Krishnanvaka Marumakkathayees had not the fortune of having their law codified. It was thought necessary that they should have the law codified so that the custom relating to their marriage, succession, tharawad management and partition may be regulated. This Bill was published in the Gazette. If there was any objection those objections would have been raised by the members of the community. But no objection was raised by any member belonging to that community. Even now there is no written objection sent up by any member belonging to the Krishnanvaka Marumakkathayees of Travancore and this Bill has been so framed as to follow entirely the principles contained in the Nair Regulation so much so that there can be very little objection to the Bill being passed by this honourable House. Therefore I propose that the Bill may be taken into for consideration.

Mr. Kottur Kunjukrishna Pillai : I second it.

Mr. A. Easwara Pillai (Nominated) : I oppose and move that the Bill be recommitted to a revised select committee.

President : I see that the honourable member's amendments were sent up only this morning. When were they sent Mr. Secretary ?

(The Secretary to the Council then answered that they were sent up quarter of an hour before the meeting).

President : It is rather surprising. How does the honourable member expect other honourable members to be able to deal with those amendments ?

Mr. A. Easwara Pillai (Nominated) : I have my own reasons for doing so.

President : Will you tell them ?

Mr. A. Easwara Pillai (Nominated) : The rule is that the announcement of the date of the meeting should be communicated to the member concerned at least two weeks before. A formal invitation or notice dated the 28th of June which may be expected to be received by me on the 30th was sent to me. I received a telegram yesterday. Am I expected to send the amendments earlier than yesterday ?

President : When was the announcement about the commencement of this session of the Council published ? Was it not a considerable time back ?

Mr. A. Easwara Pillai (Nominated) : The earliest communication about the commencement of the session was sent to me on the 28th which under the Rules of the Legislative Council should have been received two weeks before. The first letter was dated 28th June 1939.

President : When was what may be called the Notification of this meeting issued ?

I am sorry that I was too hard on the honourable member. What I am able to gather from the Secretary is this; that the other members of this House were summoned fairly early. But it appears honourable members nominated for a particular legislation is summoned only when it is certain that that matter would come up for consideration. It is too acute to say that the honourable member got his summons only on the 28th of June. But at the same time I am sorry that I asked for an explanation from the member which is due from the office. But judging from the position of the House I think it is not possible to consider the amendments now. The amendments are as follows :

1. I move that the Travancore Krishnanvaka Marumakathayee Bill be recommitted.
2. In Chapter I, Clause 1, sub clause (ii) omit the whole expression that occur after the words "not so domiciled".
3. In Chapter II, Clause 3, sub clause (i) omit the word "or" that occurs after "A Krishnanvaka Marumakathayee male" and substitute the words "openly solemnised by the tying of mangalasutram and the presentation of cloth to the female by the male whether so solemnised before the date on which this Bill comes into force or so solemnised subsequent to that date shall be deemed to be a valid marriage for all legal purposes".

4. In Chapter VII, Clause 38, omit the word 'per capita' after the word "division' and substitute the word 'per stirpes'.
5. In Chapter VIII, Clause 43, omit the word 'all' after the words 'on application by' and substitute the words 'the majority of'.

Practically it will become a new Bill if the amendments of which notice has been given by the honourable member are accepted. The only question is whether this House is willing to deal with those amendments now. If the general sense of the House is that it is willing to consider the amendments I have no objection. In view of the fact that the honourable member got notice of the meeting only on the 28th of June, he is entitled to a considerable latitude in sending up amendments and so I cannot rule them out because the mistake is not his but mine or rather that of the office.

Mr. A. Easwara Pillai (Nominated): I am not responsible for the delay. I think it will be ridiculous on my part to give such notices on the spur of the moment. I could not help it. So I sent up the amendments early this morning. It would be better if the consideration of the Bill is postponed.

President: The honourable member knows what his amendments are.

Mr. James Fletcher: Sir, I submit that these amendments may be dealt even today itself because these matters were raised in the Select Committee by the honourable member himself and they have been carefully considered even when the Bill...

President: That is entirely for the House to consider.

Mr Kochikkal P. Balakrishnan Tampi: Sir, I think it may be considered now.

President: I take that it is the general sense of the House to go on with the Bill. Yes the House will now proceed with the Bill.

Mr. A. Easwara Pillai (Nominated): Sir my first amendment is that the Bill may be recommitted to a revised Select Committee. Sir, just like.....

Mr. Kottur Kunjukrishna Pillai: Sir, I rise to a point of order.

President: Order, order.

Mr. Kottur Kunjukrishna Pillai: Can a motion for recommitment be considered as an amendment?

President: That is a verbal inexactitude. It is a really substantive amendment and not a motion. The honourable member apparently used the word amendment. He will now proceed.

Mr. A. Easwara Pillai (Nominated): Sir, just like the Nair and the Ezhava Regulations and the Nanjinad Vellala Regulation this is a social legislation. Even when the Bill was introduced and considered in this House, I suggested that evidence may be taken since the mover of the Bill himself was a stranger unaware of the social manners and customs existing in the community. Sir, if I am permitted, I may say that the mover of the Bill was quite unaware of the ways of the community. He was, if I remember correct, informing the House that the community numbers a lakh and a half while it is only 1,000 strong.

President: Is the community only 1,000 in strength?

Mr. A. Easwara Pillai (Nominated): Yes, Sir. That is the sort of knowledge that the mover of the Bill has about the community. I am sure that this House.....

President: Has the honourable member looked up the Census Report? What does that say?

Mr. A. Easwara Pillai (Nominated): The latest Census report says that the community including the Makkathayees and the Marumakkathayees number only 12,036. Even then it does not amount to 1 lakh. The Marumakkathayee section forms less than 1/10th of the whole population. That is what I have to say with regard to the knowledge of the mover about the community.

As regards this community I may say that the community is small and backward in point of education, occupying one of the southernmost taluks of Travancore viz. Kalkulam. They are agriculturists and backward in education and they are not known as a progressive community.

President: By what name are they known in British India?

Mr. A. Easwara Pillai (Nominated): No such community exists in British India though history says that they migrated from Kashmir in the year 1 of our era. It is not clearly known by what name they are known in British India.

Mr. M. Govindan: Are they not known as Yadavas?

Mr. A. Easwara Pillai (Nominated): They may be known by that name but there are several other sub-groups in that and it is not known which of those sub-groups form the Krishnanvaka Marumakkathayam community.

Sir, they chiefly occupy the southernmost portion of the taluk of Kalkulam in Travancore. Education among them is considerably poor and they are not considered as a progressive community among the communities I have mentioned before.

Mr. T. Krishna Pillai: May I know from the honourable member whether the educated members of the community have approached the authorities or informed them that they have no objection in passing this Bill?

Mr. A. Easwara Pillai (*Nominated*): Some of the educated members might have approached. Some others did not want the bill in the present form.

Mr. T. Krishna Pillai: May I know whether any dissenting voice was raised in this bill?

Mr. A. Easwara Pillai (*Nominated*): Sir, there is a dissenting voice too. During the Select Committee stage I suggested that evidence may be taken since the committee is not so familiar with the customs and manners of the people. They occupy only a single taluk and it is quite possible and easy to take evidence and to understand the views of the community thoroughly and then pass a legislation for them. If, without knowing the sense of the community a social legislation is passed that legislation would be inoperative and objectionable. The sense of the community differs mainly with regard to the question of marriage and partition. The evidence as regards these two important subjects as well as the customs and manners of the community should be known before the Select Committee or the House itself passes a legislation for them. It is for these main reasons.....

President: But did not the honourable member elucidate his point of view then?

Mr. A. Easwara Pillai (*Nominated*): Yes Sir, I suggested even at the outset that evidence should be taken. The members of the Select Committee then said that they would go through the bill and find out those portions for which they should take evidence. So they proceeded with the bill and afterwards concluded by saying that they need not take evidence in spite of my emphatic protest. It was thus that I appended a dissenting note.

Mr. G. Narayana Aiyar: May I know to which community the honourable member belongs?

Mr. A. Easwara Pillai (*Nominated*): I belong to the Krishnanvaka Makkathayee community and I am a nominated member of this House to represent the Marumakkathayees.

For these reasons I move that this Bill may be recommitted to a revised Select Committee composed of the members whom I suggest. They are

Messrs.

James Fletcher,
M. K. Ananthasiva Aiyar,
T. Mohamed Ismail,
Sulthan Mohideen,
Puthupalli S. Krishna Pillai,
M. Govindan,
K. K. Kuruvila,
V. S. Arumukhom Pillai,

[Mr. A. Easwara Pillai]

Hussain Sait,
Kesava Pillai,
Kesavan,
Mrs. Gnanasikamony, and myself.

Mr. M. K. Ananthasiva Aiyar : I second it.

Mr. James Fletcher : Sir, I oppose the motion. When this bill was published it was known to all the people who were to be affected by it. They were happy to know that such a bill is to be passed. There was then no dissenting voice. As my friend has admitted there are educated men in the community and so far as I know all the educated men fully supported this bill. The reason is not far to seek. These Krishnanvaka Marumakkathayees live in one or two taluks of South Travancore. They follow the customs and manners which the Nayar community follows. Probably they could have been included in the Nayar Regulation. They would be willing to follow the Nayar Regulation as it is, but they wanted to retain their name as Krishnanvaka Marumakkathayees. That is why the Nayar Regulation does not govern the Krishnanvaka Marumakkathayees. Otherwise, it may be said that they simply follow the Nayar Regulation and systems prevalent in the Nayar community. So much so when this Regulation was drafted in the same lines as the Nayar Regulation they were glad that some codified regulation was brought forward to regulate their partition, their tarwad management and so on.

Mr. M. Govindan : If that is so will it not be enough to have one section to the effect that Marumakkathayees in the Krishnanvaka community will be governed by the Nayar Regulation.

Mr. James Fletcher : Sir, as the bill now stands there is not much difference between the Nayar Regulation and the present Bill. But, however, to make a Bill applicable to one community also applicable to another community, these two communities will have to come to an agreement. Further there will be another difficulty. If this Nayar Regulation is slightly modified at the request of the members of that community.....

Mr. M. Govindan : I may assure the honourable member that for making the Nayar Regulation applicable to this community no such things are necessary.

Mr. James Fletcher : The Nayar Regulation can be modified according to the needs of the Nayar community. If the majority of the members of the Nayar community think that they would like to have that Regulation changed then the existing one would be cancelled and a new Regulation might come into effect. Then where will the Krishnanvaka Marumakkathayees stand?

There will be no act or law so far as they are concerned. If the whole, law is enacted by means of a provision the Nayar Regulation when the Nayar Regulation changes these people will have no law. Therefore I say that such shortcuts as may be suggested by my honourable friend Mr. Govindan may not be satisfactory.

Mr. Kottur Kunjukrishna Pillai: Sir, I also wish to oppose the motion for the recommittal of this bill. The reasons stated by the mover, Mr. Easwara Pillai, for the recommittal is, first of all, that the community is a very small one. It would have been perhaps a good reason to suggest that there is no necessity of a special legislation for such a small section and in fact this objection was raised when this bill was introduced into the House for the first time. And this House has turned down, every time, successively, that objection based on smallness of number. It cannot be said that simply because a community is small in number a very necessary piece of legislation could not be given to them. This House has passed the Kshatriya Bill, although the Kshatriya community is small in number.

There is also another interesting point to be borne in mind in connection with the objection now being raised against the Bill. The objection has not come from the people affected by this legislation. The Krishnanvaka Marumakkathayees has not raised one word of protest against any of the provisions of this Bill; on the other hand, they have always been insistent in their demand that this Bill should be passed as soon as possible. All this objection has come from the Krishnanvaka Makkathayee people. They may be slightly larger in number than the Krishnanvaka Marumakkathayees; but that is no reason why the Krishnanvaka Marumakkathayees should not be given the benefit of a piece of legislation which they really want.

Mr. A. Easwara Pillai (Nominated): May I remind the honourable member that, in this House, I represent the Krishnanvaka Marumakkathayees and not the Krishnavaka Makkathayees.

Mr. Kottur Kunjukrishna Pillai: That may be a very sad irony of fate. But all the same the fact remains that the honourable member is a Krishnanvaka Makkathayee. There is also the other fact that not a single Krishnanvaka Marumakkathayee has expressed his dissent to any of the provisions of this Bill. On the other hand, as I said, they have been persistently requesting that this Bill should be passed as early as possible.

As a matter of fact, these Krishnanvaka Marumakkathayees follow exactly the same customs followed by the Nayar community; that is why they want the same system of law to apply to them. So far as this House is concerned, the right of representation here which was legitimately due to the Krishnanvaka Marumakkathayees

[Mr. Kottur Kunjukrishna Pillai]

has been appropriated by a person belonging to the Krishnanvaka Makkathayee community. On that ground it cannot be argued that we must take all his opinions as the opinion of the Krishnanvaka Marumakkathayee community. I refuse to accept that argument.

Another argument advanced by the honourable member in support of the recommittal of this Bill is that the Select Committee did not allow his proposal for taking evidence. Now, what are the questions on which evidence is to be taken? Is it the question whether the Bill is necessary or not? Is it the question whether the custom in the community is to tie the Mangalyasutram around the bride's neck or to present a cloth to her during the marriage? Sir, these questions are not of fundamental importance for the purpose of taking evidence. The Bill is intended for persons following the Marumakkathaya system of law. Therefore, the only question that has to be considered is whether they should be allowed to continue the Marumakkathaya system without the right for partition or whether they should be conferred that right by legislation. On that question no evidence need be taken; because, with one voice the community wants it. We cannot take any evidence with regard to the details of the marriage ceremony; that will be unnecessary expenditure of money. All are agreed that these persons are Marumakkathayees and that they want a system of inheritance provided for in this Bill. Therefore, there is no need to take any evidence on the matter.

Mr. A Easwara Pillai (*Nominated*): May I ask whether evidence was not taken before the Nair Regulation, the Ezhava Regulation, the Vellala Regulation and the Kshatriya Regulation were passed?

Mr. Kottur Kunjukrishna Pillai: Yes; but I do not see the relevancy of that question now. In the case of those Bills evidence was taken as to what kind of partition the majority of the members of the community concerned wanted; there was clear differences of opinion as to that and such differences of opinion were clearly brought home to the Government and to this House; evidence was taken. The benefit of those enactments is available to the members of the other communities who are following similar customs and who want laws similar to those enactments.

Mr. G. Narayana Aiyar: May I ask whether, in the matter of marriage or inheritance there is any difference between the Nair and the Krishnavaka community?

Mr. Kottur Kunjukrishna Pillai: Absolutely none so far as I can see; hence it is that the present bill is on identical lines with those of the Nair Regulation.

In any event, Sir, I do not think any case has been made out for the recommittal of the Bill. If the honourable member thinks so, it is quite open to him to oppose this Bill clause by clause ; that is a different matter. That is the straight method for him to adopt. I hope the member will resort to that straight course and not press his present motion for recommittal of the Bill.

Mr. Kochikkal P. Balakrishnan Tampi : Sir, I also oppose the motion for recommittal of the Bill. I am very glad that my friend Mr. Kottur Kunjukrishna Pillai has advanced very strong arguments against the recommittal of the Bill. As he said, Sir, the Select Committee looked into the whole question very carefully. In fact, there was not one member of the Krishnanvaka Marumakkathayee community who opposed any of the provisions of this Bill.

President : Were any memoranda received ?

Mr. Kochikkal P. Balakrishnan Tampi : No, Sir.

The select Committee also found that even among the Krishna-
vaka Makkathayees a considerable number did not oppose the present Bill. I must make it clear, Sir, that there is absolutely nothing in common between the Krishnanvaka Makkathayees and Krishnanvaka Marumakkathayees ; it is only a kind of a vicarious love, in the present instance on the part of the Krishnanvaka Makkathayees ; that is all their interest in this piece of legislation at this juncture. As Mr. Fletcher suggested, they could have even been included in the Nair Regulation but for their calling themselves the Krishnanvaka community perhaps with commendable Vaishnavite zeal (laughter). That was how, by a kind of judicial interpretation, they happened to be not included in the Nair Regulation. At a time when the devotees of even the tonsorial art are said to belong to the Nair community, it is really a judicial accident that the members of the Krishnanvaka community are not interpreted as coming within the operation of the Nair Regulation. (laughter)

President : Is the tonsorial appellation still preserved ?

Mr. Kochikkal P. Balakrishnan Tampi : They call themselves by the name of the community to which I have the honour to belong. There is as much in common between the Krishnanvaka Makkathayees and the Krishnanvaka Marumakkathayees as perhaps between the Pathan and the Panther.

Sir, in spite of this the honourable member who has been nominated to represent the Krishnanvaka Marumakkathaya people has been jealously trying to cling to the status quo in the matter of this legislation. Some-how his suggestions have not been very helpful. All of them were carefully looked into. The Select

[Mr. Kochikkal P. Balakrishnan Tampi.]

Committee found, as I have submitted, that there was absolutely no necessity to take any evidence; and the points on which evidence was suggested to be taken were not enumerated by the honourable member. It is therefore in the interest of this house and in the interest of the community concerned that this Bill should be passed as early as possible without any impediment being placed in its way. Marumakkathayee Krishnanvaka people form a small community. The members of the Select Committee had occasion to meet some of the members of the community. They were given opportunity on an informal manner to place their views before the Select Committee. I really could not understand the real connection between the loyalty of these people and their living in South Travancore, about which specific reference was made by the honourable member. Any how the people concerned want the Bill. There are other communities in the State who have been given a law enabling them to divide their properties in a particular manner. The members of this community also now find that the managers of family-properties are absolutely indifferent to the interests of the families concerned and even allow the properties to be sold at revenue auctions. Hence this Bill. It is timely.

Therefore I appeal to this House once more to pass this into law as early as possible.

Mr. A. Easwara Pillai (Nominated) : Sir, my friend Mr. Balakrishnan Tampi was informing the House that the Select Committee gave occasion for some members of the Krishnanvaka Marumakkathayee community to appear before them in an informal manner and give evidence. It was so as regards those who favoured this Bill. But, as regards the opposers, they were not given sufficient opportunity to ventilate their grievances.

Sir, I was informed of the Select Committee only on the day previous to the meeting of the Select Committee, by wire. And I had no time to collect and place before the Committee the necessary material evidence, in support of my position. I should have received at least a week's notice of the Select Committee. On the day previous to the meeting, I received a wire saying that I must be at the Legal Remembrancer's office, on such and such a day at such and such an hour. It was more urgent than a warrant; and I had to obey it. I hastened from home. My friend Mr. Balakrishnan Tampi informed the members that sufficient opportunity was given to the people concerned. I was not given sufficient opportunity and time. Purposely or otherwise I was informed only on the previous day.

Mr. Kochikkal P. Balakrishnan Tampi : Was that not due to a comedy of errors, owing to the presence of two A. Easwara Pillais in the House? (Laughter)

President : But he was not responsible for that

Mr. A. Easwara Pillai: (*Nominated*) Some of the members here have emphatically protested against my existence here ; and I thought the President and the Government, who nominated me to represent the Krishnanvaka Marumakkathayees, would support my cause.

President : The Hon'ble member is there in bodily person to do it ; but far be it from the Government to ignore the existence of the honourable member. (Laughter). All that happened was this, whether it be a comedy or a tragedy of errors. On account of the co-existence of another A. Easwara Pillai, the notice intended for the honourable member went to the other A. Easwara Pillai of Kottarakara ; Fate seems to have conspired against the Hon'ble member (Laughter).

Mr. A. Easwara Pillai (*Nominated*): Let it be a comedy or tragedy of errors, it does not matter ; but it was a disadvantage to the community. It is not fair to argue now that because the members of the community did not appear before the committee that day they were denied the right to give evidence and to have a proper legislation.

Mr. James Fletcher : Will the Hon'ble member inform the House for how many days the Select Committee sat ?

Mr. A. Easwara Pillai (*Nominated*): I think it sat for two days.

Mr. James Fletcher : No It sat for three days.

Mr. A. Easwara Pillai (*Nominated*) : The third day If I remember right was intended practically for typing the report and affixing our signatures to it.

And besides, the member who has got anything to do with the Krishnanvaka Marumakkathayee community was away at Trivandrum and so was not able to inform the people concerned or to bring them over here.

Mr. Thomas Chandy Mukkadan : മെമ്പറന്മാർക്ക് എത്ര ദിവസത്തെ T. A. കൊടുത്തു എന്നറിയാമോ?

Mr. A. Easwara Pillai (*Nominated*): മൂന്നു ദിവസത്തെ T. A. കൊടുത്തു. So, that argument of Mr. Tampi will not hold good as sufficient notice was not given to the members of the community to appear before the Select Committee to give evidence formally or informally. As I have suggested, even at the outset, the community is not literate ; the mover is a stranger and that is why they have chosen me to represent their cause in this House.

Mr. Kottur Kunjukrishna Pillai: May I know from the member when the Krishnanvaka Marumakkathayee community chose the member to represent them?

Mr. A. Easwara Pillai (Nominated): Sir, I was given to understand that the majority of the Marumakkathayee Krishnanvaka community approached the Dewan with a memorial saying that one member whom they chose might be nominated to represent their community and I was nominated.

Sir, the mover claims to have intimate knowledge of the Krishnanvaka Marumakkathayee community. I shall just inform the House the disparity between his knowledge of the community and actual facts. While the mover says that its population is $1\frac{1}{2}$ lakhs, it is actually 1000 or even less and if the Bill moved by such a person as the honourable member, is accepted by this house I shall not have any objection? Certainly I am not an old man, and I do not profess to know thoroughly the entire history of the community from its origin to this day.

President: The Census report says something about the pre-historic times. So the Hon'ble member may not possibly be himself responsible for that.

Mr. A. Easwara Pillai (Nominated): It is after reading that report that I say this; there it is said that they originally came from the north and have peculiar manners and customs.

President: Yes. Muttra.

Mr. A. Easwara Pillai (Nominated): My friend Mr Kottur was saying that the mover's objection was that it was because they form only a thousand and they occupy the southernmost part of Travancore that I move for the recommittal of the Bill. Sir, he was mistaken; what I suggested was that it was easy for the Select Committee to go to one taluk and take evidence. When the Nair Regulation was being enacted the Select Committee had occasion to examine witnesses from the northernmost part of Travancore to the southernmost part; Whereas this community exists only in one taluk so that it was quite easy for the Committee to take evidence. The whole enquiry could have been finished within an hour or two. As it is, it looks as though they rushed through the Bill with some particular motive; My point is that no real attention was paid to the existing manners and customs of the community. I found our Legal Remembrancer a little while ago saying that the Nair Regulation differs from the Hindu law as regards customs of marriage, inheritance etc. There is always some deference in these matters between one community and another. As suggested by Mr. Govindan and Mr. Balakrishnan Tampi, if the manners and customs of the Krishnanvaka people are very similar to the Nair Regulation why not then copy the Nair Regulation and

say that the Nair Regulation itself would apply to the Krishnanvaka Marumakkathayam community also? But that has not been done; the Krishnanvaka Marumakkathayam community has not been included in the Nair Regulation. That shows that it is not governed exactly by the same customs as those of the Nairs.

Mr. T. Krishna Pillai: Is the member aware that the enlightened section of the Krishnanvaka community made a request to the Government that suitable amendments could be made in the Nair Regulation itself with a view to extend it to them?

Mr. A. Easwara Pillai (Nominated): My own information is that, they wanted an Act with necessary modifications so that it may be acceptable to the community. If the honourable members are carried away by the information and the knowledge the mover has about the community they will be sadly mistaken.

The marriage customs existing in the Nair community are quite different from the existing marriage customs of the Krishnanvaka Marumakkathayam community. I mentioned this to the Select Committee, but they unanimously said that even though there might be differences, they would not mind because, none from the community came forward to represent and elucidate the point before the Select Committee.

President: What took place at the Select Committee cannot be divulged, the results alone can be referred to here.

Mr. A. Easwara Pillai (Nominated): I referred to it because my friend Mr. Balakrishnan Tampi mentioned that certain persons actually gave evidence before the Committee.

President: In so far as the Select Committee either takes evidence or gets persons to appear before it, that cannot be a matter of confidence, because no question of confidence can be raised with regard to third persons coming to the Select Committee, the fact therefore, that certain persons appeared before the Select Committee is not within the rules of non-divulging of proceedings of the Select Committee. What took place among the members of the Select Committee by way of deliberations, arguments and counter-arguments is alone confidential.

Mr. A. Easwara Pillai (Nominated): Even then, Sir, I pressed that evidence of that kind need not be taken.

President: Order, order. The member is again doing what he is not allowed to do.

Mr. A. Easwara Pillai (Nominated): Sir, the Honourable member Mr. Fletcher said that the smallness of the number of members belonging to the community cannot be an argument to show that the Bill is not necessary. My friend Mr. Kottur Kunjkrishna Pillay was saying that because the number was small it

[Mr. A. Easwara Pillai.]

was my move that no Bill is necessary. He was entirely wrong; my point is that, because they are also subjects of His Highness the Maharaja they should be given a proper social legislation without considering number.

Sir, my important point for recommitting the Bill, is that our community differs fundamentally in marriage and partition from the Nair community ; and the existing social customs do not permit of such a legislation. If a copy of the Nair Bill is passed, it will not be acceptable to this community. And more than that, as regards marriage in the Nair Regulation, if I remember correct, they have provided for non-Nairs, having marital relations with Nairs also being included in that Regulation ; it would appear that it was a matter of pride to the Nairs to have brought in non-Nairs also within their Bill. It is not so in the case of the Krishnanvaka Marumakkathayam community ; they consider it a stigma.

Mr. V. Sankara Menon (*Nominated*): What is the basis for the honourable member to say that the Nair community is proud to have marriage alliance with non-Nairs ?

Mr. A. Easwara Pillai (*Nominated*): If it were not so, the Regulations would not have provided like that.

President: Honourable member need not go beyond the four corners of this Bill.

Mr. A. Easwara Pillai (*Nominated*): I am sorry if I have wounded the feelings of any of my friends ; I did not mean it. What I want to make clear is that it is not the custom in the Krishnanvaka Marumakkathaya community to marry from other communities. If any stranger to the community would dare attempt such a marriage, even his life would be in danger ; and the Krishnanvaka people who marry from outside will be ex-communicated. Without knowing the magnitude and the stigma attached with it this House cannot bring in outsiders or strangers to have marital relation with the community.

They considered it with such a sort of stigma.

Mr. Kottur Kunjukrishna Pillai: May I know from the member whether there has been after all any person from outside the community desirous of coming into his community for marriage?

Mr. A. Easwara Pillai (*Nominated*): I do not understand what the member means when he says 'his'. Is it the makka-thayam or the marumakkathayam community ?

President: The Bill is dealing with the marumakkathayam community and so all references are to that community.

Mr. A. Easwara Pillai (*Nominated*): The House will be aware of the amount of stigma or the real position of the community if non-Krishnanvaga marumakkathayees are allowed freely to intermarry with the Krishnanvaga community. Unless evidence is taken, unless the Select Committee communicate with the prominent members of the community and become aware of it, they cannot all on a sudden rush to the conclusion and say that because they have not submitted any memoranda to Select Committee there is no opposition. As I suggested, they are not literate. They do not read the gazette or the journals. They are not journalists like some members here to write their opposition in season and out of season. They thought that their position will be safe in the hands of responsible legislators whose President is the trusted minister of His Highness the Maharaja of Travancore.

President: We are now dealing with the working of the Select Committee. The whole question of the Select Committee and whether the Bill should be recommitted to the Select Committee has nothing to do with the confidence entrusted by His Highness the Maharaja to somebody. I think it is really beside the point.

Mr. A. Easwara Pillai (*Nominated*): When I said so, I meant nothing but the fact that the Select Committee did not care to inform the member in charge in time. The members of the community thought that there was a President to take notice of these things because he was the trusted minister of His Highness the Maharaja whose loyal subjects we are. It was only for that purpose that I brought the name of the President or the Dewan in this House. With these words, I request the honourable members of the House to consider the question of just taking evidence and ascertaining the views of a few prominent members of the community at least before they pass any law for them.

The question that the Bill be recommitted was put to vote and the motion was declared lost.

Clause 1.

Mr. A. Easwara Pillai: Sir, I move that—

“In Chapter I, Clause 1, sub clause (ii) omit the whole expression that occurs after the words ‘not so domiciled.’ ”

President: But then, does the word “such” remain? How will the clause read as amended by the honourable member?

Mr. A. Easwara Pillai (*Nominated*): The clause as it is reads thus:

[Mr. A. Easwara Pillai.]

“It shall apply to all Krishnanvaka Marumakkathayees domiciled in Travancore and to such Krishnanvaka-Marumakkathayees, not so domiciled, and non Krishnanvaka-Marumakkathayees, whether so domiciled or not, as have, or shall have, marital relation with Krishnanvaka-Marumakkathayees domiciled in Travancore.”

By adopting my amendment the clause would read thus:

“It shall apply to all Krishnanvaka-Marumakkathayees domiciled in Travancore and to such Krishnanvaka-Marumakkathayees not so domiciled.”

My object in moving this amendment is that, as I have said, it clearly prevents non-Krishnanvaka-Marumakkathayees coming into the community.

President : Order order. I am not here trying to force any particular opinion on the honourable member but the clause as amended will read something like this.

“It shall apply to all Krishnanvaka-Marumakkathayees domiciled in Travancore and to Krishnanvaka-Marumakkathayees, not so domiciled.”

Even assuming that the word “such” is omitted.

Is that what the honourable member wants?

Mr. A. Easwara Pillai (Nominated): What I meant is that it shall apply to all Krishnanvaka-Marumakkathayees and to none else.

Mr. Puthupally S. Krishna Pillai: He says that it is *intra dig* for a non-Krishnanvaka-Marumamakkathayee to marry into the community. His intention will be carried out if only the words “and non-Krishnanvaka-Marumakkathayees, whether so domiciled or not” alone are deleted.

President : After all, the Legal Remembrancer is not moving an amendment.

Mr. Puthupally S. Krishna Pillai: Otherwise, the amendment of Mr. Easwara Pillai is not in form and cannot be discussed because it conveys no meaning.

President : The honourable member must put in some legal form.

Mr. A. Easwara Pillai (Nominated): With regard to the application of this Bill what I suggest is that it should apply only to Krishnanvaka-Marumakkathayees and not to non-Krishnanvaka-Marumakkathayees. Here in the clause as it stands it is stated “and non-Krishnanvaka-Marumakkathayees, whether so domiciled or not, as have or shall have marital relation with Krishnanvaka-Marumakkathayees domiciled in Travancore.” That means that non-Krishnanvaka-Marumakkathayees could have marital relation with Krishnanvaka-Makkathayees.

President : The amendment which the honourable member has given notice of does not bring out what the honourable member wants. The honourable member has apparently some difficulty with regard to this amendment. The House will now adjourn and by the time the House re-assembles he may make some progress with his amendment. It must be moved in some definite legal form.

The Council adjourned for lunch at 12-55 and met again at 2 P. M.

Mr. C. N. Thuppan Namboodiripad : സർ, ഈ കൗൺസിലിൽ അവതരിപ്പിക്കുന്ന ബില്ലുകളുടെ കാപ്പി മലയാളത്തിൽ ഞങ്ങൾക്കു കിട്ടുന്നുണ്ട്. ആ ബില്ലുകളെ സംബന്ധിച്ച ഭേദഗതികളോ അല്ലെങ്കിൽ അതുപോലെ അതിപ്രധാനമായ മറ്റുചില കടലാസുകളോ മലയാളത്തിൽ തർജ്ജിമചെയ്ത് കിട്ടാതെയാണിരിക്കുന്നത്. ഇങ്ങനെ മലയാളത്തിൽ തർജ്ജിമചെയ്തു കിട്ടാത്തതുകൊണ്ടു ഞങ്ങൾ വളരെ ബുദ്ധിമുട്ടുന്നുണ്ട്. ഇവിടെ ഒരു ട്രാൻസ്ലേഷൻ ഡിപ്പാർട്ടുമെന്റും മലയാളം ടൈപ്പ് റൈറ്റിംഗും ഉള്ള സ്ഥിതിക്കു് ഈ കൗൺസിലിന്റെ അലോചനയ്ക്കു വരുന്ന സകല സംഗതികളും മലയാളത്തിൽ തർജ്ജിമചെയ്തു ഞങ്ങൾക്കു തരാൻ അത്ര പ്രയാസമുള്ളതല്ല. മലയാളതർജ്ജിമകിട്ടി കാര്യം മനസ്സിലാക്കാൻ നിവൃത്തിയില്ലാത്തതുകൊണ്ടു് വോട്ടുചെയ്യേണ്ടി വരുമ്പോൾ വിശ്വാസമുള്ളവരാക്കിലും കൈവെക്കുന്നതുകണ്ടു് കൈവെക്കുന്നു എന്നല്ലാതെ കാര്യം മനസ്സിലാക്കി പ്രവർത്തിക്കാൻ വഴിയില്ലാതിരിക്കുന്നു. അതുകൊണ്ടു് ഇവയെല്ലാം മലയാളത്തിൽ കാപ്പി തരാൻ വേണ്ട ഏർപ്പാടുചെയ്യണമെന്നു ഞാൻ അഭിപ്രായപ്പെട്ടുകൊള്ളുന്നു.

President : There is considerable force in what the member has said just now and I think steps should be taken in future, to have the amendments translated into Malayalam and if possible communicated to the honourable members, because a certain day is insisted upon for the receipt of amendments and an interim period is available for the Government for communicating such information to the members.

Of course, this honourable member's very legitimate and forcible observations do not apply to the Krishnavaka-Marumakkathayam Bill, because, the amendments to this Bill were received this morning. So, there was not enough time for the translators and shorthand writers to do the needful in the matter.

Mr. A. Easwara Pillai (Nominated): I move the following amendment.

“In Chapter 1, Clause 1, sub-clause 2 omit the expression that occur after the word ‘not so domiciled’ till ‘so domiciled or not’.

If my amendment is carried the clause would read thus :—

“It shall apply to all Krishnanvaka Marumakkathayees domiciled in Travancore and to such Krishnanvaka Marumakkathayees, not so domiciled, as have, or shall have marital relation with Krishnanvaka Marumakkathayees domiciled in Travancore.”

In moving this amendment my desire is to inform the House that since non-Krishnanvaka-Marumakkathayees have nothing to do with the Krishnanvaka-Marumakkathayees, this Bill should not be made applicable to them. There are communities in Travancore where non-members of the community have some marital or other relationship with the community. Since this community does not permit of having marital relationship with any other community, such a clause is unnecessary. Hence the expression ‘and non-Krishnanvaka Marumakkathayees whether so domiciled or not’ should be omitted.

The amendment fell through for want of a seconder.

The question that clause 1 do stand part of the Bill was then put and carried.

The clause was added to the Bill.

Clause 2.

The question that clause 2 do form part of the Bill was then put to vote and carried.

The clause was added to the Bill.

Clause 3.

Mr. A. Easwara Pillai (Nominated): Sir, I move the following amendment.

“In Chapter II, clause 3, sub-clause (i) omit the word ‘or’ that occurs after ‘a Krishnanvaka Marumakkathayee male’ and substitute the words ‘openly solemnised by the tying of mangalyasutram and the presentation of cloth to the female by the male whether so solemnised before the date on which this Bill comes into force or so solemnised subsequent to that date shall be deemed to be a valid marriage for all legal purposes.’”

With the amendment the clause would read as follows :

“The conjugal union of a Krishnanvaka Marumakkathayee female, subject to the restrictions of consanguinity and affinity with:—

- (i) A Krishnanvaka Marumakkathayee male openly solemnised by the tying of mangalyasutram and the presentation of cloth to the female by the male whether so solemnised before the date.....for all legal purposes.”

Sir, I want to retain the proviso in that clause. My object is that even now the tying of mangalyasutram is a prominent item in a marriage ceremony. In the Krishnanvaka community, no marriage takes place without the tying of mangalyasutram. As such I don't find the reason why the prominent feature of the marriage should be avoided indication by the presentation of cloth alone as in the case of the Nair Community alone be retained. Why should the provisions of the Nair Regulation be copied so far as marriage is concerned when the custom is entirely different.

President : Is it the member's contention that any marriage that takes place in the community according to the usual custom, whether it be by presentation of cloth or by *thali kettu*, should be made legal?

Mr. A. Easwara Pillai (Nominated) : Yes, Sir. That is my object.

President : If the custom of marriage in the community is by presentation of cloth, that should be legalised. If it is by the tying of thali, that also should be recognised. Is that the position of the member?

Mr. A. Easwara Pillai (Nominated) : Yes Sir. Both the customs are prevalent. But the tying of mangalyasutram must be given prominence.

Mr. K. K. Kuruvila : Is not the tying of mangalyasutram a common factor in all marriages?

Mr. A. Easwara Pillai (Nominated) : I wish so and it is so.

Mr. K. K. Kuruvila : I am not concerned with the honorable member's wish. May I know whether the tying of thali is not a common factor in all marriages?

Mr. A. Easwara Pillai (Nominated) : That is the custom, more or less. Even now that custom is being followed. If so could not that procedure be legalised, just as the presentation of cloth is legalised among the Nairs.

Mr. Kottur Kunjkrishna Pillai : May I know whether the member wants that marriages in which there is no tying of mangalyasutram but only the presentation of cloth, that is to be made invalid?

Mr. A. Easwara Pillai (Nominated) : Quite so. Because, the prominent item in the marriage ceremony is the tying of mangalyasutram.

President : It seems to me that these amendments would give rise to controversy which to a large extent is unnecessary. Because in the first place it is said 'any male other than a Krishnanvaka,

[President]

Marumakkathayee with whom conjugal union is permitted according to recognised social custom and usage....." Therefore, in cases where there is no doubt or controversy as to whether mangalyasutram or thali is necessary or whether the presentation of cloth alone is necessary to show what the social custom or usage is, if honourable members could realise that, it is unnecessary to go into the dispute to decide whether mangalyasutram is the *sine-qua-non* or the presentation of cloth is the *sine-qua-non*. Would it not be possible for members representing varied points of view to come to some agreement on this matter? I can understand your speaking about the recognised social custom or usage. It is better to stop there. What is the harm in omitting both the customs from the provisions of the Bill? I am rather anxious to avoid controversies on matters on which no controversy is needed. Or, where the tying of mangalyasutram is the custom that may be recognised and where the presentation of cloth is the custom, that too may be recognised. What does the Legal Remembrancer say on the matter?

Mr. Puthupally S. Krishna Pillai: According to the existing provision it would appear that presentation of cloth alone is recognised as the custom denoting marriage.

President: Supposing the words "openly solemnised by the presentation of cloth to the female by the male" are omitted in that clause, what is the difficulty then?

Mr. Puthupally S. Krishna Pillai: That means the section does not prescribe any mode. That will have to be found out.

Mr. A. Easwara Pillai (Nominated): It is why I said, at the beginning, that evidence is necessary.

Mr. M. Govindan: May I put in a word. The objection pointed out by the Legal Remembrancer can be got over by the introduction of the 'social custom and usage' in the first line of clause 3. It should read "the conjugal union of a Krishnanvaka Marumakkathayee female solemnised according to custom and usage....."

Mr. A. Easwara Pillai (Nominated): I have no objection to adopt that suggestion.

Mr. Kallur Narayana Pillai: സർ, മരപടിപ്രസംഗത്തിനു മുൻപായി എനിക്കൊരു സംഗതി പ്രസ്താവിക്കാനുണ്ട്. ഒരു മരുമക്കത്തായ സമുദായത്തിൽ മംഗല്യസൂത്രം ധരിപ്പിക്കുന്നതിനു ആ സമുദായത്തിൽ ഒപ്പു ആളുതന്നെ വരനായി വരണം. അല്ലാതെ ഇതരസമുദായത്തിൽ

പ്പെട്ട പുരുഷന്മാർ വിവാഹം കഴിക്കുമ്പോൾ മംഗല്യസൂത്രം ധരിപ്പിക്കുവാൻ നിവൃത്തിയില്ല. നായർ സമുദായത്തിൽ ബ്രാഹ്മണർ വിവാഹം ചെയ്യാറുണ്ട്; മംഗല്യസൂത്രം ധരിപ്പിക്കാറില്ല. വസ്ത്രമാണ് കൊടുക്കുന്നത്. അതു പോലെതന്നെ കൃഷ്ണൻവക മരുമക്കത്തായി സമുദായത്തിലും ബ്രാഹ്മണർ വിവാഹം ചെയ്യാറുണ്ട്. അവർക്കൊക്കും മംഗല്യസൂത്രം ധരിപ്പിക്കാൻ നിവൃത്തിയില്ലാത്തതുകൊണ്ടാണ് വസ്ത്രം കൊടുക്കുന്ന ചടങ്ങ് വച്ചിട്ടുള്ളത്. കന്യകാത്വം നീങ്ങുന്നതിന് പണ്ട് താലികെട്ടുന്ന ഒരേർപ്പാട് നായർസമുദായത്തിൽ ഉണ്ടായതെന്നു. എന്നാൽ അയാൾ ആ സ്ത്രീയുടെ ഭർത്താവല്ല. ഭർത്താവു മുണ്ടുകൊടുക്കുന്ന ആളാണ്. അതുകൊണ്ട് മരുമക്കത്തായി സമുദായങ്ങളിൽ വസ്ത്രം കൊടുക്കുന്നതാണ് വിവാഹത്തിനുള്ള പ്രധാന ചടങ്ങ്. അതുതന്നെ ഇവിടെയും സ്വീകരിക്കണം.

Mr. V. S. Arumukhom Pillai : May I know whether the member is aware that tying of *thali* is more important in South Travancore ?

President : There is complete diversion of opinion on the main feature.

Mr. Kallur Narayana Pillai : വസ്ത്രദാനമാണ് അതിപ്രധാനമായ ചടങ്ങ് എന്നാണ് ഞാൻ പറയുന്നത്.

Mr. Kochikkal P. Balakrishnan Tampi : The presentation of the cloth should be retained because we want some concrete evidence as to the factum of the marriage ; whether it has been solemnised or not, when we come to a Court of Law. So there is no harm in this custom being given legislative sanction.

Mr. Kottur Kunjukrishna Pillai : I wish to say one or two words regarding this matter. As I have been able to understand the custom in the community, the custom that is universally adopted is the presentation of cloth. But in certain cases tying of the *thali* is also accompanied along with the presentation of cloth. So what we should do is not to object to either of these customs. But there must be a clear test as to the marriage that takes place. It would not be denied even by the mover of the amendment that there is any marriage in the community in which there is not the presentation of cloth. Presentation of cloth is the compulsory item. But in certain cases the *mangalyasutram* is also introduced. That is the case with certain Nair marriages also. My friend Mr. Kallur Narayana Pillai has made it plain that it is a secondary thing so far as Marumakkathayees are concerned. The provision in the bill seeks to conserve the prevailing universal custom. That is all. There can be no reasonable objection for that.

Mr. James Fletcher : As my friends have clearly stated, the presentation of cloth is the most important item in solemnising a marriage among the Marumakkathayees.

Mr. V. S. Arumukham Pillai : Is it the case with Vel-lalas.

Mr. James Fletcher : That may not be. That is not the question before us at present. So far as the Nairs are concerned, the presentation of the cloth is the most important item. This law does not prohibit the tying of the *thali*. Tying of the *thali* if so desired, may be had. The presentation of the cloth is the most important item and the Bill provides for it. This Section is not different from the Section we have in the Nair Regulation of 1101. All that my friend has said is that he wishes the tying of the *thali* to be retained in law. My submission is that there is no need for keeping that as a provision in the Bill.

Mr. A. Easwara Pillai : It is not my wish. It is my wish to retain the custom among the community.

Mr. James Fletcher : There is no prohibition to retain that custom if so desired. They may or may not have it. As Mr. Kallur Narayana Pillai has said, when members from other communities marry one marumakkathaye lady, the question arises whether he would care to have the tying of the *thali*. He may like to have the presentation of the cloth alone. Therefore the presentation of the cloth alone may be made very prominent or given more importance while the other may be left to the discretion of the party and it may not be made part of the law.

Mr. A. Easwara Pillai (Nominated) : Sir, my object in moving this amendment was to give prominence to the custom.

Mr. T. Krishna Pillai : The amendment is not seconded.

President : Is it so? Now that the discussion has proceeded so far, I allow it.

Mr. A. Easwara Pillai (Nominated) : My object was to see that legislation is passed in conformity with the custom obtaining in the community. No doubt, it is a change that is found in a progressive community as the Nair. The fate of the Krishnanvaka community is left to the care and mercy of this House and it depends upon the unanimous opinion of this House. Let them take their lot. Even after such a legislation is passed, they may retain their original custom or not there is nothing to prevent them. Just like the other amendments, this is an important one which the community will not tolerate. But the House is free to give its considered opinion. The question whether the non-Krishnanvaka marumakkathayam community members marry freely, whether they will accept this clause or whether it becomes a dead letter or whether it comes into force; all these things remain to be seen.

President : It is generally conceded that marriage involves more than one person.

Mr. Easwara Pillai (Nominated) : In the first place, such a custom is obtaining in the community and besides among communities where the marumakkathayam law prevails, such a custom as the wearing of *Mangaliyasutram* during the ceremony of the marriage is prevalent. There are prominent communities wherein such a custom is prevalent and, I think, since it is obtaining in the community, it may be followed. It has a place among Ezhavas and their Regulation provides for the same.

Mr. Kallur Narayana Pillai : ഈശ്വരസമുദായത്തിൽപ്പെട്ട സ്ത്രീകളെ അന്യസമുദായത്തിൽപെട്ട പുരുഷന്മാർ വിവാഹം ചെയ്യാറില്ലെന്നറിയാമോ?

Mr. A. Easwara Pillai : തെക്കൻതിരുവിതാംകൂറിലുള്ള ഈശ്വരസമുദായത്തിൽപ്പെട്ട സ്ത്രീകളെ അന്യസമുദായത്തിലെ പുരുഷന്മാർ വിവാഹം ചെയ്യുന്നതായി എനിക്കറിയാം.

Mr. A. Easwara Pillai (Nominated) : There are the Nanjinad Vellalas who follow the marumakkathayam law and the wearing of the *mangaliyasutram* is prominent. We live side by side with the Nanjinad Vellalas though not so much with the Nairs and the Ezhavas. We follow the custom obtaining among the communities close by. So I press my amendment that the wearing of the *mangaliyasutram* also should be made a prominent item in the ceremony of marriage.

The amendment was put to vote and lost.

The question that Clause 8 do form part of the Bill was put and carried.

The Clause was added to the Bill.

Clauses 4 to 37.

The question that Clauses 4 to 37 do form part of the Bill was put and carried.

The Clauses were added to the Bill.

Clause 38.

Mr. A. Easwara Pillai (Nominated) : My fourth amendment is that in Chapter VII, clause 38—Omit the word 'per capita' after the word 'division' and substitute the word 'per stirpes'. The Clause as amended would read thus:—

“Any individual of Thavazhee mentioned in Sections 34 and 37 shall be entitled to so much of the tarwad properties as will fall to such individual or to the members of such Thavazhee as a whole if a division per stirpes were made among all the members of the tarwad at the time of partition.”

[Mr. A. Easwara Pillai.]

The two important questions with regard to this social legislation which the community wants is that no drastic changes should be made with regard to marriage and partition. There is no family among the Krishnanvakas where partition has not taken place. (Mr. Kochikal P. Balakrishnan Tampi; *Hear, hear*) They have divided their properties on the per stirpes basis according to the custom of the community existing from very olden times. Per capita division, as I observed during the discussion on the previous amendment is made in the Nair Regulation because they wanted to adopt the per capita division and they introduced the same in the Regulation. Because this Bill was moved originally by a member of that community he wanted the same custom to be followed. As the decision now stands per stirpes division will be more acceptable to the community and not the per capita division. Sir, my friends who opposed this amendment or the mover of this Bill objected to it saying that the advanced view of legislations in other communities is that per capita division is more advantageous or modern.

That may be their view. But in a community where education is not so much advanced, when the community still retains the old customs and manners, when they still lag behind in many social reforms, it is only natural that they want to retain the old customs and manners without being freely interfered by the legislators. This "per capita" division in some of the communities have brought about ruin to societies and it has destroyed the solidarity of many families. Such a thing, I fear, would creep in into this community if the "per capita" division is followed.

Mr. Kallur Narayana Pillai : കൃഷ്ണവക മക്കത്തായികളുടെ യിടയിലും ഇങ്ങനെയങ്ങോ നടപ്പ്?

Mr. A. Easwara Pillai (Nominated) : മക്കവഴിക്കാരായ കൃഷ്ണവകക്കാർ ഹിന്ദുലാ അനുസരിക്കുന്നവരാണ്.

Mr. Kallur Narayana Pillai : അവരിൽ പുരുഷന്മാർക്ക് സ്വത്തുവകാശമുണ്ടോ?

Mr. A. Easwara Pillai (Nominated) : പുരുഷന്മാർക്ക് സ്വത്തുവകാശമുള്ളൂ. സ്ത്രീകൾക്കില്ല.

Therefore, I move this amendment and request the members of the House to be alive to the situation and to see that "per stripes" division which the community follows may be retained.

Mr. M. K. Ananthasiva Aiyar : Sir, I second it.

Mr. James Fletcher: Sir, with reference to this amendment I wish to say that both the Nair and the Ezhava communities have had legislation on this matter. In both these legislations we have the "per capita" division and not the "per stirpes" division.

Secondly, I may also point out the great injustice that would be brought about if "per stirpes" division is followed. Sir, a family consisting of two members, two *thavazhies* may be taken into consideration. One of them, let us suppose, is a lady and she may have twenty-five members in her sub-family through her and the other member of the family may have only one son. If the division be as per stirpes twenty-five persons of the sub-family will get one half and one man of the other will get the other half. That will be an unjust division. If there is division there should be equal division to all the members of the family. Therefore, to say that we should go back to the system of division by *Thavazhi* or "per stirpes" will be most unreasonnable and I therefore oppose the amendment.

Mr. A. Easwara Pillai (Nominated): A word in reply Sir. The argument advanced by the mover of the bill against this amendment was that if there are two *Thavazhies* of which one has twenty-five members, then the division should be not into two but into twenty six. Sir, a few minutes ago, unfortunately I listened to the discussions on the Bequest to Unborn Persons Bill on the floor of this House. I heard the President and some honourable members arguing "why not the grandson also be introduced—something like that" I was listening to.

Mr. Kochikkal P. Balakrishnan Tampi: Sir, on a point of order. Is it parliamentary form to bring in the name of the President?

President: The honourable member evidently did not refer to the President as the President did not, according to the honourable member "Introduce" the grandson. (*Laughter*)

Mr. A. Easwara Pillai (Nominated): Sir, I pointed it out simply to bring in and explain my point of view without causing aspersion on the President or other honourable members. It would appear that Legislators begin to test the capacity of the persons, as it were to produce children. It amounts to something like that.

President: In other words, the honourable member would have this form of compensation.

Mr. A. Easwara Pillai (Nominated): Naturally the two members mentioned by the mover cannot be twins.

President: Order, order. I don't think that this honourable House is the proper chorum to discuss the capacity of the people to produce. (*Laughter*)

Mr. A. Easwara Pillai (Nominated): Sir, with regard to division of the property of a Tarwad, the discussion may bring in such details.

Mr. M. Govindan: May I know whether in the suits for maintenance, the total yield and the number of persons is calculated or the "per stirpes" division is made?

Mr. A. Easwara Pillai (Nominated,): Maintenance is calculated on the "per stirpes" division. In the family referred to one of the members of the family will be the junior member, because he was born sometime hence, his share is reduced considerably. Many communities where Hindu Law is followed, do not give credit to the superiority of children. I don't find any reason why in this Bill concerning the Krishnanvaka Marumakkathayees, this preference should be shown. There may be arguments to say that in the Nair community it is followed. Yes. But that is not sufficient reason to say why this small community should also follow the same principle. The mover of the Bill in his arguments could not say anything against the practice obtaining in the community at present. He simply says that because in the one there are more members all should be given equal division. I don't find any reason why "per stirpes" division obtaining in the community should be revised.

The question that in Chapter VII clause 38, the word "per capita" after the word "division" be omitted and the word "per stirpes" substituted was put to vote and declared lost. The question that clause 38 stand part of the Bill was put and carried.

Clause 38 was added to the Bill.

Clauses 39 to 42.

The question that clauses 39 to 42 stand part of the Bill was put and carried.

Clauses 39 to 42 were added to the Bill.

Clause 43.

Mr. A. Easwara Pillai (Nominated): Sir, my fifth amendment is regarding clause 43. The clause as it is reads thus: "The Government may, by notification in the Government Gazette exempt any tarwad from the provisions of Chapter VII, within six months from the commencement of this Act on an application by all the major members of the tarwad, and may, at any time, by a like notification or no application by the majority of major members of the tarwad rescind such declaration.

President : 'No' is a misprint.

Mr. Puthupalli S. Krishna Pillai : Yes.

Mr. A. Easwara Pillai (Nominated): Sir, my amendment is, "In Chapter VIII clause 43, omit the word 'all' after the words 'on application by' and substitute the words 'the majority of'. If my amendment is accepted the clause would read thus :—

“The Government may by Notification in the Government Gazette exempt any tarwad from the provision of Chapter VII, within six months from the commencement of this Act on an application by the majority of the major members of the tarwad” etc.

Sir, I don't find any reason why, for obtaining the sanction also, all the majority of the major members is necessary. If my amendment is accepted then all the major members of that family are not necessary for applying for exemption. It will be enough if the majority of the major members apply for exemption. The clause itself without my amendment looks rather awkward and therefore I move that such an amendment may be accepted by this House.

President : Is it seconded ?

Mr. James Fletcher : As the clause now stands, I have no objection to the substitution of “a majority of the major members” in the place of “all” and I thank my friend, Mr. Easwara Pillai, for helping the passing of the Bill with such ease.

President : You have not come to that stage, yet.

The amendment was put to vote and carried. The question that clause 43 as amended do form part of the Bill, was put to vote and carried.

Clauses 44 and 45.

The question that clauses 44 and 45 do form part of the Bill was put to vote and carried.

Preamble and Title.

The question that the Preamble and Title do stand part of the Bill was put to vote and carried.

The Preamble and Title were added to the Bill.

Mr. James Fletcher : Sir, I move that the Bill be passed.

Mr. Kottur Kunjukrishna Pillai : I second it.

Mr. A. Easwara Pillai (Nominated): I was trying to inform the House, that I met with several tragedies here. (*Laughter*). Even according to the mover of the Bill, no member of the community is present in the House ; therefore opportunity may be given to the members of the community to give their evidence either before the Select Committee or to a Sub-committee of the Select Committee. When I suggested that course at the general discussion of the Bill in this House it was said that it would be considered at the Select Committee ; but the Select Committee did not have the courage to inform the members of the community. Neither do they know anything about the community.

Mr. Kochikal P. Balakrishnan Tampi : Sir, that is a reflection on the Select Committee.

President : Absence of legislative courage is not unparliamentary (*Laughter*)

Mr. A. Easwara Pillai (Nominated): With sufficient courage the members of the Select Committee rushed through the Bill (*laughter*). They informed some of their party men purposefully to be present at the Select Committee shutting out others or other evidence from coming in. We did not expect that from the legislators in the Select Committee.

Mr. Kochikal P. Balakrishnan Tampi: Sir, that is a reflection on the members of the Select Committee; he is attributing motives to them.

President: Honourable member is apparently now addressing himself to the final task of postponing the third reading of the Bill, and what he has got to say reflects only on the manner in which the proceedings were conducted. So long as the honourable member confines himself to a description that this House is pusillanimous, or lacking in initiative or drive in legislative matter and does not attribute motive, he will be in order.

Mr. A. Easwara Pillai (Nominated): Surely I do not attribute motive to the honourable members. I simply state facts as they are; perhaps I should get the courage to hide some facts.

President: Honourable member will make up his mind whether to place the facts or to hide them (*laughter*) and having made up his choice, and wandering within the ambit laid down by the Chair, the honourable member may proceed.

Mr. A. Easwara Pillai (Nominated): I shall state the facts Sir. As far as this Bill, this unfortunate Bill is concerned, the member nominated for the purpose of this Bill was not informed of the Select Committee meeting, sufficiently early as required by the Council rules, of which I am not expected to know as much as the Legal Remembrancer who thought it fit not to inform me in time, but to take me by surprise by a wire, just a day previous to the meeting of the Select Committee.

President: The Legal Remembrancer will please explain the circumstances, if any, under which the mistake arose.

Mr. Puthupally S. Krishna Pillai: In the report of the proceedings relating to the constitution of the Select Committee, it was not specifically mentioned "A. Easwara Pillai, Kalkulam"; it was merely stated "A. Easwara Pillai". Therefore when the letters were issued, the name of the Post Office happened to be put in as Kottarakara instead of Kalkulam.

President: In other words, the Legal Remembrancer admits that there was a mistake?

Mr. Puthupally S. Krishna Pillai : Yes, Sir, but it was rectified sufficiently early; for a wire was sent to the honourable member and he did hurry from Kalkulam ; only he was not able to bring with him a handful of men to support him. That was not expected nor was summons issued to the members of Krishnanvaka Marumakkathayam community.

In this connection, I may be permitted to make another statement about the member's repeated observation that the Krishnanvaka Marumakkathayam community has not been consulted.

President : Honourable member has no right of speech at this stage.

Mr. A. Easwara Pillai (Nominated) : The Legal Remembrancer says that a wire was sent by him ; I have already made mention of that. Anyhow the mistake is there. The honourable member now makes another mistake also in speaking of "Post Office", when he really means Anchal office (*Laughter*). Mr. Easwara Pillai of Kottarakara was in the Council, even before I was nominated. Sir, there was a time when both of us were members of the Assembly also, and then I suggested to the Secretary that for safety's sake, to avoid tragedy or comedy of errors, I may be addressed as A. Easwara Pillai, Kalkulam and my other friend as A. Easwara Pillai, Kottarakara; and, if I remember right, the Secretary noted that down and said there was no further trouble.

Because I was not given sufficient notice of the meeting of the Select Committee, I was not able to arm myself properly with the necessary materials to defend myself against the attacks of the other members of the Select Committee. The mover himself asked me several questions, which I answered ; and after gathering information from me, he now says it is not a fact. And again, at the second reading the old mistake of the Anchal office was repeated. Again I was not able to study the question properly nor to move the amendments.

One honourable member was remarking that he was not able to understand the proceedings here because they take place in English, he knows only Malayalam. At least that member would have supported me had the deliberations been in Malayalam.

All these calamities go together and this unfortunate Bill have to be borne by the dumb thousands who are affected by this measure.

Therefore, I move that at least the third reading of the Bill be postponed to the next session so that sufficient opportunity may be given to the members of the community to know the real situation and see if there is any remedy possible under the circumstances.

The question that further consideration of the Bill be postponed was put to vote and lost,

The motion that the Bill be passed was put to vote and carried.
The Bill was passed.

ADJOURNMENT MOTION.

THE FORMATION OF A NEW DEBT REDEMPTION COMMITTEE.

Mr. K. K. Kuruvilla : Sir, I beg to move that the House be adjourned for the purpose of discussing a definite matter of urgent public importance namely, the deep interest felt by the public in so far as the formation of the new Debt Redemption Committee might delay the introduction of the necessary legislation regarding agricultural debt relief, I was very glad to see that since the attempts that were made to meet the problems of the present economic situation, a committee has been appointed. I welcome such a committee. But at the same time I want to draw the attention of the Government and of this Council to certain difficulties which the already burdened agriculturists have if the present situation is continued.

The first difficulty, I can see is the time which the committee may take to submit its report. My own experience as a member of the co-operative committee, make me feel this. In spite of the insistence of the Government that the Co-operative Committee should submit its report within 6 months, it dragged on to over two years. I am afraid that a committee like this, which has a good deal of work to do will drag on for quite a long time; the needs of the poor people are greater now than ever before. This is a time when the economic strain is being more intensely felt than it was even 6 or 7 years ago and if this committee will drag on for 2 years more the poor agriculturist will be badly hit.

My second contention is that, taking human nature as it is, any creditor would be anxious to close his accounts, before the Bill takes its final form. Already the creditor anxiously pursues the debtor to get as much as he can out of him. Execution processes, I am sure, will go on hurriedly during this time. Owing to these two reasons, I beg to submit to Government that all execution processes must be stopped from now till the time the Bill takes its final form. I am encouraged to do this because, about 8 or 9 years ago, for about 6 months, such a process was in operation. Owing to the kindness of the Maharaja, a proclamation was issued, something like a moratorium on existing debts. I would request the Government that such a step should again be taken so that there might be some relief to the poor man. This is an advantage, no doubt, to the already over burdened agriculturist. As I said, poverty is so intense that what is needed is immediate relief and not relief two years after. That is the reason why I brought up this motion. I wish to draw the attention of the House and to bring home to the Government that all execution processes should be stopped from to-day to the time when the Bill is passed.

Mr. Thomas Chandi Makkadan : സർ, ബഹുമാനപ്പെട്ട മെമ്പർ ഇവിടെ അവതരിപ്പിച്ചിരിക്കുന്ന അടിയന്തിരപ്രമേയത്തിന്റെ സ്വീകരണത്തെക്കുറിച്ച് ആലോചിച്ചാൽ അതിന്റെ അത്യാവശ്യകത എത്രമാത്രമുണ്ടെന്ന് മനസ്സിലാക്കാൻ കഴിയുന്നതാണ്. നിയമപരിധി കരീതമാണെന്നിരുന്നിട്ടും ബഹുമാനപ്പെട്ട ഗവണ്മെന്റിൽനിന്നും ഈ കൗൺസിലിന്റെ കീഴ്നടപടിക്കു വിപരീതമായി ഈ വിഷയം ആലോചനയ്ക്കുടക്കാൻ സമ്മതിച്ചതിൽ നന്നുതന്നെ അടിയന്തിരപ്രമേയത്തിന്റെ ഗൗരവചണ്ഡം വെളിവാകുന്നുണ്ട്. ഈ സന്ദർഭത്തിൽ ബഹുമാനപ്പെട്ട ഗവണ്മെന്റിന്റെ സമക്ഷപത്രിയും ബഹുമാനപ്പെട്ട മെമ്പർമാരുടെ മുമ്പാകെയും രണ്ടുസംഗതകൾ എനിക്കു പ്രബോധിപ്പിക്കേണ്ടതായിട്ടാണിരിക്കുന്നത്.

അടുത്തകാലത്ത് ഒരു നിയമം ഉണ്ടാകുമെന്നുള്ള വിശ്വാസത്തോടു കൂടി കൊടുക്കൽവാങ്ങൽ ചെയ്തിരിക്കുന്ന ആളുകൾ നടപടികൾ നിർത്തിവെച്ച് ഇനി ഒരു ബില്ലുവരുമ്പോൾ നടപടി തുടരാമെന്നു വിചാരിച്ചു കാലം കഴിച്ചുവരുന്നു. കുട്ടനാട്ടിലെ സ്ഥിതി പ്രത്യേകതരത്തിലാകയാൽ കർഷകർ സാധാരണ പണം കടം വാങ്ങിച്ചാണ് കൃഷികൾ നടത്തിവരുന്നത്. കടം കൊടുക്കുന്നവരോ വാങ്ങിക്കുന്നവരോ പ്രത്യേകം വർഗ്ഗക്കാർല്ല. അവിടെ വസ്തു ഉടമസ്ഥന്മാരിൽ ഭൂരിഭാഗം ആളുകളും പുഞ്ചകൃഷി തന്നെ ചെയ്യാറില്ല, ഭൂരിപക്ഷം നിലങ്ങളും പാട്ടുക്കാരാണ് കൃഷി ചെയ്യുന്നത്. ഇവരിൽ ഒരു പ്രധാനഭാഗവും സ്വന്തമായ പണം മുടക്കാൻ ശക്തിയില്ലാത്തവരും മറ്റുള്ളവരെ ആശ്രയിച്ചു കഴിയുന്നവരുമാകുന്നു. സാമ്പത്തികാധരണം ഉണ്ടായതോടുകൂടി കർഷകന്മാർ സാധാരണ നിലയിൽ കടം കിട്ടുന്നതിനു പ്രയാസം നേരിടുകയാൽ കൃഷി നടത്തിപ്പിനു തന്നെ വിഷ്ണു ഭവിച്ചു. കൃഷിക്ക് പണം കടം കിട്ടുന്നതിനു വിഷമിക്കുന്നുണ്ടെന്ന് ഗവണ്മെന്റിൽ നിന്നും മനസ്സിലാക്കിയതിന്റെ ഫലമായി ൧൧൦ മുതൽ കുട്ടനാട്ടിലേക്ക് 'സ്പെഷ്യൽ പുഞ്ചലോൺ' സമ്പ്രദായം ഏർപ്പെടുത്തുകയും അതനുസരിച്ച് ഭൂസ്വത്തുജന്മ്യത്തിന്മേൽ കടംകൊടുക്കയും ചെയ്തിരുന്നു. മുന്നോട്ടു കടന്നുപോകാനുള്ള വിഷമങ്ങൾ കൂടുതൽ അഭിമുഖീകരിക്കേണ്ടിവന്ന സന്ദർഭത്തിൽ, ഭൂസ്വത്തിന്മേൽ കടംവാങ്ങി കൃഷിയിറക്കാൻ ഉള്ള വിഷമം നേരിടുകയാൽ ബഹുമാനപ്പെട്ട ഗവണ്മെന്റിൽ നിന്നും ആരും ജാമ്യത്തിൽപോലും കടം കൊടുക്കേണ്ടതായി വരുകയും ചെയ്തു.

കുട്ടനാട്ടിലെ കർഷകർ അനുഭവിക്കുന്ന സങ്കടങ്ങൾ വിവരിക്കുവാൻ നിവൃത്തിയില്ല. ഒരു നിയമം വരുമെന്നുള്ള വിശ്വാസത്തിൽ

[Mr. Thomas Chandy Mukkadan]

ധനവാൻ കൊടുത്ത പണം തിരിയെ കിട്ടാതെ പോകുമൊ എന്നുള്ള വിചാരിച്ചിട്ടും കടക്കാൻ നിയമമുണ്ടാകുമ്പോൾ വാങ്ങിച്ചുപണം കൊടുക്കാതെ കഴിക്കാമെന്നുള്ള വിശ്വാസത്തിലും കഴിഞ്ഞുകൂടുന്നു. ഇതിന്റെ ഫലമായിട്ടാണ് മേലുദ്ധരിച്ചപ്രകാരമുള്ള കൊടുക്കൽവാങ്ങൽ ഏർപ്പാടു നിന്നിരിക്കുന്നത്. കൈവശം പണം വന്നു ചേരുന്നതിനു പ്രയാസം നേരിട്ടതോടുകൂടി കർഷകർ പ്രായേണ അനാസ്ഥയോടു കൂടിയായ തങ്ങളുടെ തൊഴിൽ നടത്തിപ്പോരുന്നത്. ഈ ലക്ഷപ്പറ നിലം കൃഷിയുള്ള പുഞ്ചപ്രദേശത്തിൽ ഒരു നല്ലഭാഗം കൊല്ലത്തോടും കൃഷിയില്ലാതെ കിടന്നുപോകുന്നു. കൃഷി ഇറക്കേണ്ട സ്ഥലം കൃഷിയിറക്കാതെ കിടന്നുപോയാൽ വരവിനു ഗണ്യമായ കുറവുവരുമെന്നും, അതു തിരുവിതാംകൂറിലെ ആകെയുള്ള വരവിനേയും അഭിവൃദ്ധിയേയും സ്പർശിക്കുന്നതാണെന്നും ഉള്ള സംഗതി ബഹുമാനപ്പെട്ട ഗവണ്മെന്റും മെമ്പർമാരും ഗൗരവമായി ചിന്തിക്കേണ്ട ഒരു പരമാർത്ഥമാകുന്നു. ഈ നിലയ്ക്കു മുന്നോട്ടു പോകുന്ന പക്ഷം ക്രമേണ മണ്ണിന്റെ ഉൽപാദകശക്തി (പ്രെഡക്ടീവുകപ്പാസിറ്റി) കുറയും അങ്ങിനെ രാജ്യത്തിന്റെ ക്രഡിറ്റ് നഷ്ടപ്പെടുവാൻ ഇടയാകയും ചെയ്യുമെന്നു ഭയപ്പെടേണ്ടിയിരിക്കുന്നു. നിയമം വരുമ്പോൾ വസ്തു കൈവിട്ടുപോകുമെന്നുള്ള വിചാരത്താൽ പാട്ടക്കാർ അഡ്വാൻസെടുത്ത ഭൂമി നന്നാക്കാൻ ശ്രമിക്കുന്നില്ല. കട്ടനാട്ടിലെ തെങ്ങുനിലകളുടെ സ്ഥിതിയെപ്പറ്റി പ്രത്യേകം പറയുന്ന പക്ഷം ഭൂമി പ്രകൃത്യാ താണവയും, ആണ്ടുതോറും നന്നാക്കിയാൽ മാത്രം കൃഷി ചെയ്യാവുന്നതുമാകുന്നു. ഇപ്പോൾ അതിനുള്ള സൗകര്യം ഇല്ലാത്തതുകൊണ്ട് നാൾക്കുനാൾ ഭൂമി താണുപോയിക്കൊണ്ടിരിക്കുന്നു. ഇങ്ങനെ താണുപോകുന്ന ഭൂമിക്കു സംരക്ഷണം ഇല്ലാതെ കിടന്നുപോകുന്ന പക്ഷം ഏതാനും കൊല്ലം കഴിയുമ്പോൾ വെള്ളം കയറി നാമാവശേഷമായിപ്പോയേക്കുമെന്ന് ഭയപ്പെടേണ്ടതായ ഒരു സ്ഥിതിയാണ് ഇന്നുള്ളതു. തെങ്ങിന്റെ വിളവൽ തന്നെയും സാരമായ വ്യത്യാസം വരുന്നുണ്ട്. ഇങ്ങനെ ഒരു അനാഥാവസ്ഥയിലാകുന്നു കട്ടനാട്ടിലെ ഭൂമി കിടക്കുന്നത്. പുഞ്ചകൃഷി ചെയ്യുന്നതിൽ കൃഷിക്കാർക്കു കടം കിട്ടാനുള്ള വിഷമതകളെയും, ഭൂസ്വത്തിൽ നിന്നും കിട്ടുന്ന വരവുകൊണ്ട് അചയ്യമായ സംരക്ഷണത്തിൽ മതിയാകാതിരിക്കുന്ന ഭൂസ്ഥിതിയേയുംപറ്റി ആലോചിക്കുമ്പോൾ കർഷകപ്രധാനമായ ഈ രാജ്യത്തു് ഇതിനനുരൂപമായ സംഗതികൾ ചെയ്യേണ്ട ആവശ്യം ബോദ്ധ്യപ്പെടും. എല്ലാം പണമിടപാടുകളെ ആശ്രയിച്ചാണ് നില്ക്കുന്നത്. അതിനാൽ കടം കൊടുത്തിട്ടുള്ള

വൻറെ പണം ശരിയായി കിട്ടത്തക്ക നിലയിലും വാങ്ങിച്ചുപണം. തിരിയെ കൊടുക്കാനാഗ്രഹിക്കുന്ന കൃഷിക്കാരുടെയും ആഗ്രഹത്തെ നിറവേറ്റുന്നതിന് പര്യാപ്തമായ നിലയിലും ഉള്ള വ്യവസ്ഥകളോടുകൂടി ഗവണ്മെന്റ് ഉടനെ തന്നെ ഒരു നിയമം കൊണ്ടുവരേണ്ടതാവശ്യമാണെന്നു ഞാൻ ഈ സഭയെ പ്രബോധിപ്പിച്ചുകൊള്ളുന്നു. ഇതിനെക്കാൾ ഗൗരവപരമായ ഒരു കാര്യം തിരുവിതാംകൂർ ചരിത്രത്തിൽ ഉണ്ടായിട്ടില്ലെന്ന് ആചരിച്ചു പ്രസ്താവിക്കാൻ എനിക്ക് അശേഷം അധൈര്യം തോന്നുന്നില്ല. രാജ്യത്തെ ഇന്നത്തെ സ്ഥിതിഗതികളെപ്പറ്റി പരിചിന്തനം ചെയ്യുമ്പോൾ ഗവണ്മെന്റ് കർഷകർക്കുവേണ്ട സഹായങ്ങൾ ഈ സന്ദർഭത്തിൽ ചെയ്തുകൊടുത്തില്ലെങ്കിൽ ഇവിടത്തെ കർഷകർ മുഴുവനും അന്ധപതിച്ചു പോകുമെന്നു കാണാം. ഈ രാജ്യത്തെ ഐശ്വര്യം കൃഷിയേയും കൃഷിക്കാരനേയുംമാണ് ആശ്രയിച്ചിരിക്കുന്നത്. കർഷകന്റെ താല്പര്യത്തിനു കൊടുക്കൽ വാങ്ങൽ ആവശ്യമാകുന്നു. അതിലേക്കാവശ്യമായ നിയമം പാസാക്കാൻ ഒരു കമ്മിറ്റിയെ വച്ചാൽ കാലം നീണ്ടുപോയേക്കുമെന്നുള്ള ഭയം ജനസാമാന്യത്തിൽ നിന്നു നീക്കം ചെയ്യത്തക്കവണ്ണം ഒരു സ്പെഷ്യൽ കൗൺസിൽ വിളിച്ചു കൂട്ടിയിട്ടെങ്കിലും നിയമം പാസാക്കാൻ ബഹുമാനപ്പെട്ട ഗവണ്മെന്റ് സത്പരശ്രദ്ധപതിപ്പിക്കണം. രാജ്യത്തിലെ അനേകലക്ഷം ആളുകൾ, ഭൂമിതങ്ങൾ അനുഭവിക്കുന്ന അനേകം ലക്ഷങ്ങൾ ഒരു നൂതന നിയമത്തിന്റെ ആവിർഭാവത്തെ പ്രതീക്ഷിച്ചു കൊണ്ടിരിക്കയാണെന്ന് ഗവണ്മെന്റിനെ അനുസ്മരിപ്പിച്ചുകൊണ്ട് എന്റെ മാനുസ്ക്രീപിന്റെ പ്രമേയത്തെ സർശക്തികളോടുകൂടി ഞാൻ പിൻതാങ്ങുന്നതോടുകൂടി കമ്മിറ്റി വിചാരണ കഴിഞ്ഞുവരുമ്പോൾ കാലതാമസം നേരിട്ടേയ്ക്കുമെന്നുള്ള ആശങ്ക ജനങ്ങൾക്കുണ്ടെന്ന് അനേകം മഹാശാഗങ്ങളിൽ പങ്കുകൊള്ളാനിടയായ എനിക്കറിയാവുന്നതുകൊണ്ട് അതിനിടവരുത്താതെ സമയനിർണ്ണയം ചെയ്ത് കമ്മിറ്റിയുടെ റിപ്പോർട്ടുവരുത്തുകയും, അതിന്മേൽ ഒരു നിയമം രൂപീകരിച്ച് ഏതാനും ദിവസത്തേക്ക് കൗൺസിൽ വിളിച്ചുകൂട്ടി അതു പാസാക്കുകയും ചെയ്യണമെന്ന് അഭ്യർത്ഥിക്കുകയും ചെയ്തുകൊള്ളുന്നു.

Mr. M. K. Nilakanta Aiyar: Honourable members of this House must have read the statement which the Dewan President made on the opening day of the Assembly, the 23rd June 1931, concerning the constitution of the proposed committee and the reasons which weighed with Government in arriving at the decision. It could be seen from the statement that Government are as much alive to the importance of the subject as anybody else. I

[Mr. M. K. Nilakanta Aiyar.]

may state for the information of the House that the committee is not expected to take any evidence. The points to be investigated by the committee are:—

- (1) The extent to which compulsion may be resorted to in scaling down and settling the existing debts.
- (2) The legal procedure to achieve this end.
- (3) And ways and means to prevent agriculturists from contracting further debts.

Conditions in Travancore are entirely different from those in other parts of India and it is not desirable to copy the acts enacted in other parts of India; what the committee is expected to do is to go into the whole question on the evidence already available, particularly with regard to the legal aspects. Instructions will be issued to the committee to send up its report with as little delay as is practicable and it is hoped that the report will be before the Government within two or three months.

In this connection I may also state that it will take a longer time for the bills which have been introduced in the Assembly to pass through the various formalities and finally to be passed into law. Government assure the House that the matter will be looked into very carefully and steps will be taken to have the matter disposed of as expeditiously as possible. On that assurance I hope the honourable member will withdraw the motion.

President: In view of what has happened elsewhere, I did not intend to say anything on the question here. But I think, as certain doubts have been entertained with regard to the intention of the Government in constituting this committee, those doubts must be dispelled. Assuming that the bill now on the tapis were sent to the select committee, it would take a month or two. They would probably decide on taking evidence; and then it will have to come to this House again. So, normally speaking, it would certainly take more than 3 months for any bill to emerge through the legislature.

Further, legislation will have to be undertaken in regard to the various other matters connected with this question; for instance, legislation affecting the present Conciliation Boards, legislation regarding the writing off of debts, legislation regarding compulsory powers of composition of debts. All these things would surely take a much longer time than the committee now proposed. It is the intention of the Government to expedite the matter by means of this authoritative committee; and on the definite decision of the committee, Government will act without any avoidable delay. Honourable members may rest assured that when the recommendation

of the committee comes up before the Government, they will at once constitute the necessary legislative machinery, or bring into existence a special meeting of the legislature—a joint meeting, if need be— or if necessary, pass it as an emergent measure. I may assure the honourable members, once again, that there is absolutely no idea of postponing, or merely pretermittting the decision on this question. I want to make that perfectly plain to the honourable members of this House.

Mr. Kochikal P. Balakrishnan Tampi : May I ask the Chief Secretary whether any interim relief measure is contemplated by the Government?

Mr. M. K. Nilakanta Aiyar : No, Sir.

President : The difficulty is this. In regard to the question of scaling down, various principles have been adopted elsewhere. There will be no harm, in fact it would be within the competence of this committee to submit an interim report if they so desire. But that is a very different matter from Government undertaking to give any interim relief. If necessary Government will authorise this committee to submit an interim report if they consider it necessary. Apart from that, Government have no intention of granting any interim relief.

Mr. K. M. Kesavan : May I know whether the Government intend to proclaim a moratorium in the meantime?

Mr. M. K. Nilakanta Aiyar : No, Sir.

The question, that leave be granted for the motion being withdrawn was put to vote and carried.

The motion was, by leave, withdrawn.

The session was then prorogued.

7th September 1939,
Trivandrum.

A. GUNAMONY,
Secretary to the Sri Chitra State Council.

Annexure I.

MINUTES OF THE MEETING OF THE STANDING FINANCE COMMITTEE HELD ON THE 4TH FEBRUARY 1939/22ND MAKARAM 1114.

The first meeting of the Standing Finance Committee of the Sri Chitra State Council and the Sri Mulam Assembly was held in the Dewan's room, Public Offices, at 12 Noon on Saturday, the 4th February 1939/22nd Makaram 1114.

The following members were present:—

1. M. K. Nilakanta Aiyar Esq., B. A., B. L., *Ag. Chief Secretary to Government*—Chairman.
2. A. Easwara Pillai Esq., B. A., B. L., *Member, Sri Chitra State Council.*
3. M. Sivathanu Pillai Esq., *Member Sri Mulam Assembly.*
4. M. Govinda Pillai Esq., B. A., *Financial Secretary to Government.*
5. P. Parameswaran Pillai Esq., B. A., B. L., *Ag. Secretary to Government.*

The non-official members complained about the delay in the receipt of two Finance Committee notes. The Chief Secretary explained the circumstances under which some inevitable delay was caused in sending the notes and also expressed his readiness to supply information on any point required by the members.

1. EXCISE.

The Committee first took up for consideration the proposal for the reorganisation of the statistics branch of the Excise Commissioner's office by abolishing the existing temporary staff of seven clerks and appointing the following temporary staff:—

For the collection of Import and Export Statistics.

One clerk on Rs. 75-5-100.

One clerk on Rs. 40-5-70.

Seven clerks on Rs. 25-3-40 each.

Four clerks on Rs. 20-1-25 each.

For the audit of Customs Revenue.

One clerk on Rs. 75-5-100.

One clerk on Rs. 40-5-70.

Two clerks on Rs. 25-3-40 each.

Mr. M. Sivathanu Pillai enquired whether the staff proposed could not be reduced and whether in view of the necessity and the importance of the work they could not be made permanent instead of being kept temporary. The Excise Commissioner who was present at the meeting and the Chief Secretary stated that the staff demanded was the irreducible minimum, that the scheme was proposed as temporary because it was to be tried as an experimental measure and that the actual requirements could be ascertained only after seeing its working for some months. The Committee accepted the proposal and agreed to the provision of an additional sum of Rs. 1,345 in the budget for the remaining months of the year.

2. SALT.

The Committee agreed to the provision of a sum of Rs. 2,500 in the current year's budget as an additional grant for the construction of an office building and six guard posts for the Palkulam Salt Factory in the Agastisvaram taluk.

3. MEDICAL.

The proposal for an additional provision of Rs. 3,956 in the budget of the Medical Department for the Maintenance of the electrical installation in the Leper Colony, Noornad, was next taken up for consideration. The Surgeon-General was also present on the occasion. The non-official members wanted detailed information about the output of power in the electrical installation and the consumption per month. As it was not possible to furnish the details at the meeting, the non-official members disapproved the proposal. They also held the view that it was not a suitable item to be brought up as a supplementary demand in the middle of the year.

4. PORTS.

The Committee considered the proposal for the reconstruction of the kitchen and corridor attached to the Marine Bungalow at Alleppey and agreed to the provision of a sum of Rs. 1,360 for the purpose.

5. PUBLIC WORKS DEPARTMENT.

The Deputy Chief Engineer was present at the meeting. The Committee approved the proposal for the provision of a sum of Rs. 2,120 for certain additions and alterations to the Cantonment Bungalow at Trivandrum.

6. The proposal for the provision of an additional allotment of Rs. 2,17,910 in the P. W. D. budget of the current year for repairing the road between Alwaye and Munnar in connection with the introduction of the Transport scheme was also approved by the Committee.

7. CLAY REFINING FACTORY.

The Committee accepted the provision of a sum of Rs. 30,000 by way of additional funds for making payments for the works relating to the opening of the Clay Refining and Porcelain Factory at Kundara.

A list of the items of expenditure authorised by Government under Section 32 of the Legislative Reforms Regulation II of 1108 since the last session of the Legislature was circulated among the members of the Committee.

The business being finished, the Committee adjourned *sine die* at 1.20 p. m.

Trivandrum,
10th February, 1939.

P. PARAMESVARAN PILLAI,
CONVENER,
Standing Finance Committee.

Annexure II.

REPORT OF THE PUBLIC ACCOUNTS COMMITTEE ON THE ACCOUNTS OF 1112 M. E. (1936-37 A. D.)

1. The Committee on Public Accounts for the year 1112 M. E. constituted under Government order D. Dis. 352/37/Legis, dated 7-9-1937 held its sittings on 11th August 1938 and 31st August 1938.

2. The Audit Report and Appropriation Accounts for the year 1112 prepared by the Account officer was examined in detail.

Appropriation Accounts (voted.)

3. *Comparison of the actuals with grants.* A statement comparing the total grants voted by the Legislature with the total expenditure against those grants is given below :—

Particulars.	Expenditure charged to revenue including working expenses.	Capital expenditure and investments on reproductive works	Loans and advances.	Total.
Amount originally voted .	1,62,32,558	71,48,832	22,61,700	2,56,43,090
Supplementary grants voted.	1,52,257	..	2,05,000	3,57,257
Additional grants sanctioned under Section 32 of Regulation II of 1108 .	2,47,138	..	..	2,47,138
Reappropriations .	(—) 315	..	..	(—) 315
Surrenders .	(—) 400	(—) 7,18,000	..	(—) 7,18,400
Final Aggregate grant .	1,66,31,238	64,30,832	24,66,700	2,55,28,770
Final Aggregate expenditure	1,58,22,925	30,68,879	19,50,505	2,08,42,309
Savings .	8,08,313	33,61,953	5,16,195	46,86,461

The savings amounted to Rs. 46'86 lakhs or 18'35 per cent. of the final aggregate grant and were larger than the savings for the preceding year as shown below :—

Year	Expenditure charged to revenue including working expenses.	Capital expenditure and investments on reproductive works.	Loans and advances	Total.
1111	11'38	7'06	11'56	30'00
1112	8'08	33'62	5'16	46'86

We noted that except under the heads Expenditure charged to Revenue and Investments on reproductive works there had been a definite improvement in budget forecasting as compared with the previous year as the savings were smaller.

Under Capital expenditure and investments on reproductive works, however, it was not possible to frame with sufficient accuracy the budget, as the execution of the several works had to depend on extraneous circumstances, which were beyond the normal control of the departments concerned.

The main items under capital expenditure etc., under which the savings occurred are noted below with brief explanations for such savings.

			<i>Savings.</i>
Grant No. I.	Town Planning Scheme	...	Rs. 9.19 lakhs
„	II. The Council Chamber	...	Rs. 1.32 „
	Pallivasal Hydro Electric scheme.	...	Rs. 1.01 „
	Telephone Trunk line	...	Rs. 2.00 „
„ No. III.	The Trivandrum Drainage scheme	...	Rs. 3.38 „
	The Willingdon Water Works	...	Rs. 3.37 „
	Water supply to the Municipal towns of Alleppey, Nagercoil and Shencottah	..	Rs. 11.26 „
„ XXI.	Railways	...	Rs. .74 of a lakh.

Under Town Planning Scheme the savings were due to the stopping of works during the year and the deferring of improvements to the Thampanur Valley. The expenditure on Council Chamber works amounted to Rs. 68 of a lakh only against the grant of Rs. 2 lakhs. It was also not possible to fully carry out the original programme as regards the Pallivasal Hydro Electric Works due to the difficulties that arose in the construction of the Power House. The entire provision for the Telephone Trunk Line had to lapse as the negotiations with the Government of India were not completed during the year. Under Drainage Scheme, the savings were due mainly to the delay in laying of sewers and construction of stormwater channels in the Observatory Yellah and also to the delay in the receipt of some of the bills from firms involving very large amounts. It was also due to the fact that the staff which was sanctioned was entertained only according to actual requirements which mainly depended upon the progress of the work. Under Willingdon Water Works, certain items of work such as the laying of water mains in Beach area, the Cantonment and Pangode were not taken up during the year. Under water supply to Mofussil towns, the works were undertaken only towards the close of the year as agreements had to be entered into by Government with the Municipalities concerned.

4. *Re-appropriations.* During the year, a sum of Rs. 315 was re-appropriated from the voted head 25 State Charities to the non voted head 24 Devaswoms. We noted that this was admissible under the rules. There were no irregular re-appropriations during the year.

5. *New Service.* Under Rule 10 of the Public Accounts Committee Supplemental Rules, the Financial Secretary to Government had placed before the Committee a list of supplementary grants obtained by the Government for schemes of new expenditure treated as "New Services" for the opinion of the Committee whether they are "New Services" or not (Vide Annexure A). This list was approved by the Committee.

6. *Supplementary grants obtained unnecessarily.* The statement of supplementary grants obtained unnecessarily is given below. (Vide separate statement attached *)

We found that it was not possible for the departmental officers to gauge the savings at the time the supplementary grants were applied for.

7. *Expenditure authorised under Section 32 of Regulation II of 1108.* The expenditure authorised under Section 32 of Regulation II of 1108, during 1112 amounted to Rs. 2,47,133 against Rs. 1,19,645 authorised during 1111. We noted that such authorisation was made only in extremely emergent circumstances, and that a list of the items of expenditure authorised under Section 32 during the period between two meetings of the Finance Committee had been placed before the Finance Committee at its next meeting for its opinion.

8. *Excess expenditure under voted grants.* The expenditure exceeded the final voted grant under the following heads:—(Vide separate sheet attached X)

We noted that there has been a definite and steady improvement both in the number of grants under which excess expenditure occurred and in the amount of excess expenditure, as will be clear from the following statement.

<i>Year.</i>	<i>No of grants under which excess occurred.</i>	<i>Amount of excess Rs. in lakhs.</i>
1110	7	1.49
1111	6	53
1112	5	21

The small excess expenditure of Rs. 379 only, under 3 Salt 4 Excise and 5 Customs was mainly under Excise Provincial staff due to the entertainment of additional staff for the Anjengo and Thangasseri Frontiers and the payment of leave allowance for which there was no provision in the budget. The small excess of Rs. 153 under 17 Jails was also due to payment of leave allowances to establishment. Under Anchal working expenses and Anchal capital account again, the excess was chiefly due to payment of leave allowances for which there was, no provision in the budget. Under 15 General Administration—Legislative Bodies the excess expenditure was under general election charges. The excess expenditure under Stationery and Printing was under Government Press establishment charges due to the additional work in connection with the Birthday Celebrations, printing of Electoral Rolls, Gazette and the Land Revenue Manual and under printing of Malayalam Readers and copy books.

Miscellaneous Observations.

9. *Publication of Trade Statistics.* The necessity for the publication of the trade statistics for a month before the close of the succeeding month was discussed. We noted that a scheme relating to the same was under the consideration of Government. For further details vide para 12 of the proceedings.

10. *Government Sales Depot, Trivandrum.* The question of handing over the business of the Sales Depot, Trivandrum to a private agency like the Shastiabdapurthi Memorial Institute, on a grant-in-aid system was considered.

The Director of Industries who was present also helped us in the discussion. We agreed with the Director that such an institution may not sufficiently care to protect the interest of the poor artisans in the State. For further details vide para 13 of the proceedings.

11. *Industrial and commercial Museum at Alleppey.* The necessity for opening an industrial and commercial museum at Alleppey to be run by the Government, for the purpose of attracting tourists, was examined. For further details vide para 14 of the proceedings.

12. As in the previous year we append to our report the minutes of our proceedings which we consider should be treated as part of the report.

13. The non-official members of the Committee thanked the Chairman for the way in which the deliberations of the Committee were conducted.

PROCEEDINGS OF THE MEETING OF THE PUBLIC
ACCOUNTS COMMITTEE, DATED THURSDAY,
THE 11th AUGUST 1938.

Present —

1. Sachivottama Sir. C. P. Ramaswamy Aiyar, Dewan of Travancore (*Chairman*).
2. Mr. M. Govinda Pillai, (*Secretary to Government*).
3. Mr. K. J. Cheriyan, (*Ag. Financial Secretary to Government*).
4. Mr. Padiyara Joseph Kunju.
5. Mr. K. C. Karunakaran.
6. Mr. M. G. Mathew.

Witness —

Mr. K. George, *Land Revenue and Income Tax Commissioner*.

Messrs.

- G. B. E. Trussott, Chief Engineer.
K. P. Padmanabha Menon, Electrical Engineer to Government.
C. Kumara Das, Director of Industries.
K. R. Narayana Iyer, Director of Agriculture and Fisheries and
P. Raman Pillai, Conservator of Forests were also present

1. The Committee met at 11.30 a. m. in the Dewan's Office in the Huzur Cutcherry.

2. The proceedings started with Mr. M. G. Mathew explaining the inconvenience caused by the delay in the receipt of the Audit Report and Appropriation Accounts. He drew the attention of the Committee to the desirability of postponing the meeting so that the non-official members might get time to peruse the report. He suggested that it would be desirable to send up a number of questions on the report, the answers to which could then be placed on the table when the Committee next met.

Mr. Padiyara Joseph Kunju also pointed out that because of the Council Session and the delay in getting the report he had hardly any time for examining the report. He also was for postponing the meeting to a subsequent date.

3. The President concurred with the opinion expressed by Messrs. M. G. Mathew and Padiyara Joseph Kunju and it was decided to postpone the meeting to a convenient date, so that it might be possible for the members to put in a series of questions. The questions and answers could then be placed on the table or given to the members to facilitate further discussion.

4. Mr. K. George drew the attention of the Committee to the fact that it was not incumbent on the Committee to finish its work before the 1st Chingom, if it was not possible to do so before that date.

5. The President then proposed that the Committee might meet to discuss the report in Chingom next year and the Committee therefore fixed the 15th and 16th of Chingom 1114 as the most convenient dates to hold the next meetings.

The meeting adjourned at 11.45 A. M

PROCEEDINGS OF THE MEETING OF THE PUBLIC
ACCOUNTS COMMITTEE, DATED WEDNESDAY
THE 31st AUGUST 1938.

Members Present—

Mr. C. O. Madhavan, Chief Secretary to Government, (Chairman.)
Mr. M. Govinda Pillai, Financial Secretary to Government.
Mr. R. Krishnaswamy Rao, Secretary to Government.
Mr. K. C. Karunakaran, Member, Sri Mulam Assembly.
Mr. Padiyara Joseph Kunju, Member, Sri Chitra State Council.
Mr. K. J. Cheriyan, Account Officer was also present

6. The Committee met at 8.30 A. M. in the Dewan's Office in the Huzur Cutcherry.

The Chief Secretary to Government who had been nominated as President took the Chair.

7. The answers to the questions sent by Mr. K. C. Karunakaran were placed on the table *vide* appendix B.

8. *Savings in the voted grant under Public Works.*

(*Question 1 part (b) Annexure B.*)

Mr. Karunakaran referred to the large savings amounting to Rs. 11.16 lakhs in the voted grant under Public Works and desired to know the reasons therefor especially in view of the circumstance that the Department had obtained supplementary grants during the year both by a vote of the Legislature and under Section 32 of Regulation II of 1108. He further asked whether such savings could not have been utilised for urgent needs such as construction and repair of bridges, culverts and roads for which the Government had been pleading want of funds.

The Financial Secretary stated that excluding the grants relating to "Capital expenditure, Town Planning Scheme" for which the actual requirements could not have been foreseen and the grant of Rs. 1 lakh for the purchase of the bridge, etc., belonging to Messrs. K. D. H. P. Co. which had not been utilised, the savings amounted only to Rs. 75,000, and that even this sum was not under any one single item but under several items.

The Chief Secretary stated that the supplementary grants sanctioned were for specific purposes for which funds could not be provided by reappropriation from the grants already sanctioned and that the savings which resulted were not out of such supplementary grants.

9. *Expenditure authorised under Section 32 of Regulation II of 1108.*

Mr. K. C. Karunakaran suggested that Section 32 of the Regulation should not have been availed of except in emergent cases and that in cases where it had been availed of, the facts should have been placed before the Finance Committee.

Mr. R. Krishnaswamy Rao stated that a statement showing the amounts sanctioned under Section 32 was being furnished to the Finance Committee.

10. *Industrial Loans.* Mr. Karunakaran wanted to know whether any loans granted for industrial purposes were written off and whether industrial loans were really given for industrial purposes.

The member was referred to paragraph 55 at page 183 of the Audit Report and Appropriation Accounts under discussion and was informed that the loans were granted on the recommendation of the Director of Industries and that they were written off as a result of the orders of Government on the report of the Director.

Mr. Joseph Kunju asked whether the outstandings under the loans were written off only after all possible attempts at recovering them had proved futile. The Financial Secretary answered in the affirmative. In regard to the amount due from the State Aided Bank that had been written off, Mr. Joseph Kunju was referred to page 8 of the Audit Report and Appropriation Accounts under discussion.

11. *Savings under Medical Public Health and Sanitation (Question 1, Part 1, Appendix B.)*—Mr. Karunakaran referred to the explanation given by the Account Officer on page 116 of the Appropriation accounts under discussion for the large savings in the sanctioned grant for the purchase of European medicines which runs as follows:

“(—) Rs 69,120 under contingencies—Purchase of European Medicines and Surgical Instruments—due to the non-receipt of the medicines, etc. ordered for 1112 during the year.” He stated that there was a general complaint that during the year 1112 the supply of medicines to the hospitals was not sufficient and that the savings would not have been possible if the supply had been properly made. The Financial Secretary explained that the orders for medicines placed during 1112 were for supplies during 1113 and not for 1112 M. E. It was expected that the medicines would arrive in 1112 itself and payments made during that year. He suggested that the last line above quoted “ordered for 1112 during the year” should be read as “ordered in 1112 for use during 1113 M. E.”

12. *Trade Statistics.*—(Q 2 Appendix B). Mr. K. C. Karunakaran stated that while going through the Appropriation Accounts for 1108 the Government had given an undertaking that they would make arrangements for furnishing the trading classes with trade statistics each month before the 25th of the succeeding month. Although a long time had passed and additional hands had been appointed for statistical purposes, the statistics were not being published in time. He stated that the Ceylon Customs Returns till the end of June were published in July and that the statistics relating to the Maritime States of Kathiawar and Travancore to the end of April were published by the Government of India before the 20th of May. There was, therefore, no justification for continuing the additional hands if the trading classes could not get the monthly statistics before the last week of every succeeding month.

The Chief Secretary referred to the deputation of Mr. D. Krishna Aiyar to Karachi and other places and said that the latter's report was being considered by Government.

Mr. Karunakaran remarked that the additional hands who were working at the Alleppey Customs House and furnishing the Chambers of Commerce with figures relating to trade and who have been transferred to the Commissioner's Office in Trivandrum might be retransferred to Alleppey so that the Chambers of Commerce might get at least the particulars they were formerly getting.

The Chief Secretary replied that the additional hands working in the various Chowkies were transferred to the Head Office on the suggestion of the member himself and that it was better before making any charge to await the orders of Government on Mr. Krishna Aiyar's report.

Mr. Karunakaran again stressed the difficulties in obtaining statistics and the useless way in which they were made available.

Regarding the valuation adopted in preparing the trade statistics, Mr. Karunakaran stated that the factories were not consulted and that the value mentioned by the Shipping clerk was always far from the real value and suggested that a certified statement as to the value of the shipment should be called for from the shipper.

Asked whether that would not cause additional delay and give room for complaint from the shippers, Mr. Karunakaran stated that they were already supplying such information to others and so there would be no difficulty in the matter.

13. *Government Sales Depot, Trivandrum.*—Witness: Mr. C. Kumara Das, Director of Industries.

Mr. K. C. Karunakaran referred to the commission of 10 per cent. charged on goods belonging to private individuals and stated that because of this high rate of commission there was no inducement for the manufacturers to send their goods to the Sales Depot as they could not stand the commission. Further the goods in the depot had to lie at the risk of the manufacturer. Mr. Karunakaran also drew the attention of the committee to the undertaking by Government that only 5 per cent. would be charged on mats and matting and 5 to 15 per cent. on other goods. The Director of Industries who was present stated that the proposal to reduce the commission would be gone into.

Regarding the enquiries made at the Sales Depot for the goods sold and how many of such enquiries were passed on to the manufacturers, the Director of Industries stated the names of a few constituents to whom the enquiries had been passed and who as a result, had obtained business.

On being informed that the monthly expenditure of the Sales Depot was Rs. 160 and that the income by way of commission was Rs. 65 Mr. Karunakaran remarked that there was no justification for maintaining the Sales Depot at Trivandrum. Again, Trivandrum being a tourists' place and not a commercial one, it would be better to have

advertisements in prominent places by means of posters. He also suggested that Government might co-operate with the Shastiabdapurthi Memorial Institute in pushing forward the sales of commercial and industrial goods by making a grant of Rs 1000 a year to the Institute instead of continuing the present Sales Depot.

The Director of Industries pointed out that there were administrative difficulties in the way and stated that the scope of the Sale Depot might be improved when more funds became available.

Asked whether the policy of Government was not merely to take initiative in such matters and then hand over the business to private individuals or institutions, the Director stated that such a principle was applied only to big undertakings. He also pointed out that the Depot had really done useful service by effecting sales to the value of Rs. 15,000 during 1112 and further by helping poor artisans who could not own a shop for themselves. As for co-operating with the Shastiabdapurthi Memorial Institute he stated that a private agency like the Institute could not be expected to take ample care of the poor artisans as there were instances of people whose exhibits had been refused by the Institute.

Mr. Karunakaran said that if the statements made by the Director of Industries regarding the Shastiabdapurthi Institute were correct he would agree with the Director of Industries in continuing the Government Sales Depot.

14. *Industrial and Commercial Museum at Alleppey.*

(Question III, Part (j) Appendix B.)

Mr. Karunakaran emphasised the growing importance of Alleppey as a commercial and industrial centre and referred to the conveniences available for tourists to land at the Alleppey pier. He suggested that in order to give some attraction to the tourists, an industrial and commercial museum should be established at Alleppey. It should be on a larger scale than either the Trivandrum Sales Depot or the Shastiabdapurthi Institute, and primary and manufactured products should be available there in large quantities.

Mr. Kumara Das referred to the proposal for opening such a museum by the Chambers of Commerce on receipt of a grant from Government and said that the Government ordered that the matter might lie over. Mr. Karunakaran agreed with the Director that the proposal of the Chambers of Commerce was not a desirable one and stated that the institution should be solely run by Government.

Mr. Karunakaran expressed thanks on behalf of the non-officials to the Chairman for the way in which the deliberations of the Committee were conducted.

The Committee closed its sittings at 10 A. M.

ANNEXURE A.

FINANCE DEPARTMENT.

Under Regulation 10 of the Public Accounts Committee Supplemental Rules, I beg to place before the Public Accounts Committee the following list of supplementary grants obtained by the Government during the year 1112 for schemes of new expenditure treated as "new services" for the opinion of the committee whether they are "new services" or not.

Grant No.	Name of Major head.	Particulars.	Amount.
1.	30 Buildings, Communications etc.	For the acquisition of lands for the construction of a customs house at the Neendakara Port ..	4,980
XVIII.	21 Agriculture and Fisheries.	For the purchase of chemicals and appliances, books and periodicals and for giving wages to coolies etc., in connection with the scheme for the investigation of the root disease of cocoanut palm in South India. ...	3,500

Trivandrum,
11th August 1938.

Sd./ K. J. CHERIYAN,
Financial Secretary to Government.

ANNEXURE B.

MR. K. C. KARUNAKARAN.

Question (1) Explanation regarding savings :

- (a) under medical, public health and sanitation.
- (b) buildings, communications, etc.

Answer.

(a) The information required by the member is contained on pages 116 and 118-120 of the Audit Report and Appropriation Accounts for 1112.

(b) The information required by the member is contained on pages 70-72 of the Audit Report and Appropriation Accounts for 1112.

Question (2) *Trade Statistics.* In the report of the Public Accounts Committee on the Audit and Appropriation Accounts of 1108 M. E. on pages 10 and 11, the question of early publication of Trade Statistics was discussed. Then the Committee resolved that the statistics for each month should be compiled at least by the 25th of the succeeding month and published in the Gazette. The Chief Secretary also stated that the establishment of a separate statistical section in the Secretariat was engaging the serious attention of Government.

Now 4 years have elapsed and so far nothing has been done to implement the resolution of the Committee or the assurance given by the Chief Secretary.

Answer.

Mr. D. Krishna Iyer of the Excise Commissioner's Office who was deputed by Government to undergo training in statistics at Karachi returned a few months back. A report on the compilation and publication of Trade Statistics is under the consideration of Government.

Question (3) *Government Sales Depot, Trivandrum.*

(a) What are the present rates of commission charged on various classes of goods sold?

(b) How many enquiries have been received during 1112 M. E. and the nature of such enquiries?

(c) How many of those enquiries resulted in business?

(d) Please furnish a statement showing in detail the orders received, the orders executed, the value of the orders and the class and quantity of goods in respect of the orders.

(e) How many orders were passed on to the various constituents of the Sales Depot, and the nature of such orders and the quantity and the value of the orders executed?

(f) What is the cost of the maintenance of the Sales Depot, in Trivandrum, showing, the rent of the building, and the monthly total expenditure for running the Depot under separate headings?

(g) Are goods exhibited in the Shastiahdapurthi Memorial Institute and are goods sold through that Institute and are orders canvassed through the Institute?

(h) Has any suggestion been made to Government, or have Government themselves considered the desirability of merging the Sales Depot with the show room in the Shastiabdapurthi Memorial Institute?

(i) If Government are giving any grant or financial aid to the Shastiabdapurthi Memorial Institute :—

(i) what is the amount of grant or other financial aid?

(ii) do the Shastiabdapurthi Memorial Institute charge any commission on goods exhibited and sold.

(j) In view of the Industrial and commercial importance of Alleppey and in view of commercial travellers and other tourists visiting the town, have the Government considered the desirability of establishing an industrial and commercial museum with a commercial Bureau attached to it at Alleppey.

Answer.

(a) Commission is charged not according to the classes of goods sold. A commission of $6\frac{1}{2}$ per cent. is charged on all articles sold belonging to the Government institutions and 10 per cent on those belonging to private individuals or institutions.

(b) to (e). The Sales Depot is not primarily like an agency which may canvass orders and execute them. It collects and exhibits articles for advertisement and sale. The articles consist mostly of products from cottage industries. Enquiries are made by people who visit the Depot about the manufacturers if they desire to deal with the latter directly for future larger orders and for articles which may not happen to be in the Depot during their visit. These customers are given the necessary advice and in some instances, the suppliers have told us of buyers who have come to know them through the Sales Depot. Nearly 50 per cent of our customers are tourists from outside the State and a good number of them take the addresses of producers of many of the products exhibited. It cannot be stated, however, what proportion of such enquiries does actually avail themselves of the advice given them regarding the articles they seek to purchase. The number of such enquiries is very large.

Enquiries are also received from outside and they are put into touch with the producers. About 40 such enquiries were received in 112 and it is reported that $\frac{3}{4}$ of the number resulted in business. Orders are also received from Government Departments and they are being executed.

Enquiries were chiefly in regard to the supply of furniture, silver chukrams work, kuffgari work, ivory articles, cocoanut shell carvings, carvings on horn and wood, caskets, jewellery, silk, carpets, towels and sarees, photos of H. H. the Maharaja, Government Publications like the Travancore Almanac, Photos of Travancore scenery, yarn, honey, etc., etc.

The sales effected in the Depot amounted to over Rs. 16,000. No figures are available in regard to the business effected directly between suppliers and those who were directed to them.

(f) The monthly expenditure for running the Depot is as follows :—

		Rs.	Chs.	C.
Establishment	...	82	0	0
Rent	...	50	25	0
Other contingencies	...	26	15	0
Total		159	12	0

(or Rs. 160 per mensem).

(g) Goods were exhibited in the S. M. S. M. Institute from the Sales Depot and it was found the sales there were very poor. No orders have so far been canvassed through the Institute.

(h) No.

(i) (i) The Government are not giving any grant or financial assistance to this Institute.

(ii) The Institute charges a commission of 5 per cent on the sale proceeds of goods exhibited,

(j) Yes. The proposal is under consideration.

Separate statement attached*

No. of Grant.	Name of Grant.	Original grant	Supplementary and additional grant voted.	Add. grant sanctioned under Sec. 32 of Reg. II of 1108.	Diversions and Surrenders.	Final grant.	Actual expenditure.	Savings as compared with Original Grant.
		Rs.	Rs.	Rs.		Rs.	Rs.	Rs.
I.	(a) 30. Buildings, Communications and Miscellaneous Public Improvements excluding Electrification of and Water Supply to Government buildings	23,96,826	66,860	1,58,244	..	6,21,930	25,55,072	..
	(b) 31 Protective Irrigation	2,64,300	..	..	..	2,64,300	2,66,470	..
	(c) 35. Irrigation Capital Account	4,060	..	..	..	4,060	3,668	..
	(d) XXV Productive Irrigation - working Expenses	45,890	..	..	..	45,890	45,644	..
	(e) Capital expenditure—Town planning Schemes	10,00,000	..	..	..	10,00,000	81,196	..
	(f) Do. The Council Chamber	2,00,000	..	..	..	2,00,000	67,936	..
	Total of Grant No. 1.	39,11,076	66,860	1,58,244	..	41,36,180	30,19,986	11,16,194
IV.	20. Education	48,31,112	45,000	2,844	..	48,78,956	47,32,116	1,46,840
V.	1. Land Revenue	9,40,944	..	10,000	..	9,50,944	9,38,477	12,467
VIII.	16. Administration of Justice	10,76,241	..	22,812	..	10,99,053	10,45,239	53,814
IX.	18. Police	7,48,422	405	600	..	7,49,427	7,31,597	17,830
XVI.	21. Agriculture and Fisheries	2,30,953	3,500	2,100	..	2,36,553	2,16,098	20,455
XX.	23. Co-operative Department	96,033	..	500	..	96,533	92,868	3,665
XXVII.	29. Scientific and Miscellaneous Departments	94,690	2,200	..	..	96,890	89,710	7,180
XXVIII.	40. Miscellaneous	85,289	2,925	..	..	88,214	79,919	8,295
	Grand Total	1,10,14,760	1,20,890	1,97,100	..	1,23,32,750	1,09,46,010	13,86,740

Separate Sheet attached

EXCESS EXPENDITURE UNDER VOTED GRANTS.

The following statement shows the cases where-in the actual expenditure—exceeded the final voted grant.

Grant No.	Name of grant.	Original Grant.	Supplementary and Additional grant voted.		Supplementary and Additional grant sanctioned under Section 32 of Regn. I of 1108.	Diversions and Surrenders.	Final Grant.	Actual Expenditure.	Excess over final grant.
			Rs.	Rs.					
vii.	3. Salt	1,26,542	..	..	..	- 1,587	1,24,955	1,25,286	..
	4. Excise	3,80,101	185	..	..	+ 1,555	3,81,841	3,86,173	..
	5. Customs	90,183	..	..	..	+ 32	90,215	87,516	..
V A.	Excise duty on matches	16,000	..	..	..	..	16,000	14,415	..
	Total of Grant No. VII	6,12,826	185	..	..	..	6,13,011	6,13,390	379
XV.	15. General Administration—Legislative Bodies	67,500	..	..	..	..	67,500	70,826	3,326
XVI.	17. Jails	91,262	..	7,000	..	..	98,262	98,415	153
XXVI.	28. Stationery and Printing	2,69,141	..	..	..	..	2,69,141	2,72,141	3,000
XXIX.	(a) Anchal Working—Expenses	3,74,175	..	..	..	..	3,74,175	3,89,391	..
	(b) Anchal—Capital Account	10,240	..	..	..	..	10,240	9,657	..
	Total of Grant No. XXIX	3,84,415	..	..	..	..	3,84,415	3,99,048	14,6
	Grand Total	14,25,144	185	7,000	..	..	14,32,329	14,53,820	21,49

Annexure III.

THE TRAVANCORE WORKMEN'S COMPENSATION BILL,

(As passed by the Sri Mulam Assembly.)

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THE TRAVANCORE WORKMEN'S COMPENSATION BILL.

Whereas it is expedient to provide for the payment by certain classes of employers to their workmen of compensation for injury by accident it is hereby enacted as follows :—
Preamble,

CHAPTER I.

Preliminary.

Short title, extent and commencement. 1. (1) This Regulation may be called the Travancore Workmen's Compensation Regulation.

(2) It extends to the whole of Travancore.

(3) It shall come into force on such day as Our Government may fix by notification in Our Government Gazette.

Definitions. 2. (1) In this Regulation, unless there is any thing repugnant in the subject or context,—

(a) "adult" and "minor" mean respectively a person who is not and a person who is under the age of fifteen years ;

(b) "Commissioner" means a Commissioner for Workmen's Compensation appointed under Section 23 ;

(c) "compensation" means compensation as provided for by this Regulation ;

(d) "dependant" means any of the following relatives of a deceased workman, namely :—

(i) a widow, a minor legitimate son, and unmarried legitimate daughter, or a widowed mother ; and

(ii) if wholly or in part dependant on the earnings of the workman at the time of his death a widower, a parent other than a widowed mother, a minor illegitimate son, an unmarried illegitimate daughter, a daughter legitimate or illegitimate if married and a minor or if widowed, a minor brother, an unmarried or widowed sister, a widowed daughter-in-law, a minor child of a deceased son, a minor child of a deceased daughter where no parent of the child is alive or where no parent of the workman is alive, a maternal grand-parent or a paternal grand-parent ;

(e) "employer" includes any body of persons whether incorporated or not and any managing agent of an employer and the legal representative of a deceased employer, and, when the services of a workman are temporarily lent or let on hire to another person by the person with whom the workman has entered into a contract of service or apprenticeship, means such other person while the workman is working for him ;

(f) "managing agent" means any person appointed or acting as the representative of another person for the purpose of carrying on such other person's trade or business but does not include an individual manager subordinate to an employer ;

(g) "partial disablement" means, where the disablement is of a temporary nature, such disablement as reduces the earning capacity of a workman in any employment in which he was engaged at the time of the accident resulting in the disablement, and, where the disablement is of a permanent nature, such disablement as reduces his earning capacity in every employment which he was capable of undertaking at that time: provided that every injury specified in Schedule I shall be deemed to result in permanent partial disablement;

(h) "prescribed" means prescribed by rules made under this Regulation;

(i) "qualified medical practitioner" means any person possessing the qualifications prescribed in that behalf or any person declared by Our Government, by notification in Our Government Gazette, to be a qualified medical practitioner for the purposes of this Regulation;

(j) "railway" means a railway declared to be such by Our Government, and "railway servant" means a railway servant so prescribed:

(k) "seaman" means any person forming part of the crew of any ship, but does not include the master of the ship;

(l) "total disablement" means such disablement, whether of a temporary or permanent nature, as incapacitates a workman for all work which he was capable of performing at the time of the accident resulting in such disablement: provided that permanent total disablement shall be deemed to result from the permanent total loss of the sight of both eyes or from any combination of injuries specified in Schedule I where the aggregate percentage of the loss of earning capacity, as specified in that Schedule against those injuries, amounts to one hundred per cent:

(m) "wages" include: any privilege or benefit which is capable of being estimated in money, other than a travelling allowance or the value of any travelling concession or a contribution paid by the employer of a workman towards any pension or provident fund or a sum paid to a workman to cover any special expenses entailed on him by the nature of his employment;

(n) "workman" means any person (other than a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's trade or business) who is—

(i) a railway servant not employed in any such capacity as is specified in Schedule II, or

(ii) employed on monthly wages not exceeding three hundred rupees, in any such capacity as is specified in Schedule II, whether the contract of employment was made before or after the passing of this Regulation and whether such contract is expressed or implied, oral, or in writing; but does not include any person working in the capacity of a member of Our military forces; and any reference to a workman who has been injured shall, where the workman is dead, include a reference to his dependants or any of them.

(2) The exercise and performance of the powers and duties of a local authority or of any department of Our Government shall, for the purposes of this Regulation, unless a contrary intention appears, be deemed to be the trade or business of such authority or department;

(3) Our Government after giving, by notification in Our Government Gazette, not less than three months' notice of their intention so to do, may, by a like notification, add to Schedule II any class of persons employed in any occupation which they are satisfied is a hazardous occupation, and the provisions of this Regulation shall thereupon apply to such classes of persons ;

Provided that in making such addition Our Government may direct that the provisions of this Regulation shall apply to such classes of persons in respect of specified injuries only.

CHAPTER II.

Workmen's Compensation.

3. (1) If personal injury is caused to a workman by accident arising out of and in the course of his employment, his employer shall be liable to pay compensation in accordance with the provisions of this Chapter :

Employers' liability for compensation.

Provided that the employer shall not be so liable—

(a) in respect of any injury which does not result in the total or partial disablement of the workman for a period exceeding seven days ;

(b) in respect of any injury not resulting in death, caused by an accident which is directly attributable to—

(i) the workman having been at the time thereof under the influence of drink or drugs, or

(ii) the wilful disobedience of the workman to an order expressly given, or, to a rule expressly framed, for the purpose of securing the safety of workman, or

(iii) the wilful removal or disregard by the workman of any safety guard or other device which he knew to have been provided for the purpose of securing the safety of workman.

(2) If a workman employed in any employment specified in part (A) of Schedule III contracts any disease specified therein as occupational disease peculiar to that employment, or if a workman whilst in the service of an employer in whose service he has been employed for a continuous period of not less than six months in any employment specified in part (B) of Schedule III, contracts any disease specified therein as an occupational disease peculiar to that employment, the contracting of the disease shall be deemed to be an injury by accident within the meaning of this Section and, unless the employer proves the contrary, the accident shall be deemed to have arisen out of and in the course of the employment.

Explanation.—For the purpose of this sub-section a period of service shall be deemed to be continuous which has not included a period of service under any other employer in the same kind of employment.

(3) Our Government, after giving, by notification in Our Government Gazette, not less than three months' notice of their intention so to do, may, by a like notification, add any description of employment to the employments specified in Schedule III, and shall specify in the case of the employments so added the diseases which shall be deemed for the purposes of this Section to be occupational diseases peculiar to those employments

respectively, and the provisions of sub-section (2) shall thereupon apply as if such diseases had been declared by this Regulation to be occupational diseases peculiar to those employments.

(4) Save as provided by sub-section (2) and (3) no compensation shall be payable to a workman in respect of any disease unless the disease is directly attributable to a specific injury by accident arising out of and in the course of his employment.

(5) Nothing herein contained shall be deemed to confer any right to compensation on a workman in respect of any injury if he has instituted in a Civil Court a suit for damages in respect of the injury against the employer or any other person; and no suit for damages shall be maintainable by a workman in any Court of law in respect of any injury—

(a) If he has instituted a claim to compensation in respect of the injury before a Commissioner; or

(b) If an agreement has been come to between the workman and his employer providing for the payment of compensation in respect of the injury in accordance with the provisions of this Regulation.

4. (1) Subject to the provisions of this Regulation, the amount of compensation shall be as follows, namely :—

A. Where death results from the injury—

(i) in the case of an adult in receipt of monthly wages falling within limits shown in the first column of Schedule IV—the amount shown against such limits in the second column thereof, and

(ii) in the case of a minor—two hundred rupees ;

B. Where permanent total disablement results from the injury—

(i) in the case of an adult in receipt of monthly wages falling within limits shown in the first column of Schedule IV—the amount shown against such limits in the third column thereof, and

(ii) in the case of a minor—twelve hundred rupees ;

C. Where permanent partial disablement results from the injury—

(i) in the case of an injury specified in Schedule I, such percentage of the compensation which would have been payable in the case of permanent total disablement as is specified therein as being the percentage of the loss of earning capacity caused by that injury, and

(ii) in the case of an injury not specified in Schedule I, such percentage of the compensation payable in the case of permanent total disablement as is proportionate to the loss of earning capacity permanently caused by the injury

Explanation.—Where more injuries than one are caused by the same accident, the amount of compensation payable under this head shall be aggregated but not so in any case as to exceed the amount which would have been payable if permanent total disablement had resulted from the injuries ;

D. Where temporary disablement, whether total or partial, results from the injury, a half-monthly payment payable on the sixteenth day after the expiry of a waiting period of seven days from the date of the disablement, and thereafter half-monthly during the disablement or during a period of five years, whichever period is shorter,—

(i) in the case of an adult in receipt of monthly wages falling within limits shown in the first column of Schedule IV—of the sum shown against such limits in the fourth column thereof, and

(ii) in the case of a minor—of one-half of his monthly wages, subject to a maximum of thirty rupees ;

Provided that—

(a) There shall be deducted from any lump sum or half-monthly payments to which the workman is entitled the amount of any payment or allowance which the workman has received from the employer by way of compensation during the period of disablement prior to the receipt of such lump sum or of the first half-monthly payment, as the case may be ; and

(b) no half-monthly payment shall in any case exceed the amount, if any, by which half the amount of the monthly wages of the workman before the accident exceeds half the amount of such wages which he is earning, after the accident.

(2) On the ceasing of the disablement before the date on which any half monthly payment falls due, there shall be payable in respect of that half-month a sum proportionate to the duration of the disablement in that half-month.

5. For the purposes of this Regulation the monthly wages of a workman Method of calculating wages. shall be calculated as follows, namely :—

(a) where the workman has, during a continuous period of not less than twelve months immediately preceding the accident, been in the service of the employer who is liable to pay compensation, the monthly wages of the workman shall be one-twelfth of the total wages which have fallen due for payment to him by the employer in the last twelve months of that period :

(b) where the whole of the continuous period of service immediately preceding the accident during which the workman was in the service of the employer who is liable to pay the compensation was less than one month the monthly wages of the workman shall be deemed to be the average monthly amount which, during the twelve months immediately preceding the accident, was being earned by a workman, employed on the same work by the same employer, or if there was no workman so employed, by a workman employed on similar work in the same locality ;

(c) in other cases, the monthly wages shall be thirty times the total wages earned in respect of the last continuous period of service immediately preceding the accident from the employer who is liable to pay compensation, divided by the number of days comprising such period.

Explanation.—A period of service shall, for the purposes of this section be deemed to be continuous which has not been interrupted by a period of absence from work exceeding fourteen days.

6. (1) Any half-monthly payment payable under this Regulation, either under agreement between the parties or under the order of a Commissioner, may be reviewed by the Commissioner on the application either of the employer or of the workman accompanied by the certificate of a qualified medical practitioner that there has been a change in the condition of the workman or, subject to rules made under this Regulation, on application made without such certificate.

(2) Any half-monthly payment may, on review under this Section, subject to the provisions of this Regulation, be continued, increased, decreased, or ended, or if the accident, is found to have resulted in permanent disablement, be converted to the lump sum to which the workman is entitled less any amount which he has already received by way of half-monthly payments.

7. Any right to receive half-monthly Payments may, by agreement between the parties or, if the parties cannot agree and the Commutation of half-monthly payments have been continued for not less than six months on the application of either party to the Commissioner, be redeemed by the payment of a lump sum of such amount as may be agreed to by the parties or determined by the Commissioner, as the case may be.

8. (1) No payment of compensation in respect of a workman whose injury has resulted in death, and no payment of a lump sum as compensation to a woman or a person under a legal disability, shall be made otherwise than by deposit with the Commissioner, and no such payment made directly by an employer shall be deemed to be a payment of compensation ;

Provided that, in the case of a deceased workman, an employer may make to any dependant advances on account of compensation not exceeding an aggregate of one hundred rupees and so much of such aggregate as does not exceed the compensation payable to that dependant shall be deducted by the Commissioner from such compensation and repaid to the employer

(2) Any other sum amounting to not less than ten rupees which is payable as compensation may be deposited with the Commissioner on behalf of the person entitled thereto.

(3) The receipt of the Commissioner shall be a sufficient discharge in respect of any compensation deposited with him.

(4) On the deposit of any money under sub-section (1) as compensation in respect of a deceased workman the Commissioner shall deduct therefrom the actual cost of the workman's funeral expenses, to an amount not exceeding twenty-five rupees and pay the same to the person by whom such expenses were incurred, and shall, if he thinks necessary, cause notice to be published or to be served on each dependant in such manner as he thinks fit, calling upon the dependants to appear before him on such date as he may fix for determining the distribution of compensation. If the Commissioner is satisfied, after any inquiry which he may deem necessary, that no dependant exists, he shall repay the balance of the money to the employer by whom it was paid. The Commissioner shall, on application by the employer, furnish a statement showing in detail all disbursements made.

(5) Compensation deposited in respect of a deceased workman shall, subject to any deduction made under sub-section (4), be apportioned, among the dependants of the deceased workman or any of them in such proportion as the Commissioner thinks fit, or may, in the discretion of the Commissioner be allotted to any one dependant.

(6) Where any compensation deposited with the Commissioner is payable to any person, the Commissioner shall, if the person to whom the compensation is payable is not a woman or a person under a legal disability and may, in other cases, pay the money to the person entitled thereto.

(7) Where any lump sum deposited with the Commissioner is payable to a woman or a person under a legal disability, such sum may be invested, applied or otherwise dealt with for the benefit of the woman, or of such person during his disability, in such manner as the Commissioner may direct; and where a half-monthly payment is payable to any person under a legal disability, the Commissioner may, of his own motion or on application made to him in this behalf, order that the payment be made during the disability to any dependant of the workman or to any other person whom the Commissioner thinks best fitted to provide for the welfare of the workman.

(8) Where, on application made to him in this behalf or otherwise, the Commissioner is satisfied that, on account of neglect of children on the part of a parent or on account of the variation of the circumstances of any dependant or for any other sufficient cause, an order of the Commissioner as to the distribution of any sum paid as compensation or as to the manner in which any sum payable to any such dependant is to be invested, applied or otherwise dealt with, ought to be varied, the Commissioner may make such orders for the variation of the former order as he thinks just in the circumstances of the case.

Provided that no such order prejudicial to any person shall be made unless such person has been given an opportunity of showing cause why the order should not be made, or shall be made in any case in which it would involve the repayment by a dependant of any sum already paid to him.

(9) Where the Commissioner varies any order under sub-section (8) by reason of the fact that payment of compensation to any person has been obtained by fraud, impersonation or other improper means, any amount so paid to or on behalf of such person may be recovered in the manner hereinafter provided in Section 36.

9. Save as provided by this Regulation, no lump sum or half-monthly payment payable under this Regulation shall in any way be capable of being assigned or charged or be liable to attachment or pass to any person other than the workman by operation of law, nor shall any claim be set off against the same.

10. (1) No claim for compensation shall be entertained by a Commissioner unless notice of the accident has been given in the manner hereafter provided as soon as practicable after the happening thereof and unless the claim is preferred before him within one year of the occurrence of the accident, or in case of death within one year from the date of death.

Provided that, where the accident is the contracting of a disease in respect of which the provisions of sub-section (2) of section 3 are applicable the accident shall be deemed to have occurred on the first of the days during which the workman was continuously absent from work in consequence of the disablement caused by the disease.

Provided further, that the want of or any defect or irregularity in a notice shall not be a bar to the entertainment of a claim:—

(a) if the claim is preferred in respect of the death of a workman resulting from an accident which occurred on the premises of the employer, or at any place where the workman at the time of the accident was working under the control of the employer or of any person employed by him, and

the workman died on such premises or at such place, or on any premises belonging to the employer, or died without having left the vicinity of the premises or place where the accident occurred, or

(b) If the employer or any one of several employers or any person responsible to the employer for the management of any branch of the trade or business in which the injured workman was employed had knowledge of the accident from any other source at or about the time when it occurred:

Provided, further, that the Commissioner may entertain and decide any claim to compensation in any case notwithstanding that the notice has not been given, or the claim has not been preferred in due time as provided in this subsection, if he is satisfied that the failure so to give the notice or prefer the claim, as the case may be was due to sufficient cause.

(2) Every such notice shall give the name and address of the person injured and shall state in ordinary language the cause of the injury and the date on which the accident happened and shall be served on the employer or upon any one of several employers, or upon any person responsible to the employer for the management of any branch of the trade or business in which the injured workman was employed.

(3) Our Government may require that any prescribed class of employers shall maintain at their premises at which workmen are employed a notice book, in the prescribed form, which shall be readily accessible at all reasonable times to any injured workman employed on the premises and to any person acting *bona fide* on his behalf.

(4) A notice under this Section may be served by delivering it at, or sending it by registered post addressed to, the residence or any office or place of business of the person on whom it is to be served, or, where a notice book is maintained, by entry in the notice book.

11. (1) Where a Commissioner receives information from any source that a workman has died as a result of an accident arising out of and in the course of his employment, he may, Power to require from employers statements regarding fatal accident. send by registered post a notice to the workman's employer requiring him to submit, within thirty days of the service of the notice, a statement, in the prescribed form, giving the circumstances attending the death of the workman, and indicating whether, in the opinion of the employer, he is or is not liable to deposit compensation on account of the death.

(2) If the employer is of opinion that he is liable to deposit compensation he shall make the deposit within thirty days of the service of the notice.

(3) If the employer is of opinion that he is not liable to deposit compensation, he shall in his statement indicate the grounds on which he disclaims liability.

(4) Where the employer has so disclaimed liability, the Commissioner, after such inquiry as he may think fit, may inform any of the dependants of the deceased workman that it is open to the dependants to prefer a claim for compensation, and may give them such other further information as he may think fit.

12. (1) Where by any law for the time being in force, notice is required to be given to any authority, by or on behalf of an employer, or any accident occurring on his premises which results in death the person required to give the notice shall, within seven days of the death, send a report to the Commissioner giving the circumstances attending the deaths:

Reports of fatal accidents.

Provided that where Our Government have so prescribed the person required to give the notice may instead of sending such report to the Commissioner send it to the authority to whom he is required to give the notice.

(2) Our Government may, by notification in Our Government Gazette extend the provisions of sub-section, (1) to any class of premises other than those coming within the scope of that sub-section, and may, by such notification, specify the persons who shall send the report to the Commissioner.

13. (1) Where a workman has given notice of an accident, he shall, if the employer, before the expiry of three days from the time at which service of the notice has been effected, offers to have him examined free of charge by a qualified medical practitioner, submit himself for such examination and any workman who is in receipt of a half-monthly payment under this Regulation, shall if so required, submit himself for such examination from time to time:

Medical examination

Provided that a workman shall not be required to submit himself for examination by a medical practitioner otherwise than accordance with rules made under this Regulation or at more frequent intervals than may be prescribed.

(2) If a workman, on being required to do so by the employer under sub-section (1) or by the Commissioner at any time, refuses to submit himself for examination by a qualified medical practitioner or in any way obstructs the same, his right to compensation shall be suspended during the continuance of such refusal or obstruction unless, in the case of refusal, he was prevented by any sufficient cause from so submitting himself.

(3) If a workman, before the expiry of the period within which he is liable under sub-section (1) to be required to submit himself for medical examination, voluntarily leaves without having been so examined the vicinity of the place in which he was employed, his right to compensation shall be suspended until he returns and offers himself for such examination.

(4) Where a workman, whose right to compensation has been suspended under sub-section (2) or sub-section (3), dies without having submitted himself for medical examination as required by either of those sub-sections, the Commissioner may, if he thinks fit, direct the payment of compensation to the dependants of the deceased workman.

(5) Where under sub-section (2), or sub-section (3) a right to compensation is suspended, no compensation shall be payable in respect of the period of suspension, and if the period of suspension commences before the expiry of the waiting period referred to in Clause (d) of sub-section (1) of Section 4, the waiting period shall be increased by the period during which the suspension continues.

(6) Where an injured workman has refused to be attended by a qualified medical practitioner whose services have been offered to him by the employer free of charge or having accepted such offer has deliberately disregarded the instructions of such medical practitioner, then, if it is proved that the workman has not thereafter been regularly attended by a qualified medical practitioner or having been so attended has deliberately failed to follow his instructions and that such refusal, disregard or failure was unreasonable in the circumstances of the case and that the injury has been aggravated thereby the injury and resulting disablement shall be deemed to be of the same nature and duration as they might reasonably have been expected to be if the workman had been regularly attended by a qualified medical practitioner, whose instructions he had followed, and compensation, if any, shall be payable accordingly.

14. (1) Where any person (hereinafter in this section referred to as the principal) in the course of or for the purposes of his trade or business contracts with any other person (hereinafter in this section referred to as the contractor) for the execution by or under the contractor of the whole or any part of any work which is ordinarily part of the trade or business of the principal, the principal shall be liable to pay to any workman employed in the execution of the work any compensation which he would have been liable to pay if that workman had been immediately employed by him; and where compensation is claimed from the principal, this Regulation shall apply as if references to the principal were substituted for references to the employer except that the amount of compensation shall be calculated with reference to the wages of the workman under the employer by whom he is immediately employed.

(2) Where the principal is liable to pay compensation under this section, he shall be entitled to be indemnified by the contractor or any other person from whom the workman could have recovered compensation and where a contractor who is himself a principal is liable to pay compensation or to indemnify a principal under this section he shall be entitled to be indemnified by any person standing to him in the relation of a contractor from whom the workman could have recovered compensation and all questions as to the right to and the amount of any such indemnity shall, in default of agreement, be settled by the Commissioner.

(3) Nothing in this section shall be construed as preventing a workman from recovering compensation from the contractor instead of the principal.

(4) This section shall not apply in any case where the accident occurred elsewhere, than on, in or about the premises on which the principal has undertaken or usually undertakes as the case may be, to execute the work or which are otherwise under his control or management.

15. Where a workman has recovered compensation in respect of any injury caused under circumstances creating a legal liability of some person other than the person by whom the compensation was paid to pay damages in respect thereof, the person by whom the compensation was paid and any person who has been called on to pay an indemnity under Section 14 shall be entitled to be indemnified by the person so liable to pay damages as aforesaid.

Remedies of employer against stranger.

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26. (1) Where any employer has entered into a contract with any insurers in respect of any liability under this Regulation to any workman, then in the event of the employer becoming insolvent or making a composition or scheme of arrangement with his creditors or if the employer is a company, in the event of the company having commenced to be wound up, the rights of the employer against the insurers as respects that liability shall, notwithstanding anything in any law for the time being in force relating to insolvency of the winding up of companies, be transferred to and vest in the workman, and upon any such transfer the insurers shall have the same rights and remedies and be subject to the same liabilities as if they were the employer, so, however, that the insurers shall not be under any greater liability to the workman than they would have been under to the employer.

(2) If the liability of the insurers to the workman is less than the liability of the employer to the workman, the workman may prove for the balance in the insolvency proceedings or liquidation.

(3) Where in any case such as is referred to in sub-section (1) the contract of the employer with the insurers is void or voidable by reason of non-compliance on the part of the employer with any terms or conditions of the contract (other than a stipulation for the payment of premium) the provisions of that sub-section shall apply as if the contract were not void or voidable, and the insurers shall be entitled to prove in the insolvency proceedings or liquidation for the amount paid to the workman:

Provided that the provisions of this sub-section shall not apply in any case in which the workman fails to give notice to the insurers of the happening of the accident and of any resulting disablement as soon as practicable after he becomes aware of the institution of the insolvency or liquidation proceedings.

(4) There shall be deemed to be included among the debts which under Section 62 of the Travancore Insolvency Regulation, 1108, or under Section 285 of the Travancore Companies Regulation 1114 are in the distribution of the property of an insolvent or in the distribution of the assets of a company being wound up to be paid in priority to all other debts the amount due in respect of any compensation the liability wherefor accrued before the date of the order of adjudication of the insolvent or the date of the commencement of the winding up, as the case may be, and those Regulations shall have effect accordingly.

(5) Where the compensation is a half-monthly payment, the amount due in respect thereof shall, for the purposes of this section, be taken to be the amount of the lump sum for which the half monthly payment could, if redeemable, be reduced if application were made for that purpose under Section 7 and a certificate of the Commissioner as to the amount of such sum shall be conclusive proof thereof.

(6) The provisions of sub-section (4) shall apply in the case of any amount for which an insurer is entitled to prove under sub-section 3 but otherwise those provisions shall not apply where the insolvent or the company being wound up has entered into such a contract with insurers as is referred to in sub-section (1).

(7) This Section shall not apply where a company is wound up voluntarily merely for the purpose of reconstruction or of amalgamation with another company.

17. This Regulation shall apply in the case of workman who are masters of ships or seamen subject to the following modifications, namely:—

Special provisions relating to masters and seamen.

(1) The notice of the accident and the claim for compensation may, except where the person injured is the master of the ship, be served on the master of the ship as if he were the employer, but where the accident happened and the disablement commenced on board the ship, it shall not be necessary for any seaman to give any notice of the accident.

(2) In the case of the death of a master or seaman, the claim for compensation shall be made within six months after the news of the death has been received by the claimant or, where the ship has been or is deemed to have been lost with all hands, within eighteen months of the date on which the ship was, or is deemed to have been so lost.

(3) Where an injured master or seaman is discharged or left behind in any part of the British dominions or in a foreign country, any depositions taken by any Judge or Magistrate in that part or by any Consular Officer in the foreign country and transmitted by the person by whom they are taken to Our Government shall, in any proceedings for enforcing the claim, be admissible in evidence;

(a) if the deposition is authenticated by the signature of the Judge, Magistrate or Consular Officer before whom it is made;

(b) if the defendant or the person accused, as the case may be, had an opportunity by himself or his agent to cross examine the witness; and

(c) if the deposition was made in the course of criminal proceeding on proof that the deposition was made in the presence of the person accused;

and it shall not be necessary in any case to prove the signature or official character of the person appearing to have signed any such deposition and certificate by such person that the defendant or the person accused, had an opportunity of cross-examining the witness and that the deposition if made in a criminal proceeding was made in the presence of the person accused shall, unless the contrary is proved, be sufficient evidence that he had that opportunity and that it was so made.

(4) In the case of the death of a master or seaman leaving no dependants, the Commissioner shall, if the owner of the ship is under any law in force for the time being relating to merchant shipping liable to pay the expenses of burial of the master or seaman, return to the employer the full amount of the compensation deposited under sub-section (1) of Section 8 without making the deduction referred to in sub-section (4) of that section.

(5) No half-monthly payment shall be payable in respect of the period during which the owner of the ship is, under any law in force for the time being relating to merchant shipping liable to defray the expenses of maintenance of the injured master or seaman.

18. Our Government may by notification in Our Government Gazette, direct that every person employing workmen, or that any Returns as to compensation. specified class of such persons, shall send at such time and in such form and to such authority, as may be specified in the notification, a correct return specifying the number of injuries in respect of which compensation, has been paid by the employer during the previous year and the amount of such compensation, together with such other particulars as to the compensation as our Government may direct.

19. Any contract or agreement whether made before or after the commencement of this Regulation, whereby a workman relinquishes any right of compensation from the employer for personal injury arising out of or in the course of the employment, shall be null and void in so far as it purports to remove or reduce the liability of any person to pay compensation under this Regulation.

20. Where any question arises as to the age of a person injured by accident arising out of and in the course of his employment in a factory, a certificate of age granted in respect of such person under the provisions of the law for the time being in force relating to factories, before the occurrence of the injury shall be conclusive proof of the age of such person.

21. (1) Whoever—
 (a) fails to maintain a notice-book which he is required to maintain under sub-section (3) of section 10, or
 (b) fails to send to the Commissioner a statement which he is required to send under sub-section (1) of Section 11, or
 (c) fails to send report which he is required to send under Section 12, or
 (d) fails to make a return which he is required to make under Section 18 shall be punishable with fine which may extend to one hundred rupees.

(2) No prosecution under this section shall be instituted except by or with the previous sanction of a Commissioner, and no Court shall take cognisance of any offence under this section, unless complaint thereof is made within six months of the date on which the offence is alleged to have been committed.

CHAPTER III.

Commissioners.

22. (1) If any question arises in any proceedings under this Regulation as to the liability of any person to pay compensation (including any question as to whether a person injured is or is not a workman) or as to the amount or duration of compensation including any question as to the nature or extent of disablement, the question shall, in default of agreement, be settled by a Commissioner.

(2) No Civil Court shall have jurisdiction to settle, decide or deal with any question which is by or under this Regulation required to be settled, decided or dealt with by a Commissioner or to enforce any liability incurred under this Regulation.

23. (1) Our Government may, by notification in Our Government Gazette, appoint any person to be a Commissioner for workmen's compensation for such local area as may be specified in the notification.

(2) Where more than one Commissioner has been appointed for any local area, Our Government may by general or special order, regulate the distribution of business between them.

(3) Any Commissioner may, for the purpose of deciding any matter referred to him for decision under this Regulation, choose one or more persons possessing special knowledge of any matter relevant to the matter under inquiry to assist him in holding the inquiry.

(4) Every Commissioner shall be deemed to be a public servant within the meaning of the Travancore Penal Code.

24. (1) Where any matter is under this Regulation to be done by or before a Commissioner, the same shall subject to the provisions of this Regulation and to any rules made hereunder, be done by or before a Commissioner for the local area in which the accident took place which resulted in the inquiry:

Venue of proceedings and transfer.

Provided that where the workman is the master of a ship or a seaman, any such matter may be done by or before a Commissioner for the local area in which the owner or agent of the ship, resides or carries on business.

(2) If a Commissioner is satisfied that any matter arising out of any proceeding pending before him can be more conveniently dealt with by any other Commissioner, he may subject to rules made under this Regulation, order such matter to be transferred to such other Commissioner either for report or for disposal, and, if he does so, shall forthwith transmit to such other Commissioner all documents relevant for the decision of such matter and, where the matter is transferred for disposal, shall also transmit in the prescribed manner any money remaining in his hands or invested by him for the benefit of any party to the proceedings:

Provided that the Commissioner shall not, where any party to the proceedings has appeared before him, make any order of transfer relating to the distribution among dependants of a lump sum without giving such party an opportunity being heard; and

Provided further that no matter other than a matter relating to the actual payment to a workman or the distribution among dependants of a lump sum shall be transferred for disposal under this sub-section to a Commissioner save with the previous sanction of Our Government, unless all the parties to the proceedings agree to the transfer.

(3) The Commissioner to whom any matter is so transferred shall subject to the rules made under this Regulation, inquire therein and if the matter was transferred for report, return his report thereon or, if the matter was transferred for disposal, continue the proceedings as if they had originally commenced before him.

(4) On receipt of a report from a Commissioner to whom any matter has been transferred for report under sub-section (2), the Commissioner by whom it was transferred shall decide the matter referred in conformity with such report

(5) Our Government may transfer any matter from any Commissioner to any other Commissioner.

25. (1) No application for the settlement of any matter by a Commissioner other than an application by a dependant or dependants for compensation shall be made unless and until some question has arisen between the parties in connection therewith which they have been unable to settle by agreement.

Application when permissible and form of application.

(2) An application to a Commissioner may be made in such form and shall be accompanied by such fee, if any as may be prescribed, and shall contain, in addition to any particulars which may be prescribed, the following particulars, namely:—

(a) a concise statement of the circumstances in which the application is made and the relief or order which the applicant claims:—

(b) in the case of a claim for compensation against an employer, the date of service of notice of the accident on the employer and, if such notice has not been served or has not been served in due time, the reason for such omission;

(c) the names and addresses of the parties; and

(d) except in the case of an application by dependants for compensation a concise statement of the matters on which agreement has and of those on which agreement has not been come to.

(3) If the applicant is illiterate or for any other reason is unable to furnish the required information in writing, the application shall, if the applicant so desires, be prepared under the direction of the Commissioner.

26. (1) Where any sum has been deposited by an employer as compensation payable in respect of a workman whose injury has resulted in death, and in the opinion of the Commissioner such sum is insufficient, the Commissioner may, by notice in writing stating his reasons, call upon the employer to show cause why he should not make a further deposit within such time as may be stated in the notice.

Power of Commissioner to require further deposit in cases of fatal accident.

(2) If the employer fails to show cause to the satisfaction of the Commissioner the Commissioner can make an award determining the total amount payable, and requiring the employer to deposit the deficiency.

27. The Commissioner shall have all the powers of a Civil Court under the Code of Civil Procedure, 1100, for the purpose of taking evidence on oath (which such Commissioner is hereby empowered to impose) and of enforcing the attendants of witnesses and compelling the production of documents and material objects, and the Commissioner shall be deemed to be a Civil Court for all the purposes of Section 173 and of Chapter XXXIV of the Code of Criminal Procedure.

Powers and procedure of Commissioners.

28. Any appearance application or act required to be made or done by any person before or to a Commissioner (other than an appearance of a party which is required for the purpose of his examination as a witness) may be made or done on behalf of such person by a legal practitioner or by an official of an Insurance Company or a registered Trade Union authorised in writing by such person or with the permission of the Commissioner by any other person so authorised.

Appearance of parties.

29. The Commissioner shall make a brief memorandum of the substance of the evidence of every witness as the examination of the witness proceeds, and such memorandum shall be written and signed by the Commissioner with his own hand and shall form part of the record:

Method of recording evidence

Provided that, if the Commissioner is prevented from making such memorandum, he shall record the reason of his inability to do so and shall cause such memorandum to be made in writing from his dictation and shall sign the same, and such memorandum shall form part of the record :

Provided further that the evidence of any medical witness shall be taken down as nearly as may be word for word.

30. All costs incidental to any proceedings before a Commissioner shall, subject to rules made under this Regulation, be in the discretion, of the Commissioner.

Costs.

31. A Commissioner may, if he thinks fit, submit any question of law for the decision of the High Court and, if he does so, shall decide the question in conformity with such decision.

Power to submit cases.

32. (1) Where the amount of any lump sum payable as compensation has been settled by agreement, whether by way of redemption of a half-monthly payment or otherwise, or where any compensation has been so settled as being payable to a woman or a person under a legal disability a memorandum thereof shall be sent by the employer to the Commissioner, who shall, on being satisfied as to its genuineness, record the memorandum in a Register in the prescribed manner :

Registration of agreements.

Provided that—

(a) no such memorandum shall be recorded before seven days after communication by the Commissioner of notice to the parties concerned ;

(b) the Commissioner may at any time rectify the Register ;

(c) where it appears to the Commissioner that an agreement as to the payment of a lump sum whether by way of redemption of a half-monthly payment or otherwise or on agreement as to the amount of compensation payable to a woman or a person under a legal disability ought not to be registered by reason of the inadequacy of the sum or amount, or by reason of the agreement having been obtained by fraud or undue influence or other improper means, he may refuse to record the memorandum of the agreement and may make such order including an order as to any sum already paid under the agreement as he thinks just in the circumstances

(2) An agreement for the payment of compensation which has been registered under sub-section (1) shall be enforceable under this Regulation notwithstanding anything contained in any other law for the time being in force.

33. Where a memorandum of any agreement, the registration of which is required by Section 32 is not sent to the Commissioner as required by that section, the employer shall be liable to pay the full amount of compensation which he is liable to pay under the provisions of this Regulation and notwithstanding anything contained in the provision to sub-section (i) of Section 4, shall not, unless the Commissioner otherwise directs, be entitled to deduct more than half of any amount paid to the workman by way of compensation whether under the agreement or otherwise.

Effect of failure to register agreement.

34. (1) An appeal shall lie to the High Court from the following orders of a Commissioner, namely.

Appeals.

(a) an order awarding as compensation a lump sum whether by way of redemption of a half monthly payment or otherwise or disallowing claim in full or in part or a lump sum ;

(b) an order refusing to allow redemption of a half-monthly payment;

(c) an order providing for the distribution of compensation among the dependants of a deceased workman, or disallowing any claim of a person alleging himself to be such dependant;

(d) an order allowing or disallowing any claim for the amount of an indemnity under the provisions of sub-section (3) of Section 14; or

(e) an order refusing to register a memorandum or agreement or registering the same or providing for the registration of the same subject to conditions.

Provided that no appeal shall lie against any order unless a substantial question of law is involved in the appeal and, in the case of an order other than an order such as is referred to in clause (b) unless the amount in dispute in the appeal is not less than three hundred rupees;

Provided further that no appeal shall lie in any case in which the parties have agreed to abide by the decision of the Commissioner, or in which the order of the Commissioner gives effect to an agreement come to by the parties:

Provided further that no appeal by an employer under clause (a) shall lie unless the memorandum of appeal is accompanied by a certificate by the Commissioner to the effect that the appellant has deposited with him the amount payable under the order appealed against.

(2) The period of limitation for an appeal under this section shall be sixty days.

(3) The provisions of Section 5 of the Travancore Limitation Regulation shall be applicable to appeals under this section.

35. Where an employer makes an appeal under clause (a) of sub-section (1) of Section 34, the Commissioner may, and if so directed by the High Court, shall, pending the decision of the appeal withhold payment of any sum in deposit with him.

Withholding payment pending appeal

36. The Commissioner may recover as an arrear of land revenue any amount payable by any person under this Regulation whether under an agreement for the payment of compensation or otherwise and the Commissioner shall be deemed to be a Tahsildar within the meaning of the Revenue Recovery Regulation I of 1068 as subsequently amended.

Recovery.

CHAPTER IV.

Rules.

Power of Government to make rules.

37. (1) Our Government may make rules to carry out the purposes of this Regulation.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely.—

(a) for prescribing the intervals at which and the conditions subject to which an application for review may be made under Section 6 when not accompanied by a medical certificate;

(b) for prescribing the intervals at which and the conditions subject to which a workman may be required to submit himself for medical examination under sub-section (1) of Section 13;

(c) for prescribing the procedure to be followed by Commissioners in the disposal of cases under this Regulation and by the parties in such cases ;

(d) for regulating the transfer of matters and cases from one Commissioner to another and the transfer of money in such cases ;

(e) for prescribing the manner in which money in the hands of a Commissioner may be invested for the benefit of dependants of a deceased workman and for the transfer of money so invested from one Commissioner to another ;

(f) for the representation in proceedings before Commissioners of parties who are minors or are unable to make an appearance ;

(g) for prescribing the form and manner in which memoranda of agreements shall be presented and registered ;

(h) for the withholding by Commissioners, whether in whole or in part, of half-monthly payments pending decision on applications for review of the same ;

(i) for regulating the scales of costs which may be allowed in proceedings under this Regulation ;

(j) for prescribing and determining the amount of the fees payable in respect of any proceedings before a Commissioner under this Regulation ;

(k) for the maintenance by Commissioners of registers and records of proceedings before them ;

(l) for prescribing the classes of employers who shall maintain notice-books under sub-section (3) of Section 10 and the form of such notice-books ;

(m) for prescribing the form of statement to be submitted by employers under Section II ;

(n) for prescribing the cases in which the report referred to in Section 12 may be sent to an authority other than the Commissioner ;

(o) for many other matter which is or may be prescribed ; and

(p) generally for carrying out the provisions of this Regulation.

38. (1) The power to make rules conferred by Section 37 shall be subject to the condition of the rules being made after publication of rules. previous publication.

(2) The date to be specified in accordance with clause (c) of Section 6 of the Travancore General Clauses Regulation of 1072, as that at or after which a draft of rules proposed to be made under Section 37 will be taken into consideration shall not be less than three months from the date on which the draft of the proposed rules was published.

(3) Rules so made shall be published in Our Government Gazette and on such publication shall have effect as if enacted in this Regulation.

39. (1) Our Government may, by notification in Our Government Gazette, make rules for the transfer to any part of any other country of money deposited with a Commissioner under this Regulation which has been awarded to or may be due to any person residing or about to reside in such part and for the receipt, distribution and administration in Travancore of any money deposited under the law relating to workmen's compensation in any part of any other country and which has been awarded to or may be due to any person residing or about to reside in Travancore.

Rules to give effect to arrangements with other countries for the transfer of money paid as compensation.

Provided that no sum deposited under this Regulation in respect of fatal accidents shall be so transferred without the consent of the employer concerned until the Commissioner receiving the sum has passed orders determining its distribution and apportionment under the provisions of sub-sections 4 and 5 of Section 8.

(2) Where money deposited with a Commissioner has been so transferred in accordance with the rules made under this Section the provisions elsewhere contained in this Regulation regarding distribution by the Commissioner for compensation deposited with him shall cease to apply in respect of any such money.

SCHEDULE I.

[See Sections 2 (1) and (4).]

List of injuries deemed to result in permanent partial disablement.

Injury.	Percentage of loss of earning capacity.
Loss of right arm above or at the elbow	70
Loss of left arm above or at the elbow	60
Loss of right arm below the elbow	60
Loss of leg at or above the knee	60
Loss of left arm below the elbow	50
Loss of leg below the knee	50
Permanent total loss of hearing	50
Loss of eye	30
Loss of thumb	25
Loss of all toes of one foot	20
Loss of one phalanx of thumb	10
Loss of index finger	10
Loss of great toe	10
Loss of any finger other than index finger	5

NOTE.—Complete and permanent loss of the use of any limb or member referred to in this Schedule shall be deemed to be the equivalent of the loss of that limb or member.

SCHEDULE II.

[See Section 2 (1) (n).]

List of persons who, subject to the provisions of Section 2 (1) (n) are included in the definition of workmen.

The following persons are workmen within the meaning of Section 2 (1) (n) and subject to the provisions of that Section, that is to say, any person who is—

(i) employed, otherwise than in a clerical capacity or on a railway in connection with the operation or maintenance of a lift or a vehicle propelled by steam or other mechanical power or by electricity; or

(ii) employed, otherwise than in a clerical capacity, in any premises wherein, or within the precincts where of, on any one day of the preceding twelve months ten or more persons have been employed in any manufacturing process, as defined in the law relating to Factories for the time being in force, or in any kind of work whatever incidental to or connected with any such manufacturing process or with the article made, and steam, water or other mechanical power or electrical power is used ; or

(iii) employed for the purpose of making, altering, repairing, ornamenting, finishing or otherwise adopting for use, transport or sale any article or part of an article in any premises wherein or within the precincts whereof on any one day of the preceding twelve months, fifty or more persons have been so employed ; or

(iv) employed in the manufacture or handling of explosives in any premises wherein, or within the precincts whereof on any one day of the preceding twelve months, ten or more persons have been so employed ; or

(v) employed, in any mine as defined in clause (f) of Section 2 (1) of the Travancore Mines and Minerals Regulation, in any mining operation or in any kind of work, other than clerical work, incidental to or connected with any mining operation or with the mineral obtained, or in any kind of work whatsoever below ground :

Provided that any excavation in which on any day of the preceding twelve months more than fifty persons have been employed or explosives have been used, and whose depth from its highest or its lowest point does not exceed twenty feet shall be deemed not to be a mine for the purpose of this clause ; or

(vi) employed as the master or as a seaman of—

(a) any ship which is propelled wholly or in part by steam or other mechanical power or by electricity or which is towed or intended to be towed by a ship so propelled, or

(b) any ship not included in sub-clause (a) of fifty tons net tonnage or over ; or

(vii) employed for the purpose of loading, unloading, fuelling, constructing, repairing, demolishing, cleaning or painting any ship of which he is not the master or a member of the crew, or in the handling or transport within the limits of any port subject to the Travancore Ports Regulation, 1094, of goods which have been discharged from or are to be loaded into any vessel ; or

(viii) employed in the construction, repair or demolition of—

(a) any building which is designed to be or is or has been more than one story in height above the ground or twenty feet or more from the ground level to the apex of the roof, or

(b) any dam or embankment which is twenty feet or more in height from its lowest to its highest point, or

(c) any road, bridge, or tunnel ; or

(d) any wharf, quay, sea-wall or other marine work including any moorings of ships ; or

(ix) employed in setting up, repairing, maintaining, or taking down any telegraph or telephone line or post or any over-head electric line or cable or post or standard for the same ; or

(x) employed, otherwise than in a clerical capacity, in the construction, working, repair or demolition of any aerial ropeway, canal, pipeline, or sewer; or

(xi) employed in the service of any fire brigade; or

(xii) employed upon a railway either directly or through a subcontractor, by a person fulfilling a contract with the railway administration; or

(xiii) employed as an Inspector, guard, sorter or van peon in any Railway Mail Service or employed in any occupation ordinarily involving outdoor work in the Indian Posts and Telegraphs Department or the Travancore Anchal Department; or

(xiv) employed, otherwise than in a clerical capacity, in connection with operations for winning natural petroleum or natural gas; or

(xv) employed in an occupation involving blasting operations; or

(xvi) employed in the making of any excavation in which on any one day of the preceding twelve months more than fifty persons have been employed or explosives have been used, or whose depth from its highest to its lowest points exceeds twenty feet; or

(xvii) employed in the operation of any ferry boat capable of carrying more than ten persons; or

(xviii) employed, otherwise than in a clerical capacity, on any estate which is maintained for the purpose of growing cinchona, coffee, rubber or tea, and on which on any one day in the preceding twelve months twenty-five or more persons have been so employed; or

(xix) employed, otherwise than in a clerical capacity, in the generating, transforming or supplying of electrical energy or in the generating or supplying of gas; or

(xx) employed in a light-house, light-vessel, fog-signal, buoy, beacon, or any mark, sign or apparatus exhibited or used for the guidance of ships; or

(xxi) employed in producing cinematograph pictures intended for public exhibition or in exhibiting such pictures; or

(xxii) employed in the training, keeping or working of elephants or wild animals or any operations for the catching or hunting of elephants or other wild animals; or

(xxiii) employed as a diver; or

(xxiv) employed in any occupation involving the handling and manipulation of radium or X rays apparatus or contract with radio-active substances.

Explanation.—In this Schedule, "the preceding twelve months" relates in any particular case to the twelve months ending with the day on which the accident in such case occurred.

SCHEDULE III.
(See Section 3.)
List of occupational diseases.
PART A.

Anthrax.

Any employment :-

- (a) involving the handling of wool, hair bristles or animal carcasses or parts of such carcasses including hides, hoofs and horns, or
- (b) in connection with animals infected with anthrax, or
- (c) involving the loading, unloading or transport of any merchandise.

Compressed air illness or its sequelae.

Any process carried on in compressed air.

Poisoning by lead tetra-ethyl.

Any process involving the use of lead tetra-ethyl.

Poisoning by nitrous fumes.

Any process involving exposure to nitrous fumes

PART B.

Lead Poisoning or its sequelae excluding poisoning by lead tetra-ethyl.

Any process involving the use of lead or any of its preparations or compounds except lead tetra ethyl.

Phosphorous poisoning or its sequelae

Any process involving the use of phosphorous or its preparations or compounds.

Mercury poisoning or its sequelae.

Any process involving the use of mercury or its preparations or compounds.

Poisoning by benzene and its homologues or its sequelae of such poisoning.

Handling benzene or any of its homologues and any process in the manufacture or involving the use of benzene or any of its homologues.

Chrome ulceration or its sequelae

Any process involving the use of chromic acid or bichromate of ammonium, potassium or sodium or other preparations.

Arsenical poisoning or its sequelae.

Any process involving the production, liberation or utilisation of arsenic or its compounds.

Pathological manifestations due to :-

(a) radium and other radio-active substances.

Any process involving exposure to the action of radium, radio-active substances or X-rays.

(b) X rays.

Any process involving :-

Primary epitheliomatous cancer of the skin.

(a) the handling or use of tar, pitch bitumen, mineral oil paraffine or their compounds, products or residue of these substances ;

(b) the roasting or shelling of cashewnut or the handling of roast cashewnut or extraction of cashewnut oil.

SCHEDULE IV.

(See Section 4.)

Compensation payable in certain cases.

Monthly wages of the workman injured,		Amount of compensation for—		Half monthly payment as compensation for temporary disable- ment of adult.	
		Death of adult,	Permanent total disable- ment of adult,		
More than	But not more than			Rs. Half his wages.	As. monthly
Rs.	Rs.	Rs.	Rs.		
0	10	500	700		
10	15	550	770	5	0
15	18	600	840	6	0
18	21	630	882	7	0
21	24	720	1,008	8	0
24	27	810	1,134	8	8
27	30	900	1,260	9	0
30	35	1,050	1,470	9	8
35	40	1,200	1,680	10	0
40	45	1,350	1,890	11	4
45	50	1,500	2,100	12	8
50	60	1,800	2,520	15	0
60	70	2,100	2,940	17	8
70	80	2,400	3,360	20	0
80	100	3,000	4,200	25	0
100	200	3,500	4,900	30	0
200	...	4,000	5,600	30	0

Annexure IV.

THE TRAVANCORE MARKETS REGULATION
(AMENDMENT) BILL.*(As passed by the Sri Mulam Assembly).*

A Regulation to amend the Travancore Markets Regulation of 1092 (Regulation VII of 1092 for certain purposes

Whereas it is expedient further, to amend the Travancore Markets Regulation of 1092 (Regulation VII of 1092) as amended by Regulation VI of 1109 for the purposes hereinafter appearing ; It is hereby enacted as follows :—

Short title and commencement. (1. (1) This Regulation may be called the Travancore Markets (Amendment) Regulation, III—

(ii) It shall come into force at once.

Amendment of Section 28, Regulation VII of 1092. 2. In Section 28 of the Travancore Markets Regulation of 1092) Regulation VII of 1092) as amended by Regulation VI of 1109.

(i) in sub-section (1), for the word "Dewan", the words "Land Revenue and Income-Tax Commissioner" shall be substituted.

(ii) the provisos to sub-section (2) shall be deleted.

(iii) after sub-section (2), the following shall be inserted as sub-sections (3) and (4), and the existing sub-sections (3) and (4) shall be re-numbered as sub-sections (5) and (6) :—

"(3) There shall be no appeal from the decision or order passed in appeal by the Land Revenue and Income-Tax Commissioner or by the Division Peishkar.

(4) It shall be lawful for the Dewan to revise any decision or order passed by any subordinate officer under this Regulation.

Annexure V.

**THE TRAVANCORE VILLAGE PANCHAYAT COURTS
REGULATION (AMENDMENT) BILL.**

(As passed by the Sri Mulam Assembly).

**A REGULATION TO AMEND THE TRAVANCORE VILLAGE PANCHAYAT
COURTS REGULATION (REGULATION I OF 1090) AS AMENDED
BY REGULATION II OF 1106.**

Whereas it is expedient to amend the Travancore Village Panchayat
Courts Regulation (Regulation I of 1090 as amended
by Regulation II of 1106) for a certain purpose; It is
hereby enacted as follows:—

- Preamble.
1. (1) This Regulation may be called the Travancore Village Panchayat
Short title and Courts (Amendment) Regulation 111 .
commencement. (ii) It shall come into force at once.
2. In Section 76 of the Travancore Village Panchayat Courts Regulation
(Regulation I of 1090 as amended by Regulation II of
1106), between the words "the value of the suit" and
the words "shall paid," the following words shall be
inserted, namely.—
- Amendment of
Section 76, Regula-
tion I of 1090.

“Subject to a minimum of one chuekram.”

Annexure VI.

**THE TRAVANCORE REVENUE SUMMONS REGULATION
AMENDMENT BILL.**

(As passed by the Sri Mulam Assembly)

**A REGULATION TO AMEND THE TRAVANCORE REVENUE SUMMONS
REGULATION (V OF 1063) AS AMENDED BY REGULATIONS
V OF 1099 AND IV OF 1105 FOR A CERTAIN PURPOSE.**

Whereas it is expedient to amend the Revenue Summons Regulation
(Regulation V of 1063) as amended by Regulations V
of 1099 and IV of 1105 for a certain purpose; It is
hereby enacted as follows:—

Preamble.

1. (i) This Regulation may be called the Travancore Revenue Sum-
mons (Amendment) Regulation 1114 —
Short title and
commencement.

(ii) It shall come into force at once.

2. In the second sentence in Section 4 of the Revenue Summons Regu-
lation (Regulation V of 1063) as amended by Regula-
tions V of 1099 and IV of 1105, for the words "If the
person summoned cannot be found" the following words
shall be substituted, namely:—
Amendment of
Section 4 of Regula-
tion V of 1063.

"If such persons refuse to acknowledge service of the summons as
aforesaid, or if the person summoned cannot be found."

—————

Annexure VII.

A BILL TO AMEND THE TRAVANCORE CREDIT BANK REGULATION (REGULATION IV OF 1113).

(As passed by the Sri Mulam Assembly.)

Whereas it is expedient to amend the Travancore Credit Bank Regulation (Regulation IV of 1113) for a certain purpose; It
Preamble. is hereby enacted as follows :- -

8. (i) This Regulation may be called the Travancore Credit Bank
Short title and (Amendment) Regulation 1114—
commencement.

(ii) It shall come into force at once.

2. In Section 23 of the Travancore Credit Bank Regulation, the following words shall be inserted between the words "granted by it" and "may on default of due payment,"
Amendment of Section 23 of Regulation IV of 1113. namely :—

"or on account of the loans of the Travancore State Land Mortgage Bank taken over under Section 17."

THE TRAVANCORE KRISHNANVAKA MARUMAKKATHAYEE
BILL.

(AS PASSED BY THE SRI CHITRA STATE COUNCIL.)

A Bill to define and amend the law relating to the marriage succession tarwad management and partition amongst the Krishnanvaka Marumakkathayees.

Preamble. Whereas it is expedient to define and amend the law relating to marriage, succession tarwad management and partition amongst the Krishnanvaka Marumakkathayee it is hereby enacted as follows :---

CHAPTER I.

Preliminary.

1. (i) This Act may be called the Travancore Krishnanvaka Marumakkathayee Act and it shall come into force at once.

Short Title and commencement.

(ii) It shall apply to all Krishnanvaka-Marumakkathayees domiciled in Travancore and to such Krishnanvaka-Marumakkathayees, not so domiciled and non-Krishnanvaka-Marumakkathayees whether so domiciled or not, as have or shall have marital relation with Krishnanvaka-Marumakkathayees domiciled in Travancore.

2. In this Act, unless there is something repugnant in the subject or context,

(i) Krishnanvaka-marumakkathayee means a member of the Krishnanvaka community following Marumakkathayam.

Definition.

(ii) "Marumakkathayam" means the system of inheritance in which descent is traced in the female line.

Marumakkathayam.

(iii) "Thavazhi of a female" means a group of persons consisting of that female and her issue how-so-ever in the female line or such of that group as are alive.

Thavazhi of a female.

(iv) "Thavazhee of a male" means the Thavazhi of his mother.

Thavazhi of a male.

(v) "Collateral Thavazhees" are Thavazhees of females who, though descended from a common ancestress, do not stand in the direct line of ascent or descent from one another.

Collateral Thavazhees.

(vi) "Tarwad" means and includes all the members of a Marumakkathayam family, with community of property.

Tarwad.

(vii) "Karanavan" means the senior major male member of the tarwad in whom the headship of the tarwad, the right of management of its affairs and the possession of the properties thereof, are vested in law, and in the absence of such male member, the senior major female member.

Karanavan.

(viii) "Anandaravan" means any member of a tarwad other than the Karanavan.

Anandaravan.

(ix) "Senior Anandaravan" means the major Anandaravan who for the time being is next in the order of succession to Karanavasthanam in the tarwad.

Senior Anandaravan.

(x) "Minor" means a person who has not completed eighteen years of age.

Minor.

(xi) "Prescribe" means to prescribe by Rules made by Government under this Act.

CHAPTER II.

Marriage and its dissolution.

3. The conjugal union of a Krishnanvaka Marumakkathayee female subject to the restrictions of consanguinity and affinity,

The Conjugal unions of Krishnanvaka Marumakkathayee females when to be valid marriages.

with :—

i. A Krishnanvaka Marumakkathayee male, or
 ii. Any male other than a Krishnanvaka Marumakkathayee with whom conjugal union is permitted according to recognised social custom and usage, openly solemnised by the presentation of cloth to the female by the male, whether so solemnised before the date on which this Act comes into force or so solemnised subsequent to that date, shall be deemed to be a valid marriage for all legal purposes :

Provided that, in conjugal union so solemnised after the date on which this Act comes into force, in the case of a male who has not completed eighteen years of age or of a female who has not completed sixteen years of age, such conjugal union shall not be deemed to be a valid marriage unless it takes place with the consent of his or her legal guardian, or unless such conjugal union is recognised and continued after the attainment of eighteen or sixteen years of age, as the case may be, as the party or parties concerned.

ILLUSTRATIONS.

(a) C, a male, commits adultery with B who has married A, or entices away B who, he knows has married A. C is liable to punishment under Section 500 or 501, Travancore Penal Code.

(b) C, a male, marries B who has married A, during the continuance of A's marriage. Such marriage being void under Section 8, B and C are liable to punishment for bigamy under Section 497, Travancore Penal Code and abetment thereof, respectively.

(c) A, a male, having sufficient means neglects or refuses to maintain B whom he has married. B is entitled to apply for maintenance under Chapter XXXV, Criminal Procedure Code.

(d) B, a female, who has married A, refuses to cohabit with the latter without just cause. A may bring a civil suit for restitution of conjugal rights.

4. Marriage is dissolved only in one of the following ways :

Dissolution of marriage.

- (i) By the death of either party ; or
- (ii) By mutual consent evidenced by a registered instrument ; or
- (iii) By a formal order of dissolution as hereinafter provided.

5. A husband or wife may, notwithstanding anything contained in the Civil Courts Act present a petition for dissolution of the marriage, under Section 4, Clause (3), in the Court of the District Munsiff within the local limits of whose jurisdiction the respondent resides, carries on business, or personally works for gain, or, if the respondent resides, carries on business or personally works for gain in any place outside Travancore, in the Court of the District Munsiff within whose jurisdiction the petitioner resides, on any of the following grounds, namely, insanity, incurable disease, impotency, incompatibility of temperament, habitual cruelty, adultery or change of religion :

Provided that the wife shall herself be competent to apply for divorce if she has completed sixteen years of age.

6. A copy of such petition as aforesaid shall be served on the respondent at the expense of the petitioner, and in the manner provided for the service of summons on a defendant in the Code of Civil Procedure.

7. (i) *a.* Where the petitioner alleges adultery as the ground for the dissolution and where the respondent opposes the prayer for dissolution, that petition shall be dismissed unless the person with whom adultery is alleged to have been committed is impleaded as co-respondent :

Provided such person is known and alive and his whereabouts can be ascertained on a diligent enquiry :

Provided also that, in cases where the petitioner is the wife, the co-respondent need not be impleaded.

(b) If the petition is not dismissed, copy of the petition shall be served, in the manner aforesaid, also on the co-respondent, if any.

(c) Notwithstanding anything contained in the previous paragraphs the Court may, if it is not satisfied with the good faith of the allegation contained in the petition mentioned therein or that the petitioner has not been in any way accessory to or has not connived at or not condoned the adultery set forth in the petition or that there has been no unnecessary or improper delay in presenting the petition, dismiss the same.

(ii) Three months after the service of the copy as aforesaid, if the petition is not withdrawn in the meantime, and

(a) If the petition is not opposed with respect to any of the grounds mentioned in Section 5, or if the respondent, while denying the allegations contained in the petition, agrees to the dissolution, the Court shall without going into the grounds alleged, declare in writing the marriage dissolved.

(b) If the respondent does not agree to the proposed dissolution and denies the allegations in the petition, the Court shall enquire into the allegations in the petition and, after considering the evidence adduced by the parties shall order the dissolution of the marriage if the grounds set forth in the petition are made out, and shall dismiss the same in case they are not made out.

(iii) At the time of passing the order referred to in sub section (ii)

(a) If the petitioner is the husband and his prayer is granted, the Court shall, except where the respondent lives in adultery or has changed her religion award to the wife such compensation not exceeding Rs. 5,000 or such monthly allowance till her re-marriage as would be proper under the circumstances, having regard to the position, means and circumstances of the parties.

(b) If the petitioner is the wife and her prayer is granted on the ground of adultery, habitual cruelty, or change of religion, the Court shall also decree in her favour such compensation not exceeding Rs. 5,000 or such monthly allowance till her re-marriage as would be proper under the circumstances, having regard to the position, means and circumstances of the parties.

Explanation—“Habitual cruelty” shall include wilful desertion for a period of two years or more and shall also include persistent neglect on the part of the husband to maintain the wife.

(iv) Subject to the provisions of the Code of Civil Procedure, the Rules framed by Government under sub-section (viii) of this Section, and the provisions of the Limitation Act, applicable to appeals from original decrees, an appeal shall lie to the High Court at the instance of any aggrieved party from any decision of the District Munsiff relating to dissolution, or award, or both, except when it relates exclusively to costs; and when an appeal is preferred, court fee shall be levied on the value of the subject-matter in appeal under the Court Fees Act:

Provided that no appeal shall lie against a decision of the District Munsiff relating to the dissolution of marriage except on the ground of the decision being contrary to some law or usage having the force of law, or of some substantial error or defect in the procedure or investigation of the case which may have produced error or defect in the decision of the case.

(v) In so far as it awards payment of compensation or costs an order of the District Munsiff or an order passed on appeal shall, subject to the provisions of the Limitation Act relating to the execution of decrees, be executable as a decree:

Provided, however, that an order of the District Munsiff awarding compensation shall become executable only on payment of court fee on the sum adjudged;

(vi) Save in so far as they may be inconsistent with anything contained in this Section, or with Rules framed by Government under sub-section (viii) of this Section, the provisions of the Code of Civil Procedure relating to the trial of a suit shall apply to all proceedings under this Section:

Provided, that all proceedings under this Section either before a Court or before a commissioner appointed by a Court shall be held in camera and that publication of any account of such proceedings, except the final order and the decree thereon, shall be punishable with simple imprisonment for a term of six months or with fine which may extend to Rs. 1,000, or both:

Provided also that the parties may give evidence against each other by means of affidavits and may be compelled to appear to give oral evidence only for cross-examination and re-examination on the affidavits.

(vii) The costs decreed in favour of the petitioner may be made payable by the respondents to the proceedings, if any.

(viii) (a) The Government shall, in accordance with Rules to be framed, at a point wherever necessary persons within the jurisdiction of each District Munsiff to be delegates to aid in an enquiry under this Chapter. The persons so appointed shall be Krishnanvaka Marumakkathayee males or females and their names shall be published in the Government Gazette. The delegates to aid in an enquiry shall be selected by the Court in rotation from the delegates appointed for each Court, and the decision on the facts in respect of the grounds for dissolution shall be the decision of the majority of the delegates before whom the trial is held, questions of law and procedure alone being determined by the presiding Munsiff.

(b) The Government may also frame Rules providing for the qualifications of the delegates, the number of delegates required for each trial, the choosing of the delegates, the duties of the Munsiffs and of the delegates other than those specifically provided for, the procedure to be followed in case of difference of opinion among the delegates, the interference by the High Court with the verdict of the delegates, and generally for the purpose of giving effect to the provisions of paragraph (a) of this sub-section.

(ix) During an enquiry for dissolution of a marriage under this Chapter the Court may, from time to time, pass such interim orders and make such provisions in the final order as it may deem just and proper with respect to the custody, maintenance, education and marriage of the minor children, the dissolution of the marriage of whose parents is the subject of such enquiry.

8. (i) A subsequent marriage of a female or of a male, during the continuance of a prior marriage, and performed after the commencement of this Act is void.

Subsequent marriage when void

(ii) Notwithstanding anything contained in sub-section (1), the marriage of a non-Krishnanvaka Marumakkathayee male in his own caste shall not be void though he has married a Krishnanvaka Marumakkathayee wife before the commencement of this Act.

CHAPTER III.

Maintenance and Guardianship.

9. The wife and minor children, except married daughters under the guardianship of their husbands, shall be entitled to be maintained by the husband or father, as the case may be:

Maintenance of wife and minor children

Provided that the wife shall not be entitled to maintenance if she refuses to live with the husband without just cause or has changed her religions.

Nothing herein contained shall effect the rights of the wife or widow and the children to be maintained by their own tarwad.

10. (i) The husband shall be the legal guardian of his minor wife and save as regards married daughters under the guardianship of their husbands, the father the legal guardian of his minor children in respect of their person and property:

Guardianship of minor wife and children

Provided that the guardianship shall not extend to the right and interest of his wife or children in their tarwad property.

(ii) Where a female has minor children by a husband deceased or divorced, she shall, subject to the provisions of sub-section (ix) of Section 7, be the legal guardian in respect of their person as also of the separate property belonging to them.

CHAPTER IV.

Intestate Succession.

11. On the death of a Krishnanvaka—Marumakkathayee male leaving him surviving a widow or mother or both and also children or the lineal descendants of deceased children or both, they shall take the whole of the self-acquired and separate property left undisposed of by him at his death. In the absence of the mother and the widow, the children and the lineal descendants of deceased children shall take the whole, and in the absence of the mother, widow and children, the lineal descendants of deceased children, shall take the whole.

Where intestate Krishnanvaka Marumakkathayee male has left widow, mother children or lineal descendants.

12. The distribution of the estate under Section II shall be according to the following rules :

Rules of distribution estate under Section.

(i) The widow or widows if there are more than one and the mother shall each be entitled to a share equal to that of a son or daughter.

(ii) Sons and daughters shall take the property in equal shares:

Provided that, if a son or daughter shall have predeceased the intestate, the lineal descendants of such child shall take the share which such child would have taken had it survived the intestate.

(iii) Grand-children shall take in equal shares what their father or mother would have taken had he or she survived the intestate. In like manner, the property shall go to the surviving lineal descendants of the intestate, where they, are all in the degree of great-grand children to him or in a more remote degree.

Illustrations.

(a) Z dies intestate leaving A and B two widows, C his mother, D a son, E a daughter and the lineal descendants of the deceased son F, A, B, C, D, and E, each gets one-sixth of the estate and the lineal descendants of F together get one sixth of the estate.

(b) Z dies leaving him surviving A, a son, B a daughter, two grand-children by a deceased daughter C, and two grand-children and one great grand-child by a deceased son D, A and B shall each be entitled to one fourth of Z's estate ; each of the grand-children by C, shall be entitled to one-eighth; each of the grand-children by D, shall be entitled to one-twelfth; and the great, grand-child by D shall be entitled to one-twelfth of Z's estate.

13. On the death of a Krishnanvaka Marumakkavazhee male leaving him surviving no children or lineal descendants of deceased children but only his widow or widows and his mother, one-half of the self acquired and separate property left undisposed of by him at his death shall devolve on his mother and the other half on his widow or widows.

Where intestate Krishnanvaka Marumakkavazhee male has left widow and mother only.

In the absence of the widow, the mother shall take the whole.

14. On the death of a Krishnanvaka Marumakkathayee male leaving him surviving neither his mother nor his lineal descendants but only his widow and his mother's Thavazhee, one-half of the self acquired and separate property left undisposed of by him at his death shall devolve on his widow and the other half on his mother's Thavazhee.

Where intestate Krishnanvaka Marumakkavazhee male has left widow and mother's Thavazhee only.

In the absence of the mother's Thavazhee, the widow shall take the whole, and in the absence of the widow, the mother's Thavazhee shall take the whole.

15. On the death of a Krishnanvaka-Marumakkathayee male leaving him surviving none of the heirs mentioned in Sections 11, 13 and 14 but only his father and his grand-mother's Thavazhee, one half of the self acquired and separate property left undisposed of by him at his death shall devolve on his father and the other half on his grand-mother's Thavazhee.

Where intestate Krishnanvaka Marumakkathayee male has left father and grand-mother's Thavazhee only.

In the absence of the grand-mother's Thavazhee, the father shall take the whole and in the absence of his father the grand-mother's Thavazhee shall take the whole.

16. On the death of a Krishnanvake-Marumakkathayee male leaving him surviving none of the heirs mentioned in Section 11, 13, 14 and 15 the self acquired and separate property left undisposed of by him at his death shall devolve on the Thavazhee of his great mother or on the Thavazhee of his more remote female ascendants the nearer excluding the more remote.

Where intestate Krishnanvaka-Marumakkathayee male has left none of the heirs mentioned in Sections 11, 13, 14 and 15.

17. On the death of a Krishnanvaka-Marumakkathayee female leaving her surviving her children or the lineal descendants of the deceased children or both, they shall take the whole of the self-acquired and separate property left undisposed of by her at her death.

Where intestate Krishnanvaka-Marumakkathayee female has left children or lineal dependents of deceased children.

The provisions contained in Section 12, clauses (ii) and (iii), shall apply to the distribution of the estate among the lineal descendants of the intestate female.

Provisions of Section 12 to apply to distribution of estate.

18. On the death of a Krishnanvaka-Marumakkathayee female leaving no lineal descendants surviving her, the whole of the self acquired and separate property left undisposed of by her at her death shall devolve on her mother's Thavazhee.

Where intestate Krishnanvaka-Marumakkathayee female has left mother's Thavazhee only.

19. On the death of a Krishnanvaka-Marumakkathayee female leaving her surviving none of the heirs mentioned in Sections 17 and 18, but only her husband and her grand-mother's Thavazhee one-half of the self-acquired and separate property left undisposed of by her at her death shall devolve on her husband and the other half on her grand mother's Thavazhee.

Where intestate Krishnanvaka Marumakkathayee female has left husband and grand mother's Thavazhee only.

In the absence of the grand-mother's Thavazhee, the husband shall take the whole, and, in the absence of the husband, the grand-mother's Thavazhee shall take the whole.

20. On the death of a Krishnanvaka-Marumakkathayee female leaving her surviving none of the heirs mentioned in Sections 17, 18 and 19, the self-acquired and separate property left undisposed of by her at her death shall devolve on the Thavazhee of her great grand mother or on the Thavazhee of her more remote female ascendants, the nearer excluding the more remote.

Where intestate Krishnanvaka Marumakkathayee female has left none of the heirs mentioned in Sections 17, 18 and 19.

21. (i) On the death of a non-Krishnanvaka-Marumakkathayee male marrying a Krishnanvaka Marumakkathayee female after the commencement of this act and leaving him surviving by such marriage a widow or children or the lineal descendants of the deceased children or all they shall, if the deceased has also left heirs according to the Law by which he is governed, be entitled, after deducting the reasonable expenses of his funeral, to one-half of the self-acquired and separate property left undisposed of by him at his death, and in the absence of heirs according to the law by which he is governed, such widow or children or the lineal descendants of the deceased children or all shall be entitled to the whole of such property.

Where intestate non-Krishnanvaka-Marumakkathayee male has left Krishnanvaka Marumakkathayee widow-children or lineal descendants of deceased children.

(ii) On the death of a non-Krishnanvaka-Marumakkathayee male whose marriage with a Krishnanvaka Marumakkathayee female is subsisting on the date of the commencement of this Act leaving him surviving by such marriage a widow or children or the lineal descendants of deceased children or all, they shall, if the deceased has also left heirs according to the law by which he is governed, after deducting the reasonable expenses of his funeral, be entitled to one-fourth of the self-acquired and separate property left undisposed of by him at his death, and in the absence of heirs according to the law by which he is governed, such widow or children or the lineal descendants of deceased children or all shall be entitled to the whole of such property.

(iii) Nothing in this Section shall confer any right on a party to or the offspring of a marriage dissolved before the commencement of this Act.

22. (i) Property acquired by gift or bequest by the wife or widow or child or children from the husband or father, as the case may be after the passing of this Act shall unless a contrary intention is expressed in the instrument of gift or bequest if any, belong to the wife or widow and each of the children in equal shares.

Property acquired by gift or bequest from husband or father.

(ii) The rules for the devolution and distribution of the property of an intestate as herein before provided shall, so far as they may be, apply to property mentioned in subsection (1), as also to property acquired under Section 21 of this Act.

Rules for the devolution and distribution of the property.

23. The senior adult male member among the lineal descendants of the intestate, or in the absence of any adult male member the widow of the eldest of the widows, if there are more than one *and in the absence of both adult male members and a widow, the senior adult female member among the lineal descendant, of the intestate* shall be entitled to the possession and management of the estate mentioned in Sections 11, 13, 14 and 17, until division is effected. In like manner, the Karanavan of the Thavazhee mentioned in Sections 15, 16, 18, 19 and 20 shall be entitled to the possession and management of the estate referred to therein until division is effected.

CHAPTER V.

TESTAMENTARY SUCCESSION.

24. Notwithstanding anything contained in Section I of this Act, any Hindu may dispose of by will the whole of his or her self-acquired or separate property.

CHAPTER VI.

TARWAD AND ITS MANAGEMENT.

25. Except for consideration and tarwad necessity and with the written consent of all the major members of the tarwad, no Karanavan or other managing member shall sell tarwad immovable property or mortgage it with possession for a period of more than twelve years, or lease it for a period of more than twelve years.

26. No mortgage with possession of such tarwad property, or lease with premium of such property for a period of twelve years or less, shall be valid, unless it is executed for consideration and tarwad necessity, and with the consent of all the major members of the tarwad.

Such necessity and consent may be presumed to exist if the transaction has the written consent of the senior Anandaravan of the Karanavan's Thavazhee and of every Thavazhee collateral to the same, if any.

27. No debt contracted by the Karanavan or other managing member shall bind the tarwad, unless it be for tarwad necessity.

28. Where a Karanavan creates a mortgage without any term or a lease for a period of twelve years or less without any premium therefor, in respect of tarwad property, or incurse a debt, alleging the existence of tarwad necessity, such necessity shall, as between the mortgagee, lessee, or creditor on the one part and the members of the tarwad who have not assented to the mortgage, lease, or debt on the other part, be presumed to have existed, if the mortgagee, lessee or creditor, after using reasonable care to ascertain the existence of such necessity, has acted in good faith.

29 Any member of the tarwad shall be at liberty to give up the right of management as Karanavan by a unilateral surrender, evidenced by a registered instrument, after such management becomes vested in him by law.

30. A Karanavan may delegate his powers only under a registered instrument.

Delegation of powers by a Karanavan how to be done.

31. No decree shall bind a Tarwad unless it is obtained against the Karanavan as such and the senior Anandaravan of his Thavazhee and of every Thavazhee collateral to the same, if any.

What decree shall bind the Tarwad.

32. Every member of a Tarwad shall be maintained by the tarwad whether such member lives in the Tarwad house or not.

All members entitled to maintenance from the Tarwad.

CHAPTER VII.

PARTITION OF TARWAD PROPERTY.

33. Subject to the provisions of Sections 34, 35 and 36, every adult member of a Tarwad shall be entitled to claim his or her share of the properties of the Tarwad.

Right to claim partition.

34. (i) No member of a Tarwad shall claim or be compelled to divide from any other member or members of the Thavazhee of his or her lineal ascendant in the female line during the life time of such lineal ascendant without her consent.

Partition not allowed during life time of female ascendant without her consent.

(ii) Notwithstanding anything contained in sub-section (1), every adult member of a Tarwad shall be entitled to claim division even during the life time of the female ascendant or without her consent:—

Partition when allowed during life time of female ascendant.

(a) If the female descendants of such female ascendant (i) have no issue living or have only male issue and (ii) are past the child-bearing age; or

(b) If the majority of the adult members among her descendants consent to division; or

(c) If the female ascendant is past the child-bearing age and has only adult male children.

35. When a tarwad consists only of an adult member and minors, the adult member shall not be entitled to divide from the minors.

Adult member when not allowed to divide from minors.

36. Every female member who claims to get her share of the tarwad properties shall also claim and also shall be entitled to get the shares of her minor children in such properties.

Female member claiming division entitled to get shares of minor children.

37. After the death of the lineal ascendant referred to in Section 34 or with her consent:—

Who may claim partition and when.

(i) The senior Anandaravan of any collateral Thavazhee or the majority of the other adult members of such Thavazhee on behalf of such Thavazhee, or,

(ii) Each of the male children or female children without issue who are not included in the Thavazhee referred to in sub-clause (1), may claim an outright partition of property over which the tarwad has the power of disposal.

38. Any individual or Thavazhee mentioned in Section 34 and 37 shall be entitled to so much of the tarwad properties as will fall to such individual or to the members of such Thavazhee as a whole if a division *per capita* were made among all the members of the tarwad at the time of partition.

Share on partition.

39. (a) Until partition, no member of the tarwad shall be deemed to have a definite share in tarwad property liable to be seized in execution nor shall such member be deemed to have any alienable or heritable interest therein;

Nature of right to Tarwad property before partition and title to independent share of property.

(b) if a member or group of members entitled to claim partition under the foregoing provisions of this Chapter institute a suit for partition of the share due to such member or group of members, such share shall be deemed to have become partitioned as from the date on which such suit is instituted.

(c) If in any suit referred to in clause (b) any other member or group of members entitled to claim partition demands in writing a partition of the share due to such member or group of members, such share shall be deemed to have become partitioned as from the date on which such demand is made.

40. If a person was in management of his or her tarwad one-fourth of the acquisitions, if any, made by such person during such management with the aid of the income from tarwad property, shall, on partition be allotted to him or her in addition to the share which he or she would otherwise be entitled to get.

When manager entitled to share in acquisitions by aid of Tarwad income.

41. Property acquired by gift or bequest from the husband or father before the commencement of this Act shall, for the purpose of this Chapter, in the absence of evidence to the contrary, be treated as the tarwad property of the donees or devisees and of their Thavazhee.

Property required by gift or bequest from husband or father before this Bill passed into Act.

42. If any property or right rendered divisible under this chapter is incapable of a tual division or cannot be divided without seriously lessening its value or utility, the Court shall have power to direct the sale or enjoyment in common or by turns of such property or right as the circumstance of the particular case would permit.

Power of court to direct sale etc of property incapable of division.

CHAPTER VIII.

Impartible tarwad.

43. The Government may, by Notification in the Government Gazette, exempt any tarwad from the provisions of Chapter VII, within six months from the commencement of this Act on an application by the majority of the major members of the tarwad, and may, at any time, by a like Notification, on an application by the majority of the major members of the tarwad, rescind such declaration.

Impartible Tarwad.

CHAPTER IX.

Supplemental Provisions.

Saving. 44. Nothing in this Act shall :
 (a) affect the existing rules of Marumakkathayam law, custom, or usage, except to the extent herein before expressly provided for ; or
 (b) confer any rights on the parties to a marriage dissolved before this Act comes into force ; or
 (c) affect the status and rights of children born to parents where the female enters into marriage with the male without notice of and ignorance of any prior subsisting marriage of the same male owing to mistake, misrepresentation or fraud practised on the said female or her guardians as the case may be

45. Notice of a marriage under this Act shall be given by the husband to such authority, in such form, and within such time as the Government may prescribe. On failure to give such notice the husband shall be liable to be punished with fine which may extend to one hundred rupees, but such failure shall not invalidate the marriage or affect the legal rights of the parties to or the offspring of such marriage :

Notice of a marriage.

Provided that this Section shall not apply to marriages subsisting on the date of the commencement of this Act.

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