

PROCEEDINGS
OF THE
TRAVANCORE SRI MULAM ASSEMBLY.

(OFFICIAL REPORT)

SECOND ASSEMBLY.

NINTH SESSION.

Monday, the 4th August 1941|20th Karkatagam 1116.

Vol. XVIII—No. 11.

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Proceedings
of
THE TRAVANCORE SRI MULAM ASSEMBLY.

(OFFICIAL REPORT.)

SECOND ASSEMBLY.

NINTH SESSION, 1941/1116.

Monday, the 4th August 1941/10th Karkatakam 1116.

The Assembly met again in the Legislative Chamber, Public Offices, at Eleven of the Clock with the Dewan-President in the Chair.

MEMBERS SWORN.

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

- Mr. J. W. Chacko (*Superintendent, Workshops and Stores, in charge of the duties of the Chief Engineer*).
- Dr. D. Jivanayagom (*Honorary Secretary, S. P. C. A., Trivandrum*).
- Rajyasevapravina Khan Bahadur G. S. Abdul Karim Sahib Subhrawardy (*Inspector-General of Police*).
- Mr. A. Narayanan Tampi (*Census Commissioner*).
- Mr. K. P. Padmanabha Menon (*Electrical Engineer to Government*).
- Mr. E. G. Salter (*Director of Transport*).
- Rao Bahadur T. V. Venkiteswara Aiyar (*Conservator of Forests*).

QUESTIONS AND ANSWERS

Bus service between Chathannur and Quilon.

371. * MR. P. KUNJUKRISHNAN (*Quilon cum Kottarakara*) :
Will the Government be pleased to state :

(a) the number of buses which were plying between Chathannur and Quilon other than the usual Trivandrum-Quilon line buses, before the inauguration of the State Transport Service between Trivandrum and Quilon ;

(b) whether great hardship is experienced by the public on account of want of accommodation in Transport buses between Chathannur and Quilon ;

(c) if answer to part (b) is in the affirmative, whether any steps have been taken thereon ; and

(d) if so, the nature of the steps ?

MR. E. G. SALTER : (a) One.

(b) No.

(c) and (d) These do not arise in view of the above answer.

MR. P. KUNJUKRISHNAN Sir, may I know whether the answers were prepared before the demand for the Department was presented to the Assembly or after?

MR. E. G. SALTER: Before, Sir.

Extension of the term of the Legislature.

372. *MR. K. G. GOVINDAN (*Pattanamthitta*): Will the Government be pleased to state:

(a) whether they are aware of certain announcements in local newspapers sometime back, regarding strong rumours of further extension of the term of both the Houses of Legislature;

(b) whether those rumours are true; and

(c) if there were no such rumours, whether Government have refuted the newspaper announcement?

RAJYASEVAPRAVINA M. K. NILAKANTA AIYAR (*Chief Secretary to Government*): (a) Government's attention has been drawn to some such announcement.

(b) Government have arrived at no final decision.

(c) No.

MR. KANNANTHODATH JANARDANAN NAIR (*Karunagapalli cum Kartikapalli*): May I know whether any honourable member of this House or of the upper House has applied to Government for extension of the term of the Legislature?

RAJYASEVAPRAVINA M. K. NILAKANTA AIYAR. No, Sir.

MR. KAINIKARA M. PADMANABHA PILLAI (*Changanacherry cum Peer-made*): Is there any provision for such an application?

RAJYASEVAPRAVINA M. K. NILAKANTA AIYAR: No, Sir.

Water-logging in Alahappapuram Village.

373. *MR. K. NARAYANAPERUMAL NADAR (*Tovala cum Agastisvaram*): Will the Government be pleased to state:

(a) whether there is a proposal to construct a kal for diverting the course of water;

(b) whether any house has or houses have to be removed for the purpose of constructing the kal;

(c) whether Government received any petition from the people of the village protesting against the possible destruction of houses;

(d) if the answer to (c) is in the affirmative, whether the petition was inquired into; and

(e) whether the Director of Public Health had visited the locality soon after Government received the petition referred to in (c)?

MR. J. W. CHACKO: (a) Yes.

(b) No.

(c) Yes.

(d) Yes.

(e) No.

P. W. D. Maistries in the Trivandrum Division.

374. *MR. T. T. KESAVAN SASTRI (Nominated) : Will the Government be pleased to lay on the table a statement, by caste, of the P. W. D. Maistries in the Trivandrum Division?

MR. J. W. CHACKO : The * statement required is placed on the table.

MR. PADIYARA JOSEPH KUNJU (*Changanacherry cum Feermade*):
 ൨൪൭ മേശ്വീരിമാരുള്ളതിൽ സാറിയൻ കാത്താലിക സിൽ നിന്നു
 രണ്ടുപേരെ കാണുന്നുള്ളു. കൂടുതൽ ആളുകളെ നിയമിക്കാതിരുന്ന
 തന്നുവല്ല പ്രത്യേക കാരണവുമുണ്ടോ?

MR. J. W. CHACKO : അതിനു പ്രത്യേക കാരണമൊന്നുമില്ല.

MR. PADIYARA JOSEPH KUNJU : പിന്നെയെന്താണു അവർ ശ
 രായ പ്രാതിനിധ്യം ലഭിക്കാതിരുന്നത് ?

MR. J. W. CHACKO : അവർ അപേക്ഷിച്ചിട്ടില്ലായിരിക്കാം, അ
 ല്ലങ്കിൽ അവരിൽ യോഗ്യതയുള്ളവർ ഇല്ലായിരിക്കാം.

MR. PADIYARA JOSEPH KUNJU : ഇതു രണ്ടിൽ ഏതാണ് ഏന്നു
 ഖണ്ഡിതമായി പറയാമോ?

MR. J. W. CHACKO : ഏതു മേശ്വീരിമാരുടെ കാര്യമാണെന്നു പറ
 ണ്താൽ പറയാം.

MR. PADIYARA JOSEPH KUNJU : ൨൪൭ മേശ്വീരിമാരിൽ സി
 റായൻ കാത്താലിക സിൽ നിന്നും കൂടുതൽ ആളുകളെ നിയമിക്കാതെ
 രണ്ടു പേരെ മാത്രം നിയമിക്കാനുള്ള കാരണമെന്താണെന്ന് ഞാൻ
 ചോദിച്ചുതു്.

MR. J. W. CHACKO : അതിനു മറുപടി പറഞ്ഞു കഴിഞ്ഞു.

MR. PADIYARA JOSEPH KUNJU : മറുപടി തൃപ്തികരമല്ലാ എന്നാണു
 ഞാൻ പറയുന്നത്.

PRESIDENT : The honourable member may either answer or not
 answer.

MR. PADIYARA JOSEPH KUNJU : Sir,

PRESIDENT : Order, order. The trouble arises this way. The
 honourable member's reply to the question was that it may be that
 there was no application or it may be that there was no qualified
 person. Apparently from that answer it is deducible that he is not
 fully cognizant of the details. If further details are needed, then they
 may be applied for and they may be given.

MR. K. KUNJU PANICKER (*Muvattupuzha cum Kunnathur*) : May I
 know the nature of the qualification that is required?

*Vide Appendix I. Page No. 919.

MR. J. W. CHACKO: എസ്. എം. ടി. സൂളിൽനിന്നു മേന്തിരി കോട്ടിൽ പാസ്സായവരോ, അല്ലെങ്കിൽ മുന്പ് പി. ഡബ്ലിയു. ഡി. പ്ലാർട്ട്മെന്റിൽ ജോലി ചെയ്തവരോ ആയിരുന്നാൽ അവരെയൊണ് മേന്തിരിമാരായി നിയമിക്കുന്നത്

Cardamom cultivation in Thodupuzha taluk.

375. *MR. K. R. NARAYANAN (*Vaikom cum Kottayam*): Will the Government be pleased to state:

(a) the number of acres of land in the Thodupuzha taluk suitable for cardamom cultivation;

(b) the number of acres assigned out of the above area; and

(c) whether there is any scheme before Government regarding the registry of the remaining area?

RAO BAHADUR T. V. VENKITESWARA AIYAR :

(a) About 6000 acres.

(b) An area of 2650 acres has been given out on lease.

(c) No.

MR. KOTALIL P. ABRAHAM (*Muvattupuzha cum Devicolam*): May I know the conditions of the lease?

RAO BAHADUR T. V. VENKITESWARA AIYAR : Sir, I have not got the lease deed with me now.

Pier at Quilon.

376. *MR. P. KUNJUKRISHNAN : Will the Government be pleased to state :

(a) whether any steps have been taken on the representations made for the necessity of a pier at Quilon; and

(b) if so, the nature of the steps taken?

RAJYASEVAPRAVINA M. K. NILAKANTA AIYAR : (a) Yes.

(b) The matter is being enquired into.

Statement, by caste, of the officers who receive a pay of over Rs. 300.

377. *MR. THARIATHU KUNJITHOMMEN (*Muvattupuzha cum Devicolam*): Will the Government be pleased to lay on the table a statement, by caste, of the officers who receive a pay of over Rs. 300 per mensem in the P. W. Department?

MR. J. W. CHACKO : The statement required is laid on the table.

MR. PADIYARA JOSEPH KUNJU : ഈ ഡിപ്പാർട്ട്മെന്റിൽ എട്ടു പ്രധാന ഉദ്യോഗങ്ങളുള്ളതിൽ ജനസംഖ്യയിൽ ഒൻപതു ലക്ഷത്തിൽ പരം വരുന്ന സിറിയൻ കായലിക്സിൽനിന്നു ആരെയും കാണുന്നില്ല. അതിനു വല്ല പ്രത്യേക കാരണവുമുണ്ടോ?

MR. J. W. CHACKO : സാരിയൻ കത്തോലിക്കരിൽ നിന്നു ആരും ഇല്ലെന്ന് ഇവിടെ പറഞ്ഞിട്ടുണ്ടെങ്കിലും, ഈ ഡിപ്പാർട്ടുമെന്റിൽ ഇരുന്ന ഒരാൾ പള്ളിവാസലിൽ ഹൈഡ്രോ ഇലക്ട്രിക്കൽ ഡിപ്പാർട്ടുമെന്റിൽ ജോലി ചെയ്യുകയാണ്. അതുകൊണ്ടാണ് ഇവിടെ പേരു പറയാത്തത്.

Collection of licence fee of fishing implements.

378. ***MR. CODIVEETIL C. RAMANKUNJU (Nominated):** Will the Government be pleased to state whether the Sub-Inspectors of Fisheries and their peons are authorised to collect licence fees of fishing implements by instalments?

DR. K. L. MOUDGILL (Ag. Pro-Vice-Chancellor): The Fishery Sub-Inspectors in charge of backwaters are not authorised to collect licence fees of free fishing implements in instalments, but they can collect the licence fees of fixed engines in instalments. Peons are not authorised to collect licence fees.

Collection of licence fee of fishing implements in Kayankulam.

379. ***MR. CODIVEETIL C. RAMANKUNJU :** Will the Government be pleased to state whether licence fee of fishing implements in certain areas in the Kayankulam backwater section is collected through some persons said to be office-bearers of some association said to exist somewhere near Oachira?

DR. K. L. MOUDGILL : No.

Licensing and collection of fee of fishing implements.

380. ***MR. CODIVEETIL C. RAMANKUNJU :** Will the Government be pleased to state:

(a) whether the licensing and collection of fees of fishing implements and checking illicit fishing are both done by the same officer;

(b) whether the Sub-Inspectors of Fisheries generally collect the licence fees through their peons and boatmen in instalments; and

(c) what safeguard is provided to check fraud in licensing and collection of fees of fishing implements?

DR. K. L. MOUDGILL : (a) Yes.

(b) No.

(c) Periodical inspection by superior officers.

Exemption from the operation of the Travancore Child Marriage Restraint Act.

381. ***MR. JOSEPH VITHAYATHIL (Kummatnad cum Parur):** Will the Government be pleased to state:

(a) the number of applications received till now for exemption from the operation of the Travancore Child Marriage Restraint Act; and

(b) the number of such applications granted till now
RAJYASEVAPRAVINA M. K. NILAKANTA AIYAR : (a) 20.

(b) 16. These marriages were exempted, mainly on the ground that all arrangements had been made for their celebration prior to the passing of the Act.

Child Marriage Restraint Act.

382. ***MR. KANNANTHODATH JANARDANAN NAIR :** Will the Government be pleased to state the number of families or individuals exempted from the whole or part of the provisions of the Child Marriage Restraint Act of Travancore up to date?

RAJYASEVAPRAVINA M. K. NILAKANTA AIYAR : No families or individuals have been exempted and there is no provision in the Act for such exemption. Certain marriages were exempted, mainly on the ground that all arrangements had been made for their celebration prior to the passing of the Act. They are 16 in number.

Condition of fish industry and fisher folk.

383. ***MR. GODIVEETIL C. RAMANKUNJU :** Will the Government be pleased to state whether since the inception of the Department of Fisheries they ever conducted any enquiry into the causes of the deterioration of fish industry and the economic condition of the fisher folk?

DR. K. L. MOUDGILL : Yes.

Satroms at Munnar and Pallivasal.

384. ***MR. THARIATHU KUNJITHOMMEN :** Will the Government be pleased to state:

(a) whether difficulties are being experienced by visitors from other parts of the country on account of the absence of satroms at Munnar and Pallivasal; and

(b) if so, whether they have issued orders for the construction of a satrom at each of those places?

MR. J. W. CHACKO :

(a) The necessity for a satrom at Munnar alone has been brought to the notice of Government.

(b) No.

Fishing in inland waters.

385. ***MR. GODIVEETIL C. RAMANKUNJU :** Will the Government be pleased to place on the table a section-wise statement showing the number of licences granted and the amount of fees collected by the lessees of inland waters annually from the year 1110 with reference to each kind of fishing implement?

DR. K. L. MOUDGILL : The information asked for is not available.

MR. KANNANTHODATH JANARDANAN NAIR : May I know, Sir, whether there is a rule that when the leases are granted the lessee should impose on the licensees only up to one and a half times the prescribed fees?

DR. K. L. MOUDGILL : That is correct, Sir.

MR. KANNANTHODATH JANARDANAN NAIR : May I know how it can be ascertained whether the lessees levy only the prescribed fees on any kind of material?

DR. K. L. MOUDGILL : Sir, there is a provision that not more than one and a half times the prescribed fees should be levied. They may levy less; but if they levy more, there will be complaints and they will be looked into.

MR. KANNANTHODATH JANARDANAN NAIR : That is not my point, Sir. The answer given is that the information asked for is not available. There is a rule that more than one and a half times the prescribed fees should not be levied. In view of the illiteracy prevailing among the fisherfolk, may I know whether the Department can expect any complaint if the lessees levy more?

DR. K. L. MOUDGILL : Sir, unless a complaint is made, it is not possible for the Department to take action. The superior officers are doing their work of inspection and if such cases of excess levy are brought to their notice, they will enquire into the matter.

MR. KANNANTHODATH JANARDANAN NAIR : May I know whether a correct account of the fishing implements is not necessary if complaints are to be lodged?

DR. K. L. MOUDGILL : Sir, the position is this. We do not insist on knowing how many licences they are giving or what fees they are charging. They may charge no fees at all or they may charge fees up to one and a half times the prescribed fees.

MR. KANNANTHODATH JANARDANAN NAIR : May I know whether the honourable member does not think it desirable to have such a statement?

DR. K. L. MOUDGILL : It will be very difficult to arrange for such a statement being prepared, Sir.

Export duty on coconuts and coconut products.

386. ***MR. KANNANTHODATH JANARDANAN NAIR :** Will the Government be pleased to state the amounts collected as export duty on coconuts and coconut products from 1112-1115 (both years inclusive)?

RAJYASEVAPRAVINA M. K. NILAKANTA AIYAR : A *statement furnishing the information is laid on the table.

Punishments in the Police Department.

387. ***MR. S. NARAYANA PILLAI (Quilon cum Kottarakara) :** Will the Government be pleased to state the names, with rank, of officers in the Police Department, who have been fined, suspended, degraded or reverted in the years 1115 and 1116 with reasons?

RAJYASEVAPRAVINA KHAN BAHADUR G. S. ABDUL KARIM SAHIB SUHRAWARDY (Inspector-General of Police) : The statement is laid on the table.

MR. KOTALIL P. ABRAHAM : Appendix IV shows that one officer was punished for failure to keep lock-up clean while at Parur. May I know the nature of the failure?

RAJYASEVAPRAVINA KHAN BAHADUR G. S. ABDUL KARIM SAHIB SUHRAWARDY : It was reported that some reptiles looking like snakes were found in the lock-up. So, we punished the Inspector.

MR. KOTALIL P. ABRAHAM : Was it discovered during the day time or at night?

RAJYASEVAPRAVINA KHAN BAHADUR G. S. ABDUL KARIM SAHIB SUHRAWARDY : Day time, Sir. It is like this, Sir. Just as I am technically responsible for anything that is done by the Police in the State as the Head of the Police Department, the S. H. O is responsible for his station.

PRESIDENT : If the I. G. had not punished the Inspector, the Government would have punished the I. G.

MR. K. KUNJU PANICKER : In Appendix IV against No. 11 it is stated "delay in charge sheeting a case." May I know the period of the delay?

RAJYASEVAPRAVINA KHAN BAHADUR G. S. ABDUL KARIM SAHIB SUHRAWARDY : It went up to some months.

MR. N. NARAYANA KURUP (Ambalapuzha cum Shertala) : May I know whether the Inspector inspected the lock-up every minute?

RAJYASEVAPRAVINA KHAN BAHADUR G. S. ABDUL KARIM SAHIB SUHRAWARDY : It is not like that. Whenever he goes to the Station, his eyes must be all round. After all, the station is a compact thing.

MR. N. NARAYANA KURUP : May I know whether it is not quite possible for a reptile to go into the lock-up just after the inspection by the inspector?

RAJYASEVAPRAVINA KHAN BAHADUR G. S. ABDUL KARIM SAHIB SUHRAWARDY : It is quite possible, Sir.

MR. N. NARAYANA KURUP : May I know whether this offence is not a silly and insignificant one?

RAJYASEVAPRAVINA KHAN BAHADUR G. S. ABDUL KARIM SAHIB SUHRAWARDY : I should not think so. Supposing the snake bites the inmate, it will cost a life.

MR. KAINIKKARA M. PADMANABHA PILLAI : May I know whether when the snake was found in the lock-up there were persons also in the lock-up?

RAJYASEVAPRAVINA KHAN BAHADUR G. S. ABDUL KARIM SAHIB SUHRAWARDY : Yes, Sir, there was one.

MR. KAINIKKARA M. PADMANABHA PILLAI : May I know whether it was merely the result of negligence on the part of the persons or whether the snake was put there?

RAJYASEVAPRAVINA KHAN BAHADUR G. S. ABDUL KARIM SAHIB SUHRAWARDY : It was an accident and there was also negligence. A heap of materials was stacked at a little distance from the lock-ups. The enquiry showed that some of these reptiles were in the heap and they got into the lockup.

MR. KAINIKKARA M. PADMANABHA PILLAI : I put the question because it was mentioned that the reptiles were found in the lock-up. There is a rumour that in some other State scorpions and reptiles are put into the lock-up.

PRESIDENT : I do not think we adopt such methods.

RAJYASEVAPRAVINA KHAN BAHADUR G. S. ABDUL KARIM SAHIB SUHRAWARDY : This sort of third degree method is suggested only by this honourable member. Nobody else has suggested that.

MR. M. R. NARAYANA PILLAI (Tirurella) : May I know who discovered the reptile there?

RAJYASEVAPRAVINA KHAN BAHADUR G. S. ABDUL KARIM SAHIB SUHRAWARDY : The inmates as well as the constable on duty.

Registry of prawn fishing junghars,

388. * **MR. CODIVEETIL C. RAMANKUNJU :** Will the Government be pleased to state :

(a) the number of prawn fishing junghars registered and the amount of fees collected annually in the various sections from the year 1110 to the end of Makaram 1116 ;

(b) whether the junghars bear any marks to distinguish the registered ones ;

(c) whether any particular date and place are fixed for presenting and registering junghars and other implements and if not when and how the junghars and other implements are registered and fees collected ; and

(d) what are the safeguards provided against the collection at will and pleasure from the illiterate fishermen and misappropriation of licence fees by the low paid servants of the Department?

DR. K. L. MOUDGILL : (a) A *statement containing the information is laid on the table.

(b) No.

(c) No. The Fishery Sub-Inspector regularly goes out on patrol and issues licence to every junghar which he comes across.

(d) Periodical inspection by superior officers.

Cases of illicit fishing.

389. * **MR. CODIVEETIL C. RAMANKUNJU :** Will the Government be pleased to state how many cases of illicit fishing were detected by the Sub-Inspectors, Inspectors and Director of Fisheries respectively annually from the year 1112 to 1115 and till the end of Makaram 1116?

DR. K. L. MOUDGILL : A †statement containing the information is laid on the table.

Magistrate's Court for Varkala.

390. * **MR. S. NARAYANA PILLAI :** Will the Government be pleased to state whether there is any proposal before the Government for establishing a new Magistrate's Court at Varkala?

RAJYASEVAPRAVINA M. K. NILAKANTA AIYAR : No.

* Vide Appendix V page 923.

† Vide Appendix VI page 924.

Fishing by Verali Vali.

391. *MR. CODIVEETIL C. RAMANKUNJU : Will the Government be pleased to state :

(a) whether they have at any time passed orders prohibiting fishing by *Verali Vali* in backwaters;

(b) whether the order is still in force; and

(c) if the answer to part (b) is in the affirmative, why it is not being enforced in Kayamkulam backwaters ?

DR. K. L. MOUDGILL : (a) Yes.

(b) Yes.

(c) It is being enforced in Kayamkulam backwaters.

Detenues under the Travancore Defence Act.

392. *MR. KANNANTHODATH JANARDANAN NAIR : Will the Government be pleased to state the number and names of persons detained under the Travancore Defence Act and the respective lock-ups in which they are kept ?

RAJYASEVAPRAVINA KHAN BAHADUR G. S. ABDUL KARIM SAHIB SUHRAWARDY : A *statement containing the information is placed on the table.

MR. P. V. MATHAI CHEMPARATHI (*Minachil cum Thodupuzhi*) : May I know whether there is any truth in the rumour that more persons are detained ?

PRESIDENT : The question need not be answered as it is based on rumour.

MR. KANNANTHODATH JANARDANAN NAIR : It is seen from the statement that numbers 6, 7 and 10 are in jail. The remaining 7 persons are now in lock-ups. May I know whether there is any special reason for keeping them in lock-ups ?

PRESIDENT : Since the question has been raised, I might say that some gentlemen analogous to those mentioned here were kept in the Central Prison and were responsible for very great trouble in the Central Prison. That is why the most mischievous elements are kept in lock-ups and not in the Central Prison.

MR. KANNANTHODATH JANARDANAN NAIR : With regard to Mr. R. Sugathan, may I know whether any case is pending against him at Quilon ?

RAJYASEVAPRAVINA KHAN BAHADUR G. S. ABDUL KARIM SAHIB SUHRAWARDY : Yes, he is being tried by the District Magistrate, Quilon.

MR. KANNANTHODATH JANARDANAN NAIR : May I know whether there is any special reason for sending him to Erattupettah ?

RAJYASEVAPRAVINA KHAN BAHADUR G. S. ABDUL KARIM SAHIB SUHRAWARDY : Yes, there is very good reason. He is a political plague bacilli and he should therefore be segregated away.

MR. M. SIVATHANU PILLAI (*Toralu cum Agastisvaram*) : May I know whether all these political prisoners are charge-sheeted ?

RAJYASEVAPRAVINA KHAN BAHADUR G. S. ABDUL KARIM SAHIB SUHRAWARDY: No. As a matter of fact, there are only five such prisoners. Mr. George was detained but subsequently he was convicted by court of law. So he is not a detenué. Likewise Mr. K. Sanku Pillai was detained but he has been convicted for specific offences. So also, and shall I say, comrade, Mr. Sugathan who has been detained has now been prosecuted for sedition. Thus only seven persons are remaining of whom Mr. Krishna Pillai and Mr. Natarajan have been detained as a matter of mutual arrangement between our Government and the Madras Government. They were behaving very badly in British India. We are asked to detain them. So, in fact we have detained only five.

MR. K. KUNJU PANICKER: May I know whether some police constables were suspended for allowing strangers to interview a detenué named Srikantan Nair?

RAJYASEVAPRAVINA KHAN BAHADUR G. S. ABDUL KARIM SAHIB SUHRAWARDY: Yes, Sir.

MR. K. KUNJU PANICKER: May I know what were the charges against those police constables?

RAJYASEVAPRAVINA KHAN BAHADUR G. S. ABDUL KARIM SAHIB SUHRAWARDY: They surreptitiously allowed some people to have conversation with the detenué against the orders of Government.

MR. N. NARAYANA KURUP: May I know why they are not given a chance to prove their innocence before a judicial tribunal?

PRESIDENT: The Defence of Travancore Rules provide that in certain cases where the conditions demand it, Government can keep people under detention without prosecuting them. Those people have been so detained.

Duty on kerosene oil.

393. **MR. S. NARAYANA PILLAI:** Will the Government be pleased to state the quantity of kerosene oil manufactured and the excise duty realised in respect of the same in Travancore since the Kerosene Excise Duty Bill came into force?

RAJYASEVAPRAVINA M. [K. NILAKANTA AIYAR: The quantity of kerosene oil issued from the manufactories in the State from 27-8-1116 (the date on which the Travancore (Kerosene) Excise Duty Act came into force) to 20-11-1116 is 42,364 gallons. The Excise Duty realised thereon amounts to Bh. Rs. 7,446-12-10.

Improper methods of fishing.

394. **MR. CODIVEETIL C. RAMANKUNJU:** Will the Government be pleased to state:

(a) whether they ever received complaints from the agriculturists of Shertala taluk regarding the inconvenience and loss they are put to by the owners of paddy fields along the coast of the Vembanad lake from Thannirmukkam to Aroor, putting into use their fields for attracting and abetting fish in poramboke waters by filling and retaining salt water in the fields for long periods;

(b) if so, what action they have taken to redress the grievances of agriculturists;

[Mr. Codiveetil C. Ramankunju.]

(c) the area and owners thereof of paddy fields along the coast of Vembanad lake put into use for attracting and abetting fish in poramboke waters;

(d) the extent of loss sustained to paddy cultivators, registry holders of stake nets and owners of other implements and the fisheries in general by the above practice;

(e) whether they have received resolutions passed at the conference of the co-operative societies, Shertala, requesting Government to take immediate steps to prevent the owners of paddy fields along the coast of Vembanad lake in Shertala taluk from using their fields for attracting and catching fish in poramboke waters by continuously filling with salt water and draining, causing heavy damages and destruction to the adjoining fields and garden lands; and

(f) if so, what action they have taken to relieve the distress of the cultivators and discourage the practice?

DR. K. L. MOUDGILL: (a) No.

(b) Does not arise in view of the answer to part (a).

(c) The area is approximately 18,000 acres. The names of the owners are not available.

(d) The information asked for is not available.

(e) No.

(f) Does not arise in view of the answer to part (e).

Representations of Vala Community.

395. ***MR. CODIVEETIL C. RAMANKUNJU:** Will the Government be pleased to state:

(a) whether they have ever received representations and deputations from associations and individuals of Vala community regarding the handicap to their industry by the action of the influential owners of paddy fields along the coast of Vembanad lake introducing and working a new method of attracting the fish in poramboke waters into their fields and catching wholesale; and

(b) if so, what action they have taken to relieve the distress of the fisherfolk?

DR. K. L. MOUDGILL: (a) Yes.

(b) The matter is under consideration.

Use of Lights for fishing purposes.

396. ***MR. CODIVEETIL C. RAMANKUNJU:** Will the Government be pleased to state the number of families of Valas affected by the luring with brilliant lights fish in poramboke waters by the owners of paddy fields along the coast of the Vembanad lake from Thannirmukkam to Aroor?

DR. K. L. MOUDGILL: The information asked for is not available.

Black-out restrictions in coastal villages.

397. * MR. K. NARAYANAPERUMAL NADAR : Will the Government be pleased to state :

(a) whether they under the Travancore Defence Rules, have imposed black-out restrictions in respect of areas open to the sea at Cape Comorin ; and

(b) why such restriction is not made in regard to all coastal villages in South Travancore ?

RAJYASEVAPRAVINA M. K. NILAKANTA AIYAR : (a) The attention of the member is invited to Notification No. 329/41/C. S., published on page 1370 of Part I of the Gazette of the 10th June 1941.

(b) The matter is under the consideration of Government.

Facilities for tourists and travellers at Munnar.

398. * MR. A. K. KUMARAN VAIDYAN (*Kunnatnad cum Parur*) : Will the Government be pleased to state :

(a) whether they have enquired into the necessity of providing facilities for tourists and travellers at Munnar ; and

(b) if so, what action they have taken ?

MR. J. W. CHACKO : (a) Yes.

(b) An estimate for Rs. 10,590 for a satrom at Munnar has been sanctioned and the work is awaiting execution.

Confirmation of the P. H. E. staff.

399. * MR. S. GOVINDA PILLAI (*Chirayinkil cum Nedumangad*) : Will the Government be pleased to state :

(a) the total number of clerks on Rs. 20-25 grade confirmed since the confirmation of the P. H. E. staff ;

(b) the total number of acting and temporary hands confirmed, whose aggregate service at the time of their confirmation did not exceed three years ;

(c) the total number of clerks whose aggregate service exceeds 5 years and who have not been confirmed ; and

(d) the reasons for not confirming them ?

K. P. PADMANABHA MENON : (a) 38.

(b) 20.

(c) 10.

(d) They were not qualified for confirmation.

Appointment of Head Constables.

400. * MR. K. R. NARAYANAN : Will the Government be pleased to lay on the table a statement, by caste, of the Head Constables appointed by the Inspector-General of Police by way of promotions and by direct recruitment during the period from 1115 to the 15th of Edavom 1116 ?

RAJYASEVAPRAVINA KHAN BAHADUR G. S. ABDUL KARIM SAHIB SUHRAWARDY : The *statement is laid on the table.

Fishing in poramboke canals in Parur taluk.

401. *MR. A. K. KUMARAN VAIDYAN: Will the Government be pleased to state:

- (a) whether they have decided to give the right of fishing in poramboke canals in Parur taluk to any individual in Cochin State;
- (b) whether the Professor of Marine Biology had any discussions and consultations on the subject with that individual; and
- (c) if so, when and where?

DR. K. L. MOUDGILL: (a) No.

(b) and (c). Do not arise in view of the answer to part (a).

Sub-Registrar's Office, Adoor.

402. *MR. E. E. PANDARATHIL (*Travancore Jenmies, South*): Will the Government be pleased to state whether the accommodation of the Adoor Sub-Registrar's Office in the enclosed verandahs of the Taluk Cutcherry is inadequate?

RAJYASEVAPRAVINA M. K. NILAKANTA AIYAR: Yes.

Tours of the P. W. D. Advisory Committee.

403. *MR. S. NARAYANA PILLAI: Will the Government be pleased to state:

- (a) the dates on which the P. W. D. Advisory Committee was on tour and the places they visited in 1116; and
- (b) whether the Committee gave notice or information of their visit to the members of the Legislature of the places they visited?

MR. J. W. CHACKO: (a) A * statement containing the required information is laid on the table.

(b) The tour programme was published in newspapers.

Scarcity of water at Munrothuruthu and West Quilon.

404. *MR. P. KUNJUKRISHNAN: Will the Government be pleased to state:

- (a) whether Government have received representations regarding scarcity of good drinking water at Munrothuruthu and West Quilon in the Quilon taluk; and
- (b) if answer to part (a) is in the affirmative, what steps have been taken thereon?

MR. J. W. CHACKO: (a) Yes.

(b) The question of Water Supply was considered but in view of the very high cost involved, it was dropped for the present.

MR. P. KUNJUKRISHNAN: May I know whether any enquiry was made?

MR. J. W. CHACKO: Yes.

MR. P. KUNJUKRISHNAN: May I know whether any report was submitted and if so the nature of the report?

MR. J. W. CHACKO: The report says that it is possible to make arrangements for the water supply but the cost is very great.

MR. P. KUNJUKRISHNAN: What were the suggestions made in the report in regard to the supply of water?

MR. J. W. CHACKO: There were two suggestions. One was to bring water through pipes from the higher levels down to the lower levels. The other was to sink tube wells in the low level regions.

MR. P. KUNJUKRISHNAN: May I know which is the less costly of those two schemes?

MR. J. W. CHACKO: The less costly is to bring down water from the higher levels.

MR. P. KUNJUKRISHNAN: What would be the approximate cost if water is supplied in all the localities?

MR. J. W. CHACKO: If water is supplied to all the localities in the low level regions of the island, it would cost about Rs. 10,000.

MR. P. KUNJUKRISHNAN: What would be the approximate cost if water is supplied to the Munro Island and west coast of Quilon?

MR. J. W. CHACKO: It is not possible to answer now.

Effects of the inauguration of the Transport Service.

405. ***MR. P. KUNJUKRISHNAN:** Will the Government be pleased to state:

(a) the number of private buses which have been thrown out of service on account of the inauguration of the Transport Service from Quilon to Punalur and other eastern localities of the State;

(b) whether any help has been rendered to owners of such buses for mitigating the hardship arising consequently; and

(c) if so, the nature of the help rendered?

RAJYASEVAPRAVINA KHAN BAHADUR G. S. ABDUL KARIM SAHIB SUHRAWARDY: (a) 17 buses have been thrown out of service on account of the inauguration of the State Transport Service on the Quilon-Shencotta route.

(b) and (c). Applications received from the owners for routes and timings for their buses are under consideration.

MR. M. SIVATHANU PILLAI: May I know whether the applicants were not given previous intimation that the line would be taken up by the State Transport?

RAJYASEVAPRAVINA KHAN BAHADUR G. S. ABDUL KARIM SAHIB SUHRAWARDY: Yes, sir.

MR. M. SIVATHANU PILLAI: May I know whether applicants from this line will be taken into consideration when applications for other lines are sanctioned?

RAJYASEVAPRAVINA KHAN BAHADUR G. S. ABDUL KARIM SAHIB SUHRAWARDY: We are now considering all the applications together.

MR. M. SIVATHANU PILLAI: May I know whether Government consider that there is any necessity to give them compensation?

RAJYASEVAPRAVINA KHAN BAHADUR G. S. ABDUL KARIM SAHIB SUHRAWARDY: What is under consideration is this: We find that there are now 26 displaced buses. These are 23 seater buses. There are certain routes through which these buses alone can go. The Chief Engineer has classified those routes. We are trying to introduce these buses in those routes.

MR. M. SIVATHANU PILLAI: I would like to know why the buses have accommodation only for 23 seats.

RAJYASEVAPRAVINA KHAN BAHADUR G. S. ABDUL KARIM SAHIB SUHRAWARDY: Because they are 23-seater buses.

Satrom near Quilon Railway Station.

406. * **MR. P. KUNJUKRISHNAN:** Will the Government be pleased to state:

(a) the purpose for which the Satrom near Quilon Railway Station is used at present; and

(b) whether great hardship is experienced by the travelling public on account of the want of accommodation in the Quilon Satrom?

MR. J. W. CHACKO: (a) For the accommodation of the Reserve Police stationed at Quilon.

(b) Yes, to some extent.

MR. P. KUNJUKRISHNAN: May I know whether any steps have been taken for the accommodation of the travelling public?

MR. J. W. CHACKO: Steps are being considered.

Paravas and Bharathas.

407. * **MR. P. KUNJUKRISHNAN:** Will the Government be pleased to state whether the Paravas of North Travancore and the Bharathas of South Travancore belong to the same community?

MR. A. NARAYANAN TAMPI: For purposes of Census, they have been treated as separate communities.

Velas and Bharatha-Velapanickars.

408. * **MR. P. KUNJUKRISHNAN:** Will the Government be pleased to state whether the Velas who are hereditary washermen are taken along with the community of Bharatha-Velapanickars?

MR. A. NARAYANAN TAMPI: No.

Street lights at night in Trivandrum.

409. * **SRIMATI T. NARAYANI AMMA (Nominated):** Will the Government be pleased to state:

(a) the hour at which street lights are switched off in the night at present;

(b) whether the attention of the Government has been drawn to the fact that petty thefts in the town are likely to be fewer in number if the lights are kept on till, say, 1 or 2 A. M.; and

(c) what the additional cost will be for so doing?

MR. K. P. PADMANABHA MENON : (a) 11 P. M.

(b) Yes.

(c) Rs. 17,990.

SREEMATHI T. NARAYANI AMMA : May I know whether in certain towns in British India the lights are kept on till the small hours of the morning?

MR. K. P. PADMANABHA MENON : Yes, sir.

SREEMATHI T. NARAYANI AMMA : May I know whether the additional cost involved will not be more than compensated for by the increased convenience afforded to the public?

MR. K. P. PADMANABHA MENON : That is a matter of opinion.

MR. K. KUNJU PANICKER : May I know whether Government are aware that kerosene lamps are still used in some of the streets in Triyandrum?

MR. K. P. PADMANABHA MENON : Yes, Sir.

Sale of Elephants.

410. * MR. K. R. NARAYANAN : Will the Government be pleased :

(a) to state their income on account of the auction sale of elephants during the period from 1110 to the end of 1115; and

(b) to lay on the table a statement showing the number of elephants captured in each year during the period from 1100 to the end of 1115, and the number remaining unsold at present?

RAO BAHADUR T. V. VENKITESWARA AIYAR : (a) and (b) A statement furnishing the information is laid on the table.

Motor accidents.

411. * MR. K. G. GOVINDAN : Will the Government be pleased to state what were the punishments, if any, meted out to the drivers in respect of the 34 motor accidents that proved fatal in 1115?

RAJYASEVAPRAVINA KHAN BAHADUR G. S. ABDUL KARIM SAHIB SUHRAWARDY : Of the 34 motor accidents, 29 have been referred as accidents. Out of those 29 cases, the accused drivers in two cases were prosecuted under the Motor Vehicles Act for overloading and driving without licence and they were convicted and fined, one Rs. 15 and the other Rs. 30. Out of the five remaining cases, accused drivers in two cases were sentenced to undergo, one, rigorous imprisonment for one year and the other, rigorous imprisonment for 1½ years and the latter's licence was suspended. The drivers in the three remaining cases were acquitted.

Development Department.

412. * MR. KANNANTHODATH JANARDANAN NAIR : Will the Government be pleased to state :

* Vide Appendix X page 929.

[Mr. Kannanthodath Janardanan Nair.]

(a) the quantities and species of timber supplied by the Forest Department to the Development Department in 1114 and 1115 M. E.; and

(b) the rates at which they were supplied?

RAO BAHADUR T. V. VENKITESWARA AIYAR : (a) and (b) A statement furnishing the information is placed on the table.

Revenue yielded by the Development Department.

413. *MR. KANNANTHODATH JANARDANAN NAIR : Will the Government be pleased to state the amount of net revenue yielded by the Development Department in 1114 and 1115?

RAO BAHADUR T. V. VENKITESWARA AIYAR :

1114	Rs. 10,578
1115.	Rs. 36,232

Co-optation of members for the Ezhava Bill.

414. *MR. M. G. KESAVA PILLAI : Will the Government be pleased to state :

(a) whether the Misradayee Ezhavas, opposed to Mr. N. R. Krishnan's Ezhava Bill, requested Government to co-opt any members to the Assembly to represent their cause ;

(b) whether they have co-opted any of the members ;

(c) whether Mr. T. K. Narayanan now co-opted is their nominee ;

(d) whether they have received any representation from anybody to co-opt him ;

(e) whether they have ascertained his views ;

(f) if so, whether he is for or against the Bill ;

(g) if he is for the Bill, whether they have co-opted anybody who is opposed to the Bill to represent the memorialists who are opposed to the Bill; and

(h) if not, the reason for the same ?

RAJYASEVAPRAVINA M. K. NILAKANTA AIYAR : (a), (b) and (c). The answers are in the affirmative.

(d) There was an application from the candidate himself.

(e) Yes ; he is a misradayee.

(f) The information available is that he is against the Bill.

(g) and (h). These do not arise in view of the answer to part (f) above.

Death of one Arunachala Moopan in Nagercoil.

415. *MR. K. NARAYANAPERUMAL NADAR : Will the Government be pleased to state :

(a) whether it was brought to the notice of the Government the unnatural death of one Arunachala Moopan (a native of Tinnevely-Pettah) in the Vahayadi Street within the municipal limits of Nagercoil in the beginning of Tai 1116 ;

(b) whether his relatives in Tinnevely-Pettah (தின்னேயல்) informed the Government and the Inspector-General of Police about his death;

(c) whether any *post mortem* was held;

(d) the name of the doctor that conducted the *post mortem* examination; and

(e) (i) whether the case is charge-sheeted;

(ii) if not, why not?

RAJYASEVAPRAVINA KHAN BAHADUR G. S. ABDUL KARIM SAHIB SUHRAWARDY: (a) The death of the person was reported but it was not an unnatural death.

(b) No.

(c) Yes.

(d) Mr. S. Nilakanta Iyer, Asst. Surgeon.

(e) (i) No.

(ii) Investigation disclosed that death was due to natural causes and not due to any offence committed on the deceased. The Medical Officer who conducted the *post mortem* examination has also certified that the deceased would probably appear to have died of heart-failure.

Plantation of beedi leaf plants.

416. * **MR. K. G. GOVINDAN:** Will the Government be pleased to state:

(a) whether Government have introduced in Travancore any plantation of beedi leaf plants;

(b) whether the climate of Travancore is suitable for such a plantation;

(c) whether all the beedi leaves necessary for use in the State are imported from outside; and

(d) the price of beedi leaves imported in 1115?

RAO BAHADUR T. V. VENKITESWARA AIYAR (a) Yes.

(b) Yes; especially the dry regions of the State.

(c) Yes.

(d) B. Rs. 1,56,472.

Report re: cultivation of beedi leaves.

417. * **MR. K. G. GOVINDAN:** Will the Government be pleased to lay on the table the report submitted by the Deputy Ranger deputed to Hyderabad for studying the technique of cultivation etc., of beedi leaves?

RAO BAHADUR T. V. VENKITESWARA AIYAR: The report is placed on the Secretary's table.

The place of Samadhi of a Muslim Saint in South Travancore.

418. * **MR. K. NARAYANAPERUMAL NADAR:** Will the Government be pleased to state:

(a) whether one Pulavar Sulaiman Pillai Muhamed Thassim, Vadiveeswaram pakuthi, presented a petition on 21st April 1941, or in the last week of April 1941, to the Inspector-General of Police about demolishing and defiling the Samadhi of Muslim Saint known as "Galam Mohideen Valeethu Sheik Rayee Tha-aly-kul Thasay-khal-Analyakkal"; and

(b) the action taken thereon?

RAJYASEVAPRAVINA KHAN BAHADUR G. S. ABDUL KARIM SAHIB SUHRAWARDY: (a) Yes.

(b) The allegations were found to be false.

Appointments by the Assistant Excise Commissioner, Kottayam.

419. *MR. T. T. KESAVAN SASTRI: Will the Government be pleased to lay on the table a statement, by caste, of the persons appointed by the Assistant Excise Commissioner, Kottayam, in short vacancies during the period from Chingom to Makaram 1116?

RAJYASEVAPRAVINA M. K. NILAKANTA AIYAR: A *statement is laid on the table.

MR. K. P. KOCHUKORA THARAKAN: ഇതിൽ അപ്പൻഡിക്സ് ബ്രിയിൽ ഒരു ലാറ്ററിൻകൂസ്ത്യാനിയെ നിയമിച്ചിട്ടുള്ളതായ് പറയുന്നു. അയാൾ ഇപ്പോഴും സർവീസിലുണ്ടോ.

RAJYASEVAPRAVINA M. K. NILAKANTA AIYAR: ഇല്ല.

Statement, by caste, of the Assistant Excise Commissioners.

420. *MR. THARIATHU KUNJITHOMMEN: Will the Government be pleased to lay on the table:

(a) statement, by caste, of the Assistant Excise Commissioners now in service; and

(b) a statement, by caste, of the persons appointed as Assistant Excise Commissioners during the last two years ending 15-11-1116?

RAJYASEVAPRAVINA M. K. NILAKANTA AIYAR: (a) and (b). The †statements are laid on the table.

MR. T. T. KESAVAN SASTRI: ഈ സ്റ്റേറ്റ്മെൻറ് ഗവണ്മെൻറിന്റെ ദയവേറിയ ശ്രദ്ധക്കു വിഷയമായിട്ടുണ്ടോ.

RAJYASEVAPRAVINA M. K. NILAKANTA AIYAR: ഏതു സ്റ്റേറ്റ്മെൻറ്റാണ്?

*Vide Appendix XII page 931.

†Vide Appendix XIII page 932.

Appendix I.

Vide Answer to Question No. 374.

Statement, by caste, of the P. W. D. Maistries
in the Trivandrum Division.

<i>Caste</i>	<i>No.</i>
A. Hindu	
1. Brabmin	48
2. Nayar	120
3. Other specified Hindu	21
4. Kammala	3
5. Nadar	1
6. Ezhava	15
7. Cheramar (Fulaya)	...
8. Other Hindu	2
B. Muslim	1
C. Christian	
1. Jacobite	7
2. Marthomite	6
3. Syrian Catholic	2
4. Latin Catholic	6
5. South Indian United Church	13
6. Other Christian	2

Appendix II

Vide Answer to Question No. 377

Statement, by caste, of officers drawing a pay of over Rs. 300
in the Public Works Department.

Caste.	No.
A. HINDU :—	
1. Brahmin	2
2. Nayar	2
3. Other Specified Hindu	1
4. Kammala	...
5. Nadar	...
6. Ezhava	...
7. Cheramar (Pulaya)	...
8. Other Hindu	...
B. MUSLIM :—	...
C. CHRISTIAN —	
1. Jacobite	...
2. Marthomite	2
3. Syrian Catholic	...
4. Latin Catholic	...
5. South Indian United Church	...
6. Other Christian	1

Appendix III.

Vide Answer to Question No. 386

Statement showing the amounts collected under export duty on coconuts and coconut products.

Article	Duty collected in			
	1112 Bh. Rs.	1113 Bh. Rs.	1114 Bh. Rs.	1115 Bh. Rs.
Copra	1,41,137	2,22,548	2,28,395	1,30,326
Coconuts	40,343	51,550	66,020	52,694
Coir	3,56,731	4,15,017	4,24,861	4,01,369
Cables	285	214	235	355
Coir fibre	2,204	1,865	1,962	1,606
Coconut husk, green or soaked	1,490	2,736	3,263	3,578
Pannac	32,320	41,029	43,504	30,084
Coconut oil	1,86,427	2,53,756	2,59,746	1,93,327

Appendix IV.

Vide Answer to Question No. 387

Statement of Police Officers fined, suspended, degraded or reverted in the years 1115 and 1116.

S. No.	Name.	Rank.	Nature of punishment.	Reasons.
1	P. Padmanabhan Tampi	Inspector.	Suspended and subsequently dismissed.	Grave misconduct involving corrupt practices.
2	V. K. George	Do.	Suspension.	Irregularities in the investigation of a case.
3	M. M. George	Ag. Assistant Superintendent of Police.	Reversion.	Irregularities in the investigation of a case.
4	M. G. Krishna Pillai	Ag. Inspector.	Do.	Unsatisfactory work as Inspector.
5	P. N. Balakrishnan Nair	Do.	Do.	Defaults in the registration and the investigation of a case.
6	T. R. Nambi Iyengar	Inspector.	Fine.	Lack of control and neglect of conduct in the supervision of the daily cash transactions while he was the Manager of the Head Quarters Office.
7	C. A. Latiff	Do.	Do.	Disobedience of orders.
8	T. M. Kurien	Do.	Do.	Failure to keep lock-ups clean while at Parur.
9	A. Nagoor Rowther	Do.	Do.	Improper behaviour.
10	G. Raman	Do.	Do.	Failure to prove previous conviction in a case.
11	K. Ramachandra ^o Iyer	Do.	Do.	Delay in charge-sheeting a case.

Appendix V.

Vide Answer to Question No. 388

Statement showing the number of prawn fishing junghars (Pachil changadoms) registered (for which licences are issued) and the amount of licence fees collected annually from 1110 to the end of Makaram 1116.

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Year.	No.	Parur.			No.	Kumarakom.			No.	Quilon. Kayankulam.		
		Amount.				Amount.				Amount.		
		Rs.	Chs.	C.		Rs.	Ch.	C.		Rs.	Chs.	C.
1110	34	255	0	0	...	..	..	.	83	622	14	0
1111	15	112	14	0	3	22	14	0	103	772	14	0
1112	18	135	0	0	..	...	...	..	105	787	14	0
1113	38	285	14	0	...	...	.	...	80	600	0	0
1114	22	165	0	0	...	...	...	..	140	1,050	0	0
1115	42	315	0	0	2	15	0	0	100	750	0	0
1116	16	120	0	0	61	457	14	0
Till the end of Makaram												

QUESTIONS AND ANSWERS.

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Appendix VI.

Vide Answer to Question No. 389.

Statement showing the number of cases of illicit fishing detected annually from 1112 to the end of Makaram 1116.

Year.	No. of cases detected by Sub-Inspectors.	No. of cases detected by Inspectors.	Total.
1112	24	2	26
1113	24	5	29
1114	23	12	35
1115	24	5	29
Till the end of Makaram 1116	47	...	47

Appendix VII.

Vide Answer to Question No. 392.

Statement of persons detained under the Defence of Travancore Act.

Sl. No.	Name of persons.	Place of detention.
1	R. Sankar	Kottar Police Station
2	G. Sreedhar	Eraniel do.
3	N. Sreekantan Nair	Karugachal do.
4	M. N. Govindan Nair	Punaloor do.
5	P. T. Punnoose	Thiruvattar do.
6	P. Krishna Pillai	Central Jail
7	K. C. George	Do.
8	M. Natarajan	Paravoor Police Station
9	R. Sugathan	Erattupetta do.
10	Kumbalathu Sanku Pillai	Alleppey Sub-Jail

Appendix VIII.

Vide Answer to Question No. 400.

Statement, by caste, of Head Constables appointed by the Inspector-General of Police by way of promotions and by direct recruitment from 1115 to 15th Edavom 1116,

<i>Name of appointment.</i>	<i>Caste.</i>	<i>No.</i>
By promotion	Hindu :—	
	Nayar	15
	Ezhava	1
	Brahmin	2
	Other Specified Hindu	2
	Muslim	1
	Christian :—	
	Latin Catholic	2
	Total	23
By direct recruitment		Nil.

Appendix IX.

Vide Answer to Question No. 403.

Tour programme of the P. W. D. Advisory Sub-Committee
Nagercoil and Trivandrum Divisions.

5th Medom 1116.		Cape Rest House Puthalam Myladi
6th	do.	Suchindram Satram Parakka, Dharmapuram and Rajaka- mangalam
7th	do.	Nagercoil Rest House Asaripallam and Vembanoor Pakuthi Cutcherry Kurusady and Kulasekharapuram
8th	do.	Thovala Satrom Aramboly, Chempakaramanputhur (Paku- thi Cutcherry) and Thazhakudy (Pa- kuthi Cutcherry)

APPENDIX IX—(contd.)

Tour programme of the P. W. D. Advisory Sub Committee—(contd.)

9th	Medom 1116.	Putheri, Erachakulam, Navalkad and Bhoothapandy Bhoothapandy Satrom, Darasanamcope Arumanalloor, Thadikarankonam Azhakiapandiapuram and Kadukkara
10th	do.	Thuckalai Rest House Kothanalloor pakuthi catcherry Eraniel pakuthi catcherry Aloor pakuthi catcherry
11th	do.	Pechipara Rest House Kulasekharam Thiruvattar.
12th	do.	Colachal Rest House Neyyoor Manavalakurichi
13th	do.	Kuzhithura Rest House Karingal camp shed Midalam V. M. School
14th	do.	Puthukada Thengapattanam Arumana
15th	do.	Parassala pakuthi catcherry Kunnathukal do. Edacode Kollenkode, Methukunel and Kulathoo
16th	do.	Neyyattinkara Rest House Perumkadavila pakuthi catcherry Poovar Rest House
17th	do.	Neyyattinkara Rest House Karumkulam pakuthi catcherry Karichal and Kottukal Aruvikara and Maranalloor pakuthi catcherry
18th	do.	Kovalam Rest House Vizhinjam, Venganoor and Vellayani Thiruvallam Temple Satrom, Srimulam Lock and Ambalathurai

APPENDIX IX—(contd.)

Tour programme of the P. W. D. Advisory Sub Committee—(contd.)

19th	Medom 1116.	Division Office Kulathur, Kazhakuitam and Murikkum- puzha Thonnakkal and Pirappancode
20th	do.	Attingal Rest House Chirayinkil Kilimanoor and Chathannoor and Kada- kavur
21st	do.	Warkalai Rest House Vettoor camp shed
22nd	do.	Nedumangad Rest House Vamanapuram Camp shed Palode Forest Bungalow and Vithura
23rd	do.	Nedumangad Rest House Paruthipalli Camp shed Kulathumel and Kattakada pakuthi cut- cherry

Alwaye Division.

5-9-1116	Devicolam
6-9-1116	Thodupuzha Satrom
7-9-1116	Muvattupuzha T. B.
8-9-1116	Piravom T. B.
"	Kuthattukulam Satrom
9-9-1116	Puthucruz T. B.
"	Perumbavur T. B.
10-9-1116	Alwaye T. B.
11-9-1116	Parur Sri Mulam Club
12-9-1116	Vaikom T. B.

APPENDIX IX—(contd.)

Tour programme of the P. W. D. Advisory Sub-Committee—(contd.)
Quilon Division.

18th	Medom 1 16	Chengannur Rest House
19th	"	Mavelikara Rest House
20th	"	Haripad Rest House
20th	"	Kayenkulam Rest House
21st	"	Erumakuzhi Satrom
23rd	"	Adoor Rest House
24th	"	Sasthankotta (Sankaramangalam Bungalow)
25th	"	Chavara English High School
26th	"	Quilon Division Office
26th	"	Paravoor English High School
27th	"	Kottarakara Rest House
28th	"	Pattazhi Devaswom Office
28th	"	Pathanapuram Rest House
29th	"	Shencotta Rest House
29th	"	Ayikudy Rest House
30th	"	Quilon Division Office.

Kottayam Division.

6th	Medom 1116.	Shertala Rest House
7th	"	Alleppey Municipal Satrom
8th	"	Karumady Rest House
9th	"	Thiruvella Rest House
9th	"	Mallapally C. M. S. High School
10th	"	Changanacherry Taluk Office
11th	"	Champakulam (Koduvalanji House)
11th	"	Monkompu English School
12th	"	Kottayam Rest House
13th	"	Ettumanoor camp shed
13th	"	Palai Satrom
14th	"	Poonjar (Commissioner's Office)
15th	"	Kanjirapally
15th	"	Mundakayam Satrom
16th	"	Peermade Sub-Division Office
16th	"	Kumili P. W. D. Section Office.

Appendix X.

Vide Answer to Question No. 410.

Statement re the capture and sale of Elephants.

(a)	Year.	Amount of income.
	1110	Rs. 8,056
	1111	„ 14,891
	1112	„ 7,588
	1113	„ 10,064
	1114	„ 12,815
	1115	„ 12,407
(b)	Year.	No. of elephants captured.
	1100	18
	1101	18
	1102	21
	1103	25
	1104	10
	1105	No capturing operations.
	1106	7
	1107	11
	1108	10
	1109	8
	1110	13
	1111	12
	1112	14
	1113	7
	1114	12
	1115	13
	No. remaining unsold	...

Appendix XI.

Vide Answer to Question, No. 412.

Statement of timber supplied by the Forest Department to the Development Department
in 1114 and 1115 M. E.

S. No.	Species of timber.	Unit.	Quantity supplied in 1114.	Quantity supplied in 1115.	Rate.		
					Rs.	As.	P.
1	Teak I class	c. ft.	2769	..	4	0	0
2	.. II class	do.	80	..	2	4	0
3	.. III class	do.	1769	375	1	8	0
4	.. saplings	Nos.	6953	2436	Rs. 6-4-2 and 1/8 respectively for I, II, III and IV classes.		
5	Vellakadambu	c. ft.	66	..	0	6	0
6	Myristica	do.	3357	10896	1	0	6 and 0-14-0
7	Ebony	do.	20	.	3	8	0
8	Mango planks	do.	379	..	0	8	0
9	Maruthy	do.	7474	14157	1	8	0
10	Jungle wood	Nos.	122	..	6	0	0
11	Thembavu	c. ft.	399	1336	1	4	6
12	Elava	do.	100	8000	1	0	0
13	Red wood	do.	27	5	1	12	0
14	Anjily poles	Nos.	675	..	4	4	0 and 4-7-0
15	Vengai	c. ft.	72	249	1	1	6
16	Black wood	do.	38	409	3	0	0
17	Venteak	do.	..	1503	1	10	0
18	Chorapine	do.	...	82	0	8	0
19	Agil	do.	...	122	1	12	0
20	Casuarina	do.	...	12550	0	6	0
21	Kolavu	do.	...	474	1	12	0
22	Poochakuru	do.	..	32	1	12	0
23	Naval	do.	..	30	0	10	6
24	Kongu	do.	..	21	0	12	0
25	Mallampunna	do.	..	15	0	10	0
26	Ponnampine	do.	..	2567	0	14	6
27	Angily	do.	..	227	1	10	0

Appendix XII.

Vide Answer to Question No. 419.

Statement by caste, of the persons appointed by the Assistant, Excise Commissioner, Kottayam, in short vacancies during the period from Chingom to Makaram 1116.

A. HINDU.

1. Brahmin	...
2. Nayar	3
3. Other specified Hindu	...
4. Kammala	...
5. Nadar	...
6. Ezhava	3
7. Cheramar	...
8. Other Hindu	...

B. MUSLIM.

Nil.

C. CHRISTIAN.

1. Jacobite	...
2. Marthomite	...
3. Syriac Catholic	2
4. Latin Catholic	...
5. South India United Church	...
6. Other Christian	...

Appendix XIII.

Vide Answer to Question No. 420.

(a) Statement, by caste, of the Assistant Excise Commissioners now in service.

HINDU :

1.	Brahmin	...	4
2.	Nayar	...	4
3.	Other specified Hindu...	...	...
4.	Kammala	...	...
5.	Nadar	...	...
6.	Ezhavas	...	2
7.	Cheramar	...	...
8.	Other Hindu	...	...

MUSLIM :

Nil.

CHRISTIAN :

1.	Jacobite	...	...
2.	Marthomite	...	...
3.	Syriac Catholic	...	...
4.	Latin Catholic	...	...
5.	South India United Church	...	...
6.	Other Christian	...	...

(b) Statement, by caste, of the persons appointed as Assistant Excise Commissioners during the last two years ending with 15-11-1116.

HINDU :

1.	Brahmin	...	2
2.	Nayar	...	...
3.	Other specified Hindu...	...	...
4.	Kammala	...	...
5.	Nadar	...	...
6.	Ezhava	...	1
7.	Cheramar	...	...
8.	Other Hindu	...	...

MUSLIM :

Nil.

CHRISTIAN :

1.	Jacobite	...	...
2.	Marthomite	...	...
3.	Syriac Catholic	...	...
4.	Latin Catholic	...	1
5.	South India United Church	...	...
6.	Other Christian	...	...

PAY OF TEACHERS IN PRIMARY SCHOOLS,

MR. M. R. NARAYANA PILLAI: I wish to draw the attention of the Chair to an advertisement published in one of the leading Malayalam newspapers of the State, which runs like this: STATEMENT IN THE MALAYALA RAJYAM *re.*

“പ്രൈമറി സ്കൂൾ അദ്ധ്യാപകന്മാരുടെ ശമ്പളം ഷേരിക്കളിൽ നിന്നും വാങ്ങുന്ന വിധത്തെ സംബന്ധിച്ചു വരുത്തിയിട്ടുള്ള തൃതന പരിഷ്കാരം മൂലം അവർ അനുഭവിച്ചുവരുന്ന ക്ലേശങ്ങളും അസൗകര്യങ്ങളും എന്റെ ശ്രദ്ധയിൽ വന്നതിന്റെ ഫലമായി ഇത്തവണത്തെ ബഡ്ജറ്റിന്റെ നിരൂപണാവസരത്തിൽ ഈ സംഗതി ഞാൻ ഗവണ്മെന്റിന്റെ ദൃഷ്ടിയിൽ കൊണ്ടുവരികയും, ഇപ്പോഴത്തെ നയംമാറി ഈ വിഷയത്തിൽ പഴയ നടപടി തന്നെ അനുവർത്തിക്കുന്നതിനു വേണ്ടതു ഉടനടി ചെയ്യുന്നതാണെന്നു ഗവണ്മെന്റ് ഭാഗത്തുനിന്നും സഭയ്ക്കു പ്രസ്താവിക്കുകയും ചെയ്തിട്ടുണ്ടെന്നുള്ള കാര്യം അറിയിച്ചുകൊള്ളുന്നു.”

This is signed by Mr. T. P. Velayudhan Pillai, M. L. A. Is such an advertisement proper in the interests of the House?

PRESIDENT: Does that advertisement arise in connection with some answer given by Government during Budget Debate?

MR. M. R. NARAYANA PILLAI: Yes, Sir.

PRESIDENT: As a matter of law or constitutional procedure there is no objection to any honourable member stating that on account of his efforts a certain reform was either brought about or is likely to be brought about. It is entirely left to the honourable member. If he says anything inaccurate, of course, the public will judge for themselves. It is open to the honourable members to publish notes of what they have done. It is a mode of educating the public.

MR. M. R. NARAYANA PILLAI: The expression used there shows that it is almost an advertisement. I doubt whether any member with catholic views would do like that?

PRESIDENT: It is evident that the newspaper correspondents seated in this Assembly to the left of me are very much alive and are present during the whole of the debate. They publish what takes place here. The construction to be put by the honourable member on the results of the indefatigable efforts of another member is a matter which the honourable member must decide and if it is to be particularly chronicled, it is open to the honourable member to do so.

MR. N. NARAYANA KURUP: But in this instance the facts are different. After some discussion the Director of Public Instruction said that action had already been taken on the matter, referred to in the so called advertisement.

PRESIDENT: The remedy is in the hands of the honourable member who might indicate that it was not an unaided effort of one honourable member but the conjoint and co-operative effort of many honourable members.

MR. N. NARAYANA KURUP: My point is that the matter was interpellated by several members. The Director of Public Instruction declared in unequivocal terms that orders have already been passed before the matter was raised in the papers.

PRESIDENT: Is that so?

RAJYASEVAPRAVINA M. K. NILAKANTA AIYAR: Yes, Sir, action had already been taken long before the members referred the matter to Government.

MR. M. SIVATHANU PILLAI: Then, may I know whether an honourable member of this House can take upon himself the credit for having achieved a particular object in a matter where Government have passed the necessary orders long before the matter was mooted and unequivocally declared on the floor of the house?

PRESIDENT: I do not think this can be raised as a matter of privilege. After question time question of privilege can be raised only when there is disrespect to the House involved in a particular statement. For instance, there are some professions as that of a doctor or a lawyer where professional rules have to be observed. One cannot publish what a doctor or a lawyer may be able to do or can do. So far as legislators are concerned as they are the representatives of the public they can publish statements provided they are accurate and there is absolutely no harm in a legislator trying to educate the public in what has been done or what can be done. One should see that no inaccuracy creeps in the publication of facts.

MR. PADIYARA JOSEPH KUNJU: ഇത് ബഹുമാനപ്പെട്ട മെമ്പറിന്റെ പരിശ്രമഫലമായ ട്രസ്റ്റ് ഉണ്ടായതെന്നും അതിനുവ്യത്യതന്നെ ഉണ്ടായതാണെന്നും ഗവണ്മെന്റ് സഭയം പ്രസിദ്ധീകരിക്കുമോ?

PRESIDENT: This debate will make it clear.

NEW MEMBER.

Dr C. C. John took the oath and signed the rolls:--

Legislative Business.

THE TRAVANCORE MOTOR VEHICLES BILL.

MR. PUTHUPALLI S. KRISHNA PILLAI (*Legal Remembrancer*): Sir, I rise to present the report of the Select Committee appointed to consider the Travancore Motor Vehicles Bill and beg to move that the Bill, as revised by the Select Committee, be taken into consideration.

MR. E. G. SALTER: Sir, I second the motion.

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

Clause I.

MR. K. G. GOVINDAN: Sir, I beg to submit that the amendment to clause I may be considered after the subsequent amendments have been considered and resolved upon by this House for a particular reason.

MR. PUTHUPALLI S. KRISHNA PILLAI: I submit that there is no necessity for that because there is only one amendment to clause 1 and that is the one proposed by the honourable member himself, and as to whether it has to stand or not can be decided on its merits.

PRESIDENT: There is no objection to consider the amendment to clause 1 later on.

Clauses 2 to 79.

The question that clauses 2 to 79 do stand part of the Bill was put and carried.

The clauses were added to the Bill,

Clause 79.

MR. K. G. GOVINDAN: Sir, I move the following amendment:—
Add the following as clause 80 and renumber the subsequent clauses:—

“No passenger shall stand or be allowed to stand in a public service vehicle in motion.”

Year after year, during the discussion on the budget we are having a lot of discussion about the inconvenience caused to the public due to over-crowding in transport buses. One of the reasons given by the Director of Transport is that there is no power vested in the conductor to check over-crowding. There is in fact no law in force which would allow a conductor to check over-crowding. It is to vest the conductor with that power, I have brought forward such an amendment. It is the primary object of this amendment to see that no passengers shall stand or be allowed to stand in a transport bus in motion and if anybody does such person should be punished. According to this amendment, both the passenger who stands and the conductor who allows him to stand, are liable.

PRESIDENT: Does the honourable member know that all over India passengers are standing in transport vehicles. That is the case in Madras, Bombay and other places. Even in England, I think, such a system is allowed.

MR. E. G. SALTER: That practice exists in England.

MR. K. G. GOVINDAN: In this House, there was a lot of discussion about over-crowding and one of the reasons stated by the Director was the absence of law on the subject.

MR. PUTHUPALLI S. KRISHNA PILLAI: No member said like that in this House. On the other hand, standing is allowed.

PRESIDENT: The question was raised here whether under certain circumstances over-crowding could be prevented because of the absence of any law. The absence of such a law was deplored.

MR. K. G. GOVINDAN: That is one of the means of checking over-crowding. There was a lot of discussion about over-crowding during the budget session and also about the fact that people are allowed to stand while buses are in motion. I am sure every honourable member

[Mr. K. G. Govindan.]

who participated in the discussion was sincere when observations were made about the inconvenience caused by the standing passengers. I also submit that this is the time to make the necessary amendments in the Bill. I appeal to the honourable members that if they do not make the necessary changes in the Bill now, there is absolutely no point in indulging in elaborate discussions during budget time about over-crowding and the standing of passengers when a bus is in motion.

MR. M. R. NARAYANA PILLAI : Is there no provision in this Bill for stopping over-crowding?

PRESIDENT : There are ample powers. The point is while there are provisions for stopping over-crowding there are no provisions to implement over-crowding except by standing.

MR. K. G. GOVINDAN : My only point is that over-crowding should not be allowed in transport buses. With these observations I move my amendment for the consideration of the House.

MR. K. KUNJU PANICKER I second it.

MR. N. NARAYANA KURUP : Sir, I support the amendment. The meaning of the word 'overloading' after the introduction of the Transport Service in the State, has undergone a change. The other day it was explained that overloading means the carrying of weight in excess of the weight licensed to be carried by the vehicle. By this interpretation, then, the private buses that take passengers over and above the licensing capacity are considered as overloading now. In other words, if a private bus is licensed to carry 20 persons and if it carries 21, then it is overloading. Under the same condition, if a Transport Bus carries passengers in excess of its licensed number, then it is also overloading. But in Transport services, it is not taken as overloading; but only as over crowding. Thus two different interpretations are adopted for one word in two cases.

MR. PUTHUPALLI S. KRISHNA PILLAI : May I remind the honourable member that by this Bill we propose to repeal the existing law and put it on a firmer basis. The expression that gives room for ambiguity is to be scrupulously avoided, that is to say, hereafter the expression 'over crowding' alone will occur and not 'overloading' except where the passenger vehicle carries goods also.

MR. N. NARAYANA KURUP : The meaning for overloading must be considered in this case. It is sometimes, in the case of private buses, interpreted as the excess number of passengers carried in a vehicle over the licensed number of passengers allowed by the authorities. But in the case of Transport Buses, such a case is counted as only over-crowding, even if the number of passengers exceeds the number that could be taken. Now it is stated by the authorities that there is not sufficient number of seats to accommodate the excess passengers and therefore that should be construed as over-crowding, which is necessary on some occasions. This House might remember the remarks

made by the honourable member Mr. Kainikkara Padmanabha Pillai last year about the fifth column hanging in the Transport Buses. If that is not over-crowding, or overloading, this hanging column is a menace to the travelling public. Therefore, an amendment like this is essential. Why should there be the arrangements of seats for accommodating passengers and then a certain number allowed to stand for want of seats? Allowing persons to stand in between the seats where the passengers are seated, causes great difficulty to move the limbs; getting out and getting in also becomes difficult.

If the law is very particular to have over crowding there need be only one kind of seating accommodation, namely, floor accommodation, where it may be possible for a good number of passengers to find room. This will remove the over-crowding in between the sitting passengers. Anyway, Sir, over crowing and overloading should be avoided. Government should be very particular not merely to get money from the travelling public but they must look to the convenience of the public also. A provision may be incorporated by which this sort of over-crowding is no longer allowed and I trust that they will make it penal. With these observations I support the amendment.

MR. M. R. NARAYANA KURUP: Is it not possible to punish over-crowding in a Transport Bus?

MR. N. NARAYANA PILLAI: There is no provision for meeting out such punishment in the present Bill.

MR. E. G. SALTER: I am rather surprised that one or two honourable members of this House still insist on the question of over-crowding in Transport Buses. In the first instance, in objecting to the amendment I would respectfully draw the attention of the honourable mover to clause 64 (2) (i) in the proposed Motor Vehicles Bill which says that Government may make rules under this chapter to determine "the number of passengers a stage or contract carriage is adapted to carry and the number which may be carried." However, in the drafting of the Rules, I have no doubt that Government will be influenced to a considerable extent by the wishes of the honourable members of this House. It would be somewhat surprising if a regulation prohibiting standing passengers totally comes into force as it will be the only country in the whole world that possesses such a rule, a country which unfortunately lacks the alternative facilities which are available in other countries. Means are not readily available for dealing quickly with break-downs and accidents, and yet we are asked to introduce a rule such as this. May I quote an example? If a bus operating between Kottarakara and Shencottah, the frequency of which is one in three hours, breaks down near Shencottah and if this rule is given effect to, the passengers in that bus would not be permitted to get into the next bus which comes three hours afterwards. The passengers in the broken down vehicle would have to wait for $8\frac{1}{2}$ hours, *i. e.*, till another bus comes from Kottarakara. That will be the result of the rule sought to be introduced in the State Transport Service which is considered to be started for the convenience of the public.

MR. M. SIVATHANU PILLAI: May I know whether the member realises that in such cases people can sit on the floor of the bus rather than stand in the bus?

MR. E. G. SALTER: That appears to me to be an ambiguity which, I am sure, the honourable member who moved the amendment did not mean.

I am merely endeavouring to point out that the difficulties referred to by the mover of the amendment do not appear to exist in respect of the passengers who occupy the seats and those passengers who like to stand do so for their own convenience. I would suggest that if this rule is given effect to it must seriously affect the public convenience and very great inconvenience to the public would arise for which the Transport Department would find itself powerless to find a remedy.

MR. K. KUNJU PANICKER: May I know whether the member is aware that standing arrangement is allowed only after the crowding of the sitting arrangement in the buses?

MR. E. G. SALTER: The only circumstance under which passengers are likely to stand when seats are available is, according to the member's own interpretation, the unpleasant situation arising from sitting for a long time.

In any event I would very strongly urge upon the honourable members to give very careful thought to the subject. If we are not prepared to carry anybody more than the number for which seats are available then very grave inconvenience will result.

I will give just another instance. A number of people about 25 in number presented themselves to get into a transport bus in Pandalam a few days ago. That bus was nearly empty and all of them were able to secure accommodation. If another passenger, let us assume, an honourable member of this House, was waiting to come here urgently, he would, if this amendment is passed, find fault with the Transport Department for refusing to carry him. The Department could not possibly have known beforehand that these 25 people were waiting at Pandalam. I ask the honourable members to consider this question very carefully. If the Bill is passed as is sought to be amended then the Department will have definitely to restrict the number of standing passengers. But if the honourable members feel that they may also be put to inconvenience, then I must ask them to consider the matter, and when an unexpected number of the public present themselves for travel not to accuse the Department of operating an insufficient number of vehicles, because the Department for obvious reasons cannot be expected to put into service any number of buses in the anticipation of getting surplus passengers at any one point. The majority of our routes are 40 miles distant and in that distance a large number of people get in and get out of the buses on route. If this rule is given effect to the Transport Department can only operate vehicles in accordance with the normal traffic demands with the result that in extraordinary circumstances the public will be put to very grave and serious inconveniences.

MR. N. NARAYANA KURUP : May I know whether this law is applicable to the private motor enterprises in the State ?

MR. E. G. SALTER : I was always under the impression that the laws in a country are applicable to every-body in that country.

MR. N. NARAYANA KURUP : If a bus owned by private company carries more passengers than it is licensed to carry, may I know whether it is an offence ?

MR. E. G. SALTER : Now, it is only in the bill stage. If the Bill becomes law it will be an offence.

MR. N. NARAYANA KURUP : May I know whether, according to the law at present on this point, it is an offence or not ?

MR. PUTHUPALLI S. KRISHNA PILLAI : Yes, Sir, it is.

MR. KOTALIL P. ABRAHAM : May I know whether there is provision in the Bill for providing sufficient means to prevent risk of people standing in the vehicles ?

MR. PUTHUPALLI S. KRISHNA PILLAI : There are ample powers vested in Government for framing all such safety rules that are found necessary.

MR. K. G. GOVINDAN : If over-crowding is an offence at present, may I know the reason why over-crowding is sought to be not made an offence under this Bill ?

MR. PUTHUPALLI S. KRISHNA PILLAI : No one has made such an attempt.

The honourable member's proposed amendment is highly objectionable and has to be opposed. I oppose it not because I want passengers to be standing in any vehicle or for that matter in the Government Transport Bus. This Bill is based on the British Indian Motor Vehicles Bill. I may be permitted to state here that for the efficient working of the Motor Vehicles Law throughout India the Government of India considers that it is necessary that in all the Indian States the law relating to Motor Vehicles should, as far as possible, be on a parallel line with the British Indian Motor Vehicles Act. It is only on that condition that it would be possible to enter into inter-statal arrangements regarding recognition of licences, issue of permits, etc. The Government of India is particular that other States should not make any departure from the provisions contained in the British Indian enactment.

MR. K. KUNJU PANICKER : May I know from the member whether he means that we have only to go through the formality ?

MR. PUTHUPALLI S. KRISHNA PILLAI : No.

PRESIDENT : Has the honourable member considered this contingency ? Supposing a bus starts from Tinnevely and comes to Trivandrum and in that bus some people are standing all the way up the borders of Travancore. Are they liable to be prosecuted the moment they enter the borders of Travancore ?

MR. PUTHUPALLI S. KRISHNA PILLAI: It is not that we should go through a formality. In order that we ourselves may get the benefits arising out of the British Indian Law it is necessary that we should not make any great departure from the British Indian Law. That is one thing. It must be realised that if we make a departure it is likely that none of our permits will be allowed and licences accepted in British India. There is express provision that it is open to British Indian Government not to give recognition to our permits or allow our buses to be run in British India if they are satisfied that the law here does not conform to the law prevailing in British India. Considering the peculiar conditions of Travancore we have to seriously consider whether we can go without a provision in our Motor Vehicles Act similar to that in the British Indian enactment. I would invite the attention of the honourable members of the House to clause 79 which says:—

“No person driving a motor vehicle shall allow any person to stand or sit or anything to be placed in such a manner or position as to hamper the the driver in his control of the vehicle.”

This safety provision is made in the Bill itself. Mr. M. Sivathanu Pillai raised the question whether, if standing is prohibited, any number of persons can be allowed to sit or lie in the bus. If, by ‘standing’, the member means standing in such a way as to cause no harm to the person standing, that I can understand. But the member’s object appears to be to prevent over-crowding in buses. If that is so, I can very well state that there are ample provisions in the Bill to prevent over-crowding.

MR. M. SIVATHANU PILLAI: Suppose, for example, a passenger, on account of sitting in the bus for hours together, stands up for a few minutes for the purpose of relaxation, will it not be punishable?

MR. PUTHUPALLI S. KRISHNA PILLAI: Moreover, where is the standing allowed? It is only in buses so constructed as to allow standing space. The private owned buses with which we were familiar were so constructed as to allow no standing space. A passenger who attempts to stand in such a bus will knock his head against the top or be pulled down by the man who sits behind. Is it humanly possible to stand in any of these buses? A Transport Bus, is more spacious.

MR. N. NARAYANA KURUP: May I know from the honourable member whether it is not possible to stand on the foot-board of the bus?

MR. PUTHUPALLI S. KRISHNA PILLAI: There is express provision that no one shall be allowed to stand on the footboard.

MR. N. NARAYANA KURUP: That is not the question. It is whether it is not possible to stand in a bus.

PRESIDENT: Order, Order.

MR. PUTHUPALLI S. KRISHNA PILLAI: There is no question of misunderstanding. So far as my statement is concerned, the rule now in existence is that no one shall stand on the footboard. The rule, that is to be followed hereafter, is also that no person shall stand on the footboard. The rule now is and the rule that is to be followed hereafter, relating to standing, is that no

one shall stand so as to be dangerous to the driving of the vehicle. Suppose 10 or 15 persons are standing in a bus. If, in such a position, any sudden application of the break would throw all these passengers over the driver's head, then such a thing would not be allowed. For this purpose, ample powers are reserved with Government to frame proper rules. I may also be permitted to state that there is a lot of dispute or misunderstanding about the expression 'overloading', that has come into vogue under the existing Motor Vehicles Rules. The question of 'overload' or the expression 'overloading' will hereafter be applicable only to goods-vehicles where the particular space allowed is determined. In regard to public passenger vehicles, provision is contained in the Act, namely, to determine the number of passengers a stage or contract carriage is adapted to carry and the number which may be carried. Public passenger vehicles and stage carriages will hereafter be checked on the basis of the rules prescribed under this clause [64 (2) (i)]. It will always be determined with reference to the number of passengers. The next rule says " (j) the conditions subject to which goods may be carried on stage and contract carriages, partly or wholly in lieu of passengers." That also will be taken into account. Where a driver is driving in accordance with the rule framed under clause 64 (2) (i), there is no question of overloading or over-crowding.

MR. K. C. KARUNAKARAN (Nominated): May I know whether he has any objection to specify the maximum number of passengers?

MR. PUTHUPALLI S. KRISHNA PILLAI: That is what will be prescribed. Whether it is standing or sitting, that will be determined with reference to the rules made under the above provision. When this provision comes into force, the number of passengers that buses will be allowed to carry will be specified.

Section 66 (2) reads ".....rules may be made.....either generally in respect of motor vehicles or trailers or in respect of motor vehicles or trailers of a particular class or in particular circumstances namely

(b) seating arrangements in public service vehicles and protection of passengers against the weather;....."

There is power to frame rules for the purpose also, and the rules framed under clause (1) will determine in respect of each bus the number of persons that it can carry. Whether a passenger is to sit in the bus or squat on the floor or stand for some time all that will be covered by the rules framed therein. The capacity of a passenger vehicle will be determined with reference to the number of passengers it can carry and that will be determined by the rules. The total prohibition on the lines suggested by the honourable member is unnecessary and in my opinion inadvisable. If the honourable member thinks that no person should be allowed to stand in the Transport vehicle and out of deference to the wishes of the honourable member, Government would be prepared to concede that why should we want to import into our Act a provision which will be inconsistent with the provision of the

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British Indian Act and which will attract the attention of all the other Governments? Is it not possible for the honourable members to make themselves felt and to induce Government or compel Government to adopt the views expressed by them, to think as they think, to feel as they feel, and to do what they want? Mr. Salter assures this House that almost every bus running in important cities allows room for standing, that all the buses in Bombay are allowed to carry passengers standing and that all the omnibuses in the London City are taking passengers when they are standing. That is the rule and that is the practice. As honourable members are not familiar with it, there appears to be misunderstanding that if standing space is allowed in a bus, any number of passengers may be packed in that bus. That appears to be the reason why the honourable member seems to contend that there must be such a provision. I can assure the honourable member, Sir, that there will be no necessity for that.

MR. K. KUNJU PANICKAR: I know that if persons are allowed to stand in the bus, there is a chance of their falling into the laps of those who are seated.

MR. PUTHUPALLI S. KRISHNA PILLAI: There is —

MR. N. NARAYANA KURUP: Suppose after the passing of this law, if a private motor bus carries 20 passengers while it has a licence to carry 30 passengers and the over-crowding capacity is for 30 persons, will it be an offence?

MR. PUTHUPALLI S. KRISHNA PILLAI: When we prescribe that a particular bus shall carry not more than 20 passengers and if the driver carries 21 passengers in that bus, that driver will be prosecuted. It is an offence. Where is the doubt in regard to that matter? If on the other hand only a smaller number is carried, it will not be an offence.

MR. N. NARAYANA KURUP: The loading capacity may be for more persons.

MR. PUTHUPALLI S. KRISHNA PILLAI: Under the rules, that will be the position. If a bus is entitled to carry 30 passengers, there will be seating arrangements for 20 and standing accommodation for 10, that is all. If there is no person who is prepared to stand, that room will be vacant.

PRESIDENT: Order, Order.

MR. M. R. NARAYANA PILLAI: I want to know whether the rules have been published.

MR. PUTHUPALLI S. KRISHNA PILLAI: The rules can be published only after the Bill becomes law.

PRESIDENT: There is apparently some confusion about this matter. The English language has within the last 10 years been enriched by two words straphanger and straphanging. If honourable members will consult a dictionary, they will find that the word 'straphanger' means a person who stands holding by a strap in an omnibus and so

those two words have come into operation, apparently as a result of the building of certain types of buses by the London Omnibus Company. Speaking with about 25 years' knowledge of what happens in Europe, I can say that in England, France, Germany, Italy and everywhere, this straphanger is a fairly frequent phenomenon. This principle has also been applied in Bombay and Calcutta. There are many reasons why this particular amendment should at this juncture certainly not be pressed. I would appeal to the honourable members to bear that in mind. The Petrol Rationing Scheme comes into force on 15th August. We expect an officer of the Government of India to have a conference with us in the course of a week or 10 days. Practically no vehicles will be able to get petrol without considerable diminution. It may be taken for granted—and I think on the whole that it is a welcome sign—that many private and luxury vehicles will have to lessen their itinerary. Except for urgent purposes, permits will not be given by Government to those who are using vehicles for what may be called merely luxury purposes. In all probability in a very short time it will be more difficult for petrol running buses to ply than now and if at this time we make it a rule that, even before the substitution by charcoal gas of our own public vehicles, there will be no permission to stand not only shall we be introducing a rule, the like of which is found nowhere else, but we shall make for tremendous inconvenience to the prospective passengers from next week onwards.

The question that clause 80 do stand part of the Bill was put and carried.

Clause 80 was added to the Bill.

Clauses 81 to 129 and Schedules.

The question that clauses 81 to 129 and the schedules and forms do stand part of the Bill was put and carried.

The clauses and schedules and forms were added to the Bill.

Clause 1.

PRESIDENT : The question that clause 1 do stand part of the Bill was put and carried.

Clause 1 was added to the Bill.

Title and Preamble.

The question that the title and the preamble do 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, before I move for the passing of the Bill I beg to move that in sub-clause (1) of Clause 1 for the figure "111" "1117" may be inserted.

MR. E. G. SALTER : I second the motion.

The motion was put and carried.

MR. PUTHUPALLI S. KRISHNA PILLAI : Sir, I beg to move that the Travancore Motor Vehicles Bill be passed.

MR. E. G. SALTER : I second the motion.

The Motion was put and carried.

The Bill was passed.

THE TRAVANCORE INSURANCE ACT (AMENDMENT) .
BILL.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I rise to present the report of the Select Committee appointed to consider the Travancore Insurance Act (Amendment) Bill and move that the Bill as reported may be taken into consideration.

MR. E. G. SALTER: I second the motion.

The motion was put and carried.

The Bill was taken into consideration.

Clauses 1 to 18.

The question that Clauses 1 to 18 do stand part of the Bill was put and carried.

Clauses 1 to 18 were added on to the Bill.

Title and Preamble.

The question that the title and the preamble do 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 may be permitted to state that my attention was drawn to one or two clerical errors occurring in the Bill as republished. In the Select Committee report and the original Bill these mistakes did not occur. These mistakes may be corrected.

PRESIDENT: So long as the Select Committee's report contained no mistake, this House in accepting it is taking the proper course. But in regard to the misprints in the document before us the case is different. I must state that I have been noticing in regard to the printing of bills and questions, a large number of clerical mistakes and the vagaries of the printer's devil. It is the duty of the Legislative Council Secretary and it is the duty of the Government Press to see that if any Acts and Regulations are to be published they are published in a manner which is beyond reproach. I trust such mistakes will not hereafter recur, for, if any mistake is found, everyone responsible for that will have to be dealt with.

MR. E. SUBRAMONIA AIYAR (Nominated): Sir, in Clause 65, I notice a small error.

PRESIDENT: Have you sent up notice of the amendment?

MR. E. SUBRAMONIA AIYAR: No, Sir.

PRESIDENT: Alright. The honourable member can proceed.

MR. E. SUBRAMONIA AIYAR: Sir, the sub-section (a) under Section 65 ought to be under sub-section (6).

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I noticed that error. It was particularly with reference to it that I stated already about the existence of a few clerical mistakes.

PRESIDENT: Supposing the amending bill is passed with the errors and becomes law. Then somebody will have to pay for the whole cost for another meeting of the legislature for amending those errors.

MR. PUTHUPALLI S. KRISHNA PILLAI: Under the standing orders the Secretary has the authority to correct the errors when the Bill is printed and finally published.

Sir, I move that the Travancore Insurance Act (Amendment) Bill be passed.

MR. E. G. SALTER: I second the motion.

The question that the Travancore Insurance Act (Amendment) Bill be passed was put and carried.

The Bill was passed.

THE TRAVANCORE EVIDENCE BILL.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I rise to present the Report of the Select Committee appointed to consider the Travancore Evidence Bill and beg to move that the Bill as revised by the Committee be taken into consideration.

DR. C. C. JOHN: I second the motion.

MR. M. R. NARAYANA PILLAI: Sir, most of us had no time to go through the Bill and study it. Therefore I request that further time may be given to us before the Bill is taken up for consideration.

PRESIDENT: The Evidence Act of British India is a fairly well-known Act. It is one of the reproaches to Travancore that it has had no Evidence Act. And, so far as I can understand, this Bill proceeds on the lines of the British Indian Act. When was it published, Legal Remembrancer?

MR. PUTHUPALLI S. KRISHNA PILLAI: The report of the Select Committee was published on 20th May.

MR. M. R. NARAYANA PILLAI: Sir, there are certain recent decisions of our High Court applying to certain sections of the Evidence Act. These decisions show some discrepancies in the application of the sections. Therefore we want to study the Bill more closely before it is put on the Statute book.

PRESIDENT: The honourable member ought to have done that by this time. Are you now making a motion for adjournment?

MR. M. R. NARAYANA PILLAI: Yes, Sir.

RAJYASEVAPRAVINA KHAN BAHADUR G. S. ABDUL KARIM SAHIB SUHRAWARDY: Sir, the motion is not seconded.

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

The Bill was taken into consideration.

Clauses 1 to 24.

The question that clauses 1 to 24 do stand part of the Bill was put and carried.

Clauses 1 to 24 were added on to the Bill.

Clause 25.

MR. C. JEBAMONY NADAR (*Kalkulam cum Vilavancode*): Sir, I rise to move that the term "Police Officer" in line 2 may be deleted and the expression "an officer who is vested with the powers of the Police, by law" be substituted.

My object in moving this amendment is to avoid conflict of judicial decisions in future and also to bring the law in consonance with the decisions of our High Court. So far as Police functions are concerned there are now various Acts which confer such powers. The Opium Act, the Excise Act, the Forest Act and other similar Acts invest the

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powers of the Police on the officers of these different departments. Now, many instances of conflict of judicial decisions in British India have occurred on account of the existence of the term "Police officer" in the section. One set of decisions is to the effect that the section applies only to the confessions made before an officer of the regular Police force. Other decisions say that the section applies to confessions made to other officers of other departments also, provided they exercise police powers, for instance, the Excise or Forest officers.

PRESIDENT : I have been at some pains to go into the matter. Apparently the confusion arises because at present there is no statute. But the expression "Police Officer" according to the Evidence Act has been construed in the British Indian Courts in a most generous sense including all those who are functioning as Police Officers. As a matter of fact the Excise officers under rules who are given the powers of the Police officers are *eo nomine* designated as Police officers. What is the difficulty there?

MR. C. JEBAMONY NADAR : Sir, there also the difficulty is still experienced. For example A. I. R. 1934 Calcutta 580 states as follows:—

PRESIDENT : The All India Reporter is a very useful publication.

MR. C. JEBAMONY NADAR : This case is also reported in the I. L. R. series. I will read from 1934 Calcutta,

"Having regard to the importance of this matter to the public and the State and in view of the confusion set up by conflicting decisions it would seem desirable that the legislature should deal with the matter again and give a clear definition of what is intended that the section should cover."

Another portion of the report says :

"I can only repeat that if the legislature in the year 1861 or in the year 1872 or at any subsequent time intended any such thing, in my opinion they would have said so in clear and unmistakable terms.....That there was nothing to prevent the framers of the Evidence Act from saying expressly that confession made to police officers as well as these persons who are for the time being and for certain limited...invested with the powers of a police officer are inadmissible in evidence had they so intended."

Now, Sir, that shows that the opinion in British India is for making the necessary changes so that there may not be any confusion in the matter dealt with by this section.

MR. N. RAMAKRISHNA PILLAI (Vaikom cum Kottayam): Is there conflict of opinion now in British India?

MR. C. Jebamony Nadar : I say, Sir, that there is still conflict of opinion.

PRESIDENT : I see the honourable member's point. But really what ought to be done there is to have a definition clause defining the word "Police Officer" as meaning to include all persons exercising the function of the Police under the statute thereunto enabling——something of the kind.

MR. C. JEBAMONY NADAR : Yes, Sir. That would be sufficient. Otherwise difficulty would arise here, because our Police Act defines "Police Officer" as meaning one who is a member of the regular force.

PRESIDENT: I am indebted to [the honourable member for his intelligence in pointing out this.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I shall prepare a draft of the defining clause.

PRESIDENT: Yes.

The question that Clause 25 do stand part of the Bill was put and carried.

Clause 25 was added on to the Bill.

Clause 26.

The question that Clause 26 do stand part of the Bill was put and carried.

Clause 26 was added on to the Bill.

Clause 27.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, the amendment to Clause 27 stands in the name of Mr. E. P. Varghese and the member is not here.

The question that Clause 27 do stand part of the Bill was put and carried.

Clause 27 was added on to the Bill.

Clauses 28 and 29.

The question that Clauses 28 and 29 do stand part of the Bill was put and carried.

Clauses 28 and 29 stand part of the Bill.

Clause 30.

MR. C. JEBAMONY NADAR: Sir, I move the amendments Nos. 3 to 6.

Delete the words "and some of other of such persons" occurring in lines 3 and 4.

Delete also, "as against such other person as well" occurring in lines 5 and 6.

In illustration (a) last line delete the letter "B" and substitute "A, but not against B."

Why I move these amendments is that the High Court in Travancore has all along declined to follow this provision of the British Indian Act, evidently because it is a departure from the English law. The matter first arose in 8 T. L. R. and following that there have been a series of uniform decisions up to the present day.

MR. JOSEPH VITHAYATHIL: If these amendments are accepted, may I know the purpose that will be served thereby?

MR. C. JEBAMONY NADAR: That will make the confession of a co-accused inadmissible.

The Select Committee do not say why the local case law has not been adverted to. They do not say why we should change the existing law, especially because of its being in conformity with the English rule of law. In fact, the judicial opinion here has been so weighty and uniform that 4 T. L. T. page 434, said "Section 30 of the Evidence Act could not be adopted as law here." This was a decision in 1105. Difficulties are likely to arise if the evidence of a co-prisoner is accepted, because the safeguards for true evidence are absent in the case of

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an accused in the dock, who cannot be put into the witness box and to whom no oath could be administered. When a witness is sworn, he undertakes solemnly to speak the truth, else he might be liable to divine punishment. Then the evidence is tested by cross-examination. So, to accept the statement of a co-accused as legal and valid evidence would be opposed to all known systems of criminal jurisprudence.

A man who has nothing to lose may be purchased to figure as an accused and asked to make a damaging statement inculcating an innocent person who may have no chance of discrediting that false statement and the result may be the conviction of an innocent person. The evidence of an approver, though he is examined as a witness, and therefore on oath and subjected to cross-examination, has been held to be unworthy of credit unless corroborated in material particulars. The rule which prevailed in India prior to the passing of the Indian Evidence Act was that the confession of an accused person was only evidence against him and cannot be used against others. Text writers have condemned in strong terms the provisions of the Indian Evidence Act, Section 30.

I submit, Sir, that this amendment would better serve the administration of Criminal Justice and may therefore be accepted as it is also in accordance with the law in England and the case law in Travancore.

MR. JOSEPH VITHAYATHIL : Sir, I rise to oppose the amendments.

MR. KAINIKKARA M. PADMANABHA PILLAI : The amendments have not been seconded.

MR. K. KUNJU PANICKER ; I second the amendments.

MR. JOSEPH VITHAYATHIL : Sir, if the amendments proposed by the honourable member are accepted, no useful purpose will be served by retaining the clause. It will only be a repetition of clause 21 which says that the admission of an accused may be proved against him. The section only says that the court may take into consideration the confession of an accused against a co-accused jointly tried with him for the same offence. It does not say that it is evidence as defined in clause 3 as against the co-accused. The fact is that when one of the prisoners makes a confession it is very difficult, practically impossible, for the court to ignore it altogether when considering the guilt of the other prisoners jointly tried for the same offence. But no court will convict a person on the uncorroborated confession of a co-accused. The section only says that the court may take this matter also into consideration. In any case if the House is not in favour of the principle underlying the clause the proper course would be to delete the clause itself and not to amend it in the manner suggested by the honourable member who has moved these amendments.

MR. PUTHUPALLI S. KRISHNA PILLAI : It appears that Mr. Jebamony Nadar seems to be under a misapprehension when he stated that the course of decision is uniform and that there is no break in the uniformity. I would refer the honourable member to 25 T. L. J. p. 923. I concede, Sir, that it has been the practice not to follow the provision

of Section 30 of the Evidence Act. It is stated there that the confession of one accused as against his co-accused may affect the other accused. But how can the confession affect the co-accused if it cannot be admissible against him? The learned judge was under a disadvantage in that case, because the Evidence Act is no law here. Although the principle that we have been following is the rule followed in England, that procedure has been supported in the first instance by the absence of the statute law. In the commentaries of the Indian Evidence Act by Amir Ali it is stated thus—

“While such a confession deserves ordinarily very little reliance it is never possible for a judge to exclude it, and he need no longer pretend to do so, the provisions of this section being inserted for the purpose of relieving him from an attempt to perform an intellectual impossibility. When a confession is made before a magistrate or judge by one accused implicating the co-accused, the magistrate or judge reading that confession cannot divorce himself from the fact that there is a statement on record and it is bound to have some effect on his judicial mind.”

If the statute were to contain a provision that such a statement shall not be admissible against the other co-accused, you will be compelling him to be dishonest, as it were, so far as judicial consideration is concerned. But there is always the safety underlying the rule that no person shall be convicted on uncorroborated confession. That rule is applicable even to this confession.

MR. C. JEBAMONY NADAR : May I know whether there is difference between an approver's statement and a confession of an accused?

MR. PUTHUPALLI S. KRISHNA PILLAI : Yes. All that is stated here is that the confession of a co-accused may be taken into consideration. That is on the merits.

When the Bill was under consideration here this matter was pointed out. Even when the Bill was under discussion in the Select Committee, the matter was considered in the light of the judicial decisions thereon.

Further, as pointed out by Mr. Joseph Vithayathil, what will be the result if the proposed amendments are accepted? It would be a reduplication of Section 21 and it would be meaningless. Section 21 provides that any confession made by an accused person may be proved against him. Here the amendment is to omit certain words. The section itself has been necessitated because the law wanted to provide for admissibility of a confession made by an accused against his co-accused tried jointly with him. If the words referring to joint trial &c., are omitted, it will be as if we had two sections relating to the same matter. The amendments therefore cannot be accepted.

PRESIDENT : Order, order. The point to be borne in mind in regard to clause 30 is as follows. If a co-accused gives cogent information with detailed particulars regarding the commission of an offence by another accused, all that is provided is that the judge may take such a statement into account. In the absence of such a provision what happens is that the judge who has been and is bound to be

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impressed by the statement performs intellectual gymnastics and indulges in forced reasoning for the purpose of making it appear that he has not been influenced by such a statement and that he has not been guided by it. This is a kind of judicial dishonesty which this Government do not desire to encourage.

Although it may not be quite pertinent, another kind of judicial dishonesty is where a judge desires to acquire cheap popularity as a merciful officer or to acquire *punnyam* by twisting of cases of murder into cases of culpable homicide not amounting to murder or even into cases of grievous hurt. This process is accomplished by twisting the evidence and inventing grave and sudden provocation where common-sense forbids such a process. So long as a capital punishment remains on the Statute Book, so long will this Government naturally regard such conduct on the part of judicial officers as essential unjudicial.

Almost equivalent to these tactics are those of judges in relation to confessions of co-accused. I hope this House will realise that while such a confession should not be regarded as final or conclusive, nevertheless, it would not be expedient to rule it out altogether.

The amendment was put and lost.

The question that clause 30 do stand part of the Bill was then put and carried.

Clause 30 was added to the Bill.

Clauses 31 to 166.

The question that clauses 31 to 166 do stand part of the Bill was put and carried.

Clauses 31 to 166 were added to the Bill.

Clause 3.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I have an amendment to Clause 3 dealing with Definitions. At the end of Clause 3, the following definition shall be added:

"Police Officer" means a police officer as defined in the Police Act and includes any person who exercises the powers of a police officer under any law for the time being in force.

MR. E. G. SALTER: I second the amendment.

The amendment was put and carried.

The question that Clause 3, as amended, do stand part of the Bill was put and carried.

Clause 3, as amended was added to the Bill.

Title and Preamble.

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

The title and the preamble were added to the Bill.

MR. PUTHUPALLI S. KRISHNA PILLAI: Before I move for the third reading of the Bill, I may be permitted to move the following amendment to Clause 1: After the words "Travancore Evidence Act" the figures "1117" shall be added.

MR. E. G. SALTER: I second the motion.

The amendment was put and carried.

MR. PUTHUPALLI S. KRISHNA PILLAI: For the word "on" occurring at the end of Clause 1 the words "at once" shall be substituted.

TRAVANCORE CRIMINAL PROCEDURE CODE BILL.

MR. E. G. SALTER: I second the motion.

The amendment was put and carried.

MR. PUTHUPALLI S. KRISHNA PILLAI: In Clause 2 for the words "that day" the words "the date of commencement of this Act" shall be substituted.

MR. E. G. SALTER: I second the motion.

The motion was put and carried.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I move that the Travancore Evidence Bill as amended be passed.

MR. E. G. SALTER: I second it.

The motion was put and carried.

The Bill, as amended, was passed.

THE TRAVANCORE PENAL CODE (AMENDMENT) BILL.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I rise to present the report of the Select Committee appointed to consider the Travancore Penal Code Amendment Bill and beg to move that the Bill as revised be taken into consideration.

MR. E. G. SALTER; I second it.

The motion was carried.

Clauses 1 to 18,
Title and Preamble.

The question that Clauses 1 to 18 and the title and the preamble do stand part of the bill was put and carried.

Clauses 1 to 18, the title and the preamble were added to the Bill.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, before moving for the third reading of the Bill, I beg to move that in clause 1 sub-clause (1) the figure "7" shall be substituted for the figure "6".

MR. E. G. SALTER: I second it.

The amendment was carried.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I beg to move that the Travancore Penal Code (Amendment) Bill as amended be passed.

MR. E. G. SALTER: I second it.

The motion was put and carried.

The Bill, as amended, was passed.

THE TRAVANCORE CRIMINAL PROCEDURE CODE BILL.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I rise to present the report of the Select Committee appointed to consider the Travancore Criminal Procedure Code Bill and beg to move that the Bill as revised to the Select Committee be taken into consideration.

MR. E. G. SALTER: I second it.

The motion was put and carried.

Clauses 1 to 105.

The question that clauses 1 to 105 do stand part of the Bill was put and carried.

Clauses 1 to 105 were added to the Bill.

Clause 106.

MR. C. JEBAMONY NADAR: Sir, I move that in lines 2 and 3, the words "specially empowered by Our Government in this behalf." be omitted. This clause corresponds to Section 93 of the present Code. The present Code was passed in 1868. Till this time no occasion arose to amend the present Code so as to limit the powers of a Magistrate of the

[Mr. C. Jebamony Nadar]

First Class in taking cognisance of matters under Section 93. It is true that such a clause is found in the British Indian Code. But so far as our State is concerned, till now there has been no complaint that our First Class Magistrates have misused their powers. Therefore I do not see why this section should introduce a limitation. With these observations, I move the amendment.

MR. P. S. MUHAMED : I second it.

MR. PUTHUPALLI S. KRISHNA PILLAI : Sir, I oppose the amendment. It is no doubt true that from 1068, the power to try persons under Section 93 of the Criminal Procedure Code was enjoyed by all the First Class Magistrates. But the honourable member will find that various classes of First Class Magistrates have since been brought into existence and the new Bill has enlarged the ordinary powers that are exercisable by all First Class Magistrates. The power to take cognisance of cases upon information or upon suspicion or upon reports or complaints is conferred by the Code on all First Class Magistrates. The procedure prescribed in clause 106 is to try summarily and demand security from habitual offenders. It is considered advisable that this power should be exercised only by such First Class Magistrates as are empowered by Government to do so. This has been deliberately put in. At present there are Tahsildar First Class Magistrates and Honorary First Class Magistrates. Expediency demands that this power should be exercised by Magistrates specially empowered.

MR. C. JEBAMONY NADAR : I beg to leave to withdraw my amendment.

The amendment was, by leave, withdrawn.

The question that clause 106 do stand part of the bill was put and carried.

Clause 106 was added to the Bill.

Clauses 107 to 273.

The question that clauses 107 to 273 do stand part of the Bill was put and carried.

Clauses 107 to 273 were added to the Bill

Clause 274.

MR. C. JEBAMONY NADAR : Sir, I move the following amendment:

Add as Section 274 A., the following :—

"The judge shall then pronounce judgment. If the accused is acquitted the judge shall record judgment of acquittal. If the accused is convicted, the Judge shall, unless he proceeds in accordance with the provisions of Section 471, pass sentence on him according to law."

In the chapter on the trial of cases by Sessions Judges, there is no section authorising them to pronounce judgment. I find that such power is given to Magistrates, in the chapters relating to trial of Warrant cases, Summons cases and Summary cases. Thus the present Bill is defective on an important matter. Perhaps this is due to an oversight to incorporate Section 306 of the British Indian Code which occurs after the section dealing with Jury. Our Bill does not adopt the trial by Jury and so omits those sections. In doing so it has also omitted the section empowering the Sessions Judge to pronounce Judgment. So, as the Bill stands at present, the Sessions Judge will not be authorised to pronounce judgment. That is a serious defect in our present Bill. To rectify that, I move this amendment.

MR. PUTHUPALLI S. KRISHNA PILLAI : I have not found any such difficulty in any of the reported cases.

PRESIDENT : I wish to seek the opinion of the honourable members on another matter. We shall probably finish all the official business in another half an hour or three quarters of an hour. Therefore there will be no legislative business for tomorrow. I am asking for the guidance of the honourable members whether they would have non-official business tomorrow instead of on Wednesday or they would prefer to have non-official business on Wednesday.

MR. M. SIVATHANU PILLAI : Tomorrow.

MR. KAINIKKARA M. PADMANABHA PILLAI : Tomorrow.

PRESIDENT : The non-official business will be taken up tomorrow.

The House rose for lunch at 1 p. m. and re-assembled at 2 p. m.

MR. PUTHUPALLI S. KRISHNA PILLAI : Sir, the matter is really covered by Chapter XXVI of the Bill and in fact it contains a comprehensive provision dealing with judgments delivered by Magistrates and courts.

Clause 302 (1) reads thus :—

302. (1) The Judgment in every trial in any criminal court of original Mode of delivering Judgment jurisdiction shall be pronounced, or the substance of such judgment shall be explained,—

(a) in open court either immediately after the termination of the trial or at some subsequent time of which notice shall be given to the parties or their pleaders, and

(b) in the language of the court, or in some other language which the accused or his pleader understands :

Provided that the whole judgment shall be read out by the presiding officer of the court, if he is requested so to do either by the prosecution or the defence.

That is in the chapter which deals with judgments.

Then the wording of the proposed amendment itself is inappropriate. Of course I very much appreciate the point raised by Mr. Jebamony Nadar that some express provision may be made in Chapter XXIII for the purpose.

While thanking Mr. Nadar for pointing out an apparent lacuna in the Bill, I would point out that the clause may have to be redrafted.

PRESIDENT : The matter could be made easy if his amendment is incorporated at the end of the clause. The words "thereafter the Judge shall proceed to announce the judgment" or something to that effect may be added and that ought to be good enough for this reason. After all some of the other words are really unnecessary because the acquittal will be separately dealt with and conviction also will be separately dealt with.

MR. C. JEBAMONY NADAR : Section 306 of the British Indian Code reads thus :—

If the accused is acquitted, the Judge shall record judgment of acquittal. If the accused is convicted, the Judge shall unless he proceeds in accordance with the provisions of Section 562 pass sentence on him according to law "

PRESIDENT : It is easy to adopt that provision.

MR. PUTHUPALLI S. KRISHNA PILLAI : Yes, Sir. We will adopt the existing provision in clause 274 as sub-clause (1) of that clause and adopt the portions just now read out by Mr. Jebamony Nadar as sub-clause (2) thereof.

[Mr. Puthupally S. Krishna Pillai]

Thereupon the following motion was made:—

In clause 274, and the following as Sub-clause (2) after numbering the existing clause as sub-clause (1) of that clause:—

“The judge shall pronounce the judgment. If the accused is acquitted the judge shall record judgment of acquittal. If the accused is convicted the judge shall, unless he proceeds in accordance with the provisions of Sections 471, pass sentence on him according to law.”

The motion was put and carried.

The question that clause 274, as amended, do stand part of the Bill was put and carried.

The clause, as amended, was added to the Bill.

Clauses 275-475 and Schedules.

The question that clauses 274 to 475 and the schedules do stand part of the Bill was next put and carried.

Clauses 275-475 and the schedules were added to the Bill.

TITLE AND PREAMBLE.

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

The title and the preamble were added to the Bill.

MR. PUTHUPALLI S. KRISHNA PILLAI: Before I move for the third reading of the Bill I beg to submit that I may be permitted to move the following amendment:—

In clause 1 sub clause (1) after the words “Code of Criminal Procedure,” the figures “1117” shall be inserted.

MR. R. RAMA VARIER: I second it.

The motion was put and carried.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I beg to move that the Bill to consolidate and amend the law relating to Criminal Procedure, be passed.

MR. R. RAMA VARIER: I second the motion.

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

The Bill was passed.

PRESIDENT: I must congratulate the honourable House and the Legal Remembrancer on having passed with great expedition some of the heaviest pieces of legislation.

MR. N. RAMAKRISHNA PILLAI: Sir, I wish to say a few words on the legislative work of this House during the last two or three years. The amount of legislative work done during this short period has been immense. As many as sixty-two legislative enactments have been passed and placed on the statute book during this year and in 1115 alone. It seems to me that the amount of legislative work done during the period will far outweigh the entire output of legislative activity in the past. But it is not merely by the quantity of the work that has been done that this period of intense legislative activity is to be tested. There is no field of human activity which has not been attempted to be controlled by means of legislation within this period; and the beneficent results sought to be achieved by these measures have been as important in their scope as in their extent.

During the last two or three years, the task of codifying the whole commercial law has been accomplished. Commercial law till then was only a part of the Common Law of the country. Besides repealing and re-enacting the law relating to companies, important legislative measures like the Contract Act, Sale of Goods Act, Partnership Act, the Specific Relief Act, the Arbitration Act, the Negotiable Instruments (Amendment) Act, the Bankers Books Evidence Act, the Patents and Designs Act and the Insurance Act, have also been passed and placed on the statute book.

Except the Factories Act, V of 1089, which was repealed and re-enacted as Act VIII of 1114, there was no legislation affecting labour in this country till now. The Workmen's Compensation Act, (Act XIII of 1114), the Trade Disputes Act (Act V of 1114), the Payment of Wages Act (Act XX of 1116), and other enactments testify to the great interest taken by Government in the welfare of the labour community.

Legislative reforms in regard to local self-government have been even more remarkable. The old Municipal Regulation, V of 1095, was completely repealed and in its place two most important enactments have been passed. These are the City Municipal Act, IV of 1116, and the District Municipalities Act, XXIII of 1116. The Travancore Village Unions Act, IX of 1115, is another important enactment intended to foster and encourage rural development by constituting Village Unions in the State.

The Debt Relief Act which required so much labour, time and anxious consideration in this House last year was another important measure which was enacted to afford relief to debtors.

Not the least important of the measures that were passed during this time were the Official Secret Act, I of 1115, the Dramatic Performance Act, the Petroleum Act, the Explosive Substances Act, the Press (Emergency Powers) Act, the Rubber Control Act, the Railways Act, the Government Trading Taxation Act, the Telephone Act, the Krishnan vaka Marumakkathyam Act, the Census Act, the Wireless Telegraphy Act, Aircraft Act, Coffee Market Expansion Act, Soldiers Litigation Act, Provident Funds Act, Christian Guardianship Act, Maintenance Orders Enforcement Act, Explosives Act, Kerosene Excise Duty Act, Tyres Excise Duty Act, Child Marriage Restraint Act etc.

Side by side with this legislative work, a steady and persistent endeavour has been made to bring the old enactments up-to-date, to meet the needs of a progressive and enlightened people. The Revenue Summons (Amendment) Act, the Markets (Amendment) Act, the Negotiable Instruments (Amendment) Act, the Registration (Amendment) Act, the Hindu Religious Endowments (Amendment) Act, the Jenmi and Kudiyan (Amendment) Act, the Income Tax (Amendment) Act, the Travancore Arms (Amendment) Act, the Travancore Criminal Law (Amendment) Act, the Reformatory Schools (Amendment) Act,

[Mr. N. Ramakrishna Pillai]

Mechanical Lighters Excise Duty (Amendment) Act, Matches Excise Duty (Amendment) Act, Land Conservancy (Amendment) Act, Revenue Recovery (Amendment) Act etc., have all been passed during this time. Considerable work has been done in this direction and by following a system of periodical amendments, it has now become easy to keep all the enactments in the statute book up-to-date.

Not by any means the least important of the legislative measures that have been introduced in this House are the Travancore Evidence Bill and the Criminal Procedure Code Bill.

Though the rules enacted in the Indian Evidence Act have been generally followed by the courts in Travancore, the strict application of those rules in the trial of cases has always been rendered difficult by the absence of statutory sanction for the rules and the reluctance of the court to enforce the strict letter of the law enacted in this Act. We meet with frequent observations in the reported decisions of the High Court that the Indian Evidence Act is not binding on the courts in Travancore. This enactment is therefore bound to have a beneficent effect on the trial and speedy disposal of cases.

The Criminal Procedure Code in force in Travancore was passed so long ago as 1067. The British Indian Criminal Procedure Code was consolidated and re-enacted in 1898 and has since then been subjected to revision from time to time and notably in 1923 when several important amendments were made in the Act. Though several amendments have been introduced into our Code since 1067, no attempt has till now been made to revise the Code as a whole and to re-enact it in a consolidated form. It required more than two years for a special law officer to revise the Code of Civil Procedure which was introduced and passed in the reformed Legislative Council of 1097. The revision of the Criminal Procedure Code was then considered to be a heavy task as indeed in several particulars there was a wide departure in our law of Criminal Procedure from the British Indian Criminal Procedure Code. The revision of the Criminal Procedure Code required great industry, experience and discrimination, and the profession as well as the public will feel thankful for the revision of the Code which has been accomplished in so short a time.

We do realise and we are grateful that a large and comprehensive scheme of legislation like this which has never been attempted before has been undertaken at the instance of Government. We are thankful to Government for the great work that has been undertaken and accomplished in the sphere of legislation within so short a time. This task would not have been rendered possible but for the initiative and guidance of the Head of the Administration, who is himself a great and distinguished jurist: and great credit is also due to the Legal Remembrancer who has brought great capacity and industry to bear upon the task of drafting and piloting these Bills through the Legislature.

PRESIDENT : I may also associate myself and I am sure the House will be glad to associate itself with the comprehensive and discriminating commendation that has been bestowed upon the work of the Legal Remembrancer. He was charged with a task of co-ordinating and bringing up-to-date the commercial laws of the State. Without the codification of commercial laws, the difficulties in the way of the subordinate Judiciary in dealing with all the ramifications of modern business would have become increasingly difficult. One of the great objects of codification is to see that the uncertainties and delays of law are avoided, as far as possible. We can only remedy the evil up to a point. But it can be remedied. I take this opportunity to place on record the thanks of the Government to the Legislature for the readiness and the patience with which they have discharged the consideration of these important legislative measures and I wish also to place on record my feelings of very great satisfaction in respect of the strenuous and persevering work turned out by the Legal Remembrancer to whom much praise is due.

THE PREVENTION OF CRUELTY TO ANIMALS ACT
(AMENDMENT) BILL.

MR. PUTHUPALLI S. KRISHNA PILLAI : Sir, I rise to introduce a Bill to amend the Prevention of Cruelty to Animals Act and move that the Bill be read. Before resuming my seat I may be permitted to add that the attempt is to bring up the existing Act to the level at which it is being worked and enforced elsewhere. Honourable members might have noticed that the Travancore Prevention of Cruelty to Animals Act is based on the corresponding British Indian Act. Recently the British Indian Act was amended. Of course there were earlier amendments to the British Indian Act. But recently some important amendments were made. After going through the Act, Government have been satisfied that similar or at least some of the changes should be introduced here also. Honourable members would notice that in the existing Act, Section 3 is enacted for efficiently dealing with cases of overloading vehicles and over-working the animals. But experience has shown that it is inadequate. Hence it is proposed to be substituted by a new clause. It is also proposed to repeal Section 10 which recognises certain religious rites and usages involving cruelty to animals. This is one step in advance of the law as enacted in British India. At present there is no power reserved with Government for framing appropriate rules. It is therefore proposed to add a new section, 10 (a), empowering Government to frame rules. The absence of this section has been causing very great inconvenience.

I would add that this is a very beneficent and necessary measure and I hope the House would agree with me in so thinking and I believe the House will readily accept the principle contained in the Amendment bill. I move that the bill be read in the House.

DR. C. C. JOHN : I Second it.

The motion was put and carried.

TITLE OF THE BILL.

SECRETARY: The title of the Bill shall be "The Prevention of Cruelty to Animals Act (Amendment) Bill."

MR. PUTHUPALLI S. KRISHNA PILLAI. Sir, I beg to move that the Bill be referred to a Select Committee consisting of the following members to report within four months:—

1. Mr. S. Chattanatha Karayalar
2. „ M. L. D'Cruz
3. „ S. Govinda Pillai
4. „ N. V. Joseph
5. „ G. Velu Pillai
6. Dr. Jeevanayagom
7. Mr. K. Kunju Panicker
8. „ P. S. Muhamed
9. „ S. Narayana Pillai
10. „ N. Ramakrishna Pillai
11. „ Kottalil P. Abraham
12. „ Puliyoor T. P. Velayudhan Pillai and
13. „ P. Kunjukrishnan

DR. C. C. JOHN: I second it.

The motion was put and carried.

TRAVANCORE FISHERIES ACT (AMENDMENT) BILL.

MR. PUTHUPALLI S. KRISHNA PILLAI: Sir, I rise to introduce the Travancore Fisheries Act (Amendment) Bill and move that the Bill be read in the Assembly. From the Statement of Objects and Reasons appended to the Bill, honourable members might have noticed that it is proposed to add a new section to the existing Fisheries Act as Section 24. Under Section 5 of the Fisheries Act, Government are empowered to notify certain poramboke waters as areas within which the catch of fish is prohibited except under a licence. Such notifications have been published and large tracts of *Kayals* adjoining the coastal regions have been declared as notified areas under Section 5. Under the section dealing with private waters, the above restriction is confined to poramboke waters. Taking advantage of this provision, people have been exploiting the resources of the public waters notified under Section 5. The way in which they manage is this. That which is prevented is the catching of fish in certain waters. There are private waters adjoining public waters and if a catch is made in the private waters the Fishery Department is not competent to interfere even though the fish so caught is the fish in the notified area. That could not have been the intention of the Legislature, when it passed that measure. Advantage is therefore taken of this lacuna in the law and people with impunity make openings in the bunds separating the public water and the private water and attract the fish from the public water into the private water and thus defeat the purpose of law. If the bunds are kept in tact the fish in the public water cannot escape or migrate into private waters. It is

impossible to keep watch over the bunds separating the 'private waters from the public waters throughout the year. People make openings in such bunds and it would appear that in many areas the bunds are put up by private individuals. The argument appears to be that for the purpose of in-flow and outflow of water they have to keep the bunds open. To that Government have no objection. Through the opening fish migrate into the private water. But if the bunds are kept open for the inflow of water it should be kept open for the outflow also. That which they allow to get in must be allowed to get out also along with the ebb. But that is not being done. They allow the water and fish to get in, but do not allow the fish but allow only the water to get out. That is not an innocent act but it is a deliberate act for the purpose of catching the fish. What they are prohibited from doing is being done on a technical-flaw in the law. The land owners make enormous profit by this practice with the consequence that the wealth which Government wants to conserve for the benefit of the public is being steadily depleted. It is to meet this contingency that this Bill is brought forward. The Bill has been so worded as not to interfere with any right inherent in any owner of private waters. A careful reading of sub-clause (1) would show that all that is intended to restrict is the alluring into private waters of a certain class of fish from public waters. It is not intended to prevent it but only to regulate it.

The absence of any regulation or restriction in respect of this matter enables the parties to exploit the situation and the wealth of the country and to make the best out of it. I do not blame those engaged in this notorious practice, for, here as elsewhere, it is the fashion to evade or prevaricate the law. The matter has been carefully investigated and the Professor of Marine Biology, the officer in charge of this department, has reported to Government that, by allowing unrestricted catching of a particular variety of fish-prawns, great damage is done to the State. A peculiar tendency of this kind of fish appears to be to come from the sea before it is mature, to migrate upstream or along with the ebb and tide, then to go back into sea and when it develops, to come back again either to die or to be killed. But the people seem to be in such a great hurry that they have no regard for this. Even the small ones they get, they destroy and make as much profit out of them as possible. This is a great loss to the State. The prawn industry, so far as Travancore is concerned, had its past glory, sometime back, when exploitation to this extent had not proceeded, but with the increased method of destruction established by our fishing population, the destruction is proceeding at a rapid pace. It is necessary that it should be checked, not to the detriment of the prawn catchers but for the betterment and prosperity of the State. This bill ought to have been placed before the House long before this, but Government have been taking time to consider in what manner it should be dealt with—whether all exploitation of the fish in the public waters should be prohibited and to what extent, exploitation in private waters could be interfered with. Government have, so far, not decided to interfere

[Mr. Puthupalli S. Krishna Pillai]

with the catching of prawns in sea waters. They have decided not to interfere with the catching of prawns in private waters, if private waters have nothing to do with the prawns that ought to grow in regulated conditions in poramboke waters. They have therefore finally decided that, to the extent to which the intents and purposes of the law exists, the Legislature must step in and therefore, Sir, it is proposed in the Bill that,

“Notwithstanding anything contained in any other provisions of this Act or any law or custom having the force of law, it shall be unlawful for any person, except under a license, and in accordance with the terms and conditions, if any, prescribed under this section, to attract, or cause or allow migration of prawns into private waters, from any waters noticed under sub-section (1) of Section 5, by the use of sluices, gratings, gears, alluring lights or other such contrivances and to catch, destroy or cause injury to any such fish by any means whatsoever.”

So that the scope of the Bill is very much limited. It is very carefully worded so as to bring within its scope, only those who, openly and avowedly, try to defeat the purpose of the existing Statute. It is only that that is proposed to be dealt with.

MR. KANNANTHODATH JANARDANAN NAIR: In Kuttanad fish come into the fields when they are not cultivated. During times of cultivation, bunds are raised and when the water is pumped out, fish are not able to get out and naturally they are caught.

MR. PUTHUPALLI S. KRISHNA PILLAI: I do not quite follow the member.

MR. KANNANTHODATH JANARDANAN NAIR: I shall make it clear. The honourable member was telling the House that, when fish are attracted into private waters, they have no access to go into the public waters. In Kuttanad, fish enter the paddy fields when they are not cultivated and they lay eggs and develop into larvae. But during the time of cultivation, bunds are raised and water is pumped out of the fields. Then naturally, these fishes are caught along with the mothers. My question was, what has the honourable member to say regarding this point?

MR. PUTHUPALLI S. KRISHNA PILLAI: We are dealing with prawns— young ones as well as old—and the honourable member's question refers to all kinds of fish.

MR. KANNANTHODATH JANARDANAN NAIR: Not exactly so.

MR. KOTTALIL P. ABRAHAM: Along with other fish, prawns also may come in.

MR. PUTHUPALLI S. KRISHNA PILLAI: Let one or two come in.

MR. KOTTALIL P. ABRAHAM: It is thought that the Bill will apply only to prawns.

MR. PUTHUPALLI S. KRISHNA PILLAI: I have not used the word 'fish' but only the word 'prawn.' It does not include various kinds of fish. All that is prohibited or sought to be restricted is catching of

prawns after their allurements into private waters by use of sluices, gratings, gears, alluring lights or other such contrivances. The case suggested by the member will be certainly outside the scope of the section.

PRESIDENT: The real difficulty does not arise in this way. Prawns only come into the fields and they could not go out. That is the idea.

MR. PUTHUPALLI S. KRISHNA PILLAI: The honourable member was asking me what will happen if while cultivating his fields the owner finds prawns in his fields and catches them for his own use.

MR. M. SIVATHANU PILLAI: During the time of cultivation, I understand, out of necessity, Kuttanad cultivator has to raise bunds and there is necessity to pump out water for the purpose of cultivation. There the catching of the fish is not a willful act on the part of the agriculturist. After pumping the whole water, fish will remain in the field and what has he got to do with those fish? Suppose among those, there is a good quantity of prawns?

MR. PUTHUPALLI S. KRISHNA PILLAI: If it is by this means, it is open to him to catch them. If you allow prawns to migrate into the fields by the use of sluices, gratings etc., and catch, destroy or cause injury to any such fish by any means whatsoever, you are liable. Why should you think that you are pumping out water without putting up bunds on all sides? When you put up bunds you are not putting up sluices, gratings etc., for the purpose of attracting fish into your lands. You are merely putting up bunds and you will prevent prawns from migrating into your lands.

MR. M. SIVATHANU PILLAI: Before that, prawns could have migrated.

MR. PUTHUPALLI S. KRISHNA PILLAI: That is exactly what I mean.

PRESIDENT: Notwithstanding that the prawns may be there.

MR. PUTHUPALLI S. KRISHNA PILLAI: So that this is intended to deal with a particular kind of fish. That is why it has been so worded. If you keep a bund—that is what happens in Kuttanad where fish migrate into such waters—you are doing it only for purposes of cultivation and not for catching the fish. Suppose you make an opening in that bund, put up a light at or near that opening and also a net at the opening, then it will not be for purposes of cultivation. The latter will, and the former will not, come within the mischief of the section.

MR. M. SIVATHANU PILLAI: Am I to understand that the prawns are not so abundant in other taluks?

MR. PUTHUPALLI S. KRISHNA PILLAI: It is not.

MR. KANNANTHODATH JANARDANAN NAIR: Am I to understand, Sir, that the prawns are not so abundant in our backwaters?

MR. PUTHUPALLI S. KRISHNA PILLAI : The fresh water prawns are not so abundant as the sea-water prawns. It is only these that are caught in large numbers and it is only these that are considered to be a delicacy both here and elsewhere.

PRESIDENT : Especially in China where it is powdered and used.

MR. PUTHUPALLI S. KRISHNA PILLAI : Sir, it is also important as a manure.

MR. PADIYARA JOSEPH KUNJU : കട്ടനാട്ടിലെ കൊഞ്ചു ഇതിൽ ഉൾപ്പെടുമോ?

MR. PUTHUPALLI S. KRISHNA PILLAI : പ്രാൺസ് എന്നു പറയുന്ന തെല്ലാം ഇതിൽ ഉൾപ്പെടും. എന്നാൽ ലാബ്സ് റേറ്റർസിനും കൊഞ്ചിനും ചുത്രാസമുണ്ടു്.

MR. PADIYARA JOSEPH KUNJU : ഞാൻ കൊഞ്ചിനെപ്പറ്റിയാണ് ചോദിക്കുന്നതു്.

MR. PUTHUPALLI S. KRISHNA PILLAI : കൊഞ്ചു പ്രാൺസിൽ ഉൾപ്പെടുന്നതാണെങ്കിൽ ഇതിൽ ഉൾപ്പെടും.

MR. PADIYARA JOSEPH KUNJU : കട്ടനാട്ടിൽ വലിയ കൊഞ്ചാണ് ഉള്ളതു്. അതു് ഇതിൽ ഉൾപ്പെടുമോ?

MR. C. C. JOHN : അതു് ഇതിൽ ഉൾപ്പെടുകയില്ല ഇതിനകത്തു് ഉൾപ്പെടുന്നതു് കടലിൽനിന്നും കയറിവരുന്ന ചെമ്മീനാണ്.

MR. KOTTALIL P. ABRAHAM : ചെറിയ ചെമ്മീൻ വളർന്നാൽ വലിയ കൊഞ്ചാകുമോ?

MR. C. C. JOHN : ഇല്ല. ഇതു രണ്ടും രണ്ടാണ്.

MR. PADIYARA JOSEPH KUNJU : കൊഞ്ചും കുഞ്ഞുങ്ങളും ഇതിൽ ഉൾപ്പെടുകയില്ലല്ലോ?

MR. C. C. JOHN : ഇല്ല.

The motion that the Bill be read was put and carried.

TITLE OF THE BILL.

SECRETARY : The title of the Bill shall be the 'Travancore Fisheries Act (Amendment) Bill'.

MR. PUTHUPALLI S. KRISHNA PILLAI : Sir, I think that there is practically no difference of opinion among the members.

PRESIDENT : I fear that there are submerged difficulties in the matter.

MR. PUTHUPALLI S. KRISHNA PILLAI : Sir, I beg to move that the Bill be referred to a Select Committee consisting of the following members to report within four months:—

- Messrs. 1. S. Chattanatha Karayalar,
2. D. Francis,
3. K. G. Karunakaran,
4. Kottalil P. Abraham,
5. K. G. Govindan,
6. P. V. Mathai Chemparathy,
7. M. R. Narayana Pillai,
8. K. R. Narayanan,
9. Codiveetil C. Ramankunju,
10. P. Vivekanandam,
11. J. W. Tolson,
12. M. L. D'cruz,
13. N. Narayana Kurup, and
14. V. Chandamiah.

MR. C. C. JOHN : I second the motion.

The question that this Bill be referred to a Select Committee consisting of the above-mentioned members was put and carried.

The Bill was referred to a Select Committee.

THE TRAVANCORE FISHERIES ACT (SECOND AMENDMENT) BILL

MR. PUTHUPALLI S. KRISHNA PILLAI : Sir, I beg to introduce another Bill to amend the Fisheries Act and move that it be read in the Assembly. The two Bills could have been consolidated but for the fact that they were dealt with at different times. The emergency and importance of the first Bill necessitated its publication earlier than the other. But the second Bill purports to add an explanation to Section 23 of the Act. Section 23 authorises Government to apply the provisions of the Act to the shells of fish collected from the waters in the State. But a question has been raised whether the water mentioned in Section 23 includes sea water. Now some of the important shells of fish are to be obtained from the sea. The doubt has arisen from this fact. In some sections the word 'water' has been explained as including the sea water while in others no such explanation has been given. The interpretation is where such explanation is given, it includes sea water, but where it is not given, it does not include sea water. Hence it is necessary for the purpose of Section 23 to give an explanation to that. It applies to the conch and other shells taken from the sea. In spite of the fact that even now there is royalty—

PRESIDENT : Under Interportal Law they are part of the territory of Travancore.

MR. PUTHUPALLI S. KRISHNA PILLAI : Yes, Sir. The explanation is as follows :—

‘For purposes of this Section, the word ‘water’ includes the sea within a distance of one marine league of the sea-coast.’

That is an explanation similar to the explanation existing in Section 8.

MR. C. C. JOHN : Sir, I second the motion.

The motion that the Bill be read was put and carried.

TITLE OF THE BILL.

SECRETARY : The title of the Bill shall be “the Travancore Fisheries Act (Second Amendment) Bill.”

MR. PUTHUPALLI S. KRISHNA PILLAI : Sir, I beg to move that the Travancore Fisheries Act (Second Amendment) Bill be referred to the Select Committee already constituted for the Travancore Fisheries Act (Amendment) Bill.

MR. C. C. JOHN : I second the motion.

The motion was put to vote and carried and the Bill was referred to the Select Committee.

PRESIDENT : The House will now adjourn to meet again at 11-0’ clock tomorrow.

The House adjourned at 2-52 P. M.

V. S. ARUMUKHOM PILLAY,
Secretary to the Sri Mulam Assembly.